

owners and occupants of Camp Tyler, in Cook County, Ill.—to the Committee on War Claims.

By Mr. GOODNIGHT: A bill (H. R. 3974) for the relief of the trustees of Robert D. Salmons—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 3975) for the relief William P. Keady—to the Committee on Private Land Claims.

By Mr. HOUK of Tennessee: A bill (H. R. 3976) for the relief of Charles Candy—to the Committee on War Claims.

By Mr. IKIRT (by request): A bill (H. R. 3977) to place the name of Jane Webster, wife of Joel Webster, on the pension rolls—to the Committee on Invalid Pensions.

By Mr. PAYNTER: A bill (H. R. 3978) for the relief of John M. Rice—to the Committee on Claims.

By Mr. GOODNIGHT: A bill (H. R. 3979) for the relief of R. G. Potter—to the Committee on War Claims.

Also, a bill (H. R. 3980) for the relief of Mary F. Grider—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COMPTON: Petition of Martha A. Holt for relief—to the Committee on Invalid Pensions.

Also, petition of James C. Dyer, of St. Mary County, Md.—to the Committee on War Claims.

By Mr. CRISP (by request): Petition of the West Wisconsin Annual Conference of the Methodist Episcopal Church asking the repeal of the Geary law—to the Committee on Foreign Affairs.

By Mr. DAVIS: Petition of citizens of Industry, Kans., praying for the free coinage of silver at the present ratio with gold of 16 to 1—to the Committee on Coinage, Weights, and Measures.

By Mr. HENDERSON of Iowa: Resolutions by the Medical Society of the State of New Jersey, urging the establishment of a national health bureau to prevent cholera, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of employes of Union Iron Works, San Francisco, Cal., against the abandonment of the protective system of our Government—to the Committee on Ways and Means.

By Mr. MARTIN: Two protests of S. A. Davis, and Smithson, and other citizens of Marion, Ind., against the reduction of the duty on glass—to the Committee on Ways and Means.

Also, protest of Hiatt & Campbell and other citizens of Marion, Ind., against the reduction of duties on glassware—to the Committee on Ways and Means.

#### SENATE.

SATURDAY, October 14, 1893.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

#### PERSONAL EXPLANATION.

Mr. MORGAN. I rise, Mr. President, for the purpose of asking the attention of the Senate for a few moments to a question which affects me personally, as well as my colleague [Mr. PUGH]. I am not at all in the habit of replying to newspaper criticisms or any fair statement upon my attitude in the Senate upon any question whatever. They are sometimes just, and I think it unnecessary, as a rule, and perhaps unwise to do so.

A newspaper in Alabama has been calling us to account in a rather serious way for our conduct here, about which I wish to read an editorial in the Washington Post of this morning:

#### CONUNDRUMS IN ALABAMA.

Some of the Alabama papers which have reason to be grateful to the Administration, and notably the Montgomery Advertiser, have been criticising Senators MORGAN and PUGH quite savagely because of their attitude against the unconditional repeal of the Sherman act.

I take occasion here to say, Mr. President, that I have never voted, or intimated that I would vote, against the unconditional repeal of the Sherman act. I have intimated here that I should vote, and expect when I get an opportunity to vote, against its conditional repeal by the substitution of one ridiculous and very injurious and very cowardly sham in the place of another which has been denounced by the national Democratic convention.

The reference in the article in the Post to the reasons why the Montgomery Advertiser ought to be grateful to the Administration is that Mr. Screws, the leading editor of that paper and who has been for a great many years in charge of it, has recently been appointed postmaster at Montgomery. That was done entirely with my consent and possibly upon my indorse-

ment; still that does not change the reason why that paper ought to be grateful to the Administration, and places it under no obligations to me or my colleague.

I quote further from the Post:

The Advertiser has constantly insisted that the Alabama Senators are acting in opposition to the sentiment of their constituency, and has freely warned them of the people's indignation and resentment. We find, however, that in referring to Mr. OATES, who represents an Alabama district in the House, the Advertiser takes a rather different view of the statesman's duty. It says:

"It is amusing how some of the members show their fear of the people at home; they virtually confess themselves automatons operated by strings pulled in their districts. In strong contrast stands out the manly declaration of Col. OATES: 'I did not vote on the bill with any view to its political effect in Alabama.'"

"That is the proper spirit for a Representative to display in his exercise of delegated power, and it is the sort that always wins applause. The people like independence and decision in public men, and almost invariably this admiration for these qualities overwhelms any difference of opinion on the questions at issue. Those who are most anxious to please the people frequently miss their goal by allowing their eagerness to make them disregard all other considerations."

That closes the quotation from the Advertiser. The Post adds:

Can it be that the great leaders of opinion in Alabama propose one code of morals for the Senate and another for the House? Does the Advertiser hold that the conscientious courage and independence of Senators MORGAN and PUGH should be rebuked, while that of Mr. OATES is applauded and encouraged? Now that this silver repeal bill has been permanently side-tracked it seems time to take up these equally important problems in morality and statesmanship.

The Advertiser also takes occasion to question me upon a very tender point, and that is, upon my knowledge of and my obedience to the Scriptures. I do not render a mere lip service to the Scriptures, but try to follow them in accordance with what I consider to be the real merit of the commands, though in a very unsatisfactory way.

The Advertiser is delighted to have found what it supposes to be a serious mistake in quoting Scripture, that I am charged with having made in a recent speech in reference to silver and gold. The Sun revealed the alleged mistake and the Advertiser blindly follows Mr. Dana.

The article of Mr. Dana, in the New York Sun, is as follows, and upon this basis the Montgomery Advertiser proceeds to lecture me upon my knowledge of Scripture:

#### NO SILVER IN SOLOMON'S TEMPLE.

Senator MORGAN of Alabama, in his speech against the repeal of the silver purchasing clause of the Sherman act, delivered in the United States Senate on Friday, September 29, ventured upon this surprising argument:

"What did the Almighty make gold and silver for? It is very true that the Almighty seems to have had very great delight in the ornamentation of Solomon's temple, and there was a great amount of silver used. It was burned with silver. The vessels were of gold and sometimes of silver."

How wide of the truth these assertions are, will be seen by reference to the sacred record. In the sixth chapter of the First Book of Kings, verses 21, 22, and 30, we read:

"So Solomon overlaid the house within with pure gold; and he made a partition by the chains of gold before the oracle; and he overlaid it with gold."

"And the whole house he overlaid with gold, until he had finished all the house: also the whole altar that was by the oracle he overlaid with gold."

"And the floor of the house he overlaid with gold, within and without."

Not a word is said in the entire chapter about the use of silver in the construction or decoration of the temple. In the next chapter we read again, in verses 48, 49, and 50:

"And Solomon made all the vessels that pertained unto the house of the Lord: the altar of gold, and the table of gold, whereupon the shewbread was."

"And the candlesticks of pure gold, five on the right side and five on the left, before the oracle, with the flowers and the lamps and the tongs of gold."

"And the bowls and the snuffers and the basins and the spoons and the censers of pure gold; and the hinges of gold, both for the doors of the inner house, the most holy place, and for the doors of the house, to wit, of the temple."

No mention is made anywhere in this chapter of vessels of silver. The reason of it is given in chapter x, verses 21 and 27:

"And all King Solomon's drinking vessels were of gold, and all the vessels of the house of the forest of Lebanon were of pure gold. None were of silver: it was nothing accounted of in the days of Solomon."

"And the king made silver to be in Jerusalem as stones."

It is but a few days since there was exposed in the Senate an audacious interpolation in the CONGRESSIONAL RECORD, made to bolster up the lie that the passage of the coinage act of 1873, dropping the silver dollar, was procured by bribery, through the agency of Mr. Ernest Seyd. More recently an out-and-out forgery was discovered of a pretended extract from the Bankers' Magazine, concocted to serve the same purpose. Now comes Senator MORGAN, and, in behalf of the metal we all love, lays sacrilegious hands upon the Bible. The curious thing is that none of his fellow-Senators, not even those from pious New England, detected his perversion of the inspired text. Nor has it been found out in the House of Representatives. Even the Rev. Dr. WILLIAM EVERETT has let it pass without a single word of comment!

The Montgomery Advertiser of October 12, edited by the postmaster at Montgomery, says:

Senator MORGAN having resorted to Scripture to sustain him in his silver position, The New York Sun seems to have him on the hip. The Senator having remarked that the Almighty had testified to His high appreciation of silver by adorning the ornamentation of Solomon's temple, the attention of the Alabama Senator is called to the sixth and seventh chapters of the First Book of Kings, wherein it is related that Solomon overlaid his temple with pure gold within and without. Moreover, the altar and the table were gold, as well as the candlesticks and the basins and the spoons and the censers. It is likewise related in a subsequent chapter of the Book of Kings that all King Solomon's drinking vessels were of gold, and all the vessels of the house of the forest of Lebanon were of pure gold. None were of silver, as that metal was nothing accounted of in the days of Solomon.

"Search the Scriptures," is the Divine command, but the Advertiser was not commanded to search the New York Sun for the Scriptures. In its desire to misrepresent a long-time friend, it allows itself to be deceived by an absurd mistake of the New York Sun.

This little mew from the kitten of the office cat of Mr. Dana seems to be entirely innocent, but it is inappropriate and out of place. Mr. Dana, in his article about my knowledge of the Scriptures, indulged in a good deal of facetious commentary, which the Montgomery Advertiser has taken for granted was Scripture, because it came out of the New York Sun. But the other day a lovely young lady, who is one of the teachers in the Sabbath-school of the First Presbyterian Church, the church in Washington at which the President is supposed to worship, moved, doubtless, by pity for my sufferings, came to me with a vindication, which she kindly presented to me, and without which I suppose I should have been utterly overwhelmed by the Sun, the moon, and the stars. She says:

Senator MORGAN, in his speech on the silver bill, used the following language—referring to Solomon's temple—"There was a great amount of silver used. It was furnished with silver. The vessels were of gold and sometimes of silver." The Sun makes a great ado over this, charging the Senator with perverting the sacred text and sacrilege upon the Bible. It cites First Kings, sixth, seventh, and tenth chapters to disprove the Senator's statements.

Now, in these chapters no less than three buildings are mentioned—the temple, the palace, and the house of the forest of Lebanon."

And that is where Mr. Dana made his mistake, as all the gold-bugs make the mistake, of searching the palaces of the rich, where the gold kings reside, to find the true altars of worship, instead of the temple of the Lord, where there is both gold and silver. [Laughter.]

Quoting from the young lady again:

The Sun's citations from the tenth chapter have no reference to the temple. The Sun says there is in the seventh chapter no mention of vessels of silver. But the last verse of that chapter reads—

I suppose that the editor and director of the Sun had gone to sleep before he reached the last verse of that chapter which reads as follows:

"So was ended all the work that King Solomon made for the house of the Lord. And Solomon brought in the things which David, his father, had dedicated; even the silver, and the gold, and the vessels, did he put among the treasures of the house of the Lord."  
True, the phrase "silver vessels"—

Says this young Sabbath-school teacher—

does not occur, but *silver* as well as gold was brought in.

Now, let us turn to the twenty-ninth chapter of First Chronicles, where, in the second verse, the materials for building the temple are enumerated, and silver among the rest.

I must read that from the sacred Scriptures:

2. Now I have prepared with all my might for the house of my God the gold for things to be made of gold, and the silver for things of silver, and the brass for things of brass, the iron for things of iron, and wood for things of wood; onyx stones, and stones to be set, glistening stones, and of divers colours, and all manner of precious stones, and marble stones in abundance.

3. Moreover, because I have set my affection to the house of my God, I have of mine own proper good, of gold and silver, which I have given to the house of my God, over and above all that I have prepared for the holy house.

4. Even three thousand talents of gold, of the gold of Ophir, and seven thousand talents of refined silver, to overlay the walls of the houses withal;

5. The gold for things of gold, and the silver for things of silver, and for all manner of work to be made by the hands of artificers. And who then is willing to consecrate his services this day unto the Lord?

Shall I answer the question? Not these men who worship gold in Solomon's private palaces or public palaces, but the men who honor both gold and silver as the treasure which was brought by Solomon into the house of his Father. It was not brought there for the purpose of influencing commerce or disturbing the relations between labor and capital, but for the sake of the maintenance of the plan of salvation, temporal and spiritual, which the Almighty God established there, and decreed that it should be sustained by the voluntary contributions of the Jewish people, into which He accepted both gold and silver coin.

This young lady says, further:

In the third, fourth, and fifth verses we find David's private contribution for the building of the temple 3,000 talents of the gold of Ophir and 7,000 talents of refined silver "to overlay the walls of the houses withal." In the seventh verse we have the contributions of the princes of the realm, of gold, 5,000 talents and 10,000 drams; of silver, 10,000 talents; of brass, 18,000 talents; of iron, 100,000 talents.

I will read the text of the sixth, seventh, and eighth verses:

6. Then the chief of the fathers and princes of the tribes of Israel, and the captains of thousands and of hundreds, with the rulers of the king's work, offered willingly.

7. And gave for the service of the house of God of gold five thousand talents and ten thousand drams, and of silver ten thousand talents, and of brass eighteen thousand talents, and one hundred thousand talents of iron.

8. And they with whom precious stones were found gave them to the treasure of the house of the Lord, by the hand of Jehiel the Gershonite.

I have another reference here, and this is from the Book of Kings. When Solomon was preparing the decorations for the house of the Lord he went on to provide the following. After

speaking of the pots, shovels, basins, etc., the places at which they were manufactured, and the material out of which they were manufactured, the Scriptures continue:

48. And Solomon made all the vessels that pertained unto the house of the Lord: the altar of gold, and the table of gold, whereupon the shewbread was.

49. And the candlesticks of pure gold, five on the right side, and five on the left, before the oracle, with the flowers, and the lamps, and the tongs of gold.

50. And the bowls, and the snuffers, and the basins, and the spoons, and the censers of pure gold; and the hinges of gold, both for the doors of the inner house, the most holy place, and for the doors of the house, to wit, of the temple.

So that Mr. Dana, who is now approaching, I am afraid, the end of his mortal career and must be very close to a final interview with the great guardian of the gate, St. Peter, seems to have forgotten too much of the Scriptures. He speaks about silver being a mere commodity, that silver stones and silver bricks were in the streets of Jerusalem, and, of course, he expects soon to find them in this shining abundance in the streets of the New Jerusalem. He forgot to mention anything about the hinges of the doors and the like, and the snuffers and the trays of the holy house of the Lord being made also of pure gold. Gold, in that use, was also a commodity.

Gold and silver in all the Jewish economy, both religious and secular, kept pace and preserved parity with each other. They were entirely friendly. There was no demonetization of silver there, when the Lord received from the hands of Solomon these princely gifts into the treasure house of the temple. He never thought fit to reject the gift because Solomon had put upon Him a dishonest dollar, or anything like that. He was entirely satisfied to receive the whole of the gift for these sacred purposes, without any question as to any margin between gold and silver. The question of parity did not seem to concern the Almighty when He was receiving from Solomon these great gifts for the purpose of carrying on the worship in His great temple and laying the foundations of Christianity.

The value of the princely contribution, says this young lady, is to be found in these facts:

As nearly as we can reckon it, in those days a talent of gold was 10,000 shekels, and a talent of silver 3,000 shekels; a gold shekel was 129 grains, a silver shekel was 250 grains. From those data the value of the contributions of silver for the Temple can easily be estimated; a silver shekel being equal to about 60 cents of our money. Senator MORGAN was not so far out of the way after all, and it is no wonder that none of the solons of Congress took exception to his statements.

I rather resent that last remark of the young lady, because she does not seem to appreciate the fact that all the solons of Congress are thoroughly familiar with the Scriptures. There should not be any doubt about it. Whatever they may not know about gold or silver or any other little matter of that sort, they all are supposed to know the Scriptures; and whenever they fail to vindicate the Scriptures against misquotation it is only an act of forgetfulness. She should not impute to us, the solons of the Senate, that we do not understand the sacred Scriptures. That is the only criticism I find it necessary to make upon the statement of this excellent young lady.

But, Mr. President, out of the mouths even of babes we are sometimes confounded in respect of matters which are very serious; and when a Senator rises on this floor and undertakes to show that through the whole Divine economy, as it has been exhibited in the revelations—I speak of them in the sense of historical statements, which I receive as revelations from on high—when it has been stated in these revelations time and again that there is no discrepancy between gold and silver as money metals, or in any other respect, as to their precious qualities, it seems a little absurd that the newspapers of the country should haul a Senator up and question him about matters of this kind when the evidence is so palpable before their eyes, and entirely available if they had only seen proper to have devoted the slightest attention to the subject.

Speaking of worship in the palaces of the kings instead of the house of the Lord, and of the glories with which they surrounded themselves to daze the worshipers, in which instances they always resorted, I believe, to the use of gold, we see how that sort of idolatry was condemned by the Almighty in a very decisive manner. The only specific object of idolatry, I believe, that the Israelites ever bowed down to and worshiped after they left Egyptian bondage was a calf made of gold. Their progeny up to this day, so far as I can ascertain, are still worshipping at the same shrine—calves made of gold. They are usually calves; they are usually men who have but one idea in the world, and that is the idea of accumulation by nursing at the udders of other people. They always find the greatest concentration of money power that they possibly can, that which yields the most, whether it is in diamonds or whether it is in gold, or whatever it may be for the time being. If silver to-day was 3 per cent higher in the market than gold, as it was in 1873 when the Senator from Ohio [Mr. SHERMAN] thought it had got too high and must be de-



monetized, these same worshipers would be found worshipping silver calves instead of gold calves.

But this is a gold calf, the worship of which is now invoked. All the gold idolators of the present generation seem to have got that idea from the remaining members of the Hebraic family, and we are all unconsciously, I dare say, falling into the habit of worshipping the golden calf. Even Mr. Dana, with all his independence of thought, and certainly he is to be greatly admired for his manhood in dealing with all questions, particularly political questions, seems to have fallen in the common method in New York City of bowing down to these calves, who are set up there in the palaces of the money kings as household gods, and he goes so far that with all his arduous studies of divinity he mistakes entirely the Scriptures on this question, and insists that because kings had golden palaces in Solomon's time those palaces were the temples of the living God; and as the gold kings of today have their palaces, we must favor gold monometallism, gold and nothing else; and he imagines that this spirit pervades all the sanctuaries of New York City. He is mistaken about the orthodox churches of New York City. I think all of them still admit that there is enough of value in silver and enough scripture for it to be willing to receive it as a donation on a Sunday morning when they send around the hat. I have not heard of their rejecting at any time any donation that came in the form of silver, or to demand gold only, in token of their devotion to monometallism. Monometallism, I must inform the editor of the Sun, has not yet advanced so far into the creed of the Christian churches, whether it has in the synagogue I do not know. I have not inquired about that.

But, Mr. President, there is a great deal more in these suggestions than mere humor. There are some very sad facts at the bottom of these assaults which are made upon men who desire to conform their conduct here to the experience of ages, as recorded in the divine as well as in the secular history of the human family. We find our justification for holding on to the old landmarks in the sacred Scriptures as well as in the experience of mankind, and we do not choose to abandon them at a moment's notice and upon the command of "stand and deliver," uttered by men who have in the Senate several particular matters on which they desire to form coalitions with the other side of this Chamber. I think our friends who have trusted us so long without having been deceived by us ought not to be in haste to condemn us when we are thus fortified on all sides, because we can not abandon all the lessons of experience and contradict all history that we may follow them in a blind confidence that they are wiser than the sacred Scriptures, better than their fathers, and more honest than we believe we are.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the American Board of Commissioners for Foreign Missions of Worcester, Mass., praying for the repeal of the so-called Geary Chinese law, so as to eliminate all features imperiling the interests of Americans in China; which was referred to the Committee on Foreign Relations.

Mr. PASCO presented a petition of the Board of Trade of Jacksonville, Fla., praying for the repeal of the silver-purchasing clause of the so-called Sherman law, and that immediate action be taken on the repeal bill now pending in the Senate; which was ordered to lie on the table.

Mr. TURPIE. I present the petition of the Indiana Yearly Meeting of the Religious Society of Friends, assembled at its annual gathering at Richmond, Ind., having a membership of over 18,000, including congregations in Ohio, Michigan, Arkansas, and Florida, in which they state:

That, believing that justice between nations and toward individuals is based upon the highest standard of revealed truth, and believing that such a standard is contravened toward China and the Chinese resident in the United States by the law known as the Geary law, and that our position as a nation demands such action; therefore we request the repeal of said law, and that such laws be enacted as will relieve all those who, under it, may have become subject to the penalties of any of its provisions.

These petitioners have a number of missionaries at work in China. They have built schools, homes, and hospitals in that empire, and they therefore pray for legislation in their behalf.

I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. TURPIE presented a petition of the Foreign Christian Missionary Society, representing 1,000,000 communicants in the United States, of Indianapolis, Ind., praying for the repeal of the so-called Geary Chinese law; which was referred to the Committee on Foreign Relations.

Mr. MITCHELL of Wisconsin presented a petition of the Chamber of Commerce of Milwaukee, Wis., signed by the president, F. H. Magdeburg, and the secretary, W. J. Langson, praying for the repeal of the silver-purchasing clause of the so-called Sherman law; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the Board of Trade of Gallipolis, Ohio, praying for the speedy passage of the bill to repeal the silver-purchasing clause of the act of July 14, 1890; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented a petition of the Board of Trade of Detroit, Mich., praying for the repeal of the silver-purchasing clause of the so-called Sherman law; which was ordered to lie on the table.

#### BILLS INTRODUCED.

Mr. STOCKBRIDGE introduced a bill (S. 1083) for the relief of the estate of John Ericsson; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DAVIS introduced a bill (S. 1084) to expunge from the records the charge of desertion against Jeremiah Sullivan, Company F, Fourth New Hampshire Volunteers, and to grant him an honorable discharge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PASCO introduced a bill (S. 1085) granting a pension to John W. Matchett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HUNTON introduced a bill (S. 1086) to close alleys in square No. 751, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAULKNER introduced a bill (S. 1087) to amend the act of June 2, 1890; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CAREY (by request) introduced a bill (S. 1088) to validate all outstanding soldiers' additional homestead certificates, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MITCHELL of Wisconsin introduced a bill (S. 1089) to restore Capt. Francis M. Gibson, United States Army, retired, to active service; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced a bill (S. 1090) for the relief of the heirs of William Wesley Turner, deceased, late of Sumter County, Ga., for the use and occupation of the house and farm of said William Wesley Turner, in said county and State, the same having been taken charge of by the Union soldiers under proper authority and used as a stockade from about the year 1862 until the close of the year 1872, in which use and occupation the house and farm were practically destroyed; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 1091) to empower Robert Adger and others to bring suit in the Court of Claims for rent alleged to be due them; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HARRIS. I introduce a bill at the request of the Commissioners of the District of Columbia, which I ask may be twice read, and, with the accompanying letter from the Commissioners, be referred to the Committee on the District of Columbia.

The bill (S. 1092) for the relief of John W. Daniel was read twice by its title, and, with the accompanying paper, was referred to the Committee on the District of Columbia.

#### BULLION PURCHASES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of October 2, 1893, a statement of the aggregate amount of silver bullion purchased under the act of July 14, 1890, during the month of September, 1893, together with the cost thereof, the amount, date, and price of each purchase, and the name of the vendor, etc.; which, with the accompanying paper, was ordered to lie on the table and be printed.

#### AMENDMENTS TO THE RULES.

Mr. LODGE. I desire to give notice that on Monday I shall offer the amendment to the rules which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary read as follows:

To amend Rule XIV, clause 1, by adding:  
"And it shall not be in order at any time for any Senator to read a speech, either written or printed."  
And also to amend Rule XII by adding at the end of clause 2 the following words:

"And when the Senate has refused to excuse a Senator from voting as herein provided, and such Senator still declines to vote the Clerk shall enter the name of such Senator on the Journal, and he shall be counted as present for the purpose of a quorum."

The VICE-PRESIDENT. The proposed amendment will lie on the table and be printed.

Mr. BUTLER. That resolution ought to go to the Committee on Rules. I think. I make that motion.

Mr. LODGE. I understood, under the rules, which I consulted, that I could give notice of my purpose to offer an amendment to the rules, and that it was necessary to give such notice.

I simply give notice that on Monday I shall offer those amendments.

Mr. BUTLER. Oh!

Mr. PLATT. That is right.

The VICE-PRESIDENT. The proposed amendment will lie on the table and be printed.

Mr. STEWART. I send to the desk a notice which I ask to have read.

The VICE-PRESIDENT. The notice referred to will be read.

The Secretary read as follows:

I give notice that on the next legislative day I will move for the adoption of an additional standing rule of the Senate. The proposed rule is contained in the following resolution which is a part of this notice:

"Resolved, That the following rule be added to and be a standing rule of the Senate:

"Rule XLL. No Senator who is directly or indirectly interested in any national bank or in the stock of any national bank shall vote upon any bill or question affecting the coinage or issue of currency by the Government or through the instrumentality of national banks."

The VICE-PRESIDENT. The proposed amendment will lie on the table and be printed.

Mr. GALLINGER. I desire to give notice that, under the rules, I intend to submit an amendment to the rules of the Senate, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary read as follows:

RULE —. When any bill or resolution reported from a standing or select committee is under consideration if a majority of the entire membership of the Senate submit a request in writing, through the Chair, that debate close, such paper shall be referred to the Committee on Rules, and it shall be the duty of said committee, within a period not exceeding five days from the date of said reference, to report an order naming a day and hour when a vote shall be taken, and action upon said report shall be had without amendment or debate.

The VICE-PRESIDENT. The proposed amendment to the rules will lie on the table and be printed.

Mr. HILL. Mr. President, sometime since I gave notice of a simple amendment to the rules, which I desire to call up at the present time and submit a few remarks upon it. I will read the proposed amendment, and ask the attention of the Senate to it:

Upon any roll call (other than one to expressly determine the presence of a quorum) any Senator present who is paired with an absent Senator may announce such pair, and the fact of such presence and announcement shall be entered in the Journal, and the Senator so present and paired, but not voting, shall be counted as present, for the purpose of making a quorum on such roll call.

The object of this amendment is very plain; it is for the purpose of simplifying and expediting the business of this body. It does not involve any question of parliamentary practice heretofore disputed; it does not involve the counting as present a Senator who sits in his seat and remains silent. That is another and altogether different question, which I hope may be brought to the attention of the Senate later.

This question involves this simple point: A bill, a joint resolution, or other resolution, is under discussion, a vote is desired to be had upon it, the roll is called, Senators answer to their names. A Senator's name is called; he rises and announces a pair with an absent Senator, and what he says upon the question is entered in the record of this body, the record of the debates, the record of the proceedings, but it is not entered in the Journal. Therefore we have this spectacle presented: A Senator is here, he rises and addresses the President, the President recognizes him, he does not make a statement that he is not here, but he simply presents the question that he is here; that he has a pair with an absent Senator, and for that reason he prefers not to vote or declines to vote. What I desire is, that the fact of his presence, the fact of his making the application, should be entered in the Journal, so that his presence shall be counted for what it is actually worth. It facilitates the business of the Senate.

Senators, it is utterly absurd to have a Senator present and make a motion pertaining to the very vote on the roll call in question, and then that Senator is deemed in law and parliamentary procedure to be absent.

This question has been brought to the attention of the Senate heretofore; but last evening particularly was the question presented. A roll call was had for the purpose of determining the presence of a quorum. Forty-eight Senators answered to their names. They were here ready to transact the business of this body. Then in a moment afterwards a roll call was had upon the then pending question. What did it disclose?

Mr. STEWART. If the Senator will allow me, I desire to say that those who were paired were not here to transact business.

Mr. HILL. I decline to yield to the Senator at present.

Mr. STEWART. I would say that—

The VICE-PRESIDENT. The Senator from New York declines to yield.

Mr. STEWART. No matter how long the session continued those Senators could not be counted.

Mr. HILL. I said they were here to transact the business of

the Senate. For what purpose did they answer to their names, unless it was to transact the business of the Senate? There may have been some Senators who were here not for the purpose of transacting the business of the Senate, but for the avowed and open purpose of obstructing the business of the Senate. Perhaps the Senator from Nevada is entitled to that amendment of my remarks, but I prefer to say that 48 Senators were here for the purpose of transacting the business of the Senate, and for that purpose they loyally responded to their names and discharged their oath of office.

In a moment, as I was saying, the roll call was made on the pending question; 39 Senators answered to their names and voted "yea" or "nay." The remainder were paired. They were present and they announced their pairs. The record of the debates of this body shows that they were paired. The Journal, which I hold in my hand, of course does not disclose the fact, because it has not been the custom to enter the fact of pairing in the Journal itself. Therefore, we proceeded to do what? We proceeded to instruct the Sergeant-at-Arms to notify absent Senators, for the purpose of bringing in a quorum when, in truth and in fact, at that very moment there was a quorum in the body, and the record showed the fact.

My amendment involves nothing which has been disputed heretofore; it involves no technical questions about which there has been much discussion. It simply presents this matter for amendment and reform much needed in our rules.

I have been unable to see any possible objection to this simple amendment. Other Senators may desire to go further; I am not disposed to do so now. I can see no reason why, when a Senator prefers not to vote on account of the custom or courtesy of pairs, which has existed in this body, the fact that he makes the request, the fact that the Senate out of courtesy excuses him in deference to this custom of pairs—which I am not disposed to abrogate, but disposed to continue—shall be entered in the Journal, and that part of the record of the proceedings of this body shall correctly state the truth. That is all.

Mr. MANDERSON. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. Yes, sir.

Mr. MANDERSON. I should like to ask the Senator from New York a question. I ask it, being in sympathy with what he seems to desire, and yet having in my own mind very much difficulty in finding a way of reaching the result he suggests. Do I understand the Senator, where a vote by yeas and nays entered upon the journals shall disclose the lack of a quorum, that those who are present and paired may be counted to make the quorum of the yea-and-nay vote?

Mr. HILL. The Senator has hit the nail upon the head exactly.

Mr. MANDERSON. Let me ask the Senator one further question. There are certain provisions of the Constitution which require that a two-thirds vote of this body shall be needed for action. For instance, after the President has vetoed a bill originating in the Senate and it is returned to the Senate, the question is, "Shall the bill pass, the objections of the President to the contrary notwithstanding?" The Constitution requires that on a yea-and-nay vote two-thirds of those voting shall be required to pass the bill. Does the Senator think that in a case of that sort, or in the case of a treaty, where by yea-and-nay vote two-thirds is always required to ratify a treaty, that those present paired, but not voting yea or nay, could be counted to make the two-thirds?

Mr. HILL. The Senator misapprehends my position. My amendment does not contemplate that a Senator shall be compelled to vote if he does not see fit to vote; it does not contemplate that a Senator shall be placed upon the Journal as voting at all unless he sees fit. Of course, if a majority vote is required to pass a bill by yeas and nays, we can not enter the fact that a Senator voted yea or voted nay if he does not vote at all. That is a different question. In the very case supposed by the Senator, of course the yeas and nays must show whether a majority voted—

Mr. MANDERSON. Two-thirds.

Mr. HILL. The yeas and nays must show whether two-thirds voted; but the Constitution requires that for the purpose of overriding a veto there shall be a majority of all the Senators elected to vote for the bill or resolution, but two-thirds of those present, then I say that for the purpose of showing that the two-thirds were present this rule would apply.

Mr. MANDERSON. The constitutional provision is not that two-thirds of the Senate shall be present, but that a majority constituting a quorum shall be present, and then that two-thirds of those present, constituting a quorum, shall vote. My question is, can you count a Senator who is present but not voting, being paired?

Mr. HILL. For what purpose?



Mr. MANDERSON. For the purpose of increasing the number that is required to vote—two-thirds—and yet not entered as voting.

Mr. HILL. Not enter them as voting, of course.

Mr. BUTLER. By permission of the Senator from New York—

Mr. HILL. Very well.

Mr. BUTLER. I will ask the Senator from Nebraska if he thinks the changes in the rules suggested by the Senator from New York would be fair to absent Senators? The object of a pair, as I have always understood, is to preserve the status in the Senate as it would exist if the absent Senator were present. Being absent, it would seem to me very unfair to the absent Senator to count his pair for any purpose.

Mr. MANDERSON. So it seems to me; and there are these practical difficulties in the way of the adoption of the proposed rule.

Mr. BUTLER. Certainly.

Mr. HILL. I think I have made myself understood to the Senator from Nebraska that I am not here contending that, for any purpose or in any contingency, a Senator under this proposed amendment to the rules is to be counted as voting. That is clear. I disclaim any such idea or any such intention. I say, wherever a quorum is required, wherever the presence of a certain number of Senators is required, whether a majority or two-thirds, where the simple point is, not how many votes are polled, and not how many Senators answer to their names, but how many are present, we have a right, under our rules, and it is perfectly proper to be determined by our own rules, in what manner their presence shall be ascertained.

Mr. HOAR. May I have the attention of the Senator, as this is a very interesting subject, and most of the Senate are busying themselves, I believe and hope, with the solution of the problem with which the Senator from New York is dealing?

Mr. HILL. I yield to the Senator.

Mr. HOAR. I put my question not in the way of cavil or objection, but simply in the way of getting light.

The Constitution says, not that a quorum shall be present, but that a majority of each House shall constitute a quorum to do business. Therefore, my question is whether the Senator thinks that the Senate can do business when, under another constitutional provision, the vote is recorded and it appears by that record of the yeas and nays that it is not a quorum which is doing that business? Suppose the whole Senate were in its seat for twelve hours consecutively and should direct the fact to be entered on the Journal that from morning till night for twelve hours we were every one here, could a bill, under the Constitution, pass the Senate with any validity on which it was recorded that less than a quorum took part in doing that business? If I make my question clear I should like to have the Senator answer it.

Mr. HILL. I understand the Senator perfectly; and he will allow me to make this suggestion in answer thereto: The Constitution does not specify any particular method of keeping the Journal, but simply that a journal of the proceedings shall be kept. That is all. There is nothing in the Constitution, nothing in the law which states that the only method of determining the presence or absence of a quorum is the calling of the yeas and nays.

Mr. HALE. Will the Senator let me, if I can, put this into the form of a vote being taken?

Mr. HILL. Certainly.

Mr. HALE. It requires 43 Senators to make a quorum and do business. If I understand the Senator's proposed rule—and he is seeking something which nearly all of us wish to see accomplished, I take it—this might be the result: Upon any question, say there are 20 yeas and 19 nays; 39 in all. Five pairs are announced by 5 Senators. Under the Senator's proposed rule, the 5 Senators announcing pairs would be added to the 39 who appear upon the yeas and nays, making 44, or one more than a quorum.

Then the Senator would have the result, that upon any question, grave, important, or otherwise, the record would show that 39 Senators had voted one way or the other, 20 upon one side and 19 upon the other, and that the measure or the amendment was passed by it being recorded that 5 Senators who had not voted were added to the 39 present, making 44, and those 5 Senators being paired by agreement with Senators who were absent, under long settled and undisputed practice, did not vote and announced to the Senate that they did not vote, but that they would have voted were it not for the pairs, that one would have voted against and one would have voted for—it makes no difference, I take it, whichever way the Senator announced his vote, for or against—if he is present he is added to the number.

Now, is the Senator, who I know is conservative in his instincts, prepared to go as far as that and to have the record show

a quorum made up in that way of a certain number of Senators who not only do not vote, but announce that they do not vote, and yet shall be counted and it shall appear that less than a majority of half the Senate have carried a question? If the Senator is prepared to go to that extent, then we understand just what he wants.

Mr. ALDRICH. Mr. President—

Mr. HILL. Let me answer.

Mr. HALE. Does the Senator go that extent?

Mr. HILL. While disclaiming any particular desire to be conservative upon this question, I am prepared to go just exactly to that length, and the Senator has stated it better than I could state it myself.

Mr. ALDRICH. Will the Senator allow me a word?

Mr. HILL. Yes.

Mr. ALDRICH. I was about to suggest to the Senator from New York that the precise condition of affairs which has been so eloquently stated by my friend from Maine [Mr. HALE], and also by the Senator from Massachusetts [Mr. HOAR], occurred in the House of Representatives in the Fifty-first Congress constantly. Many bills were passed by that body where a certain number of members voted "yea" and a certain number of members voted "nay," and the number of members voting was less than a majority of the whole House, it appearing upon the Journal that certain other members were present and not voting, and that rule of the House of Representatives of the Fifty-first Congress has been declared to be constitutional and valid by the Supreme Court of the United States.

Mr. HILL. I was coming to that directly when I submitted to be interrupted. I do not know that the Senator from Maine assumes any surprise that I should be willing to go so far. I should not go that far even for the purpose of expediting the business of the Senate, if any Senator here could point me to a single clause of the Constitution which says expressly or impliedly that the only method by which we can determine the presence of a quorum is by the calling of the yeas and nays.

Mr. HALE. May I ask the Senator a question right there?

Mr. HILL. Yes, sir.

Mr. HALE. As a matter of course, the reaching of a quorum is the desideratum in all these troubles; but does the Senator think the better method of reaching a quorum would be to count the Senators who are present and announce a pair and state that they can not vote by reason of that pair and are offset by absent Senators, or to count Senators who are actually present in person and not voting at all?

Mr. HILL. Mr. President, I am not without a record upon that last question, but I prefer not to discuss it now. I think I see it coming in the very near future. It will be an important question to be presented to this body. I never have doubted the power of this body or of any other parliamentary body, in the absence of an express rule upon the subject, for the purpose of making a quorum to count a member as present who absolutely remains in his seat and declines to vote; but I have avoided bringing that question here now. That is one of the questions sought to be presented by the Senator from Wisconsin [Mr. VILAS] for the last two days. Let us take up one thing at a time.

Mr. HALE. The Senator thinks that those Senators who are present and announce their pairs make a class that should be taken first and dealt with before Senators who are present and have no pairs. I do not know but the Senator is right.

Mr. HILL. I will tell the Senator the reason for it. It is because in one instance the Senator sits in his seat and remains absolutely quiet. That involves another question as to the power of the Senate over that particular Senator, as to what it can do in regard to him; whether he has or has not a right to remain here and refuse to take part in the business of this body, and at the same time for other purposes be considered present. If he remains in his seat the Sergeant-at-Arms can not be sent for him.

Suppose a Senator were absent; you send the Sergeant-at-Arms for him; that officer brings him in and reports that he has brought in the absent Senator. When the absent Senator, according to the return filed here, is shown in law to be present, then he is called upon to vote, but he remains silent. I regard that as a different question from this, because here there is no effort upon the part of the Senator to be absent; he does not desire to be considered as absent; he expresses a desire to vote, and usually announces which way he would vote; but simply out of courtesy to an absent Senator he announces the fact that he is present, and that the other Senator is absent, and that fact is entered upon the Journal.

I bring up this question because it is so clear, it seems to me, so reasonable, and so proper, that I do not think there ought to be any sort of objection to it.

Upon the other question, as the Senator from Maine well

knows, there has been considerable dispute. If there is anything in the constitutional question I have not heard it invoked by anyone here, but simply hinted at by the Senator from Massachusetts [Mr. HOAR]. If there is anything in the constitutional question, if there is a lawyer in this body who has any confidence in that question, it could have been considered in connection with the bills, to which the Senator from Rhode Island [Mr. ALDRICH] has referred, passed by the Fifty-first Congress, under a rule which allowed the question to be presented more clearly than it has presented itself now, so far as the constitutional question is concerned.

Here there is no question of constitutionality involved. You might say that it is a simple question of bookkeeping; a simple question of keeping the records.

Mr. HALE. Let me say to the Senator there—

Mr. HILL. Yes.

Mr. HALE. I think what he has just said discloses to my mind the best reason for his amendment. He is seeking, first, the class of Senators who have not been resisting to help make a quorum; he is seeking to relieve Senators of the burden of their pairs. He finds, as in the figures which I have given, five Senators who are not resisting, who do not decline to vote, who, by reason of their agreements, are disabled from voting, and he is seeking, not to force them, but to relieve them and give them, so far as he can, an opportunity of helping to do business. I think there is great force in that.

One reason which gives it force is that the practice of pairs—if the Senator will allow me; I do not want to interrupt him—has become by usage very burdensome and has gone far beyond what was originally contemplated. The old way was to pair upon great questions and to regard the pairs so that the balance would be preserved in the make-up of the Senate. After a time the practice of pairing generally obtained, and it has become the practice for a Senator having a general pair to announce that pair upon every question, to the great obstruction of business, when the absent Senator, even on an unimportant question of a recess or adjournment, would not regard the question as having anything to do with his pair.

I long had a pair with the late Senator from Kentucky, Mr. Beck, who used to say to me, "If any question comes up on which I am opposed to you, vote as you have a mind to; I leave it to your own judgment, discretion, and good sense about voting or announcing our pair." But that is not the way things are usually done now. The Senate has found many a time that its whole business has been obstructed because this practice of pairing has thwarted everything. The Senator from New York is trying to relieve it, and I think he is right in that regard.

Mr. BUTLER. Is not that the general practice now in regard to pairs? A certain amount of discretion is left with a Senator who remains in the Chamber, so that the absent Senator can be protected. It seems to me that is the practice now.

Mr. HALE. I do not think that is the practice. I think every day here we are found lacking a quorum because Senators feel that they do not dare to vote on any question whatever on account of having an absolute pair.

Mr. BUTLER. It seems to me that if the rule of the Senator from New York were adopted it would break up pairs.

Mr. HILL. It would tend largely to that.

Mr. BUTLER. The practice of pairing tends largely to the convenience of absent Senators. Take, for instance, my friend from Georgia, who sits on my left [Mr. COLQUITT], who is physically disabled from spending much time in the Senate. It might be very unjust to him at some time to have his pair vote. I submit that usually the question is left to the discretion of the Senator who remains in the Senate whether he will protect the rights of the absent Senator.

Mr. HALE. I suppose the Senator from New York has in this matter contemplated, and perhaps with satisfaction, that the old practice of pairing would be broken up.

Mr. HILL. I have not contemplated that. It is not necessary to go so far. I do not regard that any Senator has a right to remain away from this body, and by some private understanding with a Senator who is here to prevent a quorum of this body. I do not understand that, as a matter of right, he should insist upon any such privilege. It is the duty of all Senators to be present and participate in our proceedings. Of course we recognize the fact that occasionally Senators must be absent; it is inevitable. Necessary absences on account of sickness, business, etc., must occur. All that an absent Senator has a right to do, it seems to me, in justice to those who remain here during the heat and the burden of the day, is that his pair shall not vote upon a particular proposition. That is coming. The simple motive is to offset his vote by the vote of another Senator. That is all.

What is the practical effect? I know that there has grown up here a custom, left to the discretion and honor of Senators, that

occasionally they break a pair for the purpose of constituting a quorum. That leads to trouble; that leads to the exercise of a discretion which it is often hard to exercise upon proper lines. I have seen measures carried here upon a close vote when Senators are tempted to break their pairs for the purpose of constituting a quorum. For instance, suppose that a question should be so close that the vote of a Senator who is paired would determine the whole question, how unjust that would be to the absent Senator. I think the best way is simply to adopt the rule I have proposed. Then every Senator when he states his pair goes upon the record as being present; the absent Senator understands it; and it is perfectly fair all round. It prevents the disputes which occur, which are unfortunate and unpleasant. In my opinion there can be no reasonable objection to the rule as I have offered it.

As I have said, there is nothing on the question of pairing in the rules. The practice is simply tolerated; it is simply recognized; it is simply an excuse why a Senator does not vote in accordance with the rules of this body. Let us make our rules as little burdensome to us as possible.

Therefore, to resume what I was saying, there is no constitutional question here involved. Our bills must be perfectly legal which we pass here by a majority vote if the presence of a quorum is ascertained by counting both the Senators who vote and those who are present and state their pairs or those who ask to be excused from voting.

Then there is no constitutional question involved. It becomes simply a question of the manner in which we shall keep our own Journal as a matter of propriety for the purpose of protecting pairs in emergencies and sometimes upon a close question absolutely determining a vote. It seems to me the proposed rule avoids all complicated questions involving other matters about which disputes are suggested. It seems to me that this body in justice to itself, for the purpose of expediting its business, ought to adopt this amendment to its rules.

Mr. VOORHEES. Mr. President—

Mr. HOAR. Will the Senator allow me to utter one sentence in explanation?

Mr. VOORHEES. Yes, sir.

Mr. HOAR. I only wish to say that I merely put the question to the Senator from New York. I do not wish to be understood as expressing an opinion in opposition to his upon the question. I put the question for the sake of eliciting the view of the Senator from New York upon it.

Mr. HILL. I so understood.

Mr. HOAR. I think if his rule shall turn out, in the opinion of the Senate, to be practical and constitutional, it will have a very great effect in breaking up what is an obstruction to our business; that is, making pairs at a night session or during some exciting business merely for the very slight temporary convenience of the members of this body.

The practice of the Senate in regard to night sessions is very well described in Cowper's celebrated fable of the birds, where he says:

All paired,  
And each pair made a nest.

Senators make their pairs, and then go to the sofas in their committee rooms.

Mr. HILL. The absurdity of this rule was witnessed last night between 11 and 12 o'clock, upon the announcement that upon ordinary political questions the Senator from New Jersey [Mr. SMITH] is paired with the Senator from Idaho [Mr. DUBOIS]. The record of your proceedings showed that both Senators were present. We were proceeding on a question of excusing the Senator from Idaho. The record showed he was present; the record showed the Senator from New Jersey was present; and when the name of the Senator from Idaho was called he remained silent, although he was here, and the very question was being determined as to what should be done about his remaining silent. While that was pending, the name of the Senator from New Jersey was called, and out of courtesy to the Senator from Idaho he preferred not to vote. There we have a spectacle presented of two Senators present in this body, the record showing that they were here, and neither of them voting out of deference to a custom which it is said has existed here for a long time.

Mr. VOORHEES. I move that the Senate do now proceed to the consideration of House bill No. 1.

Mr. HARRIS. Will the Senator from Indiana allow me to say a word to the Senator from New York?

Mr. VOORHEES. I yield to the Senator from Tennessee.

Mr. HARRIS. I want to ask the Senator from New York a question. If the rule he recommends should be adopted, this state of case would be possible: Suppose that there are 45 Senators upon this floor, which would be two more than a quorum as the Senate is at present constituted, and suppose 30 of those 45 Senators are paired with 30 absent Senators. We call the roll



upon a pending bill, 10 Senators vote "yea" and 5 Senators vote "nay," and 30 Senators announce their pairs with 30 absent Senators. Would the Senator from New York think that it was proper that a bill under such circumstances should be regarded as having passed the Senate and become a law?

Mr. HILL. Upon the question as to the number of votes that the bill ought to receive I can see no reason why it should not. Is there anything in the Constitution which provides the exact number of votes a bill shall receive?

Mr. HARRIS. I have not presented a constitutional question, nor have I undertaken to discuss that phase of the matter; but certainly the case I have put might happen if the Senator's rule should be adopted. The question I put him is, if it should be adopted whether he thinks it would be wise or safe?

Mr. HILL. I do. If 30-odd Senators in this body prefer to remain silent, as they do here at every single session of the Senate, and 13 Senators absolutely vote and there is no negative vote, why should not the bill be passed? I can see no reason. The Senators who are present have the right to vote; they are here; they can vote if they desire, and if no constitutional question is involved, of course 13 to nothing is the vote. I can see no reason against it.

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

Mr. VOORHEES. I decline to yield further in the interest of the pending business if I am recognized by the Chair, as I understand I am. This is a profitable and a useful discussion, and I have listened to it with interest, but I conceive it to be my duty to move that the Senate proceed to the consideration of House bill No. 1.

Mr. DOLPH. Will the Senator not allow morning business to be presented?

Mr. VOORHEES. No.

The VICE-PRESIDENT. The morning business has not closed. The Senator from Indiana was recognized, and he has declined to yield further. The question is upon the motion of the Senator from Indiana.

Mr. VOORHEES. I thought the morning business was concluded.

The VICE-PRESIDENT. The morning business is not concluded.

Mr. VOORHEES. Then the discussion which has been proceeding was somewhat premature, I think. I yield for morning business, and for nothing else.

The VICE-PRESIDENT. The Chair will state that the discussion was by unanimous consent, a little in advance of the close of morning business.

Mr. VOORHEES. Very well.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, submitted by the Senator from Oregon [Mr. DOLPH].

Mr. WOLCOTT. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Colorado will state his parliamentary inquiry.

Mr. WOLCOTT. I have no desire to change the order of business or in the slightest degree obstruct the orderly conduct of business which is desired by the Senator from Indiana, but I was under the impression that the resolution which has been under consideration was morning business. The Senator from New York [Mr. HILL] had given notice of a proposed amendment to the rules, and I had supposed that during the first two hours of the session of the Senate such morning business should be considered, and that the Senator from Indiana, unless by unanimous consent, could not obtrude the consideration of the measure which he has moved to take up.

The VICE-PRESIDENT. The Chair will state to the Senator from Colorado that the discussion was without objection, and by unanimous consent.

Mr. BUTLER. The resolution was up by right.

Mr. WOLCOTT. Was not the resolution before the Senate by right? Was it not morning business?

Mr. BUTLER. It was morning business, and it had a perfect right to be proceeded with.

Mr. WOLCOTT. It was morning business; and I propose to read for the consideration of the President the following, under Rule VII:

2. Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer unless by unanimous consent.

Until the hour of 2 o'clock arrives this business takes precedence of the bill which has been under consideration or anything else except by unanimous consent.

I had supposed that the resolution of the Senator from New York was legitimate morning business and that the discussion, instead of having taken place by unanimous consent, had taken place as a matter of right.

Mr. VOORHEES. I do not question the propriety of the resolution of the Senator from New York or his discussion of it. I thought myself it belonged to morning business, but I thought, on the conclusion of his remarks, that the morning business had been concluded. It seems that I was misinformed. I know that there is some morning business yet to be transacted, and I yield to it. I am holding the floor now and yielding to any Senator who has morning business to transact, but not to anything else. As soon as the morning business is concluded, I shall make the motion to proceed to the consideration of the regular order.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills:

A bill (H. R. 2799) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota; and

A bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims.

The message also announced that the House requested the return of the joint resolution (S. R. 33) authorizing the Joint Committee on the Library to grant the privilege of drawing books from the Library to the chief justice and associate justices of the court of appeals of the District of Columbia.

#### USE OF LIBRARY FOR COURT OF APPEALS.

Mr. HARRIS. I ask the Chair to lay before the Senate at this time the House resolution asking for the return of a joint resolution.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution from the House of Representatives; which will be read.

The Secretary read as follows:

*Resolved*, That the Senate be requested to return to the House Senate joint resolution No. 33, authorizing the Joint Committee on the Library to grant the privilege of drawing books from the Library to the chief justice and associate justices of the court of appeals of the District of Columbia.

Mr. HARRIS. I ask that an order be made that the joint resolution be returned to the House of Representatives, in accordance with its request.

Mr. HOAR. I inquire where that resolution is now?

Mr. HARRIS. It is in the custody of the Senate.

Mr. HOAR. I thought it had gone over to the House of Representatives.

Mr. HARRIS. No, it is here.

The VICE-PRESIDENT. Is there objection to the order requested by the Senator from Tennessee? The Chair hears none, and the order is agreed to.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

A bill (H. R. 2799) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota—to the Committee on the Judiciary; and

A bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims—to the Committee on Mines and Mining.

#### ATTENDANCE OF ABSENT SENATORS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. DOLPH October 13, 1893, as follows:

*Resolved*, That the Committee on the Judiciary be, and they are hereby, directed to inquire and report to the Senate, at as early a day as practicable, whether clause 3 of Rule V of the rules of the Senate is such a compliance with the requirements of section 5 of Article I of the Constitution as to the manner in which the attendance of absent members may be compelled, as to authorize less than a quorum of the Senate when in session to compel the attendance of absent members, and whether a direction by the Senate, less than a quorum being present, to the Sergeant-at-Arms of the Senate to compel the attendance of absent members, as provided for in said third clause of Rule V, is a sufficient warrant and authority to the Sergeant-at-Arms to authorize him to use force, if necessary, in bringing absent Senators to the Senate Chamber.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HOAR. Mr. President, does that resolution contemplate committing that inquiry to the Judiciary Committee?

Mr. VOORHEES. I do not yield the floor for the purpose of discussing that or any other resolution. I have not yielded the floor at all except for the transaction of morning business.

Mr. HOAR. I merely put a question for information as to what the resolution proposed.

Mr. VOORHEES. I will hear it, but I do not yield the floor.

Mr. DOLPH. The Senator yields for morning business, and this comes in as morning business as a matter of right.

The VICE-PRESIDENT. The Chair will state to the Senator

from Indiana that the resolution just reported is part of the morning business coming over from a previous day, and under the rules has been laid before the Senate.

Mr. HOAR. Am I entitled to have my question answered?

The VICE-PRESIDENT. The Chair will hear the Senator.

Mr. HOAR. The question is, whether the resolution which has been read from the desk is a resolution committing that inquiry to the Judiciary Committee?

Mr. DOLPH. Yes.

The VICE-PRESIDENT. The Chair is so advised.

Mr. HALE. Let the resolution be again read.

The VICE-PRESIDENT. The resolution will be again read.

The Secretary again read the resolution of Mr. DOLPH.

Mr. HOAR. Mr. President, I desire to ask the Senator who introduced that resolution, and I call it to the attention of the Senate, if it is the purpose to wipe out the Committee on Privileges and Elections altogether? The Judiciary Committee is crowded, loaded with business always. It is the constant complaint—not a just complaint, but one sometimes having very plausible reasons for being made—that the Judiciary Committee is the tomb of subjects committed to it, because that committee can not reach them in time.

I can speak impartially on this matter. I am the senior member of both those committees. I have been myself chairman of both those committees, and I suppose there is no impropriety in saying that the Committee on Privileges and Elections, as now constituted, is made up of as able men—I except myself—and of men as fit to deal with the great and important subjects of the privileges of the Senate and of elections as any committee of this body, the Judiciary Committee not excepted.

Mr. CULLOM. And three or four members of one committee are on the other.

Mr. HOAR. The chairman of the Committee on the Judiciary [Mr. PUGH] is on the Committee on Privileges and Elections; the colleague of the Senator from Oregon [Mr. MITCHELL] is on the Committee on Privileges and Elections; the colleague of the Senator from Indiana [Mr. TURPIE], who is absent from the body, I may say, disagreeing with him, as I do on so many points, is one of the most accomplished jurists and constitutional lawyers in this country. He is a member of the Committee on Privileges and Elections. The Senator from Delaware [Mr. GRAY], who was prominently spoken of at one time for the great office of Chief Justice of the United States, is on that committee. I do not see, for one, why it should be wiped out of existence by referring these subjects to any other committee.

Mr. DOLPH. I did not suppose the subject pertained to the Committee on Privileges and Elections; but I shall modify my resolution by inserting "the Committee on Privileges and Elections" in place of "the Committee on the Judiciary," as the Senator takes exception to it as it stands.

The VICE-PRESIDENT. The resolution will be so modified. The question is upon agreeing to the resolution as modified.

The resolution as modified was agreed to.

#### PURCHASE OF SILVER BULLION.

Mr. VOORHEES. I move that the Senate proceed to the consideration of House bill No. 1.

Mr. MANDERSON. Has morning business closed?

The VICE-PRESIDENT. The morning business is closed.

Mr. MANDERSON. I should like to ask what became of the resolution for the proposed change of the rules submitted by the Senator from New York [Mr. HILL]. I suggest that it be referred to the Committee on Rules.

Mr. VOORHEES. The resolution will go over. Perhaps somebody may want to say something about it. It can be called up again. I now renew my motion that the Senate proceed to the consideration of House bill No. 1.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," the pending question being on the substitute reported by the Committee on Finance.

Mr. PERKINS. With the permission of the Senator from Indiana, I should like to offer an amendment. I shall ask but a moment. I believe it comes under the head of motions and resolutions.

Mr. VOORHEES. I yield to the Senator.

Mr. PERKINS. A few days since I gave notice of my intention at the proper time to offer an amendment to House bill No. 1. With the permission of the Senator from Tennessee [Mr. HARRIS] and the Senator from Kentucky [Mr. BLACKBURN], I have taken from their proposed amendments two sections and added them to my intended amendment. I ask that the amendment may be printed for the information of the Senate.

The VICE-PRESIDENT. The amendment intended to be

proposed by the Senator from California will be printed, in the absence of objection.

Mr. PEPPER. Mr. President—

The VICE-PRESIDENT. The Senator from Kansas will suspend for a moment. The Chair would like the attention of the Senate.

At the time of the adjournment last evening the Senate was dividing upon a question submitted by the Chair to the Senate, Shall the Senator from Idaho [Mr. DUBOIS], for the reasons assigned by him, be excused from voting? Upon a roll call the fact was disclosed that no quorum was present. The Chair again submits to the Senate the question upon which there was a roll call, Shall the Senator from Idaho, for the reasons assigned by him, be excused from voting? The Secretary will call the roll.

Mr. PEPPER. Before that is done I wish to interpose a request for unanimous consent with reference to this matter. The Senator from Nevada [Mr. JONES] wishes to submit some remarks to the Senate upon the pending bill, but on account of the poor condition of the Senator's health he is not able to endure the strain of a long-continued effort. I therefore ask unanimous consent that the proceedings pending at the hour of adjournment yesterday may be temporarily laid aside, in order that I may yield the floor to the Senator from Nevada for a short time and resume it when he shall desire to suspend his remarks, if there be no objection.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. FAULKNER. I feel it to be my duty to object to the request. There will be no debate on the pending question and can be none. It will only take a few minutes to call the roll.

The VICE-PRESIDENT. There is objection, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote on this question if present, and therefore I withhold my vote.

Mr. PALMER (when his name was called). On the question before the Senate yesterday evening I voted. There is some doubt as to whether my pair with the Senator from North Dakota [Mr. HANSBROUGH] governs on this question; but to avoid all possible mistake I withhold my vote.

Mr. SMITH (when his name was called). Having changed my pair from the junior Senator from Idaho [Mr. DUBOIS] to the junior Senator from Kansas [Mr. MARTIN], I feel at liberty to now vote on this question. I vote "nay."

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], as announced last night. Unless my vote is necessary in order to make a quorum, I shall withhold my vote. I should vote "nay" on this question if not paired.

The roll call was concluded.

Mr. DANIEL (after having voted in the affirmative). Before the result is announced I beg to state that I am paired with the Senator from Washington [Mr. SQUIRE]. I had not observed that he was not present when I voted, and unless some Senator knows how he would vote I shall withdraw my vote.

Mr. TELLER. I am informed by Senators who sit about me—though I have not looked at the RECORD to verify it—that the Senator from Washington on a former vote precisely of the same character voted "yea."

Mr. DANIEL. Then, I think I am justified in voting, and I shall allow my vote to stand.

The result was announced—yeas 29, nays 37; as follows:

#### YEAS—29.

Bate,	George,	Perkins,	Teller,
Berry,	Irby,	Pettigrew,	Vance,
Butler,	Jones, Ark.	Power,	Vest,
Call,	Jones, Nev.	Pugh,	Walthall,
Cameron,	Kyle,	Ransom,	Wolcott.
Cockrell,	Martin,	Roach,	
Coke,	Morgan,	Shoup,	
Daniel,	Peffer,	Stewart,	

#### NAYS—37.

Aldrich,	Faulkner,	Hoar,	Quay,
Allison,	Frye,	Lindsay,	Sherman,
Blackburn,	Gallinger,	Lodge,	Smith,
Brice,	Gibson,	McMillan,	Stockbridge,
Cafery,	Gorman,	McPherson,	Voorhees,
Carey,	Gray,	Manderson,	Washburn,
Cullom,	Hale,	Mills,	White, La.
Davis,	Hawley,	Murphy,	
Dixon,	Higgins,	Platt,	
Dolph,	Hill,	Proctor,	

#### NOT VOTING—19.

Allen,	Gordon,	Mitchell, Wis.	Turpie,
Camden,	Hansbrough,	Morrill,	Vilas,
Chandler,	Harris,	Palmer,	White, Cal.
Colquitt,	Hunton,	Pasco,	Wilson.
Dubois,	Mitchell, Oregon	Squire,	



The VICE-PRESIDENT. The Senator from Idaho is not excused.

The Chair will now announce the result of the vote on the question, "Shall the paper submitted by the Senator from Kansas be read at the Secretary's desk?"

Mr. GRAY. I rise to a question of order. After the announcement of the result of the vote should not the name of the Senator from Idaho be called to give him an opportunity to conform to the decision of the Senate?

The VICE-PRESIDENT. The name of the Senator from Idaho will be called.

The Secretary called the name of Mr. DUBOIS, to which there was no response.

Mr. HOAR. Has the result of the vote been announced?

The VICE-PRESIDENT. It has not.

Mr. HOAR. I ask if I am recorded as voting?

The VICE-PRESIDENT. Upon which vote?

Mr. HOAR. On the vote the Chair is about to announce.

The VICE-PRESIDENT. The vote has not been announced.

The Chair will state to the Senator that this is the vote upon which there was a roll call last evening.

Mr. HOAR. I desire that my name be called so that I may vote.

The VICE-PRESIDENT. The name of the Senator from Massachusetts will be called.

The Secretary called the name of Mr. HOAR.

Mr. HOAR. I vote "nay."

Mr. HALE. I desire to vote.

The VICE-PRESIDENT. The name of the Senator from Maine will be called.

The Secretary called the name of Mr. HALE.

Mr. HALE. I vote "nay."

Mr. ALDRICH. I ask that my name be called.

The VICE-PRESIDENT. The name of the Senator from Rhode Island will be called.

The Secretary called the name of Mr. ALDRICH.

Mr. ALDRICH. I vote "nay."

Mr. VANCE. I rise to a parliamentary inquiry. I wish to know if it is in order for Senators to be permitted to vote after the announcement of the result without unanimous consent?

The VICE-PRESIDENT. The Chair has not announced the result of the vote, the Chair will state to the Senator from North Carolina.

Mr. VANCE. The Chair announced the vote, and said the Senator from Idaho was not excused.

The VICE-PRESIDENT. The Chair so announced. The Chair will now announce the result of the vote upon which Senators have just voted.

Mr. HOAR. Mr. President, I merely rise to say to the Senator from North Carolina that my request was to have my name called that I might vote. I claim it was my right to vote on the main question, the result of the vote not having been declared.

The VICE-PRESIDENT. The Chair has not announced the result of that vote. The Chair will—

Mr. BUTLER. What is the vote?

The VICE-PRESIDENT. The vote, the Chair will announce, is upon the motion that the paper sent to the Secretary's desk by the Senator from Kansas [Mr. PEPPER] should be read. Upon that the yeas are 18 and the nays are 22.

The yeas and nays are as follows:

-YEAS—18.			
Allen,	Cullom,	Manderson,	Roach,
Allison,	Daniel,	Martin,	Squire,
Bate,	Dixon,	Mitchell, Wis.	Walthall.
Berry,	Faulkner,	Pasco,	
Blackburn,	Hunton,	Perkins,	
-NAYS—22.			
Aldrich,	Hawley,	McPherson,	Smith,
Frye,	Murphy,	Palmer,	Voorhees,
Gibson,	Hoar,	Platt,	Washburn,
Gorman,	Lindsay,	Quay,	White, La.
Gray,	Lodge,	Ransom,	
Hale,	McMillan,		
-NOT VOTING—47.			
Allison,	Davis,	Jones, Nev.	Shoup,
Brice,	Dolph,	Kyle,	Stewart,
Butler,	Dubois,	Mills,	Stockbridge,
Caffery,	George,	Mitchell, Oregon	Teller,
Call,	Gordon,	Morgan,	Turpie,
Camden,	Hale,	Morrill,	Vance,
Cameron,	Hansbrough,	Peffer,	Vest,
Carey,	Harris,	Pettigrew,	Vilas,
Chandler,	Higgins,	Power,	White, Cal.
Cockrell,	Hoar,	Proctor,	Wilson,
Coke,	Irby,	Pugh,	Wolcott.
Colquitt,	Jones, Ark.	Sherman,	

The VICE-PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Faulkner,	Kyle,	Pugh,
Allen,	Frye,	Lindsay,	Quay,
Allison,	Gallinger,	Lodge,	Ransom,
Bate,	George,	McMillan,	Roach,
Berry,	Gibson,	McPherson,	Sherman,
Blackburn,	Gordon,	Manderson,	Shoup,
Brice,	Gorman,	Martin,	Smith,
Butler,	Gray,	Mills,	Stewart,
Caffery,	Hale,	Mitchell, Wis.	Stockbridge,
Call,	Harris,	Morgan,	Teller,
Cameron,	Hawley,	Murphy,	Turpie,
Carey,	Higgins,	Palmer,	Vance,
Coke,	Hill,	Peffer,	Vest,
Cullom,	Hoar,	Perkins,	Vilas,
Daniel,	Hunton,	Pettigrew,	Voorhees,
Davis,	Irby,	Platt,	Walthall,
Dixon,	Jones, Ark.	Power,	White, La.
Dolph,	Jones, Nev.	Proctor,	Wolcott.

The VICE-PRESIDENT. Seventy-two Senators have answered to their names. A quorum is present. Upon the question whether the paper sent to the desk shall be read, the yeas and nays have been ordered, and the Secretary will call the roll.

Mr. CULLOM. Will the Chair state whether the paper sent to the desk is a public document?

The VICE-PRESIDENT. The Chair will state that it is a public document. The question now submitted to the Senate is whether it shall be read at the desk.

Mr. BUTLER. I was not present when the question was raised last night as to the right to read the paper at the desk, and in order to vote intelligently upon it some idea ought to be given as to the contents of the paper. It is important that that should be stated in order that we may vote intelligently.

The VICE-PRESIDENT. The paper will be read by title for the information of the Senate.

Mr. BUTLER. I ask that the paper may be read, in order that we may vote intelligently on the question.

Mr. GORMAN. I suggest that under the rule it is impossible to have the paper read. That is the question the Senate is now to determine. The rule requires that when a Senator presents a paper and asks that it shall be read, if a question is raised the Senate must determine whether the paper shall be read or not, and it can not be read until after a vote of the Senate.

The VICE-PRESIDENT. The Chair has directed the paper to be read by its title, for the information of the Senate.

Mr. BUTLER. I should like for the Senator from Maryland to point out that rule. I do not know much about the rules, but—

Mr. FAULKNER. I rise to a point of order.

The VICE-PRESIDENT. The Senator from West Virginia will state his point of order.

Mr. FAULKNER. My point of order is, that the question before the Senate is not debatable.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. BUTLER. I rise then to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from South Carolina will state it.

Mr. BUTLER. The Senator can not cut me off from making a parliamentary inquiry which is necessary for the intelligent action of this body.

The VICE-PRESIDENT. The Senator from South Carolina will state his inquiry.

Mr. BUTLER. The inquiry is, what is in the paper?

The VICE-PRESIDENT. The Secretary will read it by title.

Mr. BUTLER. If it is not read by the Secretary I will read it from my desk. I suppose I have that right, if I am to be cut off in this way.

The Secretary read as follows:

Mr. VEST submitted the following memorial of the national convention of the representatives of the commercial bodies of the United States calling attention to the present depressed financial condition of the country, the inadequacy of State laws, the provisions of the Torrey bankrupt bill, and petitioning the Senate to consider at once and pass that measure.

The VICE-PRESIDENT. The Chair submits the question under the rule whether the document, the title of which has been read, shall be read at length at the desk. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], and withhold my vote. I should vote "nay" if he were present.

The roll call having been concluded, the result was announced—yeas 39, nays 30; as follows:

## YEAS—39.

Allen,	Coke,	Martin,	Roach,
Allison,	Cullom,	Mills,	Sherman,
Bate,	Daniel,	Mitchell, Wis.	Shoup,
Berry,	Dixon,	Morgan,	Stewart,
Blackburn,	Geisinger,	Palmer,	Teller,
Butler,	George,	Peffer,	Vance,
Call,	Irby,	Perkins,	Vest,
Cameron,	Jones, Ark.	Pettigrew,	Walthall,
Carey,	Jones, Nev.	Power,	Wolcott.
Cockrell,	Kyle,	Pugh,	

## NAYS—30.

Aldrich,	Gorman,	Lindsay,	Smith,
Brice,	Gray,	Lodge,	Stockbridge,
Caffery,	Hale,	McMillan,	Turpie,
Davis,	Hawley,	McPherson,	Voorhees,
Dolph,	Higgins,	Murphy,	Washburn,
Faulkner,	Hill,	Platt,	White, La.
Frye,	Hoar,	Proctor,	
Gibson,	Hunton,	Ransom,	

## NOT VOTING—16.

Camden,	Gordon,	Mitchell, Oregon	Squire,
Chandler,	Hansbrough,	Morrill,	Vilas,
Colquitt,	Harris,	Paseo,	White, Cal.
Dubois,	Manderson,	Quay,	Wilson.

The VICE-PRESIDENT. The Secretary will read the paper as requested.

The Secretary proceeded to read the memorial.

Mr. PEPPER. I ask that the reading may be suspended for the present that I may renew the request I made a little while ago.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. HOAR. What is the request?

Mr. FAULKNER. As the Secretary has started in with the reading I think it had better proceed.

The VICE-PRESIDENT. There is objection. The Secretary will continue the reading.

The Secretary resumed and concluded the reading of the memorial.

[The memorial appears in Mr. PEPPER'S speech. See Appendix.]

Mr. ALLISON. I submit that it is not necessary to read the names appended to the memorial.

Mr. PEPPER. Very well.

The VICE-PRESIDENT. Without objection the names will be omitted.

Mr. PEPPER. I wish now to renew my request for unanimous consent that I may yield the floor temporarily to the Senator from Nevada [Mr. JONES], and that I may be permitted to resume the floor whenever the Senator is ready to suspend his remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. SHERMAN. Mr. President, such requests have been made repeatedly of late, and I think the Senate ought to put a stop to the practice. The Senator from Kansas can yield to the Senator from Nevada with propriety whenever he chooses, but he can not retain the floor; it is against the rules and usages of the Senate. He can not hold the floor and give it to another Senator; he might in that case resume it and at once give it to some other Senator, and thus hold the floor.

I therefore object. I have no objection to his yielding to the Senator from Nevada, but he must yield the floor absolutely. He can not hold the floor and yield it at the same time.

Mr. JONES of Nevada. I refuse to accept the floor on any such conditions.

Mr. SHERMAN. I have no objection to the Senator from Nevada going on.

Mr. JONES of Nevada. The Senator from Kansas has been kind enough to agree to yield me the floor, and I do not propose to deprive him of his right to resume it. He is now quite ready to go on with his speech.

Mr. SHERMAN. I do not wish to be discourteous toward anyone, but I am merely speaking for the good of the Senate. I have no objection to the Senator from Kansas going on; he can resume the floor to-day, after the Senator from Nevada concludes; but he must stand on the footing of all other Senators. If he yields now, no doubt with great propriety, after the Senator from Nevada has concluded, he will resume his remarks.

Mr. JONES of Nevada. I will not take the Senator from Kansas off the floor.

Mr. TELLER. I wish to ask the Senator from Ohio a question. Will he object to the Senator from Kansas proceeding after the Senator from Nevada has concluded?

Mr. SHERMAN. Certainly not. I would not do that at all, if he wishes to take the floor then; and if no one else gets the floor he ought to have it; but there ought to be no parceling out

of the floor in this way. I suppose the Senator from Kansas will no doubt be able to get the floor at almost any time. No one will probably compete with him for the floor.

Mr. TELLER. I think the Senator from Ohio is entirely correct. It never has been the practice here to allow a Senator to yield the floor and then resume it, except for a brief colloquy or something of that kind; that is, he has no right to retain it. If he yields for a speech he has lost his right to it; and if any other Senator chooses to take the floor when the Senator who was allowed to go on concludes he can do so upon being recognized by the Chair. I think the Senator from Kansas will have no trouble in getting the floor afterwards; and I hope he will yield now and allow the Senator from Nevada to go on.

Mr. PEPPER. It was my desire, and is now, that the Senator from Nevada shall be permitted to proceed with his remarks whenever he is ready, but I felt some anxiety to conclude my own speech to-day if it could be done conveniently. Therefore, I thought it would be well in advance, in order to save trouble in the future, to obtain the consent of the Senate. But I now withdraw the request for consent and yield the floor to the Senator from Nevada.

Mr. JONES of Nevada addressed the Senate. After having spoken for nearly four hours,

Mr. VOORHEES said: Will the Senator from Nevada yield to me?

Mr. JONES of Nevada. Certainly.

Mr. VOORHEES. First, I desire to congratulate the Senator from Nevada upon his splendid contribution to the literature of this great debate this afternoon. The charm of what he has said has been enhanced by the personal affection all the members of this body bear to him. I desire to ask him whether it would be agreeable for him to yield at this time for a motion to adjourn?

Mr. JONES of Nevada. Perfectly. I am very tired. I would consider it a favor.

Mr. VOORHEES. I suppose the Senator is tired, for he and I are neither of us as young as we were when we met here a quarter of a century ago.

Mr. President, in the last seventy-seven hours this body has been in session fifty-eight hours and we have been discharging a great public duty. With the concurrence of, and upon consultation with, the friends of the pending measure I have a motion to make at this hour. Before I do so, however, I desire to correct any misapprehension which may prevail in some minds, and there are very eager minds in certain directions just at this time.

I remember reading once with great interest an account of the battle of the first commodore of the American Navy, John Paul Jones, off the coast of Scotland by moonlight—the Serapis and its ally. When the British commander asked him whether he surrendered he said in reply, "I have only begun to fight." Now, if there is anybody who thinks the friends and advocates of the pending bill have surrendered or have it in contemplation to surrender, I desire to answer in the language of that immortal hero of the salt seas, we have only begun to fight.

With that, Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, October 16, 1893, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, October 14, 1893.

The House met at 12 o'clock m. Prayer by Rev. ISAAC W. CANTER, of Washington, D. C.

## THE JOURNAL.

The Journal of yesterday's proceedings was read.

The SPEAKER. The question is, Shall the Journal as read be approved.

Mr. MCRAE. On that question I would like to have the decision of the Chair on the point of order show that the bill under consideration yesterday was not simply a private bill, but a private claim to public lands. There is no controversy between the gentleman who made the point of order and myself that if the bill were strictly a private bill the point of order would be good; but it is a private claim to public lands.

The SPEAKER. Of course the Journal as read should be approved, because it states correctly what was done yesterday. The Chair desires, however, to look a little further into the question, with the privilege of changing his ruling if he should on examination find he ought to have ruled otherwise. It is often very difficult to determine between a public and a private bill. The Chair made some examination of the matter yesterday afternoon, but was not entirely satisfied about the question.



He will look further into it, and if he finds that the ruling was wrong, he will so announce to the House, that appropriate action may be taken.

Mr. DINGLEY. As I raised the question of order, I wish to say that I was somewhat in doubt myself upon the point; and I made it simply that the question might be decided.

The SPEAKER. From the examination made by the Chair yesterday afternoon the distinction in this case seems to be a very narrow one.

Mr. MCRAE. Then I ask that the Speaker be authorized, when he has determined the question, either to refer the bill back to the Calendar or to send it to what he may decide to be the appropriate committee.

The SPEAKER. The Chair supposes, of course, there would be no objection to that. In the absence of objection, the Journal as read will be approved.

There was no objection.

#### PAY OF ASSISTANT CUSTODIANS AND JANITORS.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, submitting an estimate of deficiency in the appropriations for pay of assistant custodians and janitors for the fiscal year 1894; which was referred to the Committee on Appropriations, and ordered to be printed.

#### COMMISSARY SERGEANT OLSEN.

The SPEAKER also laid before the House a letter from the Secretary of War, with inclosures, relative to the passage of the bill for the relief of Commissary Sergeant Olsen, United States Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows: To Mr. HATCH, for ten days.

To Mr. HULICK, for thirty days, on account of important business.

#### EXTRA COPIES OF CENSUS COMPENDIUM.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to a privileged matter. I want to have changed the reference of the resolution introduced yesterday by the gentleman from Kansas [Mr. BRODERICK], joint resolution (H. Res. 76) providing for the publication of 50,000 extra copies of the Compendium of the Eleventh Census. All the printing for the Eleventh Census has been provided for heretofore by the Appropriations Committee of the House. This is the first proposition on that subject which has been referred to the Committee on Printing. The latter committee, having considered the matter, have authorized me to ask that this resolution which has been referred to them be returned, with the request that it be referred to the Committee on Appropriations.

The SPEAKER. Without objection, the change of reference as requested will be made.

There was no objection.

#### UNION PACIFIC RAILROAD COMPANY.

Mr. REILLY. I ask unanimous consent to offer for present consideration and adoption the resolution which I send to the desk.

The Clerk read as follows:

Whereas it is reported in the public press that the management of the Union Pacific Railway Company has, by legal proceedings, passed into the hands of receivers appointed under proceedings in a court of the United States:

Resolved, That the Attorney-General of the United States be, and he is hereby, respectfully requested to inform the House of Representatives whether the Government of the United States had any notice of or was made a party to any such proceedings; whether such proceedings are valid in law as against the United States in its relations to said company, and in any way affect the interests of the United States in said company as protected and secured by existing laws. That he further advise the House of Representatives what action, if any, he has taken or proposes to take in the premises, and whether any further legislation is necessary to empower him to take such action in the premises as may be deemed necessary to protect and secure the indebtedness of said company to the United States.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania for the present consideration of this resolution?

Mr. DINGLEY. While there is no objection as far as the resolution goes, yet it occurs to me that it ought to be a little broader. Nevertheless, if the gentleman has examined the matter carefully and is satisfied with it, I am content, although I do not think it covers the ground sufficiently.

Mr. REILLY. I should be entirely willing to have any suggestion the gentleman from Maine may wish to make in regard to extending or broadening the scope of the resolution, but I think this will give us the important facts.

Mr. DINGLEY. I have not examined the matter with sufficient care to make a suggestion in that direction, but if the gentleman has examined it himself and is satisfied with it, I am content.

There being no objection, the resolution was considered and agreed to.

#### ORDER OF BUSINESS.

Mr. WEADOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3545) to amend section 2324 of the Revised Statutes of the United States.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read at length.

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

Mr. PAYNE. I think this is a matter of too much importance to be considered in this manner, and I object.

#### TERMS OF UNITED STATES COURTS, SOUTH DAKOTA.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2799) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota.

The bill was read, as follows:

*Be it enacted, etc.,* That the State of South Dakota shall constitute one judicial district.

Sec. 2. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the southern, northern, central, and western divisions. The counties of Clay, Union, Yankton, Turner, Lincoln, Bonhomme, Charles Mix, Douglas, Hutchinson, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Moody, Lake, Sanborn, Lyman, Miner, Gregory, Todd, and the Yankton Indian Reservation shall constitute the southern division, the court for which shall be held at the city of Sioux Falls. The counties of Beadle, Kingsbury, Brookings, Hamlin, Deuel, Grant, Roberts, Codington, Clark, Day, Marshall, Spink, Brown, and the Sisseton and Wabpeton Reservation shall constitute the northern division, the court for which shall be held at the city of Aberdeen. The counties of McPherson, Edmunds, Campbell, Waiworth, Potter, Sully, Faulk, Hand, Hyde, Hughes, Buffalo, Jerauld, Stanley, Nowlin, and that portion of the counties of Pratt, Jackson, and Sterling not included in any Indian reservation, and the Standing Rock, Cheyenne, Lower Brule, and Crow Creek Indian Reservations shall constitute the central division, the court for which shall be held at the city of Pierre. All that portion of the State of South Dakota lying west of the central and southern divisions, and in addition thereto the Rosebud and Red Cloud Indian Reservations, shall constitute the western division, the court for which shall be held at the city of Deadwood.

Sec. 3. That hereafter the terms of the circuit and district courts of the United States in and for the State of South Dakota shall be as follows: At Sioux Falls on the first Tuesday in April and the third Tuesday in October; at Pierre on the first Tuesday in March and October; at Deadwood on the first Tuesday in February and September; and at Aberdeen the first Tuesday of May and the third Tuesday of November.

Sec. 4. That the provisions of statute now existing for the holding of said courts on any day contrary to the provisions of this act is hereby repealed, and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said court on the days now fixed by law are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not have been passed.

Sec. 5. That all civil suits not of a local nature must be brought in the division of the district where the defendant or defendants reside; but if there are two or more defendants residing in different divisions the action may be brought in either of the divisions in which a defendant resides.

Sec. 6. That cases taken on appeal or writ of error from the district court shall be returnable to the circuit court held in that judicial subdivision from which the appeal was taken. When the circuit court and district court are held, as provided in this act, at the same time and place, one grand and petit jury only shall be summoned and serve in both said courts.

Sec. 7. That all acts and parts of acts in conflict with this act are hereby repealed.

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

Mr. KILGORE. This seems to me a very elaborate bill to be called up for consideration by unanimous consent and without any opportunity for much discussion upon it. Has it been reported by any committee of the House?

Mr. PICKLER. It has been unanimously reported by the Committee on the Judiciary.

Mr. KILGORE. Does this provide for any additional expense upon the Government by the creation of new courts?

Mr. PICKLER. No, sir; on the contrary, it saves expense, as the report shows. I would like to have the report read, Mr. Speaker. It is very short and embodies all the facts.

The SPEAKER. If there be no objection the report will be read.

The report, by Mr. GOODNIGHT, was read, as follows:

The Committee on the Judiciary would respectfully report that they have had under consideration the bill (H. R. 2799) entitled "A bill to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota," and recommend to the House that it do pass.

The committee finds that the State of South Dakota constitutes one judicial district, and has heretofore comprised three divisions, holding terms of court at Sioux Falls, Pierre, and Deadwood.

This bill provides for a fourth division, and for the holding of court at the city of Aberdeen, in said division.

The four divisions as provided for in this bill will be large in size, and the establishment of the fourth division will be a great convenience to litigants, witnesses, and attorneys in saving long and expensive travel, and will likewise be a great convenience. It will also, as is believed by the committee, save considerable expense to the Government in mileage now paid to witnesses and jurors, and facilitate trials.

The committee unanimously favor the bill.

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

On motion of Mr. PICKLER, a motion to reconsider the last vote was laid on the table.

#### WASHINGTON GASLIGHT COMPANY.

Mr. MCCREARY of Kentucky. I call for the regular order.  
Mr. OUTHWAITE. I ask my friend to withhold the call for one moment.

Mr. MCCREARY of Kentucky. Very well.

Mr. OUTHWAITE. I ask unanimous consent for the present consideration of a resolution I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Whereas the contract with the Washington Gaslight and Coke Company for supplying the District of Columbia with gas expires on the 30th day of June, 1894; and

Whereas the gas furnished and supplied by the said company is of an inferior quality and not equal to the standard of gas used in other cities; and

Whereas by the continuance of the present contract the residents of the District of Columbia will not receive a good and sufficient light for ordinary use; and

Whereas the eyesight of clerks employed in Government buildings is being impaired by this inferior gas supplied by the said company; and

Whereas in an act approved March 3, 1893, making appropriation for the expenses of the District of Columbia for the fiscal year ending June 30, 1894, the Commissioners of the District of Columbia were directed to investigate, ascertain, and report to the first session of the Fifty-third Congress what deduction may be made for gas and electric lighting, both for annual, five-year, and ten-year contracts, and that they be authorized to invite proposals for supplying said light at reduced rates; and

Whereas said report has not as yet been made: Therefore, it is Resolved, That the Committee on the District of Columbia of the House of Representatives be directed to investigate the workings of said company and report their findings to the House of Representatives before February 1, 1894; also, report what amount of capital is employed in operating said company; what dividends, if any, are declared annually; what method is employed in manufacturing the gas supplied to the consumers; whether or not the gas is equal in quality to that used in other cities; whether it is of that quality as is reported by said company to be; what pressure is used in forcing the gas through the mains; what provision the said company has for a thorough inspection of their meters and pipes which transmit the gas, and also any other information that may be of any value to this House to determine whether or not the said company is in any wise violating the implied purpose of the franchise granted it.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. OUTHWAITE] for the present consideration of this resolution?

Mr. KILGORE. I understand from the reading of that resolution that the purpose is to have a committee of this House investigate the gas question in Washington. Is not that the meaning of it?

Mr. OUTHWAITE. That is about it.

Mr. KILGORE. That is rather funny, because if there is any class of people on the face of the earth who understand the gas business, it ought to be the members of this House. [Laughter.] But it looks to me as though the authorities of the city of Washington, while they are not clothed with arbitrary powers, still have the authority to determine whether or not the gas companies are complying with the law and with their contract to furnish the city with gas, without having the intervention of this House, and an appropriation, to conduct this investigation. Now, unless there is a very good reason for it, I am not inclined to consent to the resolution.

Mr. OUTHWAITE. If the gentleman will hear me for a moment, I think I can give him sufficient reasons. The gas furnished to the people of this city is of such inferior quality, so miserable in its character, that it is impossible for the people to use it satisfactorily.

Mr. KILGORE. That is my experience.

Mr. OUTHWAITE. That is the experience of every one who has said anything about it.

Mr. KILGORE. But my objection is—

Mr. OUTHWAITE. Let me go a little further. The Government is using that gas in many places in this city. We are paying to this gas company a large sum of money for the inferior gas furnished to us.

Mr. KILGORE. Do not the people of the entire city use the same gas?

Mr. OUTHWAITE. Yes; but the city has no control over it. If the investigation were made by the Commissioners of the District of Columbia, they must come back to this House, or to Congress, for some action in the premises.

Mr. KILGORE. Could not they make an investigation without an appropriation?

Mr. OUTHWAITE. I am willing to strike out the provision for an appropriation, and I am willing to let it go to the committee in that way.

Mr. DOCKERY. I am quite in sympathy with the purposes of the resolution offered by the gentleman from Ohio [Mr. OUTHWAITE]; but I suggest to the gentleman that he strike out

that part of the resolution making an appropriation from the contingent fund; and then, if the Committee on the District of Columbia, in the progress of their investigations, should determine that it is necessary to have an appropriation, they can have it.

Mr. OUTHWAITE. I am perfectly willing to do that.

Mr. RICHARDSON of Tennessee. I hope my friend will do that, for I can not see how the committee, in conducting this investigation, would need any appropriation.

Mr. OUTHWAITE. I will modify the resolution so as to strike out the appropriation, and that obviates the objection of the gentleman from Texas [Mr. KILGORE], I believe.

The SPEAKER. Is there objection to the request for the present consideration of the resolution?

Mr. MCCREARY of Kentucky. How much time will the gentleman consume?

Mr. OUTHWAITE. Not more than three minutes.

Mr. MCCREARY of Kentucky. If the gentleman does not consume more than five minutes, there is no objection. We have already consumed nearly half an hour. Will the gentleman withdraw the resolution if it takes more than five minutes?

Mr. OUTHWAITE. Yes.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

Mr. OUTHWAITE. The question is first on agreeing to the amendment striking out the appropriation.

The SPEAKER. The Chair has ordered it stricken out on the statement of the gentleman that he desires to have it stricken out. The part involving the appropriation has been stricken out by the Clerk.

Mr. OUTHWAITE. To that I consent.

The resolution as amended was agreed to.

On motion of Mr. OUTHWAITE a motion to reconsider the last vote was laid on the table.

#### ORDER OF BUSINESS.

Mr. MCCREARY of Kentucky. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports. The Clerk will call the committees.

The committees were called for reports, but no reports of a public character were presented.

Mr. MCCREARY of Kentucky. Mr. Speaker, there are a number of gentlemen who desire to speak on the amendments to the Chinese exclusion act, and I ask unanimous consent that the second morning hour be dispensed with.

Mr. WEADOCK. I shall object to that, unless we have opportunity to consider the bill H. R. 3545.

The SPEAKER. Objection is made.

Mr. MCCREARY of Kentucky. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCCREARY of Kentucky. Could it be agreed that this bill, which the gentleman from Michigan [Mr. WEADOCK] informs me will only take a few moments, be considered, and then that we might go on with the other bill?

The SPEAKER. The regular order is demanded. The regular order is the call, under the second morning hour, unless that is dispensed with. The morning hour begins at twenty-seven minutes past 12.

#### MINING CLAIMS.

Mr. WEADOCK (when the Committee on Mines and Mining was called). Mr. Speaker, I call up for consideration the bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States.

The bill was read, as follows:

*Be it enacted, etc.*, That the provisions of section numbered 2324 of the Revised Statutes of the United States, which require that on each claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements made during each year, be suspended until January 1, 1896, that no mining claim which has been or may hereafter be regularly located and recorded as required by the local laws and mining regulations shall be subject to forfeiture for nonperformance of the annual assessment for the years 1893, 1894, and not for 1895, until January 1, 1896: *Provided*, That the claimant or claimants of any mining location, to secure the benefit of this act after the year 1893, shall cause to be recorded in the office where the location certificate is filed a notice that he or they in good faith intend to hold and work said claim; and such filing shall be before the time for doing the annual assessment would expire under said act, or before any other locator takes advantage of the default.

The amendments recommended by the committee were read, as follows:

Amendments proposed by committee: Line 9, page 1, strike out the words "until January first" and insert the words "for the year." Page 1, line 10, strike out the word "six" and insert the words "three so." Page 1, lines 10 and 11, strike out the words "or may hereafter be." Pages 1 and 2, lines 14, 15, and 16, strike out the words "eighteen hundred and ninety-four" down to and including the words "ninety-six." Page 2, line 17, after the word "loc-



tion" insert the words "in order." Page 2, lines 18 and 19, strike out the word "benefit" and insert the word "benefits," and strike out the words "after the year eighteen hundred and ninety-three." After the word "fled," in line 20, insert the words "on or before December thirty-first, eighteen hundred and ninety-three." Strike out all after the word "claim," in line 21, down to the end of the bill, and insert the words, "This act shall take effect from and after its passage."

Mr. DINGLEY. Mr. Speaker, I desire to inquire whether or not this bill should be considered in Committee of the Whole? I hardly know what the effect of it is.

The SPEAKER. The Chair has not read the bill.

Mr. PICKLER. There is no appropriation in the bill.

Mr. WEADOCK. It does not require an appropriation.

Mr. PICKLER. It simply provides that those having mining claims shall have a year more to do their work.

Mr. WEADOCK. Mr. Speaker, I think an explanation of the bill will meet the inquiry of the gentleman.

The SPEAKER. The gentleman from Maine makes the point that the bill must be considered in Committee of the Whole.

Mr. WEADOCK. I wish to say, in answer to that, that the bill requires no appropriation, and imposes no charge upon the Government. The object of the bill is simply to extend for one year, for the present year, the requirement of the statutes, that \$100 worth of work should be done on each mining claim.

Mr. DINGLEY. Then it does not affect the interest of the people at large, but is entirely between individuals. If that be the case, I withdraw the point.

Mr. WEADOCK. Mr. Speaker, it amends a section of the Revised Statutes which requires that \$100 worth of work should be performed each year upon each mining claim. This bill would suspend that requirement for a term of one year only, providing that the person who seeks any benefit from the suspension shall first file a notice in the proper office that it is his intention to prosecute the claim. It is made necessary by the condition of affairs in the mining country of the West. If gentlemen desire to debate the bill I will not now ask for the question.

Mr. DOCKERY. As I understand, it involves no expense upon the part of the Government.

Mr. WEADOCK. It involves no expense on the Government.

Mr. PAYNE. It simply allows those persons having mining claims, as I understand, one more year in which to perform this hundred dollars' worth of labor.

Mr. WEADOCK. That is all. [Cries of "Vote!"]

Mr. Speaker, I ask for the previous question on the bill and amendments.

The SPEAKER. The gentleman from Michigan demands the previous question on the bill and amendments, which are committee amendments.

Mr. DINGLEY. I would suggest to the gentleman in charge of the bill, although that might come in later, that this is one of those bills simply amending certain sections of the Revised Statutes, that he add to the title what it relates to. That as it relates to mining claims, that he add those words.

Mr. WEADOCK. I will accept that suggestion.

The SPEAKER. That can be done after the bill has been disposed of.

Mr. DINGLEY. That can be done after the bill is passed.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered, and under the operation thereof the amendments recommended by the committee were agreed to; and the bill as amended, was ordered to be engrossed for a third reading; and being engrossed it was accordingly read the third time, and passed.

Mr. DINGLEY. Now, I suggest that the gentleman having the bill in charge amend the title.

Mr. WEADOCK. I agree to that.

The SPEAKER. The Clerk will report the title of the bill as amended.

The Clerk read as follows:

A bill (H. R. 2545) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims.

The SPEAKER. Without objection the title will be as read. There was no objection.

On motion of Mr. WEADOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

The call of committees was resumed and concluded.

#### CHINESE EXCLUSION ACT.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

A bill (H. R. 2687) to amend an act entitled "An act to prohibit the coming of Chinese persons in the United States," approved May 5, 1892.

The SPEAKER. The gentleman from California is entitled to the floor for thirty minutes.

[Mr. MAGUIRE withholds his remarks for revision. See Appendix.]

Mr. EVERETT was recognized, and yielded ten minutes to Mr. OUTHWAITE.

Mr. OUTHWAITE. Mr. Speaker, I know nothing practically of the facts in connection with the Chinese in large bodies in a city like San Francisco, except that which I have gathered from the statements of the gentlemen from California and other gentlemen in the course of the debate on this question. I am willing to admit that every phase and picture of Chinese life which has been held up to our view and the effect of their presence upon society of the American people is true to life. And yet, it seems to me, that the course of argument is directed more to preventing all Chinamen from coming here than to the proper consideration of this bill, which deals with them after they have come here.

Mr. Speaker, we invited the Chinese here originally. We heralded abroad the success of our invitation with pride. The people of California invited the Chinese to come, and welcomed them, desiring that class of cheap labor. Immediately after the civil war, when we found ourselves needing human labor everywhere, commissioners were sent from the East to Europe to induce labor to come, to induce immigration, and the same course was pursued on the Pacific Slope. They urged these people to come; they offered inducements of wages; they brought them here themselves in large numbers, and they came according to that invitation and according to the law and the treaties then in force. Some of these people are still here. Some have remained until this time.

Now, the policy that has been adopted by this Government is to prevent any more from coming. I am not going, in the space of the ten minutes allotted to me, into a discussion of the treaty stipulations that we have entered into with these people. That question has been already touched on very fully. But I desire to give some attention to the practical situation. Congress passed an act requiring the Chinese who desired to remain here to register, in order that we might be able to detect the newcomers, those who were not here lawfully. A great deal of criticism has been indulged in here on this floor and suggestions made that the administration—and I do not know that it relates particularly to this Administration—that the administration of the law has been weak and inefficient.

Let us see what encouragement was given to the administration of the law. Any one of us can compute about how much money is necessary to deport this immense number of people, at the fare that is charged to take them from San Francisco to China, and the figures have been presented here showing that it would take about \$7,000,000. Now, what did Congress do when it came to the consideration of this matter in the appropriation bill?

In the face of an election we passed the Geary bill; but after the election we failed to provide the necessary means for putting that law into execution, and now we blame somebody else for not having done their duty. When the bill was brought in it provided, for the enforcement of the exclusion act, \$50,000. That was the provision made in the bill—\$50,000 to meet an operation which would require \$7,000,000. One gentleman from California at that time offered an amendment increasing the amount to \$500,000, and suggested that the lowest possible sum that could be relied upon to enforce this law would be \$2,000,000. Yet Congress was satisfied to pass the bill with but \$50,000 in it.

Mr. WILSON of Washington. I would like to have the gentleman state who objected to the increase.

Mr. OUTHWAITE. Turn to the RECORD if you want to find out.

Mr. WILSON of Washington. I have the RECORD right here.

Mr. OUTHWAITE. I can not yield any further.

Now, those Chinamen remained here, as has been shown in the course of the debate, because they had been advised that the law was unconstitutional. They remained here until after the date on which they could register, because the decision of the Supreme Court, sustaining the constitutionality of the act, was not made until ten days after the expiration of the date on which they could register, and therefore they could not register.

If we do not pass this extension act, then we must provide this \$7,000,000. The gentleman from California [Mr. MAGUIRE] looks incredulous, and in his speech he suggested that if we begin to execute the law these Chinamen would disappear, going to Cuba and elsewhere.

They came here to make money. Some of them have remained here and accumulated some money, and it is their custom, say these gentlemen familiar with the customs of Chinamen, to return home and take their money with them. Perhaps there may be a few thousand of them waiting until the United States Government shall kindly offer them the means to get back to their homes. If they are so subtle and so cunning, as suggested

by those familiar with them, I can not see why that should not be one of the first things they would think about. "It is no punishment for us to go back home. We have all the money we want. Now, let us wait and allow the United States Government to transport us back there."

That is a situation we can not avoid. We must make up our minds to appropriate the money, the whole amount; perhaps not at once, but within a short time, or else we must extend this period for registration.

But, say the gentlemen, if you extend the period, you give them an opportunity to go before the Supreme Court again, and the Six Companies will take advantage of that. You will not give them any opportunity that they will consider worth trifling with, if we do not amend this bill and put it in such conditions as will afford them a glimpse of a possibility of the court deciding another way next time.

If you pass the mere privilege of extension, they will not have any inducement to go to the Supreme Court and attempt still further delay; and if you pass the extension law, and then the next time the appropriation bill is before us pass a reasonable appropriation looking to the execution of the law, they will both come about the same time; that is, the drawing near of the close of the six months, and the consideration of the appropriation bill would come about the same time, and you would find then a different state of mind, and a willingness on their part to comply with the requirements of the law.

Criticism has been made as to religious bodies of the United States petitioning Congress to repeal this law. I do not care what denomination it may be in the United States, it has the right to come before us, to petition us, and it is our duty to receive that petition respectfully, and not to charge those people, because they come in one organization or another, with an undue interference in political affairs.

It is more than politics with them. It is the life of some of the organizations which they have established in Asia. They have sent their agents out there to attempt to advance the Christian religion in that direction. The people whom they have sent are there. Gentlemen say that there is no danger of their being driven out if we refuse to pass this extension and drive out the Chinese. But there would be a different situation in China if we were to do that thing from what there is now.

One hundred thousand men, more intelligent than they were when they came from China, going back home, driven out of this country, driven away from where they were making better wages than they got at home, would constitute a disturbing element in society there that would be very dangerous indeed to the peace and welfare of American citizens who are there. We have no business to tempt the fate of these people in any such way. It is our duty to them and to ourselves to see that no such danger is forced upon them.

Mr. EVERETT. Mr. Speaker, I approach this subject, as I trust I shall approach every subject in the House as long as I have the honor to be a member of it, with diffidence, more especially because my name has been connected with the proposed legislation more closely than I had ever expected it would be. I have been, in public and in private, charged with all sorts of propositions which I never introduced and which I should hesitate to introduce. I heard it said, for instance, that I had introduced a bill to repeal the Geary law. I have done no such thing. I have heard it said also that I introduced a bill to appropriate \$500,000 to carry out this section of the Geary law. Neither have I done anything of that kind.

The bill, sir, which was reported by the Committee on Foreign Affairs, of which I have the honor to be a member, seems to me to raise a very simple question which can be settled very briefly if gentlemen will; but which has been somewhat obscured by the remarks made upon it by the various speakers who have taken part in this debate. Gentlemen have argued as if we were taking up the whole question of the relations of our Chinese denizens to our own people; as if we were to consider from the bottom, all the past, the present, and the possible legislation on that subject; in short, sir, as if the committee had brought forward a bill to perfect, to complete, an answer to the great Chinese problem. Such, Mr. Speaker, I need not say is not the case.

I was not a member of this House when the Scott act of the 1st of October, 1888, or the later act of the 5th of May, 1892, was passed. But I have understood from older members that there was very little discussion or debate on either of those acts; and it might be said by opponents of them that there had not been a fair time allowed for the discussion of those acts. I should think, sir, that when those acts were passed so very speedily, would have been the time to discuss the entire relations of our Chinese residents to our own citizens, to have gone into the question of labor and the questions of morality, and not to defer them until after those acts had been passed, and passed in a very short time.

I think that the question has been correctly stated by my friend from Ohio [Mr. OUTHWAITE], to whom I gave a portion of my time. It was stated also by the chairman of the committee, the gentleman from Kentucky [Mr. MCCREARY], who opened this debate, that unless this suspensory act is passed we shall be under compulsion, we shall have no alternative from instantly using all the means at our command to deport from the country all the Chinese that are residents in our borders and have not registered nor conformed with the act.

Now, sir, I can not believe that that was contemplated by the original act of the 5th of May, 1892. Several gentlemen from the Pacific coast, and the member from New York [Mr. BARTLETT] besides, have urged upon us that is the right and the best thing to do. The gentleman from California [Mr. MAGUIRE], who last spoke, and whom I am happy to recognize is a native of my own State, although a resident of California, has pressed upon us that immediate deportation is the right and desirable thing to do in the execution and fulfillment of the registration clauses of the Geary act.

But, sir, if I understood correctly the distinguished author of that act, who addressed us immediately after the chairman, it was not the intention of that act to cause an extensive deportation; that the intention was to protect the Chinese who had acquired the right to remain in the country, and, as he said, to furnish a satisfactory method of identification by which they might not incur the sentence of deportation which belonged properly to those who had no right to remain in this country.

Now, sir, this is not the only case in the world where an act that might have two results unexpectedly leads to that one of the two results which was not chiefly in anticipation. I do not believe that with the funds at our disposal, with the state of public opinion in many parts of the country—erroneous, if you please, a mistaken opinion, an opinion founded on imperfect knowledge, if you please, but in the face of the strong public opinion against the act at all, in the face of the remonstrance of a friendly power—I do not believe it would be practicable; I do not believe it would be approved or the right thing to proceed immediately to deport over 86,000 people, when the original act did not contemplate any such design.

The question of the funds has been somewhat discussed, and I understand from the best authority that the state of the case was this: That when the Supreme Court had finally decided that the Geary act was constitutional, the amount of funds remaining of the original appropriation was not sufficient to carry it out in all its provisions, and that the Secretary of the Treasury justly believed, as has been stated by the gentleman from Ohio [Mr. OUTHWAITE], that precedence must be given to those clauses which were to stop the further immigration of Chinese, and that these limited funds should be appropriated first to prevent more coming in and not to deport those who had been recognized as having a right to remain; that, therefore, it was that the original instruction came from him, and not from the Attorney-General, that further proceedings with a view to deportation should be stayed, and that the funds should first be used for the removal of those who are coming from time to time. At a later period, it appears, if I am not mistaken, that the Attorney-General was not, as has been stated, unwilling to employ the funds which were at his disposal for carrying out the judicial portion of the proceedings.

It seems to me that that is shown by the telegram which the Attorney-General sent on the 9th of September, 1893, and which may be found in Executive Document No. 9, Fifty-third Congress, first session:

The following telegram was sent to the United States marshals for the northern and southern districts of California:

Instructions heretofore given do not apply to warrants of arrest of Chinamen under section 6 of Geary act issued by a court, which are to be executed by yourself and deputies in the ordinary course. Deportation orders in such cases are also to be executed to the extent of available funds. Amount being small, report at once number of cases in your district in which court warrants have been applied for or granted.

That, sir, seems to me to answer the charge which has been made here that the Department of Justice has done nothing to carry out the provisions of the Geary act.

Mr. WILSON of Washington. Has the gentleman a copy of the telegram sent by the Attorney-General to the United States district attorney in the State of Washington, instructing him not to enforce what is known as the Geary act?

Mr. EVERETT. I have not, sir.

Mr. WILSON of Washington. I have read it.

Mr. EVERETT. I have heard that there is such a telegram, but I have not read it.

Mr. LOUD. Does not the enforcement referred to in the telegram of the Attorney-General which the gentleman has just read relate to the law applicable to Chinamen who had entered the country illegally rather than to those who were here legally?

Mr. EVERETT. I have already stated that I understand that the Secretary of the Treasury, from whom the funds must come,



took the ground that that was to be the prior use of the funds that he could transfer to the Department of Justice for this general purpose.

Mr. LOUD. The gentleman has alluded to a statement which I made. I stated that the instruction of the Department had been, not to enforce the provisions of the Geary act, but to enforce the provisions of acts that had been in operation for ten years. I think, if the gentleman will examine, he will find that that statement was correct.

Mr. EVERETT. I merely take the words as I find them here. The document is known, and will appear as part of my remarks.

Mr. GRAY. What is the document?

Mr. EVERETT. Executive Document No. 9 of this Congress.

Mr. GEARY. That is the answer of Mr. Olney to the resolution of inquiry.

Mr. EVERETT. That is the answer of Mr. Olney to the House resolution.

Mr. GEARY. You do not claim, do you, that Mr. Olney, in his answer to this House, pretended to send us all the letters or instructions that he had sent to his subordinates?

Mr. EVERETT. I do not.

Mr. GEARY. Why did not he do that? What right had he to assume that he knew what we wanted and what we did not want?

Mr. EVERETT. You must apply to him for an answer to that question. I was merely replying to the assertion that the Attorney-General had done nothing to execute the Geary act. I have read this telegram to show that he has done something.

Mr. LOUD. The Attorney-General most emphatically states in all his instructions that his subordinates are directed to refrain from executing that portion of the Geary act known as the sixth section.

Mr. EVERETT. I have so heard, and I have also understood from the Attorney-General that that was because the Secretary of the Treasury, from whom the funds come, considering that they were very limited and could not possibly be used to execute all the clauses of the act, thought that precedence belonged to those clauses which were designed to prevent new immigration.

Mr. GEARY. Does not the gentleman know that as early as September 3 the Secretary of the Treasury notified the Attorney-General that he had \$17,000 that he might draw upon for the purpose of enforcing the sixth section of this act?

Mr. EVERETT. I have heard so.

Mr. GEARY. And do you not know that since that time the Attorney-General has refused to use any portion of that money, and has refused or failed to answer the telegrams of the marshal of California asking for remittances with which to enforce that law?

Mr. EVERETT. I am not aware of that fact.

Mr. GEARY. I state that to be the fact. Now, that being the fact, was the Attorney-General justified in that action, in the opinion of the gentleman?

Mr. EVERETT. I am not raising the question of whether he was justified in any particular action. I am simply replying to the statement which was made here, as I understood, that he had never done anything toward enforcing any of the provisions of the Geary act. It seems to me that he has done something.

Now, Mr. Speaker, we come to the third point of why there might naturally be delay in carrying out the provisions of this act, and that I put upon the ground that there inevitably would be, as there were, remonstrances from the Chinese minister against what he believed and what his countrymen believed to be the oppressive operation of this act. Much has been said about that, and strong phrases have been used about our "travelling" to the Chinese nation, about our subjecting our legislation to the will of China, and we have been called upon to show our independence and to show that the legislation of the United States should always be independent of the views of any foreign nation.

Now, that kind of language, Mr. Speaker—I said so in my speech on the repeal of the Sherman act and I say so again—that kind of language is always extremely unfortunate. It is calculated to raise most unnecessary and improper issues. It apparently takes the ground that the United States is not one of the nations of the earth, that we stand out in some peculiar and unnatural position. Why, Mr. Speaker, it is the right and the duty of the foreign minister of any nation to any other nation to remonstrate against any act which he deems to be oppressive to his own people. It is the right and the duty of the Secretary of State, or the corresponding officer in any government, to listen to those remonstrances; and it is the right and duty of the Secretary of State, if he sees in the remonstrances of the foreign minister any cause for believing that our legislation is oppressive, to seek through proper channels to have that legislation modified.

Why, sir, whatever may be the degradation of the Chinese in

California, whatever may be the immoral effect that they may have upon our young people, they are subjects and citizens of the Emperor of China; and if they are the meanest and basest of his subjects, still he has the eternal right, by the law of nations, to protect them, as far as may be in the power of his diplomatic agents, against any legislation that he may consider oppressive.

There is no way in which a nation can maintain a higher and a nobler position than in endeavoring to extend its protecting arm over the basest of its subjects as well as the highest.

On this point I would like to read from an opinion of Attorney-General Bates; and I read his opinion with the more satisfaction because the member from California who spoke second in the debate alluded to Attorney-General Bates as a man who knew singularly well what his duty was, and was prepared to carry it out under most adverse circumstances. The opinion from which I read was given in the case of the Teresita, and may be found on pages 349 and 350 of the tenth volume of the Opinions of the Attorneys-General. Attorney-General Bates says:

Consistently with this I am aware that in the diplomatic intercourse of friendly nations occasions do often arise for remonstrances and reclamations in behalf of the subjects of one of the friendly powers against the harsh operation of the known laws of the other and the legal judgments of its courts. There are, I am informed, many precedents of this sort, not confined to cases arising under the maritime and international law, but embracing also cases entirely internal and municipal, such as the rights of denizens and the rights of inheritance, succession, administration, and distribution of estates. In all such cases the question is, not whether the act complained of is lawful or unlawful, but whether the law itself, as administered by the judicial tribunals which alone have power to administer it, does or does not operate oppressively upon the subjects of a friendly power. The solution of such questions, it seems to me, must depend upon considerations of the broadest equity, and of that generous comity which ought to govern the intercourse of friendly nations, and the discussion of these delicate matters seems to be peculiarly within your province—

He is addressing the Secretary of State—

as the accredited organ of the nation, in speaking to foreign powers and, for that reason, I abstain from venturing to discuss the subject. Such remonstrances and reclamations have generally for their objects either the personal indemnity of the individuals supposed to have been wronged, or the establishment of a new and better rule, by inducing the government addressed to employ its influence to have the objectionable law repealed or modified.

This opinion was given by Attorney-General Bates to Secretary Seward in the year 1862. It seems to me that it prophetically applies to the case in hand.

Mr. GEARY. Do you pretend to claim that Mr. Olney ever based his refusal to enforce the law on any such grounds as those stated in that letter of Mr. Bates?

Mr. EVERETT. I do not know on what grounds the Attorney-General based his action. I am taking the position that it was right and natural that those remonstrances should be attended to. The remonstrances that came to the Secretary of State he attended to; and I understand that this suspension is as much desired by the State Department as by the Department of Justice.

Mr. GEARY. Will the gentleman pardon a further question? Is he not aware that the last Secretary of State passed upon all these questions, and in his answer to the remonstrance of the Chinese minister reminded him that it was their own failure to obey the law that provoked this legislation; and he dismissed their petition? What right, then, had his successor to rescind the action thus taken without some new condition arising?

Mr. EVERETT. Every right. These remonstrances were still further pressed; new circumstances had arisen since the former Administration acted on the matter. The decree of the Supreme Court having been made on the 15th of May, 1893, it fell within the administration of Mr. Gresham; and the Chinese minister had a right—nay, it was his duty—to remonstrate against what he conceived to be oppressive in that legislation; and it was our right and duty to attend to the remonstrance.

Now, as to the question of holding our position independently and standing off from other nations with the determination that we will not let them have any say in our legislation with reference to matters within our own borders, I say such a course imitates the example of England in its very worst form. We are constantly urged not to let "John Bull" dictate to us; it is constantly said that we should not in our relations with other countries take the English tone and show ourselves Anglomaniacs.

Why, sir, that is just the thing that has made England hateful to other countries—that she has refused to alter her municipal legislation at the instance of other countries and has declared that she had nothing to do with the condition of affairs existing abroad. I should like to remind members of the House of a striking case in the international relations of England and the United States. In the beginning of our late war certain armaments proceeded from English ports, and in consequence our commerce suffered heavy depredations.

We protested through Mr. Adams against those acts of English builders, and we were told that the foreign enlistment act contained no clauses which prevented the fitting out of those

ships. We took the ground then that it was the duty of the English nation to modify the municipal law when it was not up to the standard of the law of nations; that the law of nations, though it had no tribunals and had no penalties, was a great and eternal system which stood above municipal law, and if the representations of a foreign nation against the improper or oppressive municipal law of any nation were believed after diplomatic consideration to be founded in fact, it was the duty of a nation to bring her municipal law up to the standard of the law of nations. And, as has been well said by the gentleman from Ohio [Mr. OUTHWAITE], and by others in this debate, we ourselves induced the Chinese to come into the brotherhood of nations.

Mr. WILSON of Washington. May I interrupt the gentleman for a single suggestion?

Mr. EVERETT. Yes, sir.

Mr. WILSON of Washington. We did not induce the Chinamen to be smuggled here.

Now, if I may be pardoned for taking the gentleman's time, the gentleman will find on an examination, if he has not already made it, that the importation of coolie laborers is largely a British industry at this time. They are brought in British ships from Hongkong, come through to Victoria, at \$50 per capita, and are smuggled across the line from the Canadian borders into our own.

Mr. EVERETT. I was aware of the fact—

Mr. WILSON of Washington. Allow me one moment: I wish to say just this, that we are trying to keep them out and are not enabled to do so because of the nonenforcement of the laws of the United States. Mr. Wharton, the Assistant Secretary, says in his communication on this subject:

I see no reason why a better understanding may not be brought about, whereby the position of China shall be rather one of amicable concurrence toward a rational and practical end, than one of obstruction to the working of measures, the adoption of which has been in a large degree forced upon the legislative power of the United States by the conduct of the Chinese people in this country, and by the attitude of the Imperial Government in their regard.

Mr. EVERETT. I am aware of that—

Mr. WILSON of Washington (continuing). It is therefore the importation of coolie labor that we are so seriously objecting to.

Mr. EVERETT. I understand that. I was aware of the fact. I understood so from the beginning, and I maintain that, in this extension of time, in which we give them another chance to register, that is to say, those who are always recognized as having rights by the Geary act, we are not standing at all in the way of future importations. And with reference to that I wish to say that I entirely concur with the views expressed by the gentleman from Illinois [Mr. HITT] who spoke on Thursday, in which he stated his belief that the whole question of the importation of these Chinese laborers across the frontier could be arranged by treaty, but that Great Britain as well as China should be a party to such treaty. I believe that entirely, and I do not doubt but that such a solution of the question would be the best and could be most easily reached.

Mr. WILSON of Washington. It could be if the importation was into the State of Massachusetts or somewhere on the Atlantic seaboard. But, unfortunately, it is on the Pacific coast, and the legislative powers are not so much in sympathy with us as to be willing to come to our relief in the manner desired.

Mr. EVERETT. Oh, my dear sir, you are quite mistaken. You really do not influence anyone by bringing in Massachusetts in that way. We have heard that before. We heard yesterday, I believe, one gentleman from the Pacific coast who managed to work in that old joke on Massachusetts about the Aborigines. It is very funny as an old joke, but it has lost its efficiency. It does not have any influence—

Mr. WILSON of Washington. Let me suggest to the gentleman that I was the "gentleman from the Pacific coast," and that the joke was not on the Aborigines. It was no joke to them. [Laughter.]

Mr. EVERETT. No sir, it was not. But let me tell the gentleman that since then the action of the men of Massachusetts in attempts to improve and protect the Indians, in the support they have given to Gen. Armstrong, a pupil of her own soil, has amply wiped out any charge that may have been alleged against their ancestors of two hundred and fifty years ago, on account of any unjust or inhuman treatment of the Indians; and let me tell the gentleman further that the time will come, perhaps two hundred and fifty years hence, when the descendants of gentlemen on the Pacific coast will regret your treatment of the Chinese at this time, and will be more inclined to follow the example of Massachusetts men in following some future California Armstrong in doing justice to the Chinese.

Mr. GEARY. Will the gentleman pardon me for an interruption?

Mr. EVERETT. Oh yes.

Mr. GEARY. Is the gentleman aware of the fact that the

majority of the California delegation in this Congress are from New England?

Mr. EVERETT. I was aware of the fact.

Mr. GEARY. Then does the gentleman believe he is any more loyal to Massachusetts than any of these other gentlemen who are descended from that old Commonwealth?

Mr. EVERETT. On the contrary; but I hope your descendants will adopt a different policy toward the Chinese. I think that would be more satisfactory.

Mr. GEARY. Well I will have some of the satisfaction; I will probably have some. [Laughter.]

Mr. EVERETT. My time is going fast in replying to the gentleman from California. I may say that my only regret is that I am a descendant, and not an ancestor. I will try to do better yet. [Laughter.]

Now, sir, I say that if the remonstrances of the Chinese minister induced the belief that a change in legislation was necessary, that is entirely in accordance with all precedent, all right, and all duty.

Now, I do not wish to repeat again the ground that has been taken so many times in this debate, that the Chinese were induced not to register by the eminent legal opinions which they received, that the act was unconstitutional. I do not want to go over that ground to the weariness of gentlemen who have heard it too much already; but I do say this, that those opinions, no matter what was the name of the man who gave them or how it is pronounced, can not be sneered away or considered insignificant, in the face of the dissenting opinion of Justice Field, Chief Justice Fuller, and Justice Brewer. Those opinions, from the highest legal authority, show that there was good ground for anticipating that the act might be declared unconstitutional.

I admit that it has been declared constitutional. I recognize the authority of the Supreme Court; but I do say that a decision, given under such circumstances and with such dissenting opinions, stands on a different footing from a unanimous decision, such as that, for instance, rendered by Justice Field on the Scott act of October 1, 1888.

I say that under those circumstances there was every reason on the part of the Chinese themselves, and on the part of the executive authorities who had to administer the laws, to believe that future legislation would take place, in order that those who are recognized by the Geary act as having a right to be denizens in this country might have a further opportunity to register and put themselves right with the country. I understand that the author of the bill takes that ground, and that he stated in his opening remarks that he did not intend the act should operate to deprive them of the chance to register.

Now, there have been very irrelevant appeals made to stop the enactment of this bill, or to have it carried out only with amendments which to some of us might seem to injure it.

We have been appealed to on the ground that the South, because their views have been considered with reference to the treatment of the African race, should accept the extreme views of gentlemen on the Pacific coast with reference to the Chinese race. Surely, as has already been said in that debate, the treatment of those who belong in the country, who are recognized as citizens, stands on a different footing, whichever way you may consider it to act, from the treatment of those who are aliens and still subjects of a foreign power.

And then this question of the remonstrance of the churches has been raised. I feel that something more ought to be said about that. It is maintained that a religious organization, as such, has no right to petition the Congress of the United States in the name of those who belong to it. Why, Mr. Speaker, there is no question of ecclesiastical dictation. There is no idea there that the members of any church shall dictate on a matter of politics. It is on what they believe to be a question of morals, it is what they believe to be a question of duty, it is what they believe to be entirely within their own province.

They may be mistaken. I do not say they are not, but I suspect strongly, if the petition had come worded a little differently, if some religious organization on the Pacific coast or elsewhere had urged the enforcement of the Geary act in the interest of morality and religion, we should have had the authority quoted and appealed to as the true authority to settle questions of morality and practical religion. It makes a great difference for which object a man petitions, whether his petition is considered worth presenting or not.

But if I may introduce a little bit of ancient history, what was it, Mr. Speaker, that established the right of petition for all English-speaking nations? What was the act that determined that any class of men had a right to petition the Government? It was when the seven bishops petitioned James II that they might not have to read a certain declaration, because it was contrary to an act of Parliament; and when they were tried for libel for presenting that petition the jury found that they were not



guilty, that they had a right, as ministers of the church, to protest against the illegal acts of the Government; and it was that—you will find the case in the twelfth volume of Howell's State Trials, the case of *The King vs. The Seven Bishops*—that settled forever the right of petition by any man or any body of men on any subject concerning the welfare of the people, which was embodied in the Declaration of Rights in 1689.

There is another matter that I venture to allude to gently. I do not wish to do it harshly, because I have been treated with the greatest kindness by gentlemen on the other side. Even when they poke fun at me they do it kindly. [Laughter.] They know that if they and I were to sit down together, without any serious object, but only with the sole purpose of poking fun at each other, I should probably be able to hold my own; but it does seem to me, sir, when gentlemen talk about our being terrorized by the Chinese Government, that there sometimes comes into these debates a little tone of terrorizing people who do not agree with the strong feelings and convictions of gentlemen from a particular part of the country.

It is rather terrible to have to encounter gentlemen who do not think on any subject, who do not suppose, who do not believe, but who invariably and absolutely know. The Republican Government, acting under the Constitution, gives a census of the number of Chinese. "That census is false. The Chinese population is twice what that census says." The gentleman knows! The Democratic Secretary of the Treasury makes an estimate as to the cost of deportation. "That estimate is all false." The gentleman knows! In certain opinions of the Supreme Court the ground is taken, as read by the gentleman from Kentucky [Mr. MCCREARY], that treaties are abrogated or violated by the law. "No, no treaties are abrogated or violated." The gentleman knows!

The gentleman knows; it makes no difference whether he is a Republican Superintendent of the Census or a Democratic Secretary of the Treasury, or an impartial Supreme Court divided between the two parties; the gentleman invariably knows, and we are expected to yield at once to his statement, because we can not be in possession of any information. I say, Mr. Speaker, that sounds very much like terrorizing; and so in reference to the amendments he proposes and which he declares must be carried to render this law effective. There is one amendment that I do not object to at all, about the marshal having charge of the deportation. I think it is much better that the question of the photograph should be decided according to the provision in the original act, and the discretion should be left with the successive Secretaries of the Treasury; I dislike any amendment that tends to tighten and not to relax the law.

The law is a severe one. You may say that it does not technically violate the treaty; you may say that the country has the right by subsequent legislation to abrogate a treaty; you may say that the Chinese have not shown a wish to carry out the law; you may say that these men have forfeited their right, secured by previous treaties. To that I can not agree; but I do hold, Mr. Speaker, that the law is a severe one. It is meant to be grinding and harsh; and, although it may be in accordance with legal rights, there is a feeling—a widespread feeling, and a feeling among those who are well-informed men—a feeling that this is a terribly hard law, and that such an act as this, extending the period for six months, giving one more chance to these men, who by the very words of the act had the right to remain here, is a thing that we have a right to ask for.

It may be possible, as the gentleman from California stated, that we are actuated by maudlin sentimentality. I do not think that is the general character of the sympathy in the part of the country where I live, and where we have been reminded three members from California were born; but we do feel that these men are men, they are within the pale of humanity. Their great nation is rising above its ancient civilization. It has adopted and is still adopting modern improvements in peace and war, and it is arming itself with improved means of warfare which would give it a right to talk about retaliation if it chose to talk that way.

Now, Mr. Speaker, we call for that extension, not on the ground of legal right, not necessarily on the ground that the Chinese are not undesirable; not on the ground that their further immigration should not come, but I say let them have one more chance, let the law be recast, not in the interest of severity, but in the interest of mercy to mankind. But, Mr. Speaker, there is something higher than legal enactments; there is something higher than a decision of the Supreme Court; there is something higher than treaties; there is something higher than the opinion of the Pacific slope; something higher than the opinion of Massachusetts or the opinions of the United States and the opinions of the whole world; there is eternal right; there is keeping faith beyond the strict law when you give your word; there is gentleness and there is mercy.

China broke her old policy of exclusion. China put herself within the pale of Western nations. Do not let us force ourselves to that extremity, to that severity of the old policy of exclusion which we ourselves taught China to give up. China paid the penalty for the policy of exclusion. China kept all foreigners out. She applied harsh and barbarous and cruel methods to them. She treated them as "foreign devils." She kept up that until she saw the French and English fleets force their way past the forts of the Yellow River; until she saw her ancient capital, crowded with teeming millions, all but leveled to the ground, and the summer palace, the private retreat of the "Son of Heaven," in ashes by the armies of the "foreign devils" which she had excluded.

Let us have a care, Mr. Speaker, that we do not experience the same fate; let us have a care for our own proud nationality, that we do not violate these claims of eternal right which are beyond any treaty, and draw down upon us the condemnation of that power with whom "A thousand years are but as yesterday when it is past, and like a watch in the night." [Loud applause.]

Mr. HERMANN. Mr. Speaker, the pending legislation is ostensibly for the extension of time provided in the act of Congress of May 5, 1892, for the registration of Chinese laborers who were residents of the United States at the date named, but who failed to obtain certificates of residence within the time required. If this seemingly humane purpose was all, and if assurances were given that at the expiration of the six months proposed the Chinese entitled to the privilege would comply with the law, no objection, I apprehend, would be made by any member of this body from the Pacific coast, dangerous as the precedent might prove in other legislation for the future.

But, sir, no such guaranty being given, and we the Representatives from those States knowing the antagonism of the Chinese to the law, have every reason to believe that at the expiration of the extended time these people will still continue to resist the law, as they have so far done, and will resort to every pretext and legal quibble to defy it and place it in contempt.

Believing, therefore, that this extension is a mere trifling with the purpose of the law and will not be complied with, we believe it should be earnestly opposed now. But, sir, aside from the misguided humanitarian purpose, this seemingly innocent legislation involves considerations of grave moment for this Congress and for the country:

First. It attacks the rights and privileges of free American labor from contact and competition with foreign slave or coolie labor.

Secondly. It indirectly recognizes and indorses the arbitrary, illegal, and unwarranted interference of the Executive and the Executive Departments of the Government in the orderly execution of the laws of Congress.

Thirdly. It is an acquiescence in the insolent demand of a foreign power and a justification of the defiance and contempt of foreign subjects domiciled here, as shown by their inexcusable refusal to comply with the constitutional laws of the United States.

I have complimented the gentleman from California [Mr. GEARY] personally and publicly for his loyal and faithful efforts in behalf of the people of the Pacific coast in reference to this question, and now, sir, as I look at the false promises, the blasted hopes, the inexcusable nonenforcement of this law, I have the deepest sympathy for that gentleman in his present humiliation. Sir, all over that country every assurance was given that the law would be enforced.

#### CONFIDENT OF ACTION.

In my own State it was interesting to read in the Administration papers confident prophecies as to the enforcement of the law, and the following is a good sample:

#### THE CHINESE MUST GO.

The Administration is determined to enforce the Geary act to the letter by the deportation of all Chinese not registered. Orders have been issued and the good work will soon be commenced.

The California newspapers were especially sanguine. One contained in heavy head lines the following:

At last. The Geary law will be enforced here. Judges McKenna and Morrow so decide. Warrants for the arrest of unregistered Chinese. A short and pithy opinion by the Court. No judicial officer can suspend a law because there is not money to secure its enforcement.

To the people of the East, to those who have not as yet come in contact with the evils of Chinese immigration at home, the exclusion law may seem unjustifiable, if not harsh, but to the people of the States in which Chinese incursion has made itself felt, and left a blight which many decades can not obliterate, the question of further toleration with such an evil reaches far and deep in public sentiment.

There was, as I have said, a hope and confident expectation that the law would be enforced, and assurances were given in all party platforms, in the political campaigns and elections, and

through the press of the country that the enforcement of the law would solve the problem of Chinese smuggling into the United States. It was everywhere conceded that as to the Chinese then lawfully here no refusal to register would be manifested. Especially did Democratic campaign orators and Democratic newspapers boast of the determination of their party to enforce the law. Even my friend, Mr. GEARY, the author of the law, had no suspicion of the betrayal so soon to be made manifest by his party.

#### DELUSIVE HOPES!

It was not long after, however, that a sudden change came over the spirit of the Administration and in one of the Washington city papers appeared in conspicuous letters the surprising announcement:

**A HALT IS CALLED IN THE CARRYING OUT OF THE GEARY LAW—THE NEW CHINESE MINISTER'S PROTEST—FURTHER ACTION BY CONGRESS IS DEEMED NECESSARY—GEN. OLNEY'S INSTRUCTIONS.**

The statement that it was believed the President had called a halt in the execution of the Geary law pending some further legislation by Congress, it can now be stated authoritatively, was correct. No orders have been issued to United States Chinese inspectors, United States marshals, or other United States officers different to or in conflict with the orders issued shortly after the decision of the Supreme Court, which upheld the constitutionality of the Geary law. The orders then issued directed United States officers to enforce all laws against the Chinese, except the Geary law, and to await further instructions before they began the enforcement of that law.

#### AN OFFICIAL PROTEST.

During last week, in response to urgent solicitations, the Treasury Department was on the point of issuing general instructions for the enforcement of the Geary law. At this point diplomatic difficulties, in the nature of official protests from the new Chinese minister, Yang Yu, arose and a halt was called, and no general instructions were issued, and none will probably be issued for sometime to come.

Still better foundation for this announcement was found in the official order itself, as follows:

[Circular.]

#### EXCLUSION OF CHINESE.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., May 4, 1893.

*To collectors of internal revenue, collectors of customs,  
and all other customs officials of the United States:*

The time within which Chinese laborers are required by the act of May 5, 1892, to procure certificates of residence will expire on the 5th day of the present month, and it is evident from the partial reports made to this Department by the collectors of internal revenue that in some of the States and Territories large numbers of such person have failed or refused to make application as required by the law, but until complete reports are received the names and residences of those who have registered and procured certificates, and who are therefore exempt from arrest, can not be officially known.

Collectors of internal revenue and collectors of customs and all other customs officials of the United States are therefore instructed to refrain from making arrests under the provisions of the sixth section of the act approved May 5, 1892, entitled "An act to prohibit the coming of Chinese persons into the United States," until further orders and instructions from this Department.

J. G. CARLISLE, Secretary.

This decree suspending the law, it will be observed, is in the face of the mandate in the law itself for its enforcement, in these words:

"That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act." The Secretary was not empowered to make regulations for its suspension or its nullification. The command of the law is "for the efficient execution." There is no discretion.

#### DENUNCIATION OF THE ADMINISTRATION.

Soon the tidings went forth that the law was suspended and bitter denunciations followed this unwarrantable usurpation of power. The Democratic party of San Francisco, through the Democratic county committee, expressed itself in the following severe language:

The time is come for plain speech. As Democrats, representing the Democratic party of San Francisco, it becomes our duty to declare our disapproval of the course of the President and his Cabinet on the Geary law. Some time ago we sent a memorial to the President and Congress praying for the early enforcement of the law, and we stated therein that we believed when the means should be provided and preliminaries arranged that it would be enforced. We are now convinced that the Administration does not intend to enforce the deportation clause of that law, and we fear that it is using all its great influence to weaken if not destroy it altogether.

The legislative department has spoken; the judicial department has sanctioned: the executive department is studying "how not to do it." And yet the Constitution of the United States says that the President "shall take care that the laws be faithfully executed."

The San Francisco Bulletin, an independent Republican journal of wide influence, commented as follows:

The whole country has known in a general way how Mr. Cleveland and some of his heads of Department have ignored and nullified the Geary law. Now Congress has official testimony to that effect over the signature of the Attorney-General and under inclosure from the President. He first declined to put the law into effect until he could obtain a judicial interpretation thereof. The general application of that practice would nullify all legislation and law pending the slow process of judicial interpretation. In pursuing that course the President virtually invited every individual in the country to become his own judge of any law which particularly affects his interests.

Practically, Cleveland's course in that matter did great harm, because it

encouraged the Chinese to disobey a just law. Then a decision of the Supreme Court was handed down which was clear and to the point. The Geary law was constitutional. In the teeth of that decision the President flatly refused to enforce it, and the Attorney-General instructed his subordinates throughout the country to ignore its provisions. All this is in evidence in the Executive communication furnished to the House. When before did the executive department of government in the United States, national, State, or local, ignore and override the law in such fashion? The excuse offered was that there were no funds to execute the law. Does a police officer fail to make an arrest because he is not informed that there is money on hand to carry out the sentence liable to be pronounced? Money or credit can always be found to execute the laws.

Every one who has studied the news of the day must be convinced that President Cleveland is under pro-Chinese influence in his practical nullification of the Geary law.

#### NO RIGHT TO SUSPEND THE LAWS.

It is now our duty, sir, as the representatives of the people to ask by what provision in the law, or by what interpretation, or by what authority, has the executive department of the Government assumed the dangerous prerogative of suspending, and in one sense nullifying, a law of the United States. Every sentence of the act may be examined, but in vain, for any such power, even by implication.

If such unwarranted interference can be exercised as to one law, it can be as to any other; and where is it to end? What becomes of the independence, of the power, and the integrity of the law-making body when a coordinate branch—the Executive body—not only presumes to construe the law, but declines to execute it? This repeal is not based on the ground that the act of Congress is unconstitutional, for the Supreme Court has decided it to be constitutional. It was one of the solemn decrees of the American people.

The people become restless and even resentful when they behold the unlawful exercise of a power not delegated. It is creditable to a free people that they should promptly and fearlessly resent such an assumption of legislative power. To acquiesce, without any protest, is to justify, and to justify is to abdicate the sovereign and exclusive power of the people to make their own laws. This prerogative belongs to no one man. It is better that a doubtful authority be remitted to the people than that it should be exercised. When, however, the highest courts interpret a law to be such as requires the enforcement, doubly derelict is the Executive who still denies its execution. There is too much of a tendency lately to the one-man power. The first thing a high official feels called upon to do is to question the intelligence of those who honored him with his elevation. He at once distrusts the capacity of the people or their representatives to determine his duties. The stream rises above the fountain. The creature becomes superior to the creator.

#### THE FLAG COMES DOWN.

The proud old flag of our Union which floated over the Hawaiian Islands under the last Administration, and which was virtually acknowledged by all those people and challenged by no nation on earth—this must be furled and hauled down by Executive order. The laws of the nation which conferred upon the disabled and dependent old soldiers of the late war allowances for their maintenance have been to a certain extent practically suspended.

#### PENSION LAWS SUSPENDED.

Certificates issued upon clear proof and after laborious search and long years of watching and waiting by the old veterans are unceremoniously, insolently, and unlawfully held for cancellation. The presumption in the law of evidence is that a witness is presumed to speak the truth. The Secretary of the Interior, however, acts upon the presumption that the old soldier has spoken falsely. The presumption of guilt and not of innocence is the order of the Department. He is punished before he is convicted. Many whose former witnesses have long since answered to the last roll call are required to resubmit proofs, and in the meanwhile are cruelly informed that the pension allowance which had been paid them for years shall be withheld until evidence, impossible to procure in many cases, is furnished. It is the well-earned boast of the Republican party that when it retired temporarily from power there was not an old Union soldier justly left in any almshouse of the nation. The same can not be said, I fear, when the present Administration shall take a long and involuntary departure from power, in which more zeal was manifested in interpreting, suspending, and repealing laws than in executing them.

#### THE REPUBLICAN PARTY THE FRIEND OF AMERICAN LABOR.

The Geary Chinese exclusion law had received the sanction of the Republican President, Mr. Harrison, and was on the statute books on the incoming of the present Administration. It was one of the laws which Mr. Cleveland had sworn to observe. It was a law in the interest of American labor. Its purpose was to protect the bona fide citizen of our country, especially he who toils by manual effort and strives to maintain honorable citizenship, comfortable home for wife and children, and who endeavors to upbuild the nation, and contributes to its



moral, social, and industrial development. It was a law in protection of the poor, of the plain people, as Lincoln loved to call them, as it guaranteed them an equal chance in the race of life, and repudiated the wretched and inhuman alternative of a slavish competition with the degraded coolie, whose condition and endurance enables him to maintain a struggle for existence unworthy a race fitted for the responsibilities, the aspirations, and the pride of American citizenship. Our people, thank God, are above and beyond the hereditary instincts, the squalid life, and the slavish subjection of the coolie laborer—the lowest strata of the 400,000,000 of the Chinese Empire.

In strange contrast is the present policy and practices of the present Administration toward American labor, when compared to the peerless record of the Republican Administration of Benjamin Harrison. The party of old Abe Lincoln did not falter in its pledges for the protection of American labor. Nor has the party since failed to proclaim and sustain the same principles.

This was among the declarations which the Republican national convention of 1888 submitted to the people for their approval:

We declare our hostility to the introduction into this country of foreign contract labor and of Chinese labor, and favor such immediate legislation as will exclude such labor from our shores.

The Geary law had no difficulty in obtaining the approval of President Harrison. Had he been reflected it would have been courageously enforced. The voice of the people would have been respected. The demands of American labor would have been observed.

Mr. CRAWFORD. If I understand the Geary law, it provides that the Chinese in this country at the time of the passage of that law, may register, and that that will prevent them from being disturbed further?

Mr. HERMANN. Yes, sir.

Mr. CRAWFORD. If that law had been executed, as you say it should have been, would that course have been approved by the people of the Pacific coast?

Mr. HERMANN. It would; because the purpose of the execution of the law is to exclude all those who are not entitled to remain. The registration was intended to ascertain those who were entitled to remain, but if they decline to register or to obtain certificates, it is absolutely impossible for us to distinguish those entitled to remain from those who are not.

Mr. CRAWFORD. Then if registration and not deportation was the object of the law, what harm can result from extending for six months the time for registration, so as to carry out the spirit of the law?

Mr. HERMANN. If the gentleman from North Carolina resided on the Pacific coast and was as well acquainted with the Chinese there and with their crafty methods as we are, he would know that they never intend to obey the law. We who were present there during the entire year which was given them for registration, know what they said and thought on the subject. We had consultations with them; we advised them to register; we explained the law to them and told them how utterly impossible it would be, so far as our judgment went, to get any extension of time if they did not avail themselves of the opportunity then granted by the law.

Mr. CRAWFORD. Then you think that if this extension was granted, you would be in the same position six months hence as you are in now?

Mr. HERMANN. I fear that we should be in the same situation that we are in to-day, with 85,000 people in this country, foreign subjects, who are only coolie laborers, treating our laws with contempt; and, so far as I am concerned, I do not propose that they shall longer have that opportunity.

#### A NEW INTERPRETER APPEARS.

The American Congress upon deliberation had passed the law, an American President had approved and signed the law, and the Supreme Court—the highest tribunal on earth—had declared it constitutional, but another power had not yet been consulted, until the illustrious Yang Yu had spoken. His protest was sufficient. A halt was called. The decree of the greatest nation must be held in abeyance in compliance with the imperious demand of the Mongolian representative. It may be rather a surprise to American citizens to learn that a new interpreter of American law exists. Yang Yu must be heard.

#### YANG YU IS VICTORIOUS.

We often hear of some people favoring a law, but opposing its execution. This is the present attitude of the Cleveland Administration, and was well illustrated recently in Portland, Oregon, where the farce of Chinese exclusion was played by the Administration. I quote from a local paper there:

#### THE GEARY LAW.

The Portland central labor council yesterday took steps to have the Geary law enforced here, in accordance with the late decisions of Judge Ross, of Los Angeles. A committee of four started out with the intention

of having several Chinamen arrested and deported forthwith. Their intentions were frustrated by indecision on the part of United States officials. United States Attorney Murphy, upon whom they called, first stated that his instructions would not allow him to proceed directly in the matter. Judge Bellinger, after listening to what they had to say, referred them back to Mr. Murphy, who advised them to apply to the United States commissioners. These gentlemen were then hunted up. Mr. Woodward referred them back to Mr. Murphy; Mr. Lamson, who is sick, referred them to the other commissioners, and Mr. Deady thought it would be foolish to proceed without funds and without the cooperation of the district attorney. It would seem as if there is but little prospect of the Geary law being enforced here for the present.

#### THE CHINESE DO NOT REQUEST EXTENSION.

Laws are enacted, Mr. Speaker, in response to popular demand or public necessity. Where is the demand, or where the necessity for further extension? The American people have not asked it. The Chinese Government gives no assurance that such a law if enacted would be obeyed; and since the wishes of Chinese authorities weigh so seriously upon the minds and consciences of the present Administration, surely, sir, some assurance should have been required that an extension law would be obeyed. Nor have the Chinese in the United themselves asked for another opportunity for registration. In my State there are 9,540 Chinese as per census, and not one of them has ever requested either my colleague or myself to favor an extension of time for registration.

California, Nevada, Idaho, Washington, Montana, and Colorado probably have an aggregate of 90,000 Chinese within their combined limits, and from these six States I venture to say not a single Chinaman has requested or petitioned this Congress or any individual member of it to favor an extension of time for registration.

Here I pause long enough to ask my distinguished friend from the Third district of California [Mr. HILBORN] whether any of all the Chinese among his constituents has ever requested him to use his influence to secure this extension of time?

Mr. HILBORN. I never heard of such a request being made.

Mr. HERMANN. And now I ask another distinguished Representative from California [Mr. LOUD], who represents a portion of San Francisco, and who has probably within his district not less than 45,000 of these people who, it is said, are oppressed and trampled upon—I ask him, the Representative of that district, who is here to take care of the interests of the people of his district—the interests of these Chinese as well as those of the whites—whether a single one of these so-called oppressed people has ever requested him to use his influence in favor of this relief?

Mr. LOUD. It is clearly apparent that no such request has ever been made. If it had been, it would have been presented to this House.

Mr. HERMANN. But, Mr. Speaker, it appears and will continue to appear by the evidence of every Representative on this floor from all the districts having a Chinese population, that not a single one of these people has ever requested this extension. Is it not singular, is it not remarkable, that if these people were so oppressed, if they were denied a lawful right of residence and protection in this country, they would not at least have written to some of us or would not have spoken to some of us as we passed them on the street day by day, or that some agent or attorney of theirs would not have communicated with us and indicated a request in this matter?

Mr. CANNON of California. As I do not wish a wrong impression to go out in reference to this matter so far as concerns my district—the Los Angeles district—I wish to say that I have been applied to by the agents of the Chinese in Los Angeles, and I have also received resolutions passed by the chamber of commerce asking me to assist in procuring this extension of time. However, I do not propose to vote in favor of it.

Mr. HERMANN. I will say to my friend it is very singular that the Chinese should have adopted the method of appealing to the chamber of commerce, or that they should have only used for this purpose their agents, who are financially interested in many ways in the nonenforcement of the laws and in having the Chinese remain here in order that they may contribute to their own financial prosperity. But I submit to the gentleman the question whether a single Chinaman—and there are many, I apprehend, in his district who can read and write—has written to him a request in favor of this extension, or personally asked him to support this proposition. I ask the gentleman whether such is the case?

Mr. CANNON of California. Personally, they have—one or two.

Mr. HERMANN. But one or two! And how many of these people are there in your district?

Mr. CANNON of California. I do not know—several thousand.

Mr. HERMANN. One or two in several thousand! And I venture to say that my distinguished friend from southern California [Mr. CANNON] is probably the only Representative from any State who has had even one or two of these 85,000 Mongolians

resident in this country ask him to secure this extension of time which is alleged to be so important and vital to their existence here in the United States.

The despotic Six Companies of San Francisco, which originally advised and assisted the unregistered Chinese to disobey the law and insolently defy its mandates—these companies have offered no assurance that they will counsel their slavish subjects to comply with the registration requirement. Neither the President nor any of the Departments of the Government have directly recommended an extension. Nor is it claimed that the exclusion law is unconstitutional since that question has now been decided by the Supreme Court. The United States district and circuit courts before which complaints have been filed under the law have in numerous cases held that Chinese laborers residing in the United States at the time of the passage of the law and failing to register as required, and no excuse being shown, must be deported from the country.

That is the law. Those are the decisions. It is the duty of the officers entrusted with the execution of the laws, under their oaths as officials of the United States, to see that the laws are impartially and efficiently enforced.

Judge Ross, of the United States district court for southern California, decided the law to be operative and ordered its enforcement. Judges McKenna and Morrow have also concurred with Judge Ross in his interpretation of the law.

#### AMPLE NOTICE GIVEN.

Congress has at different times and in various ways indicated the wishes of the American people as to the exclusion of this undesirable element in our population. First was the original law of May 6, 1882, and of September 13, 1888; then the act of May 5, 1892; then in the act of August 5, 1892, appropriating money to enforce the law, and still later by the act of March 3, 1893, making a similar appropriation for the same purpose.

While these several legislative acts show unmistakably the purpose and intention of Congress, they also proclaim the same in plain language to every Chinaman in the United States. Read the one law of appropriation alone, as found in the Statutes at Large:

Enforcement of the Chinese exclusion act: To prevent the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and the actual expense of the conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the act approved May 5, 1892, entitled, "An act to prohibit the coming of Chinese persons into the United States," §100,000.

For over a year these various laws have been published and sent out to the entire country, and they have especially found circulation among the Chinese; so that it can not be said that they have had in the slightest degree any lack of knowledge as to the mandate of the American people.

This, with subsequent legislation and with the wide publicity given it by the public press of the country, invited the attention of all persons interested in it. The law afforded ample time for all persons coming under its provisions to comply with it. One whole year's time was given. Nor was this all. Further notice was given. Collectors and deputies were required to notify leading Chinese of the law, "or by notices posted in the Chinese quarters of the various localities" giving information of the time and place where applications could be made for certificates of residence, and no charge or expense was imposed upon the applicant. All were informed that May 5, 1893, was the last day for registration.

#### REGISTRATION IMPOSED NO INCONVENIENCE.

Nor can it be said that impossible or unreasonable conditions were exacted by the law. The applicant was required merely to show by two credible witnesses as to his residence in the United States on the 5th day of May, 1892, and as to his occupation.

Was there any harm in that? Did that inflict any injury upon these people? Would it have been of any particular ill consequence to them at present or in future years had they registered? Americans in China, outside of the five treaty ports, must obtain a certificate. Why not Chinese here? Would it not have been a decided benefit? It was all advantage and no disadvantage. The better class, amounting to 13,243, did obey the law and apply for certificates. I characterize these as the better class, because they did respect the law.

It is conceded that the utmost fairness was practiced, and no instance in all the United States is shown of any obstacle in the way to the fullest, freest, and unrestricted enjoyment of the privilege thus given every qualified Chinaman to assert his right to remain in this country if he had so desired. Of the 106,688 Chinese in the United States as reported by the census of 1890, only 13,243 made application for registration, and although months have elapsed since the time expired not a Chinaman has yet been deported from this country, and to-day 93,445 of these

unlawful residents stand by and, in full face of the law and of the authorities, impudently defy the well-considered and lawful edict of the nation. Is it at all surprising that ill-tempered, impatient and lawless people are found in different localities who violate the laws of the land, and forcibly attempt to deport the aliens who themselves refuse to obey the laws, or that the governor of a great sovereign State should earnestly protest? I find the following in a city paper:

Gov. Markham, of California, has sent a letter to Secretary Gresham saying that if the Geary law is not enforced an outbreak against the Chinese may occur in California at any moment. He promises to do all in his power to keep the peace, but says he will not be responsible if the Government persists in not enforcing the law.

Such acts of violence are not only not approved, but are condemned by all order-loving citizens; but in view of the Chinese defiance of the law and of our own authorities refusing to enforce it, I say, sir, that some responsibility attaches to other classes as well as to the reckless element among our own people. This is a legitimate fruit. Failure to enforce any law only encourages the lawless to violate all laws. It can not be asserted that any intimidation was used to prevent registration. It was a purely voluntary act on the part of the Chinese. It is to be presumed that those who desired to remain in this country, and who were entitled did register, and that those not desiring to remain did not register, but are here in defiance of the law. Even now, unregistered and presumably in contempt, as many are, they may still save themselves from deportation by establishing to the satisfaction of the judge before whom taken that they have been unable to procure the certificate required "by reason of accident, sickness, or other unavoidable cause," and by at least one credible white witness that they were residents of the United States at the time of the passage of the act. Such proof is within the power of anyone if he desires and is entitled to utilize it.

Can it be said that this is not merciful? Can it be said that all possible hope of relief for them has passed and gone when such a humane provision as this still exists on our statute books for the relief of those who were unavoidably prevented, but who desire to avail themselves of it? The courts are open to them; it is therefore apparent to any mind that the refusal to register is due to a dogged, a persistent, and a malignant disposition to treat with contempt the laws of the country. They are unlawfully here, and contrary to the law which provides in these words:

And any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who after one year from the passage hereof shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested.

Can any law be clearer than this?

Then the duty is imposed upon "any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies," to arrest and take him before a United States judge, "whose duty it shall be to order that he be deported from the United States." Can there be any misapprehension as to this? The first duties are now not performed because of an order to the officials named, from the Treasury Department, "to refrain from making arrests until further orders and instructions from this Department."

I dwell again upon this. What authority, what right, has the Department to say that this grave and solemn act of the representatives of the American people should not be enforced until authority has come from "this Department"?

The Department of Justice also attempted in like manner to prevent the judges from performing their duty under the law to order the deportation from the United States, but this impertinence was severely rebuked when it was exercised upon Judge Ross, of the United States district court for Southern California, who exposed the flimsy pretense of the Attorney-General for evading the law. When the case of Chum Shang Yuen was called for hearing a telegram from the Attorney-General was read which stated there were no funds to execute the Geary law, and requesting Judge Ross to discharge the Chinaman. The judge in his decision says—I ask the Clerk to read this extract from the decision of Judge Ross in considering this case, and I hope the House will give its attention while it is being read.

The Clerk read as follows:

But information conveyed to the court through the Attorney-General is not that there are no funds available for the execution of the Geary act, but that "there are no funds to execute the Geary law so far as the same provides for the deportation of Chinamen who have not procured certificates of residence." That portion of the Geary act requiring such certificates to be procured is the sixth section, and its validity having been sustained by the Supreme Court in the case of Fong Yue Ting vs. The United States, it is as much a part of the Geary law as any other part of it. Any Chinese laborer violating its provisions, and thereafter remaining in this country, is as much unlawfully here as if he smuggled himself into the country contrary to other provisions of the statute, for the simple reason that in each case the existing law makes the act unlawful. The violator of each is subject to deportation, and equally so. No distinction can be legally made between the offenders, and I can see no valid ground for withholding a warrant for the arrest of any person properly charged with the violation of any provisions of the law



in question, nor for denying an order for deportation of any such persons proved, upon a hearing, to have violated the law, in the absence of judicial knowledge that the Department of the Government charged with the duty of executing its provisions is not provided with the necessary funds with which to execute such order.

That information, as has been said, is not conveyed by the communication from the Attorney-General. On the contrary, the clear inference drawn from it is that there are funds available for the execution of the Geary law, other than its sixth section. The distinction thus attempted to be drawn between the different offenses denounced by the statute is, in my judgment, without authority of law, and my sense of duty obliges me to disregard it.

Mr. HERMANN. The Administration, in excusing its suspension of the law, claims that it has no money to execute the provision as to Chinese laborers declining to register, but has money to deport those only who smuggle themselves in. The court very properly reminds the Government that Congress did not appropriate the money to execute one part of the law. The language of the law is: "and for the expenses of returning to China all Chinese persons found to be unlawfully in the United States," "and for enforcing the provisions of the act approved May 5, 1892." This is the Geary act, the whole of the act, and no particular part of it. But it is a fact that on September 3d last, the Secretary of the Treasury did notify the Attorney-General that there was \$17,000 which he could draw in order to enforce the very section which it is now claimed can not be enforced, because there is no money.

Had there been an honest effort manifested to execute the law, even as to the expenditure of \$5,000 or less, it would have proclaimed to the Chinese that the law was made to be enforced, and they would no longer have defied the law. No further appropriation would have been necessary. Those not entitled to remain would have left at their own expense.

#### CHINA WILL NOT RETALIATE.

But it is insisted that the Chinese minister Yang Yu has vigorously protested against the enforcement of the law, and has coupled his protest with an intimation that in the event of such action his government would no longer assume responsibility for the future safety of Americans in Chinese territory. This leads us to inquire how serious this may be. What number of Americans are in China? Who are they, and how are they distributed? Answering the first question, it can be said that they do not exceed 1,022 in the whole Chinese Empire. Of these, 506 are missionaries, 28 are diplomatic and consular officers, about 300 are women and children, 73 are sailors. There are only 23 merchants in all China. There are no American laborers in China. Few as they are only the best element of our people visit that country. We send no coolies, high binders, paupers, and contract laborers there. As against 1,022 of our people in China there are 106,888 of that people here.

How insolent, then, the covert threat that China will retaliate upon the 1000 American residents should we deport the unregistered coolies now here. It is the more insolent as well as ungrateful in view of the fact that there will still remain over 13,000 registered Chinese laborers and perhaps an equal number who claim to be merchants, artisans, etc.; and it is still more arrogant in view of our continuing the privilege of entrance to all Chinese not laborers. No class of Chinese other than laborers are prohibited from coming here. The same class of Chinese can hereafter come as of Americans who really go to China now. Beyond the five treaty ports no American can travel in China, unless upon certificate limited to twelve months. Our registration system is not so restrictive as this.

Chinese laborers are excluded pursuant to treaty authority entered into with China in 1880, and this only the more emphasizes the absurd protest of the Chinese minister and his bombastic tirade upon the legislation of this Congress. This treaty provision is in the following language:

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

It has been demonstrated that the coming of these Chinese laborers "affects the interests of this country," and in many cases it has "endangered the good order" also, and hence the legislation enacted providing for the suspension of Chinese coming and residence is within the treaty with China, and should be obeyed whether it meets the royal pleasure of the Chinese Government, its officious minister, or the disobedient Chinese subjects here.

#### OUR TRADE RELATIONS.

It is also argued by others that our policy of exclusion will arouse such antagonism on the part of China as will prompt that Government to sunder her trade relations with us. This, perhaps, is the least consequence of all, as is apparent by a ref-

erence to the present commerce between the Chinese and the Americans. Our exports to China proper for the last year did not exceed \$3,900,457, while our imports from China amounted to \$20,636,563 for the same period, as shown by the following statistics:

Year.	Imports from—		Exports to—	
	China.	Hongkong.	China.	Hongkong.
1890	\$16,260,471	\$902,735	\$2,943,790	\$4,434,641
1891	19,321,850	563,275	8,700,318	4,743,408
1892	20,488,291	763,323	5,663,479	4,887,350
1893	20,636,563	878,078	3,900,457	4,216,602

Hongkong being under English jurisdiction, the statistics are given merely as a matter of interest.

In other words, we buy from China \$16,736,106 of commodities in excess of what China buys from us. Is it very likely that those crafty people will hastily surrender a traffic of such value and such extent as this?

And this leads me particularly to comment on the position taken by the gentleman from Massachusetts [Mr. MORSE], on yesterday, who dwelt largely on the necessity for extending the time as this bill proposes for the reason that a failure to do so would result, in his judgment, in disaster to the extent that China would sunder her commercial relations with us, and we would be deprived thereby of the amount of silk, teas, and other commodities which we purchase annually from China. It will be interesting to him to learn that our exports to China last year did not exceed \$3,900,000, while our imports amounted to \$20,636,563 or five times as much as the commerce going from the United States to China; the Chinese products finding here an entrance into the richest and best markets in the world, while less than four millions of our commodities were exported into the China markets during that time. I wish to remind him that the greatest injury will be done to China by such an act on her part.

Mr. MORSE. Will the gentleman allow me an interruption?  
Mr. HERMANN. Certainly.

Mr. MORSE. The gentleman will understand the measure of the injury done by the sundering of all commercial intercourse with us can not be determined exactly in that way. There are other reasons that make this consideration a very serious one. Certainly we can not buy tea anywhere else except in small quantities, China being about the only country from which it is obtained, and we can not buy raw silk, which is the raw material for the manufacture of silk, except from China, and a great and a serious injury would be done to the silk business by a policy of nonintercourse.

Mr. HERMANN. I do not think there is any apprehension of danger on that score. A race of people so desirous of trading, of selling their own commodities, and extending their markets will not willingly be deterred from coming to such a rich market as this or be driven out of it by any such consideration as this bill presents. But, sir, if the gentleman's fears should be realized, I do not hesitate to say that for one I should freely forego both the silk and the tea rather than suffer the continuance of Chinese immigration, and the alternative of degradation and cheap labor among my own people. We can, however, produce our own silk, and we can obtain tea elsewhere. The silk we can do without, if necessary. It is a luxury.

Mr. WILLIAM A. STONE. Will the gentleman yield to me for an interruption?

Mr. HERMANN. Certainly.

Mr. WILLIAM A. STONE. You say that in your judgment the Chinese will not register even if this resolution were passed extending the time. If so, what harm can come from its passage?

Mr. HERMANN. A great deal of harm. It presents a dangerous precedent. It also encourages a contempt of the laws that you and I, sir, are concerned as legislators to make, and as citizens to observe. It is certainly not a refreshing scene to any American citizen to behold 85,000 alien people, contract laborers, subjects of another country, who do not desire to obtain the benefits of American citizenship, who do not affiliate or assimilate with us in the least degree, standing on the street corners, folding their arms and laughing at our officials, claiming that we can not enforce our own laws after we have promulgated them. If we were assured that the law would be complied with, or respected if it were enacted, I should favor a sufficient extension. But we have no such assurance.

Mr. WILLIAM A. STONE. Let me ask the gentleman, then, if this resolution now presented and under consideration is not in pursuance of a request from the Chinese minister? Are the Chinese themselves not asking for it?

Mr. HERMANN. I will say to the gentleman that I have no knowledge of any such request made officially to the Department

of State or to Congress. In the second place, I do not consider it the province of the Chinese minister or any foreign representative to dictate, in the guise of a request or otherwise, to American Representatives as to what legislation shall be passed in the interests of any people. It is the duty of the Chinese minister to know the laws of this country, and then it should be his duty to encourage his people residing here to obey them.

Mr. STOCKDALE. And is it not true that he has no authority to bind his own Government to anything?

Mr. HERMANN. I should naturally presume so; I will say to my friend from Mississippi.

Mr. WILLIAM A. STONE. I voted for the Geary act because it seemed to me to permit those Chinamen already in this country who have, to a certain extent, fitted into places here by registration to remain. Now, this resolution for extending the time of registration if passed, as I understand it, will only permit them to do what they could do under the original bill. Is it not so?

Mr. HERMANN. Yes, sir; for six months' time.

Mr. WILLIAM A. STONE. Now, inasmuch as they have failed to comply with the original law and take advantage of its provisions because of advice given them by their attorneys, which has been proven wrong, is it any more than a reasonable suggestion to allow them a short time longer to do what they could have done under the original act?

Mr. HERMANN. In answering the gentleman from Pennsylvania in the humane spirit he asks his question, I say, if I were myself convinced that the Chinese who will be interdicted in the event of the positive enforcement of the exclusion act would take advantage of this provision, if that class of people sincerely desired or asked for the extension and assured us that they would obey the law and not deceive us as they have done heretofore, I for one would feel warranted in voting for the passage of this bill extending the time. But, representing as I do 9,400 Chinese residing in my State, I say to the House and to the country that not a single one has requested me to vote for this measure for any reason, humane or otherwise, to give them this additional privilege and right.

Mr. BOWERS of California. Will the gentleman allow me to ask him a question?

Mr. HERMANN. Yes.

Mr. BOWERS of California. I want to ask the gentleman if he has, ever since he has been in this Chamber, had any propositions come from any member of the House for the suspension of a law for the benefit of any American citizen because he had been deceived by a lawyer?

Mr. HERMANN. Never. And I answer further, that the gentleman not being in the room, he has escaped my interrogatories to his colleagues; and their answers have been the same as would have been returned by him. Not a single Chinaman, they answer, has ever requested the extension of this law except in one or two instances. The gentleman from California [Mr. CANNON] informs me that one or two of the many thousand of the Chinese who are residents of his district have expressed such a desire.

Mr. BOWERS of California. What I want to get at is, shall we apply a new rule? Shall it be held a good and substantial reason for refusing to execute a law because the people affected by the law have been deceived by some lawyers? Was that reason ever urged when an American citizen had been deceived by the advice of a lawyer?

Mr. HERMANN. No, I think not. The maxim is that every person is presumed to know the law. To relax or suspend the law upon the plea of ignorance would indeed be a most dangerous practice. But as a matter of fact the Chinese know the law.

Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him a question?

Mr. HERMANN. Yes.

Mr. WILLIAM A. STONE. I have great sympathy with the people on the Pacific coast. I want to submit this question, however. In view of the fact that these Chinese have refused to register, do not you think the Pacific coast could get rid of them a good deal better and easier if this extension were passed than they would by undertaking to deport them without it?

Mr. HERMANN. I believe the difficulties will be ten thousand times greater in that event than they are at the present time, because it will only encourage those who are here to believe that, the law having been violated in one instance, it can be violated again. Secondly, I desire to say to my friends that the Chinamen who are here and who are entitled to remain in the United States have their remedy under the law. They can show by credible witnesses before the courts that they were in the country on the 5th of May, 1892, and are entitled to remain in the United States, and they will be permitted to remain here. They must show, however, that by sickness or unavoidable accident they were prevented from registering within the time. My friend from Pennsylvania is an able lawyer, and knows the latitude given by courts to such an exception.

Mr. DOOLITTLE. Do you not know this to be true, that the fact that the law has not been enforced has resulted in the encouragement of the smuggling of Chinamen across the British Columbia line into the United States, and that hundreds of these men are being smuggled in every week while the operation of this law is being suspended, and that the Chinamen in the United States are encouraging that smuggling, in subversion of all law?

Mr. HERMANN. I will comment later upon that, with regard to the smuggling across the British and Mexican borders. I am glad, however, that my friend from Washington has so strongly emphasized this shade of the Chinese frauds, since his district adjoins British Columbia, and none are better acquainted with the subject than the gentleman himself, who is a true friend to labor, and ready to avow it.

Mr. WILLIAM A. STONE. Do the people of the Pacific coast simply want to stop further Chinese immigration, or, not contented with that, do they wish to deport those who are here already?

Mr. HERMANN. Primarily they want to stop the coming of Chinese laborers into the United States. Secondly, they feel that ample time having been given these people, and they not having availed themselves of that time, it is prima facie evidence that they intend to treat our laws with contempt, and to dilly-dally with and defy our further legislation, as they have the legislation of the past. Thirdly, the necessity of deporting those now here who are without the evidence of their right to remain, arises from the fact that every day's delay in deportation only adds to an increase of unlawful arrivals across the British and Mexican lines, who when once in can not be identified from those previously here who declined to obtain certificates. There is an impression among the Chinese in the United States that the exclusion law will not or can not be enforced.

The extension of time will only confirm them in their present opinion. Hence I insist that no extension should be allowed until the assurance is submitted by the Six Companies, or other authority entitled to speak, that an extension law would be obeyed.

Now, Mr. Speaker, referring again to what I was saying when interrupted, I ask, is it likely that 1,000 Americans will be exported from China while 26,000 Chinese are residents of the United States and claiming protection of its laws? Thus it can be seen that China is not in a position nor is it to her interest to quarrel with the United States because we are determined to exclude from our fair Republic the wretched beings who would soon overrun every avenue of toil and drive out or into destitution our own bread-winners.

But let China do as she may, we are here to protect our own interests as well as our own honor. We are not legislating for China. I confess, however, that at present it does seem that while we are making laws for America we are really enforcing them for China.

#### FREE TRADERS UNFRIENDLY TO AMERICAN LABOR.

This tempts me to say that Republicans are not surprised at this foreign leaning of the present party in power. They admonished the country in the last campaign that the tendencies of that party was toward free trade, which means the encouragement of foreign labor over American labor and a recognition of the superiority of foreign products over those of our own people.

What special difference does it make to the American labor market whether articles of consumption are produced by coolie or other cheap alien labor here on our own soil, or upon the soil of Europe, Asia, and Africa, or the islands of the sea, and then transported here free of any tax or duty, and permitted to compete with like articles produced by our own people? The result is the same. And yet it is incomprehensible that so many of the American laborers and labor unions will on election day shout themselves hoarse for a party which openly boasts that it will legislate for a tariff for revenue only. Do they not reflect that they are opening the dikes, that they are spiking their own guns, that they are burning their own bridges, and starting a prairie fire which in the end is to destroy their own sustenance, and to abandon the contest to the ryot of India, the serf of Russia, the coolie of China, and the eager horde of Europe.

Those who were so indifferent to their own protection as to have voted for a party so partial to foreign interests can now see in the change they have wrought the exact result. If free coolie products should be encouraged to come here, why not the free coolie himself? The one competes with American labor as well as the other. In this sense the present Administration is perfectly consistent. It will admit the producer as well as the product. A change was wanted, and behold it has come!

#### THE PRESENT EXCLUSION LAW IS A FAILURE.

The entire system of our exclusion legislation is a delusion. The purpose is all right, but the end is impracticable. Taking it all in all it is a farce. We have assumed the Chinese entrance



to be by sea, and through our various ports and inlets, and we have devoted our attention to guarding these avenues through our revenue officials.

We have forgotten that to the north of us is the British Columbia boundary 3,000 miles long, while to the south of us is the Mexican boundary of nearly 2,000 miles in length. Into British Columbia the Chinaman enters freely upon payment of a \$50 capita tax, while into Mexico he enters without any restriction. From the north as well as the south he makes his incursions among us through thousands of avenues. If discovered and sent back he soon returns by another route. Mr. Tingle, supervising special agent of the Treasury Department, said in his testimony before the Appropriation Committee two years ago:

If they come from Mexico they must be sent back to Mexico. They go back to Mexico and immediately return to this country.

The same thing is true in reference to British Columbia. The deep forest, the mountain gorge, the arid plain, the river, and the lake, by day or by night, offer innumerable means of access, and when once here the intruder is lost in his intermingling among his numerous countrymen and confederates, the one indistinguishable from the other.

It is physically impossible for our limited force of inspectors to police the long lines of frontier. To patrol such distances would require an army of officials, and an annual appropriation of millions of money.

To ferret out and detect the clandestine arrivals is impossible with the present system of certificates and registration. This should be supplemented by the photograph of the certificate-holder. This identification would prevent much fraud and perjury now successfully resorted to in order to evade the law.

The law should be strengthened wherever found defective, and then it should be fearlessly enforced. It was not made for jest, but to be executed. If it is not to be then let us be candid to each other, let it be repealed. We only bring all laws in disrepute when we knowingly and for a purpose decline to respect any one. In the name of justice, in the name of labor in the name of the law, let the present law be strengthened and enforced.

#### HONORABLE SELF-PRESERVATION A NATIONAL DUTY.

Mr. Joseph Powderly, in his report to the Secretary of the Treasury on the enforcement of alien contract labor laws, says:

If the intending immigrant has not the means wherewith to carry him beyond the already congested labor market, or whose intention in coming here is to compete with the American workmen in the mines and factories, and by the closest economy and meanest way of living, saving in a few years a couple of hundred dollars and then returning to his own country, he is not a desirable acquisition and some plan should be adopted which would prevent this being done and save the American workmen from competition with this class.

That this kind of competition is ruinous to the workmen and a menace to the community is plain to the most casual observer. Go to the coal fields of Pennsylvania and see the towns and villages which before the advent of this foreign horde were inhabited with native or naturalized American-loving and American-speaking people, the object of the husband and father being to earn sufficient to provide a home for his wife and family, to educate his children and to teach them to love and reverence the American institutions.

These observations could have included the Chinese coolie on the Pacific coast as well as the anarchist and contract laborer of the East.

It should be a cardinal doctrine with us all that labor will be sold too cheap in America when its products are sold cheaper than Americans can produce them. The principle represented in this issue is not so much a contest against the Chinese coolie as such as it is an embodiment of the great struggle in recognition of the rights and dignity of American labor. In one form it is a repetition of the old war of free against slave labor. These Chinese coolies are contract laborers. They are different from any other race or nationality which seeks our shores. They are from first to last bound in their allegiance to a foreign power. They do not intend and do not desire to change their allegiance. They are not here for the establishment of homes and the upbuilding and perpetuity of our nation; they have no such ambition. They are here solely as competitors to American labor. What they earn they take away and leave nothing in its place. The 106,000 Chinamen in the United States take the place of 106,000 American laborers, who have families to maintain and homes to establish, and who pay taxes and contribute to governmental support.

The progress of American civilization has decreed that the Asiatic tide shall recede. The limit of endurance has at last been reached. Sir, the destiny of this nation is based on a higher scale. It recognizes the fact that it is not alone area, or towering battlements, or lofty mountains, or wide-spreading plains, that make the state. It is men, noble, aspiring, liberty-loving, law-abiding men, that makes the enduring state. Cheap labor makes cheap men, and cheap men make inferior nations. The exclusion of the Mongolian is a patriotic duty. The time has now come, sir, in our history that we are admonished to provide just restrictions as to all immigration. If the liberty and the union of these States shall again be imperiled it will be from

the anarchistic, the unlicensed, the lawless, the debased, and the irresponsible rabble from other lands. Let us, as the representatives of the people, from the lookout on this Capitol discern the danger signals from afar, and so legislate that the American fireside, American purity, American labor, and the integrity of the nation shall be sacredly preserved from the incendiary influence of the lawless or the mercenary attraction of cheap alien labor, as well as from the corrupting temptations of corporate power and aggregated wealth.

The noblest inspiration of a worthy people is honorable self-preservation. As the Holy Writ sayeth, "He that provideth not for his own household is worse than an infidel."

The mission of the Republican party years, years ago was dedicated to the cause of labor. It found four millions of wage-earners in bondage and it made them free. It destroyed American slave labor, and it is now sworn to see that foreign slave labor shall not destroy us. It is this devotion to the cause of liberty and unfettered toil that has made the American people dread no master, fear no king, and kneel to none but their God. [Applause.]

During the delivery of the foregoing remarks, the time of Mr. HERMANN having expired, by unanimous consent it was extended, to allow him to complete them.

#### LIBRARY PRIVILEGE TO THE JUSTICES OF THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* (Mr. O'NEIL of Massachusetts in the chair). The other day the Senate joint resolution 33 was referred to the Committee on the Library, but inadvertently marked "passed," and sent over to the Senate in that way. The Chair will lay before the House a resolution asking that the joint resolution be returned.

The Clerk read as follows:

*Resolved*, That the Senate be requested to return to the House, Senate joint resolution No. 33, authorizing the Joint Committee on the Library to grant the privilege of drawing books from the Library to the chief justice and associate and justices of the court of appeals of the District of Columbia.

The resolution was agreed to.

#### CHINESE EXCLUSION ACT.

Mr. SIBLEY. Mr. Speaker, perhaps a residence for several winters in California will be ample justification for my participation in this debate. Such winter residence there has given me some familiarity with the Chinese question as affecting that portion of this continent; and such knowledge has been ample to cause me to take the negative side of the question introduced by the distinguished statesman, the gentleman from Kentucky [Mr. MCCREARY]. I honor the gentleman for his eloquence, for his logic, for his wisdom, and for those qualities which have made him known not alone to Americans, but to the circle of statesmen of foreign nations; and it seems singular to me that in this hour of his career as a statesman, in the zenith of his powers, he should, like the Psalmist of old, who, after he had experienced many of the mutations of human existence and reflected upon his position, announced himself in these terms: "Thou hast kept me, O Lord, to be the head of the heathen." [Laughter.] And this gentleman, standing in defense of the measure which bears his name, seems to me to be acting more in the nature of an attorney in the case than one who speaks from the highest conceptions of pure patriotism. The gentleman has spoken of the Huguenots, and their expulsion from France. He has spoken of the expulsion of the Jews from Russia and England, and has compared such expulsion with the measure known as the Gentry exclusion act.

Mr. Speaker, in reading the history of that marvelous people known as the Huguenots, who were the first people of France to stand for republican institutions, to stand for liberty of thought and action and liberty of conscience, who were the first democrats of France, I think it manifestly unfair to compare this people with the Chinese. Like those people, who, taking their doctrines from Calvin, have, through their descendants, enlightened and embellished the history of each successive age down to the present moment, to the Chinese!

I think, Mr. Speaker, it is unfair to cite the Jewish people and compare that race with their marvelous attainments in every field of human endeavor, to the question at issue in this hour. In the first dawn of history appears the Jew. Jewish civilization was the earliest and highest type of civilization of which we have any history. They were the architects, the leaders, the poets, the warriors of ancient days. Even that code of laws under which we all claim freedom and justice, that are placed upon our statute books to-day, comes from the marvelous leader and lawgiver of that race. They have embellished the history of every nation; and to cite their expulsion from Russia or from England as one of similar character to that of the Chinese, I think is unfair to that glorious race. Persecuted and oppressed, they have maintained their integrity as a race, have

contributed to the literature, art, prosperity, and wealth of every nation; who through thrift, frugality, and exercise of benevolence, have the right to make the proud boast that none of their poor are occupants of almshouses; that race from which sprung Him through whom we all hope, who bear the title of Christians, for future salvation. I do not think it respectful to institute comparisons of this character. Such "comparisons are odious."

Mr. Speaker, the gentleman cited repeatedly the decision of a minority of the Supreme Court, and I then asked him a question, which he told me was unparliamentary, and I believe it was, but I asked him if he argued that for the purpose of showing that the minority was generally correct. I supposed that in America the majority rules. The minority of this House submitted to the will of the majority upon the silver question. It was a terrible thing for us to submit to, because we believed it involved the happiness of 67,000,000 of freemen, but we submitted because the majority declared their will. The minority of the Supreme Court has declared their opinion that this law is unconstitutional, and therefore we are asked to wipe it out. Now, then, the only ground on which I can see that that should be argued is the old plea that "the truth always lies with the minority." That will prove a source of great consolation to us who are in the minority on the silver question, and prove an inspiration to the friends of that truth until it shall have its triumphant establishment.

I know that my friend from Kentucky is too eminent a lawyer to believe that the plea he makes for the violation of this law is an ample reason for its annulment. I do not think he would take any case into a court and say, "May it please your honor, my client did not believe this law was constitutional; therefore he disobeyed it, and is liable to go to the penitentiary." Why, the court would rule him out at once.

Mr. MCCREARY of Kentucky. Will my friend from Pennsylvania allow me to interrupt him?

Mr. SIBLEY. Yes; I have only fifteen minutes time, and I have used a great deal of that.

Mr. MCCREARY of Kentucky. I did not have the pleasure to hear the first of the gentleman's speech, as I have just come in. I never said that the violation of this law made it necessary for its annulment; I simply said that I am an earnest supporter of the Geary act, and I want to see it enforced. I have said that I am in favor of extending the time six months in which the Chinese may register, because they were misled by the advice of Carter, Choate, and Ashton, three eminent lawyers. I think that is a sufficient reason why they should be granted this additional six months.

I believe most of them will register, and I want to save the expenditure of millions of dollars to the United States. If they do not register in this six months, if you will give them the opportunity, then I will join with you and all men to have them deported; but I believe it is fair that they should have this time, because by the advice of their lawyers and others there were grounds for being misled, because in the opinion of the Supreme Court five held it constitutional and three held it was unconstitutional, and Justice Harlan was in Europe.

All I desire to do is not to annul the law, but to make it more effective.

Mr. SIBLEY. I am sure, Mr. Speaker, that the distinguished jurist and statesman from Kentucky would not hold in the case of an American citizen that it was a good defense or a good justification for the violation of the law to come before the court or before the lawmaking body and say that some attorney had told him that the law was not constitutional, and therefore he had not obeyed it.

Mr. MCCREARY of Kentucky. Does not the gentleman know that in equity, at least, mistakes can be corrected, and if these men made a mistake should not they have time and opportunity to correct it?

Mr. SIBLEY. In answer to the gentleman, I will say that there are thousands of men to-day in the penitentiaries who realize that they have made mistakes. [Laughter.]

Mr. BAILEY. If my friend from Pennsylvania, inasmuch as he is not a lawyer, will permit me to contribute to his answer, I will say that a mistake in law can not be corrected in equity.

Mr. MCCREARY of Kentucky. The gentleman from Texas will not deny that a mistake of law and fact can be corrected in equity.

Mr. BAILEY. A mistake of law inseparably connected with a mistake of fact may sometimes be corrected in equity, but a naked mistake of law never can; and in this case there is no mistake as to the fact.

Mr. SIBLEY. Mr. Speaker, I am willing to grant under the law the same rights and privileges to the Chinaman that I claim for an American citizen, but when a plea will not serve for a natural-born or a naturalized citizen to justify his violation of a law, I think it is straining matters a good deal to make that

plea available for an alien, and so to place him above the law which controls American citizens.

I have seen in an editorial in the Washington Post that the Geary law and the first Chinese expulsion law were framed for the sake of political partisan success, and that the first law was so gotten up by a distinguished gentleman whom I have the honor to succeed as a Representative in this Hall, the late Hon. William L. Scott. That honored citizen and statesman, now deceased, has been charged with demagogy, and with a desire to build up the Democratic party by the perpetration of injustice. Mr. Speaker, that gentleman whose name is coupled with the law of 1888 never stooped to demagogy, and this is the first time I have ever heard of any man charging him with it.

William L. Scott, as a member of this House and as a private citizen, always set public duty above party success, and that man does not know him who would charge him with doing an injustice to a hundred thousand men for the sake of party success. He was known and loved, and to-day his memory is held dear and sacred by thousands at his home, because his heart always beat responsive to the wants of those who toiled for a livelihood. He advocated the law which bears his name, because he loved America more than he loved other nations, and because he believed it was due not alone to the people of the Pacific Slope, but to the workingmen of the East as well, and his name and fame needs no defense from me. The gentleman from Illinois [Mr. HITT] on the day before yesterday, as I read in the RECORD, suggested that this whole matter had better be referred to an international conference with England.

Mr. Speaker, it is a remarkable fact that whenever the Democratic party gets into any trouble there is always some man ready to jump up on this floor and propose an international agreement! [Laughter.] Why, sir, this nation is more than twenty-one years old, and has attained its majority. It celebrated its centennial birthday away back in 1876, yet to-day there can hardly be a measure proposed here that some gentleman afflicted with acute Anglophobia will not jump up and propose an international agreement!

Mr. Speaker, James Russell Lowell—and I wish there had been more James Russell Lowells—I will forgive my Massachusetts friends for a great many of the mistakes they make because of having given us so grand an exponent of humanity as Lowell. James Russell Lowell went over to England and was introduced to Tennyson at one of their court dinners and Mr. Tennyson drew himself up and drawled: "Ah, this is Mr. Lowell, I believe." Mr. Lowell replied, "Yes, sir." "Ah, Mr. Lowell, you write—some poetry I believe." Mr. Lowell modestly said, yes, that he had written some poetry. Mr. Tennyson said: "Ah, but do you know—that over here in England—we don't care—much—about—your—American poetry." And Mr. Lowell straightened himself up and said: "Do you know, sir, that over in America we don't care a damn what you think about our poetry?" [Laughter.] "Hoot, hoot, the mon's a genius, the mon's a genius," said Tennyson, and from that moment Tennyson became the most ardent friend and admirer of Mr. Lowell.

Now, when we go a little bit further here and say that we do not care a blank what England thinks about our financial system or our conduct of foreign or domestic affairs, we shall come a little nearer to exercising that independence which our forefathers possessed, and of which we are sadly in need to-day. The fear of England! I trust that in this House and all over this nation there are plenty of people who neither fear her frowns nor are willing to fawn for her favors.

Mr. Speaker, we have heard a great deal about humanity and Christianity here, and a good deal of it has come from New England. New England gives us a good many grand things. She gives us grand sermons on humanity, and yet I believe it was in Massachusetts, down at North Adams, that they tried to start up their shoe factories with Chinamen. Was that done in the interests of humanity and Christianity? Or was it done in the interests of the mighty dollar, because they could employ those people cheaper than they could employ American citizens? The same greed for gold dominates the financial policy of this nation to-day, and leads to legislation that has wiped out and stifled our American sentiment and is dragging our people down toward serfdom.

The plague of gold strikes far and near,  
And deep and strong it enters;  
Our thoughts grow blank, our words grow strange,  
We cheer the pale gold diggers,—  
Each soul is worth so much on change,  
And marked, like sheep, with figures.

I set no value upon that namby-pamby sentimentalism which talks about humanity and Christianity, but will not reach out a helping hand to the suffering fellow-man at its side, but is ready to send ulster overcoats to the inhabitants of tropical Africa; which sends presents of books and flowers to the condemned felon



in [his cell, but has no care for his victims though they may be in distress and want.

The gentleman says that under this act he thinks at least 85,000 will register. I do not want them to register. I know today there are 2,000,000 and more of American workingmen who are without opportunities to obtain by their toil daily bread for the maintenance of their families. It is said that there are 106,000 of these Chinese in this nation. I believe firmly there are over 200,000. There were 106,000 by the census; but the Chinese Six Companies gave forth their edict that these people must not be enumerated if it could possibly be avoided. If these people were not here it would mean that 100,000 workingmen, Americans, would have the opportunity through the coming winter to obtain the fruits and rewards of labor; that 500,000 people—men, women, and children—would have the opportunity to eat the bread of such American workingmen.

[Here the hammer fell.]

Mr. MCCREARY of Kentucky. I ask that the time of my friend from Pennsylvania [Mr. SIBLEY] be extended. How much time does the gentleman want?

Mr. SIBLEY. I will try to get through in five or ten minutes more.

Mr. MCCREARY of Kentucky. Then I will ask that the gentleman's time be extended for ten minutes.

There was no objection.

Mr. SIBLEY. Mr. Speaker, under the plea of Christianizing the Chinamen, it is proposed to give them access to our shores or permit them to remain under certain conditions. And the sacred name of Christianity is invoked for this purpose. My judgment is, after a close observation of this race, covering a period of twelve years, that for every Christian convert that has been made in the ranks of the Chinamen they have paganized, corrupted, defiled, and debauched fifty American youths. They have betrayed and ruined fifty American girls for every Chinaman you can show as a convert to Christianity among the hordes who infest the city of San Francisco and Mott street, New York. They have given you, in addition to the intemperance that comes from alcoholism, the opium habit, until no man knows whether his next-door neighbor is a victim or not.

Mr. Speaker, I am in favor of opening the doors of our country to people from abroad if we need them to supply a scanty labor market; and I will not draw the line alone against the Chinaman. I believe this country should be the asylum and refuge for the distressed, the downtrodden, and the oppressed of the world who may come here with a determined will and honest purpose to support our institutions and to build up homes for themselves. But they must come here to be American citizens, to be imbued with the spirit and genius of American institutions; but they must not come here as criminals, as communists, as anarchists.

I am opposed to opening the floodgates either at New York or San Francisco, to people who come here directly in the interest of the employers of labor—people who are brought here with tickets given to them by such employers—who come here under the auspices of padrones or masters, to compete with American labor in an already overstocked labor market, or under the auspices of the Six Companies of China to serve six years as coolies, bondmen, and slaves. And I am opposed to opening our gates for the admission of any man who does not come here, bringing with him his family and his household goods, for the purpose of becoming an American citizen, no matter whether his color be black, white, or yellow.

Mr. EVERETT. I should like to ask the gentleman from Pennsylvania whether he thinks the present bill, as reported by the committee, offers any additional facilities for new immigrants from China. I thought its exclusive object was to allow those already in this country an extension of time within which they can register. Certainly when I voted to report it I did not contemplate any additional immigration.

Mr. SIBLEY. Well, Mr. Speaker, we have heretofore undertaken to put up our walls by legislation; but these people have broken through. These Chinamen, I think, can slip through a very small knot hole, when they have behind them an organized capital of untold millions of dollars as represented by the Chinese Six Companies.

Mr. EVERETT. But the gentleman said it was proposed to offer additional opportunities for immigration. I am not aware that the committee in their bill propose anything in that direction.

Mr. SIBLEY. The bill proposes to limit the opportunities for unlimited deportation; perhaps that would be a more correct statement of the matter.

Mr. Speaker, I believe that under the folds of the American flag every American workingman should find shelter; that every schoolhouse upon the hillside shall be as a beacon light along the paths of liberty. I am in favor of the protection of American industries, for American enterprise. I am in favor of any-

thing which will build up, exalt, and glorify this nation. I am in favor of that broad charity which would relieve the distressed and the downtrodden. But I think we are sometimes liable to look for duty far from home, as did Sir Launfal in his vision, as described by Mr. Lowell. He mailed himself in his armor and rode over the whole wide world seeking for the Holy Grail. On his outset he passed the poor beggar at his castle gate; but when he returned, a feeble, maimed man, with only tattered garments about him, he saw still sitting at his gate the poor leper crying for alms, and Sir Launfal took the wooden bowl and broke the ice and gave him to drink, and shared his crust with him; and to his vision was revealed in the form of the leper the very Christ.

And a voice that softer than silence said,  
"Lo, it is I, be not afraid!  
In many climes, without avail,  
Thou hast spent thy life for the holy Grail;  
Behold, it is here—this cup which thou  
Didst fill at the streamlet for me but now;  
This crust is My body broken for thee.  
This water His blood that died on the tree.

\* \* \* \* \*  
Who gives himself with his alms feed three,  
Himself, his hungering neighbor, and me."

Why, Mr. Speaker, I believe that these people who speak so feelingly and touchingly of the miseries of these persons over in China and of the necessity of Christianizing them, will find during the winter now at hand abundant opportunities for the exercise of their benevolence, humanity, and Christianity.

We may each find the Holy Grail near our own castle walls before the warmth of another springtime shall give comfort and hope to the hearts of the suffering masses.

I would still the wails and cries of distress at home before extending sentimental sympathy to be transported across the Pacific Ocean or scattered along the Pacific coast. You propose to do what has never been done or proposed to be done on the floor of this House for an American citizen, that is, rescind a law, because a few people have seen fit to hold it in defiance.

Mr. Speaker, I have already quoted from the Psalmist, but I wish to quote just one more thing that he said a little later on after he had got dispossessed of the charm of being "head of the heathen." For later on in his career, after seeing more of the world, knowing more of the heathen, having gathered greater wisdom, he offered this prayer:

Save us, O God, and gather us together and deliver us from the heathen.

I commend this prayer to my esteemed friend from Kentucky. [Laughter and applause].

Mr. MAHON. Mr. Speaker, in the short time allotted to me I can only make a few observations, mainly in support of an amendment which I propose to offer to the pending bill. We have been truthfully informed by members from the Pacific coast that the Chinese people as a race are not a destructive people as to life or property; that they are docile in their nature and are not a dangerous element in the State or nation. We are told that they are simply undesirable citizens.

Gentlemen from the Pacific coast representing the great State of California are not alone in their affliction. The great State I in part represent, the Commonwealth of Pennsylvania, instead of having 106,000 Chinamen within its borders, has from 300,000 to 400,000 men who have been dumped on our shores from foreign lands that we would gladly exchange, and consider that we had made a good bargain if we could give them the Huns and the Slavs in exchange for their Chinamen. So this is a very much broader question than the bill presents; it covers more than one or two States.

My State as well as other Eastern and Northern States has become honeycombed with people lately brought from foreign shores, enemies of society, enemies of the State, and enemies of the nation. My great State is compelled to keep, while it is not a standing army, yet virtually it is one, a body of 8,000 men as well equipped, as well disciplined, and as well officered as the Regular Army of the United States, at a cost of nearly a half million dollars annually, to protect the great manufacturing establishments and mines of the State of Pennsylvania. And what is true of Pennsylvania is also true of many other Eastern and Northern States.

Mr. Speaker, we have had in the past two months on the floor of the House a great many speeches delivered that were elegant in diction, masterly in argument, and eloquent in delivery. They were delivered for and against the repeal of two laws, the Sherman law and the Federal election law—laws relating to matters far-reaching in their importance to the people of the United States. But, sir, as important as these measures are, they are simply the subjects of legislation. If the Congress of the United States puts on our statute books vicious laws the people can correct that abuse in a succeeding Congress by electing men who will repeal the laws and take them from the stat-

ute books. If laws are placed on the statute books which are intended for the protection of citizens of the United States, or for the maintenance of the national credit, or to give every citizen the full measure of his citizenship and his right of the franchise, if such laws should be repealed they can be reenacted.

But, sir, as great as these questions are, and as much as the people generally are interested in them, there is a greater problem overshadowing the country to-day that makes these important questions sink out of sight, and that is the question of the unrestricted, unlimited immigration of people here from foreign shores. During last year there were landed in this country 623,084 people; in 1891, 700,454. During last year 105,203 of these foreigners crossed by the way of Canada. During the year 1892 of the 623,084, 21,269 were nonimmigrants or gentlemen traveling for pleasure or business.

Now, it is true that amongst this great number there were thousands of the very best people in the world; people who will make desirable citizens.

To this class of immigrants we have bidden a hearty welcome, but what is going to become of this great nation if we permit the vicious, the low, and degraded to come into our country. They are but human pests. I do not see any more opportune time than just now for Congress to take hold of this question. We are all aware of the fact that the bad element of these immigrants are anarchists, socialists, polygamists, ex-convicts and criminals of every class. They come into our communities, and one anarchist with his hellish doctrines which he preaches, that to hold property is robbery, will instil his teachings into the minds of the ignorant and vicious of our own land, and in a few months he will have around him two or three hundred people who believe with him. All over this country they have their social organizations, they have their speakers and their papers, and they are gradually instilling their doctrines into our people, until to-day they are sapping the very foundations of our Government, State and national.

Now, Mr. Speaker, it does not take any argument to convince the American people of the truthfulness of these statements. It takes no argument to convince the members of this Congress that this thing should be stopped. It will take no argument to convince foreign nations that this thing should not be permitted. We have laws upon our statute books in regard to immigration, but they are faulty in this, that there is no provision made to carry them effectually into execution.

Now, Mr. Speaker, I have no more time left. I hold in my hand an amendment in the nature of a substitute, which is in order under our rules; a measure which has been prepared very largely by the gentleman from Kansas [Mr. CURTIS], who has spent a great deal of time and care upon it; and whatever merit there is in it belongs to that gentleman. I want to offer this substitute for the bill, and I want to say to the gentleman from Kentucky [Mr. MCCREARY] that this substitute provides the six months' extension of time to the Chinese lawfully in this country to register. It also defines what the word "laborer" means, what classes it shall include. It does not interfere in any way with the measure which the gentleman from Kentucky has offered. I ask leave to offer this amendment as a substitute for the bill before the House, and I ask to have it read in the balance of my time.

Mr. MCCREARY of Kentucky. I reserve the point of order against the amendment.

The SPEAKER *pro tempore*. The amendment will be read merely for information.

The Clerk read as follows:

Substitute for House bill 3387, by Thad. M. Mahon, of Pennsylvania.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to conforming to all present requirements of law regulating immigration, it shall be the duty of the master or commanding officer of any steamer or sailing vessel to take from all Chinese and other alien immigrants embarking on said steamer or sailing vessel a statement, sworn to by said immigrant before the United States consul or consular agent at the port of departure, and it shall be the duty of said consul or consular agent to examine all persons presenting said statement, under oath, as to the truthfulness of the facts set forth in said statement. And if upon said examination he is satisfied said statement to be true he shall so certify same on said statement, and without said certificate said statement shall not be received by the master or commanding officer of any steamer or sailing vessel or by any customs officer or officer in charge of place of entry into the United States.

Said statement shall give his or her full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the seaport or landing; whether having a ticket through to such final destination; whether the emigrant has paid his or her own passage, or whether it has been paid by other persons, or by any corporation, society, municipality, or government; whether in possession of money, and if so, how much; whether going to join a relative, and if so, his name and address; whether ever before in the United States, and if so, when and where; whether ever in a prison or almshouse or supported by charity; whether under contract, expressed or implied, to perform labor in the United States; whether a polygamist, anarchist, or socialist; his or her condition of health, and when the statement is made by the head of the family the condition of the health of each minor of the family must be given; each person over 17 years of age must make his or her own state-

ment as to his or her condition of health, mentally and physically, and whether deformed or crippled, and if so, from what cause.

SEC. 2. That it shall be unlawful for the master or commanding officer of any steamer or sailing vessel or customs officer, or any officer of United States, to receive or pass any Chinese or other alien passengers bound for the United States, if the statement made discloses that he or she is unable to read and write, that the passage has been paid by any person other than the passenger, or by any company, or corporation, society, municipality, or government, or who does not possess, if a single man over 21 years old, the sum of \$100; if a single woman over 21 years old, the sum of \$50; if the head of a family, the sum of \$300; or whose statement or certificate of a physician shows him or her to be a person of unsound mental or physical condition; or who has ever been in prison for any crime or misdemeanor involving moral turpitude; or when such person has been in an almshouse, or supported by charity within five years; or a polygamist or anarchist or socialist; or under contract, expressed or implied, to perform labor in the United States: *Provided, however,* That nothing herein shall prevent the reception or passing of minors, under 17 years of age, who are coming to this country to join their parents, when they possess a certificate from the clerk of a court of record, showing that the parents are law-abiding citizens and perfectly able to care for such children, or any dependent member of a family who possess a certificate from the clerk of the court of record showing that the relatives in the United States are residents and citizens of the county and State from which said certificate was issued and that they have under oath shown that they are not only willing, but perfectly able and agree to care for such dependent relative, then, and if said dependent relative be not afflicted with any contagious disease, and be not an ex-convict of an infamous crime or misdemeanor involving moral turpitude, such person may be accepted as a passenger.

SEC. 3. That all Chinese and other alien immigrants shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each immigrant head of a family shall be given a ticket, on which shall be written his or her name, the name of his wife and names of his minor children, a number or letter designating the list, and his number on the list for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the officer first or second below him in command, taken before the United States consul or consular agent at the port of departure, before the sailing of said vessel, to the effect he has made a personal examination of each and all of the passengers named therein, and that he has caused the surgeon of said vessel sailing therewith to make a physical examination of each of said passengers, and that from his inspection and the report of said surgeon he believes that no one of said passengers is an idiot or insane person, or a pauper, or likely to become a public charge, or suffering from a loathsome or dangerous contagious disease, or a person who has been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or a polygamist, or an anarchist or socialist, or under a contract or agreement, expressed or implied, to perform labor in the United States, and that also, according to the best of his knowledge and belief, the information in said list or manifest concerning each of said passengers named therein is correct and true.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MAHON. Mr. Speaker, I have five minutes of my time remaining.

Mr. MCCREARY of Kentucky. I reserve the point of order against the amendment.

The SPEAKER *pro tempore*. The gentleman commenced at twenty minutes to 4 and had fifteen minutes.

Mr. MAHON. I ask that the remainder of the amendment as offered may be printed in the RECORD.

The SPEAKER *pro tempore*. The gentleman asks unanimous consent that the remainder of this proposed amendment be printed in the RECORD as a part of his remarks. Is there objection?

There was no objection.

SEC. 4. That the surgeon of said vessel sailing therewith shall also sign said lists or manifest before the departure of said vessel, and make oath or affirmation in like manner before said consul or consular agent, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the passengers named therein, and that said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said passengers; if no surgeon sails with any vessel bringing alien immigrants, the mental and physical examination and the verifications of the list or manifest may be made by some competent surgeon employed by the owners of the vessel; said appointment to be approved by the United States consul or consular agent, and duplicate copies of said lists to be retained by the consul or consular agent.

SEC. 5. That in the case of the failure of said master or commanding officer of said vessel to deliver to the said inspector of immigration the list or manifest, verified as aforesaid, containing the information above required as to all Chinese and other alien immigrants on board, there shall be paid to the collector of customs at the port of arrival the sum of \$1,000 for each immigrant qualified to enter the United States, concerning whom the above information is not contained in any list, as aforesaid, or said immigrant shall not be permitted to enter the United States, but shall be returned, as now provided by law.

SEC. 6. That it shall be the duty of every inspector of arriving Chinese and other alien immigrants, as well as customs officers and other officers of the United States in charge of place of entry, to carefully examine each one, and if he shall find that he or she is unable to read or write, except children under the age of 17 years; that the passage has been paid by any person other than the person, him or herself, or in case of minors or married women by any person other than the head of the family or guardian of minors, or that it has been paid by any company, corporation, government, or society; or who does not possess, if a single man over age of 21 years, the sum of \$100; if a single woman over age of 21 years, the sum of \$50; if the head of a family, the sum of \$300; or that such person is in an unsound mental or physical condition, or has ever been in prison for any infamous crime or misdemeanor involving moral turpitude; or that any such person has been in an almshouse or supported by charity within five years; or that he or she is coming under any contract, expressed or implied, to perform labor in the United States; or that he or she is a polygamist, or anarchist, or socialist, then, and in either of the above cases, he shall refuse to allow such alien immigrant to land or enter the United States, and shall cause them to be returned as provided by law: *Provided, however,* That nothing herein shall prevent the reception of minors under 17 years of age who are coming to this



country to join their parents when they possess a certificate from the clerk of a court of record showing that the parents are law-abiding citizens and perfectly able to care for such children, or any dependent member of a family who possesses a certificate from the clerk of a court of record showing that the relatives in the United States are residents and citizens of the county and State from which said certificate was issued, and that they have under oath shown that they are not only willing but perfectly able and agree to care for such dependent relative, then, and if said dependent relative be not afflicted with any contagious disease and be not an ex-convict of any crime or misdemeanor involving moral turpitude, such person may be accepted as a passenger.

SEC. 7. That it shall be the duty of every inspector of arriving Chinese or other alien immigrants and all customs officers and other officers of the United States in charge of place of entry to detain for a special inquiry, under section 1 of the immigration act of March 3, 1891, every person who may not appear to him to be clearly beyond doubt entitled to admission, and all special inquiries shall be conducted by not less than four officials acting as inspectors, to be designated in writing by the Secretary of the Treasury or the Superintendent of Immigration, for conducting special inquiries; and no Chinese or other alien immigrant shall be admitted upon special inquiry except after a favorable decision made by at least three of said inspectors, and any decision to admit shall be subject to appeal by any dissenting inspector to the Superintendent of Immigration, whose action shall be subject to review by the Secretary of the Treasury, as provided in section 8 of said immigration act of March 3, 1891.

SEC. 8. And it shall be the duty of all Chinese laborers now within the limits of the United States who were entitled to remain in the United States before the passage of the act to which this is an amendment, to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence; and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue, or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment, unless he shall establish clearly to the satisfaction of the judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one creditable witness other than Chinese, that he was a resident of the United States on the 5th of May, 1892; and if, upon the hearing, it shall appear that he is so entitled to a certificate it shall be granted upon his paying the cost.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and that no proceedings for a violation of the provisions of said section 6 of said act of May 5, 1892, as originally enacted, shall hereafter be instituted, and that all proceedings for such violation now pending are hereby discontinued.

SEC. 9. All Chinese or other alien immigrants coming into the United States by railroads or otherwise, shall file said statement with the United States officer in charge of the port or place of entry, and said Chinese or other alien immigrants shall be subject to sections 6 and 7, and all of the provisions of this law and all other laws not repealed by this act, so far as the same is applicable.

SEC. 10. This act shall take effect in forty days from the time same becomes a law.

SEC. 11. All acts or parts of acts inconsistent herewith are hereby repealed.

Mr. WILLIAMS of Mississippi. Mr. Speaker, this debate has taken a very wide range. I shall not attempt to quote the celebrated remark of Daniel Webster on a memorable occasion, when he sought to bring back the ship of debate to its legitimate course, for, if I did, that would be growing eloquent, and when I grow eloquent it is too serious a thing for a crowd like this to stand. [Laughter.] Those of you who have never seen me when I was eloquent have no idea of the devastation that lies behind me in the course of my remarks. [Laughter.] But I shall quote another gentleman. There is an old gentleman down in my country who has a perfect contempt for the use of French and Latin and Greek words, and he always takes any foreign expression that he hears and puts an English termination to it so as to make out of it a good English noun or a good English verb. Having heard the French expression "apropos" a good many times, he concluded he would make English of it, so he constructed "aproporius" as an English adjective and "aproporiousness" as the noun. [Laughter.]

Now, Mr. Speaker, I think I may say about a good deal of this debate that there has been in it much earnestness and some eloquence, but very little "aproporiousness" [laughter], and I will try to infuse into it some more of that desirable quality. It is well enough to begin by clearing the track of some of these irrelevances that lie in our path. First, the gentleman from Maryland [Mr. RAYNER] made a speech, which was earnest indeed, but all earnestness is not logic and all noise is not eloquence. During the course of that speech, which, like the ceaseless croaking of the Raven, "Nevermore," "little meaning, little relevancy bore" as far as the question really before the House is concerned, he laid down some most astonishing propositions and put himself into the most extraordinary attitudes for a Representative of the people that I suppose it has been the fortune of any of you to witness since you have been in public life. I shall analyze this remarkable utterance. First, he confessed, as a Representative of the people sworn to enact laws in accordance with the Constitution of the United States, that he had voted

for a law because he believed it to be unconstitutional, thinking that the Supreme Court would set it aside. Secondly, he acknowledged that, as a member of a committee, he had signed a report without reading the bill which that report recommended for passage.

In the third place, he took the position that an executive officer in a form of government like ours, not only had the right, but that it was his duty to suspend the operation of a law when in his opinion the law was cruel and inhuman! He took this position without the slightest necessity for taking it, because the gentleman from California [Mr. GEARY] says that he acquits the Secretary of the Treasury of all charges of that sort, and, although he thinks the Attorney-General has sinned in that direction, the Attorney-General himself, who expresses his own motives and assigns his own reasons for his action, very properly puts it upon no such basis, but stands upon the ground that he did execute the law just as far as he had power to do so; and I take it that there is not a man in the United States who would be further from contending that, as an executive officer, he had a right to suspend the operation of a law than the distinguished gentleman who is at the head of the Department of Justice.

There was no necessity, therefore, for the position taken by the gentleman from Maryland. It was a strange position to take, a position which in England years ago led to the loss of the head of Charles I and the loss of the crown by James II. That was the gentleman's third position. His fourth was a position which we of the South have been accustomed to, my California friends; I address especially those of you who are South-haters. It was a denunciation of the motives of the white people of the Pacific Slope and of the Rocky Mountain States. It was not as queer as some of the other positions, not so ridiculous, not so new, but, in my opinion, just as wrong. You can not indict a whole people. You can not arraign them at the bar. Their motives are never a subject for denunciation.

I have found that human nature all over the world, from the mouth of the Mississippi to the mouth of the Danube, is just about the same thing within the same racial limits. Within the great lines which God has fixed, with certain instincts, impulses, tendencies, traditions, within those lines human nature is the same everywhere. I am willing to trust the motives, the manhood, the generosity, the capacity for self-government, and the capacity for governing inferior races, inherent in the white people of the Pacific Slope, just as I have appealed to them, and as those who have stood here before me have appealed to them and others, to trust the capacity for self-government of the people of the South, and it sounded queer to me to hear such doctrine as that of the gentleman from Maryland come from the mouth of a Southern Democrat. The next position taken by the gentleman was one in which, causelessly, needlessly, irrelevantly, he insulted the Senate of the United States, contrary to the rules of this body, and contrary to the courtesy that prevails and ought to prevail between the two Houses of Congress.

Now, the queer part of all this is that these positions were taken in a discussion where the point at issue was as to certain amendments offered by the gentleman from California [Mr. GEARY] to the bill introduced by the gentleman from Kentucky [Mr. MCCREARY]. Let us go back and see what the real issue is. The bill of the gentleman from Kentucky is, in brief, simply a bill to extend the period within which certain Chinese who have failed or refused to comply with a statute of the United States shall be permitted to comply with it. It is a bill to prevent the execution upon them of the penalties which they have incurred provided that within a certain period they comply with the provisions of the law.

Now, the gentleman from California [Mr. GEARY] has made no objection to the passage of that bill in so far as it extends the period for the Chinese to comply with the law. He has merely offered three amendments which I have not time to read; but they are natural; they are necessary; there is nothing "cruel," "inhuman," abnormal about them, even if there be anything "cruel" in the Geary law itself, as the gentleman from Maryland [Mr. RAYNER] says there is. And, by the way, it is strange that if he thinks so, he did not introduce a bill to repeal that law instead of standing here to extend it for an additional time. There, again, his remarks "little meaning, little relevancy bore."

But I say these amendments are natural amendments; they are intended to do two things, and will, I think, accomplish them, first to redeclare in unmistakable terms what was thought by the framers of the law to have been made clear in the original enactment, so that there shall not be a conflict between the Department of Justice and the Treasury Department as to carrying out the provisions of the law. That is one of the objects. The next is to require these photographs to be taken instead of leaving that matter to the discretion of the Secretary of the Treasury. And the reason for changing the law in this respect is a good one.

What is it? Because the present Secretary of the Treasury takes the position as a lawyer, which I think is well and correctly taken, that Congress has no right to delegate to him the power to levy taxation, and that the requirement of photographs from these Chinamen is virtually imposing a tax upon them, is laying upon them a financial burden which he has no right to impose, even if Congress has given him such discretion, because Congress can not delegate such a power; and hence if Congress wants such a thing done it must pass a law to that effect.

The third amendment is to define the word "merchant" in the Geary law, so as to prevent evasion of the provisions of the statute.

Now, my friends, that is the issue, as I understand it. I shall vote for each one of these amendments. Believing, as I do, that the white race at the South and in the West, standing upon the higher round of the ladder of civilization, is willing to put its hand down to the inferior race standing upon the lower level and bring that race up not to the same level (because, God willing, as the inferior comes up we will go up higher still), but to bring the inferior up as we go. But when in response to our invitations to come up higher, he of the inferior race says, "Come thou down lower," we answer him in the words of Tennyson, indignantly and astonished—

What, I to herd with narrow foreheads,  
Ignorant of our race's gains!

I tell you it is not only the highest law, but the highest duty of every life to secure self-preservation and self-perpetuation. I care not whether the life be the life of an individual, of a family, of a race, of a nation, or of a civilization. God has given to everything worthy of living in this world the instinct, and has made it a duty, to resist attacks from whatsoever quarter; and although your problem out on the Pacific coast is not as serious a one as that with which we are struggling in the South, it may in time become so. There will come a time, if the influx of Chinamen goes on upon the Pacific Slope, when the demagogue will come in, and in order to bolster up party purposes, demand that the Mongolian be equipped with the suffrage "in order that he may defend himself."

I do not remember a single effort of any great man that is so indelibly impressed upon my mind as that of Thomas Jefferson, made early in the history of this country, when he tried to prevail upon our forefathers in Virginia not only to stop the importation of negroes, but to emancipate them. And when he failed, when he acknowledged that the failure of the effort was because the people were not prepared for it, and when he went further and said that they would be less and less prepared for it as the numbers of the race increase and the antagonisms grow, "yet the day is not distant when they must bear and adopt it or worse will follow." Then he added, "For there is nothing more certainly written in the Book of Fate than these two things—first, that these people are to be free, and, secondly, that no two races can live on the same soil equally free."

Had there been prescience enough—that sort of prescience with which intellect is endowed by unselfish love of country—to have followed this greatest of Americans in his leadership then, we would have been rid of a constant threat to our civilization and to our race. We would not have been standing as we are now upon the very verge of a volcano, ready at almost any time to break forth. We may possess little of the sympathy of some of you gentlemen whom I am trying to help to-day, we may possess but little hope except the assurance given us by the fact that we have hitherto proven equal to every emergency, and shall, in the providence of God, prove equal to every emergency in the future; still we trust that we may always conjoin law and order with liberty; that we may, while preserving our own civilization, have the manhood to be just to those to whom we must be schoolmasters.

I am willing, then, Mr. Speaker, as long as the men of the Pacific Slope do not ask anything inhuman, do not ask of me anything cruel or anything unkind or immoral, to leave the settlement of this question entirely to them. And I am glad to see that early in the history of this Chinese problem they have been wiser than we were in the early history of the negro problem in the South, when the small number of Africans on this continent constituted a condition other than that with which we are now confronted, and that they are willing to take the question up frankly and deal with it boldly and resolutely.

Now, Mr. Speaker, there is another thing to which I wish to call your attention. "An ounce of prevention is better worth than a pound of cure;" and the right of self-preservation carries along with it, for the nation, or the race, or the civilization, just as the right of self-defense for the individual does, the right to anticipate deadly attack. So that all these arguments of gentlemen on the floor that there are only 106,000 or 160,000 Chinese in this country do not appeal to my mind at all. When I see a gentleman over there rising in his place, with anger in his eyes,

throwing his hand behind him, and I know he is armed, and I know that there is about him the deadly weapon from whose throat may soon come a deadly missile for me, I have a right to anticipate the deadly attack; and, sir, on the same principle nations have the right and races above all others have the right to anticipate.

And I tell you, my friends, that no feelings of philanthropy or of justice have ever called on a race which had through the centuries accumulated the fruits of civilization to surrender any part of that accumulation. No race which through heredity and evolution of capacities has received a training sufficient to make of its members men worthy to command almost every emergency, has ever been justly called on to render one single bit of the fruits which have come to it through the centuries in that way.

Yet I doubt not through the ages one increasing purpose runs,  
And the thoughts of men are widen'd with the process of the suns.

I can not remember now the exact words of Tennyson, but the idea is that through the fruits of labor and progress, races and nations, like individuals, grow to become wiser and more capable of governing themselves, and the God in history uses, as an instrument through which to govern the world, the developed common sense and common conscience of the people.

And so the world goes on and attains true democracy in the course of time, but not immediately. It does not come all at once. It must come gradually through processes of evolution, through the ages and through the centuries. And for a race which has, through this process of evolution equipped itself for mastery as well as self-government tamely to sit down and permit itself to be inundated by Mongolians, or by any other inferior race, not thus equipped and trained, is, in my opinion, not only self-stultification but race suicide; and I, for one, shall not stand here, then, to prevent the people of the Pacific coast from taking, with reference to this matter, a proper course which their own judgment inspires, to bring about a solution of the troubles which surround them and to work out their own safety. I shall not do it unless at some time they shall demand something of me which I, in my turn, would not ask of them—something inhuman, something cruel, something wrong.

I tell you, my friends, we alone can understand you; we alone on this American continent can understand you; and you, I hope, some day, will try to understand us better; and I think we can not cultivate the acquaintance and knowledge of one another any better than by uniting frankly and fearlessly whenever these questions are presented to do the right thing, trusting our white brethren to do the right, until we have proof positive that they are doing wrong or until they demand something of us that is palpably wrong.

Now, my friends, I have the utmost confidence in this; I have indeed no doubt that the white race on the Pacific coast will remember two things which William Shakespeare has said, which I am sure that we of the South will also keep in mind. One is that—

\* \* \* it is excellent  
To have a giant's strength; but it is tyrannous  
To use it like a giant.

And the second is as true of a race as it is of an individual:

\* \* \* to thine own self be true,  
And it must follow, as the night the day,  
Thou canst not then be false to any man.

I say that is true of a race. The race that is true to its better instincts, to its own self-preservation, to the perpetuation of its own civilization and its higher ideals, although somebody may resent the mastership which it takes of others for the time being, can not be false to any race, but must necessarily, as a part of its own advancing civilization, drag the other, *nolens volens*, along with it to a higher state than it now occupies.

Mr. Speaker, in conclusion I wish to say that I shall vote for the amendments offered to the bill by these gentlemen who understand the problem with which they are confronted, who understand the race that has given them this trouble; because I believe that the Chinese race, as far as I have seen it, is but little superior to the race which I know so well, and which has given us so much trouble, with the aid and assistance very frequently of gentlemen on the other side of this House.

If the amendments are adopted, I shall then vote for the bill as amended. If the amendments are not adopted, I shall vote for the bill anyway, because I agree with the gentleman from California [Mr. GEARY] that it would be inhuman and cruel now, in the face of the delusion which these people have entertained, rightfully or wrongfully, to force upon them all at once the full terrors of this law. I shall vote for an amendment if it is offered—and the gentleman from Massachusetts [Mr. MORSE] promised to offer it—that no provisions of this bill shall apply to criminals among the Chinese, and that the period shall not be extended as to them.

I shall vote for an amendment, if it is offered, appropriating



\$48,000, the amount which the gentleman from California said is necessary in order to carry the provisions of the bill into effect, to enable these Chinese, during the six months for which the time is extended, to register and comply with the law; for I think it great folly to extend the time without making an appropriation enabling the law as to registration, etc., to be carried into effect. If we do not do that, then at the end of another six months we are going to be faced with the same kind of a question again. I thank gentlemen for their attention. [Applause.]

Mr. HILBORN. I offer the amendment which I send to the clerk's desk.

Mr. EVERETT. I reserve a point of order against the amendment.

The SPEAKER *pro tempore*. It is simply sent to the Clerk's desk to be read for information.

The Clerk read as follows:

Amend by inserting the words "or commissioner" after the word "judge" in line 28 of section 1 of said bill.

Mr. MCCREARY of Kentucky. I make a point of order against that amendment.

Mr. HILBORN. I merely make the offer, in order that the amendment may be pending, and it may take the usual course.

The SPEAKER *pro tempore*. That is the understanding.

Mr. HILBORN. Mr. Speaker, we frequently hear it said in the discussion of the Chinese question that the dignity of this great nation ought not to be lowered and that its traditional policy should not be changed to please a few "hoodlums" and "sandloters" in California. This expression implies that opposition to Chinese immigration is confined to a class, and that class a disreputable one, in the States bordering on the Pacific Ocean. I find the impression abroad that the advocates of Chinese restriction are to be found only among the vicious, unlettered foreign elements of our society. Those who entertain this opinion are greatly mistaken.

The people of the State of California are practically unanimous in opposition to this class of immigration. We have ceased to discuss the policy of Chinese restriction among ourselves. With us the case is closed. This is not a new conclusion. In order to settle all doubts as to the opinion of our people upon this question a popular vote was had and that vote is recorded. The provisions of law under which this vote was had in 1879 and the result of the same at the general election of that year are set forth in the following statement made by the governor and by him forwarded to the officials named therein, as required by the same law.

I am indebted to the Secretary of State for this copy of a document on file in his Department:

STATE OF CALIFORNIA, *Executive Department.*

HON. WILLIAM M. EVARTS,  
*Secretary of State, Washington, D. C.*

SIR: The Legislature of this State, assuming that it was desirable that the wishes of the people of the State upon the subject of Chinese immigration should be unmistakably expressed, passed an act, approved December 21, 1877, entitled "An act to ascertain and express the will of the people of the State of California on the subject of Chinese immigration." This act provided for the submission to the electors of the State at the next general election the question of the continuance or prohibition of Chinese immigration. It provided that such electors as should desire the continuance of Chinese immigration might express such desire by placing on their ballots the words "For Chinese immigration," and that such electors as should desire the prohibition of Chinese immigration might place on their ballots the words "Against Chinese immigration."

This question was submitted to the voters of the State, in pursuance of the act above mentioned at the general election held on the 3d day of September, 1879.

At said general election there were chosen all State and county officers and members of the United States House of Representatives. The total vote cast at such election was 181,405 votes, which is several thousand more than the votes cast at any previous election in the State. It is probable, therefore, that the vote was as nearly full as it would be possible, under any circumstances, to secure. The vote was:

For Chinese immigration.....	883
Against Chinese immigration.....	154,638
Voters who did not express any wish on the subject.....	5,884

The conclusion from this vote is unavoidable, to wit: That the citizens of the State are substantially unanimous against the continuance of Chinese immigration.

The act above referred to further provides that the governor shall, after the vote on the question of Chinese immigration shall have been taken, make a statement of the question submitted to the electors, and of the vote thereon, and forward copies of such statement, properly certified, to the President and Vice-President of the United States, to each Cabinet Minister, Senator, Member of the House of Representatives, and to the governor of each State and Territory.

Now, for your information as to the actual sentiment of the citizens of this State touching the question of the continuance of Chinese immigration, and in pursuance of law, I have the honor to transmit to you the foregoing statement.

Very respectfully,

[SEAL.]

By the governor:

THOMAS BECK,

*Secretary of State.*

WILLIAM IRWIN, *Governor.*

Mr. VAN VOORHIS of New York. As there is such a large majority of the people of California against keeping Chinese

there, why do they hire them and feed them and enable them to stay there?

Mr. HILBORN. I will answer your question by asking another. I understand that you have a very large number of Huns, Slavs, and Scandinavians in your country; why do you employ them?

Mr. VAN VOORHIS of New York. We do not in my country. Mr. HILBORN. They are employed or else they would not stay there.

Mr. VAN VOORHIS of New York. They are not in my section of the country.

Mr. PENCE. They are in an adjoining district.

Mr. HILBORN. They are in your State. We know that capital is soulless and selfish, and that it will employ cheap labor, although it may pull down the fabric of the Government.

Mr. VAN VOORHIS of New York. The gentleman has said that 100,000 voted against the retention of Chinese in California. Do not at least 95,000 of them employ Chinese labor?

Mr. HILBORN. Not as many as that.

Mr. VAN VOORHIS of New York. Would there be any trouble in getting these people out if the people of California refused to employ them, or to hire them, and refused to pay them anything?

Mr. HILBORN. I suppose you are right. If we could eliminate the principle of selfishness from the human mind we could get rid of the Chinese and all other undesirable immigrants, but so long as selfishness abounds so long will they be employed.

Mr. VAN VOORHIS of New York. Is not this, then, one of the cases where a "boycott" would be justifiable?

Mr. HILBORN. I think by that means they could be driven out, but that is not an American method.

Mr. GEARY. But as a lawyer the gentleman from New York could not approve or justify it.

Mr. VAN VOORHIS of New York. I have no doubt that it would be efficacious with them.

Mr. HILBORN. There has been no change of sentiment among the people of California since that vote was taken. The evils resulting from this undesirable immigration are more thoroughly understood now than ever before, and if a vote was now taken, in my opinion the majority would be still greater. There is not a newspaper published in the State of California which favors Chinese immigration, and I can safely say that what is true of California is also true of Oregon, Washington, and Nevada. Is that so as to Oregon?

Mr. HERMANN. That is so.

Mr. HILBORN. The opposition to this undesirable immigration is confined to no political party and to no class of people.

NOT A CONTEST BETWEEN DIFFERENT RACES OR NATIONALITIES.

This is not now and never has been a contest between races or nationalities. It is something broader and higher than that. It is a contest between two civilizations—the oriental civilization (if it can be called a civilization) and our own. One was hoary with age before the English language was spoken on the face of the earth. A civilization which culminated before our western civilization began. A civilization of want and galling poverty. Under such a civilization the Chinese race has been developed. With them, from the cradle to the grave, it is a hand-to-hand struggle with starvation, and fortunate are they who die of old age.

Mr. VAN VOORHIS of New York. May I ask you another question?

Mr. HILBORN. Yes, sir.

Mr. VAN VOORHIS of New York. Why do you call the Chinese immigrants? They do not come under any such designation. They only come here with a view of going away again.

Mr. HILBORN. It is a misnomer to call them immigrants; it is an invasion—

Mr. WILSON of Washington. They are laborers, contract laborers.

Mr. HILBORN. And therefore they differ from all other immigrants.

Mr. VAN VOORHIS of New York. Do you class the Chinese as a civilized people?

Mr. HILBORN. They have their civilization. Yes, sir. They have a civilization much older than ours. A nation which understood the art of printing, had invented gun powder and the mariner's compass centuries before they were known in the West, can be said, I think, to have a civilization. A nation that has perpetuated itself for seventy centuries must have something, call it civilization or what you will.

Mr. VAN VOORHIS of New York. Where do you draw the line between barbarism and civilization?

Mr. HILBORN. These people are not barbarians. A people who can compete with us in every branch of human industry are not barbarians.

Mr. VAN VOORHIS of New York. I have heard them so called in this debate.

Mr. HERMANN. The class of people who come to this country are not the civilized class of China.

Mr. HILBORN. They do not come from the higher classes of the people of China. On the contrary, the Chinese laborers in the United States come from the lowest grade of the Chinese people.

They inhabit a country whose resources are taxed to the utmost to support the population. When the products of a district fall off, the population must diminish accordingly.

These hard conditions have produced a race of people whose serious faces are seldom lighted with a smile. They have solved the problem that a human being can live and labor on 5 cents a day; that a little rice, fish, and vegetables will sustain life. Their dress is the perfection of economy and has not changed for centuries.

#### THE TWO CIVILIZATIONS COMPARED.

This civilization of the Orient, so equipped with these enforced economies, came across the Pacific and came into contact with our Western civilization, a civilization of comfort and plenty, a civilization which means the family, the home and home circle, the hearthstone, the public schools, the Sunday school, and the church. I believe God likes this civilization of ours, for it does not stifle or repress, but brings out of the human being all that is good in him. But our civilization is expensive; it costs money to maintain it. Our laborers can not live and support families and educate their children on the wages that satisfy the Chinaman. The conditions are different. The one is discharging his duties as a citizen, the other has no family and assumes none of the duties of citizenship. The Chinese are not available as jurymen, can not be called upon as a posse comitatus to preserve order, nor be relied upon as soldiers. I believe it to be self-evident that either the American laborer must perish from the face of the earth or the Chinese laborer must be excluded.

China has a population of four hundred millions and we have sixty-five millions. This great reservoir of humanity is just beyond our western border, and only a peaceful ocean between us. For less than \$40 per capita every individual in China could be transported to American soil. Every one of this vast collection of human beings could come from Hongkong to San Francisco with as little expense and danger as that attending a trip from Omaha to Washington. They could overrun us like an army of locusts. They could duplicate our population, and the absentees would scarcely be missed in their own country. China could spare a man to compete for the bread of every American laborer, and his absence would not be noted in that great hive of humanity.

#### WHAT THE AMERICAN LABORER MUST DO TO COMPETE WITH THE CHINESE.

The question may be asked why it is that the American laborer can not compete successfully? And I have heard the cruel opinion uttered that if he can not compete with the Chinese he ought to perish. The American laborer can successfully compete with the Chinaman in the struggle for existence, if he can and will go down to his level and live as he does. Do we want that? Can we maintain our form of government under such conditions? Can the family, which is the glorious corner stone of our civilization, be maintained when the bread-winner receives only Chinese wages?

#### WAGES OF LABORERS IN MANUFACTORIES.

There is a large number of manufacturing establishments in California engaged in manufacturing for local consumption. Up to 1860, and perhaps later, the workmen in these establishments were white men, and they earned wages sufficient to support their families. These establishments still exist, but the work is done by Chinese. They have driven the white man out of almost every branch of light manufacture. And this is the way it is done. Suppose there is an establishment for the manufacture of boots and shoes suitable for the miners. There are a hundred men employed there, and the wages paid are \$3 per day. That is no more than sufficient for the support of a family. A few Chinese obtain employment there. In all employment where mere manual dexterity is required, they are adepts. They learn the art of making boots. One of their number, their spokesman, goes to the proprietor and says:

"How many men are you employing?"

"One hundred."

"How much do you pay them?"

"Three dollars per day."

"I will furnish all the labor you want for two dollars and a half per day."

Here is a strong temptation to the cupidity of the proprietor. He can make \$50 a day by discharging his white men and employing Chinese. But he is inclined to give preference to the people of his own race, and so he gives them the option of continuing at two dollars and a half per day or quitting. The Ameri-

can workmen accept the situation and continue to work at the reduced wages, which means fewer comforts and no luxuries in their households. What makes the burden harder to bear is the knowledge that the reduction of wages was not necessary and that the proprietor was making a profit out of their labor at the former rate.

Having failed in his first attempt to supplant the white men, the Chinaman tries it again and offers to work for two dollars a day, a dollar and a half a day; a dollar a day; 50 cents a day; 25 cents a day; 10 cents a day if necessary. I don't mean to say that the Chinaman works for 10 cents a day, but it is because he does not have to. He will get all he can, but he will bid just low enough to drive the white man out of employment.

Mr. HERMANN. And I will suggest to the gentleman that if the employer does not finally give the Chinaman the employment which he wants, in preference to the American workman, he will start a factory on his own account, as he has in the gentleman's own city.

Mr. HILBORN. Yes. There comes a time in this competition when the white man has to get out; when he can no longer support his family. So he goes out and joins the great army of the unemployed. He goes to the sand lots and listens to the harangues of mischief-makers. His usefulness as a citizen is destroyed. He inveighs against the law and against the Government. He knows there is something wrong in a system which has compelled him to compete with men who support no families, and who can live on 10 cents a day. And when he hears the sentimentalists in their learned disquisitions say that the fittest must survive, and that in this contest the Chinaman has shown that he is the fittest, his breast is filled with emotions which bode no good to those who have been more fortunate in the struggle for wealth.

Mr. STOCKDALE. I understand that these Chinese generally have no families.

Mr. HILBORN. I presume there are in the United States to-day not over one hundred Chinese families, and those not families in the sense that we speak of the family.

I have seen these American workingmen, educated, Christian men, husbands and fathers, useful members of society, robbed of their employment by this competition with the Chinese, reduced to penury and want. I have heard them rail at those conditions which have brought them to such dire distress.

#### THE VIRTUES OF THE CHINESE MAKE THEM DANGEROUS COMPETITORS.

The peculiar conditions under which the Chinese race has been developed have made them especially skillful as bread-winners. As merchants they have proven themselves to be the best traders in the world, and have outstripped all competitors in a fair race. They understand the laws of trade, of exchange, and the values of money. The merchant prince who sleeps under his counter, and lives on 50 cents a day, can drive out of business his white rival who has his house in town, his country seat, and his pew in church.

#### CHINESE MANAGE TO ACQUIRE SOME EDUCATION.

The Chinese laborer is not the ignorant being he is sometimes considered. All of them have the rudiments of their peculiar education. From my observation I am convinced that 90 per cent of these people can read and write their own language. This can not be said of any other class of foreign laborers who have emigrated to this country. And when we consider that the Chinese laborer in the United States is recruited almost entirely from the very lowest strata of Chinese society we are filled with wonder at the patient, plodding methods of this people who find time to acquire some education while engaged in the fearful struggle for existence.

#### PECULIAR VIRTUES OF THE CHINESE.

They have their virtues. They are industrious and, with the exception of the use of opium, are temperate. Their chief vice is gambling. With this exception they are very economical. This is a paradox; the very virtues of these strange people make them the more dangerous to our civilization. They can monopolize our labor fields if allowed to do so, and destroy our great middle class.

It is avoiding the question to say that these people are no more undesirable than some other foreigners. That is no argument, for if we can not make a success of excluding this race, we may as well abandon all hope of excluding any undesirable immigration.

#### CHINESE DO NOT ASSIMILATE.

But there is a broad distinction between this kind of immigration and any other from which we have suffered. The Chinese alone will not assimilate. A Chinaman who was born in this country thirty years ago, is to-day just as thoroughly Chinese in habits, thought, and language, in everything, as though he had been born in Canton. He knows nothing of our laws or our form of government, and cares nothing about them. He knows nothing of our language or our religion, and he has a contempt for both.



## THEY ARE THRIFTY AND SEND MOST OF THEIR WAGES HOME TO CHINA.

All that they earn, excepting the pitiful sum they pay for their expenses, goes to China, and there at last they go themselves. The average period of a Chinaman's residence in the United States is about five years. In that time they save enough to maintain themselves in comfort in their own country. Since their first settlement in California they have sent out of that State \$300,000,000 of their earnings. My colleague [Mr. GEARY] places the amount much higher, and he has obtained his data from official sources. My estimate is certainly conservative, and probably much below the actual amount.

What other State but California with her wonderful resources could have stood such a drain? Suppose that the laborers of the State of Pennsylvania or New York should persistently send out of the country such a proportion of their wages, how long would either of those States avoid bankruptcy?

## THE CHINESE POPULATION INCREASING DESPITE RESTRICTIVE LAWS.

This is no time to relax our vigilance against the encroachments of this undesirable immigration. Notwithstanding we have had on our statute books for the past ten years laws either restricting the incoming of Chinese laborers or actually excluding them, the returns of our own census show an increase in this population in the United States. Notwithstanding our vigilance in beating them off they have baffled us at every point.

## CHINESE POPULATION IN THE UNITED STATES.

In 1880 the total Chinese population of the United States was 105,465; in 1890, it was 107,475; showing a total gain of population in the United States of over 2,000. I have obtained these figures from Census Bulletin No. 199, issued July 14, 1892. They differ somewhat from the figures given in the report of the committee which accompanies this bill. I have had the figures I have presented verified at the Census Office and am assured that they are correct.

In 1880 the Chinese population in California was 75,132; in 1890 it was 72,472, showing a falling off in our particular State. They seemed to have turned their faces eastward. In New York, in 1870 there were only 29 Chinese. In 1880 there were 909; in 1890, 2,935. In Pennsylvania in 1870, there were 13; in 1880, 148; and in 1890, 1,146.

The increase of Chinese in the East, although not startling in its proportions, is nevertheless suggestive and contains a potent warning. If Eastern capital, which now employs the cheapest labor obtainable in Europe, should find public opinion tolerant of Chinese labor, it would not be long before the Chinese question would loom up in dangerous proportions in our Eastern cities and their suburbs. I say dangerous, because experience has shown that the presence of these nonassimilative aliens is a constant menace to the peace of an American community.

If the Representatives of the Eastern States should bring this danger to the homes of their people by sentimental legislation on this subject, they would in the disorders that would follow find no solace in the reflection that they had been guided by gushing emotion when they should have followed the dictates of common sense.

From every point of view this immigration is undesirable, and if we would preserve the American laborer from ruin, if we would preserve our civilization itself we must exclude this peculiar people.

For forty years this conflict between these rival civilizations has been waged out on our Western slope. You of the East do not appreciate the fierceness of the struggle, for two mountain ranges and a broad desert plain separate us.

But experience has taught us this lesson: The civilization of the Orient and the civilization of the Occident can not exist side by side in America. One or the other must go down. Which shall it be? [Loud applause.]

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the joint resolution (S. R. 33) authorizing the Joint Committee on the Library to grant the privilege of using and drawing books from the Library to the chief justice and associate justices of the court of appeals of the District of Columbia.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. ELLIS of Kentucky, indefinitely, on account of important business.

To Mr. BUNN, for two weeks, on account of important business.

To Mr. HENDERSON of North Carolina, for five days, on account of important business.

To Mr. PENCE, for one week, on account of important business.

The House then, on motion of Mr. EVERETT (at 4 o'clock and 48 minutes p. m.), adjourned.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bill and a joint resolution; which were re-referred, as follows:

A bill (H. R. 3934) granting a pension to Sarah S. Rather; the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A joint resolution (H. R. s. 76) providing for the publication of 50,000 extra copies of the Compendium of the Eleventh Census; the Committee on Printing discharged, and referred to the Committee on Appropriations.

## PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. STALLINGS: A bill (H. R. 3983) to place cotton bagging or other material suitable for baling cotton on the free list—to the Committee on Ways and Means.

Also, a bill (H. R. 3984) to place cotton-ties or iron ties used in baling cotton on the free list—to the Committee on Ways and Means.

By Mr. WILSON of Washington: A bill (H. R. 3985) making an appropriation for the construction of a ship canal connecting Lakes Union and Washington with Puget Sound—to the Committee on Railways and Canals.

By Mr. BALDWIN: A bill (H. R. 3986) to establish the boundary of the custom-house district of Duluth, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A bill (H. R. 3987) to enable the Secretary of War to continue the reconstruction of the military post at Jefferson Barracks, Mo.—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska: A bill (H. R. 4003) to admit to the mails as second-class matter periodical publications issued by or under the auspices of regularly incorporated benevolent and fraternal societies and orders and institutions of learning, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Tennessee: A resolution to print 8,000 copies of fourteenth annual report of director of Bureau of Ethnology—to the Committee on Printing.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. AITKEN: A bill (H. R. 3988) granting a pension to Marrilla Parsons, of Detroit, Mich.—to the Committee on Invalid Pensions.

By Mr. AVERY: A bill (H. R. 3989) for the relief of Charles Babbitt—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 3990) for the relief of Samuel E. Sneed—to the Committee on Claims.

By Mr. CARUTH: A bill (H. R. 3991) for the relief of the estate of Henry O'Neal, deceased—to the Committee on War Claims.

By Mr. CURTIS of New York: A bill (H. R. 3992) to increase the pension of Julia Bews—to the Committee on Invalid Pensions.

By Mr. FIELDER: A bill (H. R. 3993) for the relief of the legal administrators of William Boardman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 3994) for the relief of Mary H. Noonan, of Jersey City, N. J., for claim as investigated and reported favorably by the Court of Claims under the provisions of the act of March 3, 1883, and for rent and occupation of building by the military forces—to the Committee on War Claims.

By Mr. LOCKWOOD: A bill (H. R. 3995) to relieve John Finn, alias John Flynn, of the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 3996) to place Warren A. Woodson on the retired list for privates and noncommissioned officers of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 3997) for the relief of Barton Atkins, ex-United States marshal for the district of Alaska—to the Committee on Claims.

Also, a bill (H. R. 3998) for the relief of Franklin Lee and Charles F. Dunbar—to the Committee on Claims.

Also, a bill (H. R. 3999) for the relief of Charles A. Danolds—to the Committee on Claims.

By Mr. CRAWFORD: A bill (H. R. 4000) for the relief of Mrs. J. L. Fagg, widow of Col. John A. Fagg—to the Committee on Pensions.

By Mr. HEARD (by request): A bill (H. R. 4001) for the relief of John W. Daniel—to the Committee on Claims.

By Mr. MCCREARY of Kentucky: A bill (H. R. 4002) for the relief of B. Dudley Miller—to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYNUM: Memorial of D. R. Lucas, Ira J. Chase, and A. McLean, committee representing the Foreign Christian Missionary Society, favoring the modification of the law restricting Chinese immigration—to the Committee on Foreign Affairs.

By Mr. CATCHINGS: Petition of the estate of Harvey D. Latham, of Warren County, Miss., praying for reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of the estate of Thomas H. Jett, late of Warren County, Miss., praying for reference of claim to the Court of Claims, under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. DANIELS: Petition of Genesee Annual Conference of the Methodist Episcopal Church, for the repeal of the Geary law—to the Committee on Foreign Affairs.

By Mr. IKIRT: Averment and allegations of Jane Webster, widow of Joel Webster, to accompany House bill 3977—to the Committee on Invalid Pensions.

Also, papers in case of Charles Candy, to accompany House bill 3976—to the Committee on War Claims.

Also, resolutions of the Bimetallic League of Canton, Ohio, in regard to the preservation of silver as money—to the Committee on Coinage, Weights, and Measures.

By Mr. CHARLES W. STONE: Petition of 65 citizens of Sheffield, Pa., praying that no reduction be made in the tariff on glass bottles—to the Committee on Ways and Means.

By Mr. WILSON of West Virginia: Petition of West Virginia Conference, Methodist Episcopal Church, for the repeal of the Geary law—to the Committee on Foreign Affairs.

## SENATE.

MONDAY, October 16, 1893.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted at a mass meeting of citizens of Memphis, Tenn., in favor of the conditional repeal of the so-called Sherman silver law; which were ordered to lie on the table.

He also presented a petition of the Nebraska Annual Conference of the Methodist Episcopal Church, of Beatrice, Nebr., praying for the repeal of the so-called Geary Chinese law; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented the petition of Bliss, Fabyan & Company and 116 others, merchants and citizens of Boston, Mass., praying for immediate action on the question of unconditional repeal, and recommending subsequent legislation securing the use of silver as money under proper safeguards and providing for the use of the gold reserve; which was ordered to lie on the table.

He also presented the petition of George H. Edwards and 57 others, merchants and brokers of Boston, Mass., praying for immediate action on the bill to repeal the silver-purchasing clause of the so-called Sherman law; which was ordered to lie on the table.

Mr. STEWART presented a memorial of the Franklin Club, of Cleveland, Ohio, remonstrating against the adoption of a compromise measure on the silver question, and praying for the free and unlimited coinage of silver at a ratio of 16 to 1; which was ordered to lie on the table.

He also presented the memorial of E. B. Bigelow and 155 other citizens of Jackson, Mich., and the memorial of John O. Zabel and 24 other citizens of Petersburg, Mich., remonstrating against the unconditional repeal of the so-called Sherman silver law, and praying for the free and unlimited coinage of silver at ratio of 16 to 1; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the Commercial Club of Cincinnati, Ohio, praying for the repeal of the silver-purchasing clause of the act of July 14, 1890; which was ordered to lie on the table.

He also presented a petition of the Indiana yearly meeting of the religious society of Friends, praying for the repeal of the so-called Geary Chinese law; which was referred to the Committee on Foreign Relations.

Mr. BUTLER presented the petition of J. S. Calvin and 95 other merchants of Chester County, S. C., praying that an immediate vote be taken upon the repeal bill now pending in the Senate; which was ordered to lie on the table.

## REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 874) for the relief of W. W. Rollins, collector of internal revenue for the fifth collection district of North Carolina, reported it with amendments, and submitted a report thereon.

## ELECTIONS IN OKLAHOMA TERRITORY.

Mr. FAULKNER. I am instructed by the Committee on Territories, to whom was referred the joint resolution (H. Res. 65) fixing the qualifications to vote and to hold office in the Cherokee Outlet, Oklahoma Territory, at the first municipal elections, to report it without amendment. It is a unanimous report—that is, all the members of the committee present in the city agreed to a favorable report of the joint resolution—and I ask for its immediate consideration.

Mr. SHERMAN. Let it be read for information, so that we may see what it is.

The Secretary read the joint resolution.

Mr. GALLINGER. Is this a report from a committee; and if so, is it unanimous? It comes from the Committee on Territories, I suppose?

Mr. FAULKNER. It is a report from the Committee on Territories, and it is unanimous. The only change proposed in the law is that the present statutes of the Territory restrict persons entitled to vote to those who have been residents of the Territory for six months. This applies only to the towns and municipalities within the Strip that was opened on the 16th of September. The governor of the Territory has called an election in those municipalities. There is one town of 10,000 population with no municipal government whatever.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HOAR. What is the restriction referred to in the resolve?

Mr. FAULKNER. Does the Senator mean in the original Territorial act?

Mr. HOAR. The resolve refers to a certain restriction contained in a previous statute of the United States. What is that restriction, is my question?

Mr. FAULKNER. This measure does not touch that question at all.

Mr. HOAR. I want to know what it is.

Mr. FAULKNER. I will have it read for the benefit of the Senator.

Mr. HOAR. The resolve says that the voting shall be subject to no other restriction except that contained in a statute found in a certain volume and page named. My question to the Senator from West Virginia is, What is that restriction which is kept alive and reserved?

Mr. FAULKNER. In answer to the question suggested by the Senator from Massachusetts, I will state that the provision is found in the fifth section. The joint resolution does not alter that restriction.

Mr. HOAR. I know; but I want to know whether it should alter it or not.

Mr. CULLOM. Let the Senator read it.

Mr. FAULKNER. It is as follows:

SEC. 5. That all male citizens of the United States above the age of 21 years, and all male persons of foreign birth over said age who shall have twelve months prior thereto declared their intention to become citizens of the United States, as now required by law, who are actual residents at the time of the passage of this act of that portion of said Territory which was declared by the proclamation of the President to be open for settlement on the 22d day of April, A. D. 1889, and of that portion of said Territory heretofore known as the Public Land Strip, shall be entitled to vote at the first election in the Territory. At every subsequent election the qualifications of voters and of holding office shall be such as may be prescribed by the Legislative Assembly, subject, however, to the following restrictions on the power of the Legislative Assembly, namely:

These are the restrictions:

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of 21 years and by persons of foreign birth above that age who have declared on oath, before a competent court of record, as required by the naturalization laws of the United States, their intention to become citizens.

Mr. HOAR. What is that statute? Does it relate to Oklahoma, or is it a general Territorial statute?

Mr. FAULKNER. It relates to Oklahoma.

Mr. HOAR. What is the date of it?

Mr. FAULKNER. May 2, 1890.

Mr. HOAR. That is what I supposed the reading of the statute by the Senator would disclose. In other words, this resolve which the Senator has reported establishes for Oklahoma a principle which is in violation of a statute of the United States in regard to Territories generally, which is found in the general statutes, in regard to persons of foreign birth, as it proposes to allow persons who are not citizens of the United States, on twelve months' residence and a declaration of an intent to become citizens, to vote. I am opposed to that policy. I do not think that the purpose to become a citizen of the United States, however