APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Civil Service Commission.

REMARKS

OF

HON. JOHN P. TRACEY,

OF MISSOURI.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 22, 1896,

On the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. TRACEY said:

Mr. SPEAKER: The gentleman from Tennessee [Mr. RICHARDSON] manifested a degree of cleverness in his reply to the gentleman from Pennsylvania [Mr. BROSIUS] which may have won him some additional laurels as a debater, but they were short lived, and won at the expense of his reputation for fairness. He carried the appearance of great earnestness when he said:

I am not mistaken when I say that the gentleman from Pennsylvania, who assumes to be very familiar with all of the facts in connection with this matter, asserted with marked vehemence that these changes in the Service had made the Service decidedly more efficient. He said it became inefficient under the first Administration of President Cleveland and in a chaotic condition, and to improve its condition, to remedy that inefficiency, it had become necessary that the changes should be made, and he said that the records would sustain him in that charge.

Now, unfortunately for the truth of history—

Why?—

and unfortunately for the arguments of the gentleman from Pennsylvania, I have at hand the record of the errors which occurred in the Railway Mail Service for the years immediately preceding the advent of Mr. Harrison into office, and the errors which occurred in the years following his advent into office, and this record does not sustain him.

Having the record, why did not the gentleman present it to the House? Why did he give the errors committed by years, and the removals and appointments in the service for a period of six weeks in each year only? The gentleman ought to be aware that a system of comparison so lopsided as that is unsafe and almost sure to lead to wrong conclusions. The gentleman's argument militates very seriously against the reputation for fairness which he enjoys, and ought to have been seriously considered before it was offered to the House. I fear this was not done; in fact, all its outward marks indicate undue haste in the preparation.

It may or may not be a part of the unwritten history of the extension of the classified service to include the employees in the Railway Mail Service that the order making the extension was printed by mistake to read March 15, 1889, instead of February 15. It is possible, of course, that a mistake of that sort was made, and if it is not improper to measure the disposition of the President toward the civil service in the closing weeks of his first Administration by the recent manifestations of his disposition in that direction, we might conclude that it was made. But whether intentional or not, Mr. Harrison came into office with the Executive order of his predecessor extending the classified service to include the Railway Mail Service made to take effect and become operative on the 15th day of March, eleven days after his inauguration.

It was a matter of common notoriety during the latter part of Mr. Cleveland's first Administration that the Railway Mail Service was in a condition of unprecedented inefficiency. It may not have been entirely chaotic, but it had certainly reached the border line, and complaints were practically universal and came from members of all political parties. The language of the Postmaster-General, in his report for the fiscal year ending June 30, 1889, was fully warranted by the facts. He says:

It is proper to say that no other branch of the service had so many complaints against it as the Railway Mail Service, and it was deemed best to remove immediately and rapidly inexperienced men of recent appointment, and others whose records seemed to have fallen, and replace them with as many of the old clerks as could be found, who had had long training in the Service. This was an instance when the places sought the men, and not the men the offices. The years of actual service within the railway-postal cars seemed the best proof of fitness for appointment.

The latter part of the paragraph is quoted because it illustrates in the strongest manner the spirit that governed the Administration of Mr. Harrison touching this important branch of the service.

Prior to March 4, 1889, the Railway Mail Service had from its beginning been under the continuous control of the Republican party and had reached a high degree of efficiency. This is not difficult to account for, because it is manifestly due to the absence of political changes in the Administration and the absence, therefore, of numerous and frequent changes in the personnel of the Service. Prior to March 4, 1885, removals, except for inefficiency, were extremely rare. The force consisted on that date of 4,356 men, all of whom had entered the Service under a system of examinations and probations established in 1877 by Postmaster-General Key, or the somewhat similar system as to examinations which had prevailed for a number of years previously. The tenure of office was not affected by the changes of Administration which had taken place prior to March 4, 1885. Removals were only made for dishonesty or inefficiency, and hence there was on that date as well trained and efficient a corps of employees in the Railway Mail Service as there is now or has been at any time.

The change of Administration which occurred on the 4th of March, 1885, carried along with it a change of politics. It will not be disputed, whatever may be the opinion now entertained, that Mr. Cleveland's first Administration showed a decided fondness for Democratic traditions, especially that particular tradition, the paternity of which is usually ascribed to Andrew Jackson, "To the victors belong the spoils." This fondness may not have been demonstrated in all the Departments of the Government service, but it assuredly was in the Railway Mail Service, where more changes were made during the four years following March 4, 1885, than there were employees on the roll at that date.

When the facts shown in the records are all presented and considered along with the fragmentary facts given to the House by the gentleman from Tennessee, the unfairness of his statement becomes so apparent that the gentleman must himself see it. I can only account for the singular statement of the gentleman who is almost always fair and candid, on the ground that he was himself misled. In giving the number of removals, resignations, etc., in the Service each year, from 1885 to 1896, both inclusive, the gentleman from Tennessee confines himself to the first six weeks following March 15. This is manifestly done for two purposes. First, to create the impression that there were fewer removals during Mr. Cleveland's first Administration than is popularly believed, and, second, to contrast the exceptionally large number of removals during that period of the first year of Mr. Harrison's Administration with the same period in each year of the Administration of his predecessor, and in that way create an impression favorable to Mr. Cleveland.

I feel sure that Mr. Cleveland has no desire that the facts connected with his Administration shall either be juggled with or suppressed. When he came into office, he found the Railway Mail Service, so far as it had been organized, giving well-nigh universal satisfaction, and of his own volition he might have been satisfied to let it alone. But he was pressed on all sides by an army

of men whose hunger was only equaled, if at all, by the young man of antiquity who was compelled for some days to live on a diet of husks. There was no reason growing out of the character of the service which called for immediate wholesale removals and hence, during the period referred to, there were, as stated by the gentleman from Tennessee, but 51 removals. It is true that during that particular period of the four years 1885, 1886, 1887, and 1888 the total number of removals was but 235, and that during the same period of the four following years, 1889, 1890, 1891, and 1892, the number of removals was 1,504. But during the four years of Mr. Cleveland's first Administration, for no other apparent reason than to feed the hungry, the number of removals, resignations, and probationers dropped reached the grand total of 4,672—316 more than were on the rolls March 4, 1885.

It was this wholesale removal of experienced and trained men, for political reasons, and supplying their places with new men without experience, selected largely without any special regard to their fitness, that produced the chaotic condition of the Service so widely complained of in 1887 and 1888, and to which the Postmaster-General called attention in his report for the year ending June 30, 1889.

When Mr. Harrison came into office on the 4th of March, 1889, the whole number of employees in the Railway Mail Service was 5,334, an increase of nearly 1,000 during the preceding four years, and they were nearly all new men. Mr. Harrison did not manifest a disposition to postpone to a later date than the date fixed in the order, March 15, the operation of the order placing the employees of the railway post-office in the classified service. He changed the date because the Civil Service Commission had found it impossible to make proper examinations and prepare lists of eligibles by the date fixed. The extension of the time to May 1 was made upon the request of the Civil Service Commission. When that date arrived, there yet remained fifteen States and Territories in which no examinations had taken place, but the President declined to extend the time further.

The total number of changes made in the Railway Mail Service from March 4 to April 29, 1889, was 1,932, but of these 494 appointments were made to fill vacancies, and 887 removals of new and inefficient men were made to give place to an equal number of old clerks whose records had proven their fitness for the Service. The new appointments were but 551, and 3,402, or nearly two-thirds of the whole number, were left undisturbed.

That these changes were absolutely essential to good service is shown by the records. The percentage of errors was largest in the third year of Mr. Cleveland's first Administration, because the Service then felt the effects of the largest number of new men. There was a slight improvement in 1888, and a still further improvement in the fiscal year ending June 30, 1889, owing, in part at least, to the weeding out of inefficient men and filling their places with men who had been tried. The large increase of errors in the following year is due to the fact that circulars of instruction were issued to the clerks to mark errors more closely than had been done, and does not, as the gentleman from Tennessee assumes, indicate a decrease in the efficiency of the Service. Had the gentleman gone a little further and noted the decrease in the number of errors in the year ending June 30, 1891, of 763,272, in spite of the increase of the number of pieces handled of 698,646,490, he would at once have detected the sandy character of the foundation upon which he stood. Had he made an examination of the records for the years 1892 and 1893, three months of the latter being a part of the present Administration, he could not have asked for additional testimony of the truth of the statements made by the gentleman from Pennsylvania that the changes made in the Railway Mail Service by Mr. Harrison in the beginning of his term were made solely for the good of the Service, and that its efficiency had thereby been largely enhanced. While but 2,834 pieces of mail to one error were handled in 1890, for the reason stated, in 1891, 4,261 pieces were handled to each error committed; in 1892, 5,564; in 1893, three-fourths of the year belonging to Harrison's Administration, 7,144, and in 1894, 7,831 pieces were handled to each error committed. There has been a constant increase of efficiency since, due without doubt to the good beginning made by Mr. Harrison and to the stability of tenure in the Service, so that for the year ending June 30, 1896, the number of pieces handled to each error committed was 9,843. This record is in marked contrast to the record made during Mr. Cleveland's first term, when there was a constant decrease of efficiency and a corresponding increase of errors. In view of these facts the gentleman from Tennessee ought to revise his opinions.

He overlooks the considerable decrease in the percentage of errors for the year 1889 as compared with 1888, and seizes with great avidity upon the record for 1890, because it is the only year of the four referred to which on the face of the record could be made to serve the gentleman's purpose. The effort to make the impression that the Railway Mail Service was as efficient during President Cleveland's first term as under the Administration of his successor may be commendable, but the facts can not be marshaled to support it.

It is fortunate for the truth of history, and very unfortunate for the argument of the gentleman from Tennessee, that the records do not sustain his conclusions, though drawn with so much skill as momentarily to almost unhorse the gentleman from Pennsylvania. From 1885 to 1888 there is almost a regular decrease of the number of pieces of mail handled to each error committed, from 5,575 in 1885 to 3,694 in 1888. There was a decrease in the number of errors in 1885 of 279,519, which it is not unfair to say is due to the fact, as shown by the gentleman from Tennessee, that but a small number of removals were made by President Cleveland during the first three months of the term. In the following year, when the Service began to feel seriously the effects of the ax, the errors increased 373,739, and in 1887 the increase of errors reached the very large total of 474,174. During the last year of that Administration there was an increase of errors to the number of 31,204, while in the first year of Mr. Harrison's Administration the increase of errors had fallen to 11,474.

In the following year, 1890, owing to the instructions to the clerks to which I have called attention, the increase of errors was very large, amounting to 991,950. But in the very next year, demonstrating beyond the possibility of doubt the wisdom of President Harrison's action, there was an almost equal decrease in the number of errors, the decrease amounting to 763,272, while the number of pieces of mail handled had increased 698,647,490. This proves that Mr. Harrison's appointees, being experienced clerks, rapidly accustomed themselves to the new requirements relative to the marking of errors, and made a record for themselves and for the Service unprecedented, and which the clerks whose places they supplied would have found wholly impossible. In the next year the decrease of errors was 847,376, and in 1893, 290,577. These are the truths of history, without color or varnish.

The Late Representative Charles F. Crisp.

SPEECH

OF

HON. WARREN B. HOOKER,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 16, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

"*Resolved*, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased"—

Mr. HOOKER said:

Mr. SPEAKER: It was my pride and good fortune to enjoy the friendship of CHARLES FREDERICK CRISP, and I feel a better man for having been allowed that inestimable privilege.

The more than ordinary solemnity of this sad occasion deeply impresses me, and I am fully cognizant of my utter incompetency to add anything to the remarks that have already been so feelingly, justly, and appropriately made, yet I am unwilling to let this opportunity pass without paying my heartfelt tribute to him whose memory we honor to-day.

My acquaintance with him began at the beginning of the Fifty-second Congress, when he had just been honored by his party as its candidate for the Speakership, and I look back upon my short political career and my heart teems with gratitude to our lamented friend for the many words of counsel and encouragement which his hospitable and generous nature prompted him to bestow upon those who sought his aid and advice.

Among the prominent characteristics of this leader among men I would call attention to one that particularly stands forth when observing his eminent career, and that is the universal and kindly consideration which he extended to the younger and less experienced members of this body.

However burdened with the cares of a busy public life, he was always ready to listen to the appeals of his younger colleagues and give them the assistance of his masterly mind, so rich in experience, so trained in the affairs of legislation.

Time alone will disclose the true wisdom of his course, and though he has departed, his memory will be treasured in the hearts of all who have been associated with this noble character.

He was a careful and conscientious legislator, yet so strong in

his convictions, when once formed, that he followed the lines of duty as he saw with untiring zeal and energy.

His pluck and perseverance soon gained for him distinction, and the party whose principles he espoused quickly recognized him as a leader, and he was ever afterwards a prominent figure in its affairs.

Strong partisan that he was, he never forgot the rights of others. Honored as he was by the unbounded confidence of his fellowmen, he never denied to others the consideration due them.

Though many of us differed with him on the leading political issues of the day, yet we admired this progressive, resolute, national figure, who played so important a part in many of the leading events of recent years.

Simple, courteous in manner, forcible in expression, fearless in conflict, the virtues and qualities of this distinguished servant, faithful, upright, honorable, raised him to the pinnacle of high esteem in the minds and hearts of his fellow countrymen.

His private and public career furnish a most noble example to the American youth endeavoring to attain laudable ambition, and to those of the older generation who may be discouraged and disheartened an inspiration to an awakened and renewed activity.

Immigration Bill.

REMARKS
OF
HON. JOHN F. LACEY,
OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897,

On the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. LACEY said:

Mr. SPEAKER: The discussion of the conference report has taken a range entirely outside of the real issue before the House. The House passed a bill to adopt an educational test in admitting immigrants, to which the Senate has made an exception in favor of illiterate Cubans. The Senate has enlarged the scope of the House bill in the manner of executing the purposes of the bill. The educational test by the Senate amendments is directed to the reading and writing of the Constitution of the United States.

The House bill treats the immigrating family as a unit, and directs the examination to the head of the family. If the head of the family is eligible, the family may pass. The Senate amendments and the conference report treat the members of the family over 16 years of age as individuals, requiring them to separately pass the necessary examination.

In case of the failure of the husband or wife to successfully read and write the proposed example from the Federal Constitution, the individual who fails is to be returned to his or her home at the expense of the steamship company, but the individual member of the family who passes the examination is permitted to remain, or if he or she desires to return must do so at his or her own expense. In view of the fact that in a majority of the cases the immigrant would be unable to pay the return charges, this requirement of the conference report would result in the division of the immigrating families. It is not necessary that this House in its anxiety for restrictive legislation should at the first opportunity and without further conference accept this crude feature proposed by the conference committee. There is abundance of time for the conferees to consider and amend the measure so as to avoid such evident hardships as these. Or, suppose a daughter aged 17 years should fail to pass the required test? The father with a large family must be able to pay the return fare of the remainder of the family or have the daughter separated from her parents and returned at the expense of the steamship company. Surely this House should not be compelled to accept such a requirement as this. There is certainly sufficient ability in the conference committee to so modify their proposed amendment as to avoid so barbarous a result as this.

Let the bill go back to the conference committee. Under the rules of both Houses a conference report is a matter of the highest privilege, and may be called up and disposed of at any time, so that there is no danger of the failure of legislation.

This House is not confronted with any such alternative as that it must accept a defective bill or none. The discussion of the general necessity of legislation of this character at this time is wholly out of place. Upon this question there seems to be but little difference of opinion. All these matters were discussed when the House passed the original bill.

The actual question which we ought now to consider is whether the details of the bill as now enlarged and changed by the conference committee should be adopted, or whether they should be further considered and amended. The fact that the friends of the conference report refuse to discuss its details, and insist upon talking of the general subject of immigration alone, shows that they do not feel safe in defending the details of the plan proposed by the conference committee. The fact that legislation is needed does not justify us in blindly accepting unwise amendments.

The bill ought to go back again to conference, and the amendments so modified that in admitting immigrants the family should be regarded as a unit.

But even if we should adopt the general plan of the conferees, still the bill should be so amended that the members of the family who pass the test may have the option to be returned, along with the rejected members, at the expense of the steamship lines. Without some such amendment scenes of great misery will be enacted under the sanction of law.

Pacific Railroad Bill.

SPEECH
OF
HON. SAMUEL G. HILBORN,
OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—

Mr. HILBORN said:

Mr. CHAIRMAN: This debate has now progressed for two days, and opponents of the bill have filled all the time allotted to the opposition without assistance from the members from California. We of the Pacific States congratulate ourselves that the people of the East at last realize the unworthy character of this proposed legislation. In this fact we find a hope that the hour of our deliverance is at hand. But I would be remiss in my duty as a Californian if I refrained entirely from speaking upon this bill.

There are certain local matters with which we are familiar which are unknown to you, and upon which I think you ought to be informed. I think you ought to know that in this bill the Central Pacific Railway Company does not offer or promise to give the Government a mortgage upon the real overland railroad in California, over which they have for years transacted their overland business exclusively beyond Sacramento, the capital of our State. I believe that even some members of the Committee on Pacific Railroads in this House, who reported this bill, at this moment think that this bill would give us security upon the best road these people have, the one they now use for their overland traffic. Some of this committee have been in California recently, and remember the magnificent railroad over which they traveled from Sacramento to Oakland. They remember the monstrous steam ferryboat *Salono*, which took the whole train across the Straits of Carquines. Perhaps they think this is the railroad property the Central Pacific Company offers them. If so, I must undeceive you. They do not propose to give you this short, well-ballasted road, with miles of double track. The property they propose to mortgage to you is the old Western Railroad from Sacramento to Niles, and a local road from there to Oakland. It was the first road they built and operated in that part of California, and if you visited San Francisco by rail twenty-five years ago, you traveled over this road.

But it was too expensive to run. The route was circuitous, and through the Contra Costa hills the grades were too heavy and the curves were too short. So about sixteen years ago they built the short and direct line which I have described and have been using it exclusively ever since for the overland traffic. The old road was then abandoned for the overland traffic, and has since been operated as a local road.

Mr. DOCKERY. I understand the gentleman to say that that direct line was built by the earnings of the Central Pacific.

Mr. HILBORN. Yes, sir. It is owned by the same men, but it is not called the Central Pacific. They give it another name. I think they call the road they built from Oakland to Suisun the Northern Railway. But it is owned and run by the same people

who own and run the Central and South Pacific. Charles F. Crocker is president; Lathrop, a brother-in-law of Leland Stanford, is the vice-president, and Klink, the confidential secretary of so many of their companies, is secretary of this company. There is another matter to which I desire to call the attention of the committee.

The plausible report of the Committee on the Pacific Railroads tells us of the complete railroad we are to get, extending from the Missouri River to the waters of the Pacific, but also the terminals and ferryboats, giving us a continuous railroad to San Francisco. These terminals and ferries are immensely valuable, and have an earning capacity which is enormous.

I had some suspicions that there was a doubt about the ownership of the Oakland Mole and the ferryboats, so I telegraphed to the assessor of Alameda County, asking him who owned the Oakland Mole and the ferryboats, and to whom they were assessed.

This is his answer:

OAKLAND, CAL., *January 4, 1897.*

Hon. S. G. HILBORN, *Washington, D. C.:*

Mole assessed Central Pacific. Ferryboats in ninety-five, Central Pacific. Ninety-six, Southern Pacific.

HENRY P. DALTON, *Assessor.*

So it appears that this magnificent ferry system, which is a necessary connection of this railroad—for you can not get into San Francisco over this road without it—belonged to the Central Pacific Company when the representatives of that company were before the committee which framed this bill, but since that time a change in the ownership has taken place. If you pass this bill, they will say that they are unable to mortgage these boats because they belong to the Southern Pacific Company.

For ways that are dark and tricks that are vain, this railroad is peculiar.

The bill under consideration is not the first one presented to the House for the settlement of the debts of the Pacific railroads, but it enjoys the unique distinction of being the worst of its kind. It deals more generously with the railroads and more harshly with the Government than any of its predecessors. It is vastly more unfavorable to the Government than the Reilly bill, which was so ignominiously defeated in this House in the Fifty-third Congress. After that rebuff it might be expected that the advocates of funding would moderate their demands rather than enlarge them.

Under the scheme proposed in the Reilly bill the railroads were to pay off the so-called first-mortgage bonds and give the Government a first lien upon the roads. Under this bill no provision is made for the payment of the first-mortgage bonds, but, on the other hand, the first lien is nearly doubled, and the Government has the second lien to the end of the transaction. Under the scheme proposed in the Reilly bill the debt due to the Government was to bear interest at the rate of 3 per cent per annum, and the entire amount of the debt was to be paid in fifty years. Under this bill more than eighty years will elapse before the entire debt is paid, and the rate of interest provided is only 2 per cent per annum. This bill would not have received the approval of the committee which brought in the Reilly bill, for in their report they place the seal of condemnation upon one principal feature of this bill when they say:

> The annual interest on these first-mortgage bonds has been a heavy drain upon the earnings of these companies; and if said first mortgage is to be continued with priority of lien, it seems to your committee that it would be futile to attempt any adjustment of the Government's indebtedness on that basis.

It appears also from the report presented by Mr. HUBBARD of the minority of the present committee that the railroads themselves have offered better terms of settlement than those contained in this bill. We learn from that report that the Union Pacific proposed to give the Government $35,000,000 first-mortgage 4 per cent bonds out of an authorized issue of $100,000,000, limited to an actual issue of $87,000,000. This would give the Government thirty-five eighty-sevenths of the first lien on the main line of the Union and Kansas Pacific, including terminals, bridges, Denver extension, and Cheyenne Division. Also $20,000,000 preferred stock out of a total authorized issue of $75,000,000, limited in actual issue at the time to $68,000,000, without a second mortgage, making the preferred stock equivalent to a second mortgage. This is certainly preferable to the present bill.

General Hubbard, in behalf of the Central Pacific, held out that his company would, with the aid of the sinking fund, pay the principal of the subsidy bonds as they should mature, and give a 2 per cent income bond for the unreimbursed interest, to be secured by a retention of so much of the Government compensation annually earned by the roads as shall be necessary to pay the interest. This proposition is preferable to the plan proposed in this bill.

We have great respect for the gentlemen composing the Committee on Pacific Railroads, and we can not but think that if this bill were recommitted to them they could frame one which would be more favorable to the Government, and which would be accepted by the railroads.

I admit that no bill to refund the debts of these railroads would meet with my approval which would continue the present control of the roads. The people of California are opposed to any measure that will perpetuate this monopoly.

It has stood in the way of their prosperity in the past, and they are appalled at the prospect of having its power made perpetual. They want a competing line of railroad, which this bill denies them.

I appreciate, however, that many members of the House will look upon this question without sentiment and as a cold business proposition.

It is proposed in this bill that each of these roads—the Union and the Central—shall pay into the Treasury of the United States, in satisfaction of the principal of their debts, the sum of $365,000 per annum for the period of ten years.

For the period of ten years following they each pay annually $550,000, and from that time onward they are each to pay annually $750,000 until the principal of their respective debts to the Government is extinguished. The companies are also to pay interest on the unpaid portion of their debt at the rate of 2 per cent per annum. Now, let us see whether this is an advantageous arrangement for the Government from a financial standpoint.

I have had some calculations made which show how the Government would suffer by such a settlement. The calculations have been made only as to the Central Pacific, but they illustrate how indefensible the scheme is as a business proposition.

It is proposed to loan this vast amount of money to the railroad for nearly a hundred years at 2 per cent per annum interest. This Government is a large borrower of money, for which it pays interest at the rate of 3½ per cent per annum. Whether it borrows the identical money loaned to the railroad is immaterial. The railroad failed to pay its just debts, and the failure made a void in the Treasury of the United States which is filled by borrowing. The subsidy bonds of the United States issued for the benefit of these roads must be paid at maturity, and if the money is not in the Treasury it must be obtained by the sale of bonds bearing interest at the rate of 3½ per cent.

The difference, therefore, between 3½ per cent, the rate the Government is paying, and the rate of interest received from the railroads will be the measure of the Government's loss in interest. The debt of the Central Pacific Railroad, including the Western, on the 1st day of January, 1897, according to the majority report of Mr. POWERS, is $57,681,514.29. Let us see how the contracting parties will stand at the end of the transaction. Under this bill the Central Pacific would, in eighty-five years, pay—

The principal	$57,681,514.29
In interest	53,410,074.00
Total payments by railroad	111,091,588.29
Interest paid by United States in eighty-five years	171,602,505.00
Principal unpaid	57,681,514.29
	229,284,019.29
	111,091,588.29
Loss of United States	118,192,431.00

1. Under this bill the Central Pacific Company would pay $1,153,630.28 interest and $365,000 principal the first year, or $1,518,630.28 in all, equivalent to a total payment of 2.64 per cent on the entire debt, and $600,222.72 less than the Government would be paying in interest alone.

2. These payments would then gradually diminish, until in the tenth year the corporation would pay $1,087,930.29 interest and $365,000 principal—equivalent to a total payment of $1,452,930.29, or 2.52 per cent on the original debt, and $565,923 less than the Government's annual interest outlay. By that time $3,650,000 of the debt would have been "extinguished."

3. The next year the installments on the principal would be increased to $550,000. The company would then be paying $1,080,630.28 interest and $550,000 principal—$1,630,630.28 in all, or 2.83 per cent on the original debt, and $388,223 less than the Government would be paying for interest.

4. There would be a steady diminution for ten years more, at the end of which time the Central Pacific would be paying the Government $981,630.28 interest and $550,000 principal, making a total of $1,531,630.28, or 2.66 per cent on the original debt, and $487,223 less than the Government would be paying in the same year in interest on the money it had lent the railroad.

5. This brings us down to the year 1918. By this time the Central Pacific is supposed to have extinguished $5,500,000 more of its debt, which now stands at $48,531,514.29.

6. We now enter upon the final period of sixty-five years, during which the debt is to be reduced at the rate of $750,000 a year.

In 1918 the company is to pay $970,630.29 for interest and $750,000 on the principal, or $1,720,630.29 in all—equivalent to 2.98 per cent on the original debt. This is the largest payment the company ever makes.

7. Finally, in 1982, the account is to close. The last payment from the Central Pacific is to be $10,630.29 interest and $531,514 principal, in all, $542,144.58, equivalent to 0.92 per cent on the original debt, and $1,478,709 less than the Government's interest payments to its own creditors for the same year on the same account.

8. In the whole eighty-six years during which the Central Pacific would be "extinguishing" its debt it would fall short $60,689,917 of meeting the Government's interest payments at 3½ per cent. The Government would lose the entire principal of the debt in addition, making its total loss from the Central Pacific $118,192,431, or more than twice as much as the entire present amount of the debt, principal and interest.

Statement of the practical operation of the Powers funding bill as applied to the Central Pacific Railroad Company alone.

The amount due the United States (1898)		$57,681,514.29
Interest paid by the United States (eighty-five years)		171,602,505.00
		229,284,019.29
Principal paid by railroad (first ten years)	$3,650,000.00	
Interest paid by railroad (first ten years)	11,207,803.00	
Principal paid by railroad (second ten years)	5,500,000.00	
Interest paid by railroad (second ten years)	10,311,302.00	
Principal paid by railroad (sixty-five years)	48,531,514.29	
Interest paid by railroad (sixty-five years)	31,890,969.00	
		111,091,588.29
Loss to the United States		118,192,431.00
Interest paid by the United States (eighty-five years)	$171,602,505.00	
Interest paid by railroad	53,410,074.00	
		$118,192,431.00
Average annual payment of principal by railroad		678,606.05
Average annual payment of interest by railroad		631,547.22

January 1—	Amount due the United States.	Amount received by the United States.		Per cent paid by railroad.	Loss to the United States for interest.
		Of principal.	For interest.		
1898	$57,681,514.29	$365,000.00	$1,153,630.28	2.64	$800,222.72
1907	54,396,514.29	365,000.00	1,087,930.29	2.52	565,923.00
1908	54,031,514.29	550,000.00	1,080,630.28	2.83	388,223.00
1917	49,081,514.29	550,000.00	981,630.29	2.66	487,223.00
1918	48,531,514.29	750,000.00	970,630.29	2.98	298,223.00
1982	531,514.29	531,514.29	10,630.29	.92	1,478,707.00

January 1—	Amount of principal on which interest is payable.	Amount of principal to be paid yearly.	Amount of interest payable yearly.
1898	$57,681,514.29	$365,000.00	$1,153,630.28
1899	57,316,514.29	365,000.00	1,146,330.29
1900	56,951,514.29	365,000.00	1,139,030.28
1901	56,586,514.29	365,000.00	1,131,730.29
1902	56,221,514.29	365,000.00	1,124,430.28
1903	55,856,514.29	365,000.00	1,117,130.29
1904	55,491,514.29	365,000.00	1,109,830.28
1905	55,126,514.29	365,000.00	1,102,530.29
1906	54,761,514.29	365,000.00	1,095,230.28
1907	54,396,514.29	365,000.00	1,087,930.29
		3,650,000.00	11,207,803.85
1908	54,031,514.29	550,000.00	1,080,630.28
1909	53,481,514.29	550,000.00	1,069,630.29
1910	52,931,514.29	550,000.00	1,058,630.28
1911	52,381,514.29	550,000.00	1,047,630.29
1912	51,831,514.29	550,000.00	1,036,630.28
1913	51,281,514.29	550,000.00	1,025,630.29
1914	50,731,514.29	550,000.00	1,014,630.28
1915	50,181,514.29	550,000.00	1,003,630.29
1916	49,631,514.29	550,000.00	992,630.28
1917	49,081,514.29	550,000.00	981,630.29
		5,500,000.00	10,311,302.85

January 1—	Amount of principal on which interest is payable.	Amount of principal to be paid yearly.	Amount of interest payable yearly.
1918	$48,531,514.29	$750,000.00	$970,630.29
1919	47,781,514.29	750,000.00	955,630.28
1920	47,031,514.29	750,000.00	940,630.29
1921	46,281,514.29	750,000.00	925,630.28
1922	45,531,514.29	750,000.00	910,630.29
1923	44,781,514.29	750,000.00	895,630.28
1924	44,031,514.29	750,000.00	880,630.25
1925	43,281,514.29	750,000.00	865,630.29
1926	42,531,514.29	750,000.00	850,630.29
1927	41,781,514.29	750,000.00	835,630.28
1928	41,031,514.29	750,000.00	820,630.29
1929	40,281,514.29	750,000.00	805,630.28
1930	39,531,514.29	750,000.00	790,630.29
1931	38,781,514.29	750,000.00	775,630.28
1932	38,031,514.29	750,000.00	760,630.29
1933	37,281,514.29	750,000.00	745,630.28
1934	36,531,514.29	750,000.00	730,630.29
1935	35,781,514.29	750,000.00	715,630.28
1936	35,031,514.29	750,000.00	700,630.29
1937	34,281,514.29	750,000.00	685,630.28
1938	33,531,514.29	750,000.00	670,630.29
1939	32,781,514.29	750,000.00	655,630.28
1940	32,031,514.29	750,000.00	640,630.29
1941	31,281,514.29	750,000.00	625,630.28
1942	30,531,514.29	750,000.00	610,630.29
1943	29,781,514.29	750,000.00	595,630.28
1944	29,031,514.29	750,000.00	580,630.29
1945	28,281,514.29	750,000.00	565,630.28
1946	27,531,514.29	750,000.00	550,630.29
1947	26,781,514.29	750,000.00	535,630.28
1948	26,031,514.29	750,000.00	520,630.29
1949	25,281,514.29	750,000.00	505,630.28
1950	24,531,514.29	750,000.00	490,630.29
1951	23,781,514.29	750,000.00	475,630.28
1952	23,031,514.29	750,000.00	460,630.29
1953	22,281,514.29	750,000.00	445,630.28
1954	21,531,514.29	750,000.00	430,630.29
1955	20,781,514.29	750,000.00	415,630.28
1956	20,031,514.29	750,000.00	400,630.29
1957	19,281,514.29	750,000.00	385,630.28
1958	18,531,514.29	750,000.00	370,630.29
1959	17,781,514.29	750,000.00	355,630.28
1960	17,031,514.29	750,000.00	340,630.29
1961	16,281,514.29	750,000.00	325,630.28
1962	15,531,514.29	750,000.00	310,630.29
1963	14,781,514.29	750,000.00	295,630.28
1964	14,031,514.29	750,000.00	280,630.29
1965	13,281,514.29	750,000.00	265,630.28
1966	12,531,514.29	750,000.00	250,630.29
1967	11,781,514.29	750,000.00	235,630.28
1968	11,031,514.29	750,000.00	220,630.29
1969	10,281,514.29	750,000.00	205,630.28
1970	9,531,514.29	750,000.00	190,630.29
1971	8,781,514.29	750,000.00	175,630.28
1972	8,031,514.29	750,000.00	160,630.29
1973	7,281,514.29	750,000.00	145,630.28
1974	6,531,514.29	750,000.00	130,630.29
1975	5,781,514.29	750,000.00	115,630.28
1976	5,031,514.29	750,000.00	100,630.29
1977	4,281,514.29	750,000.00	85,630.28
1978	3,531,514.29	750,000.00	70,630.29
1979	2,781,514.29	750,000.00	55,630.28
1980	2,031,514.29	750,000.00	40,630.29
1981	1,281,514.29	750,000.00	25,630.28
1982	531,514.29	531,514.29	10,630.29
Total		57,681,514.29	53,410,074.24

There is one feature of this bill to which I desire to call especial attention. The roads are to pay interest at 2 per cent and each year make a small payment upon the principal; but there is no year during the eighty-five years of the refunding period when the sum paid for interest and principal together will amount to 3 per cent of the amount of the original debt. Not one year when their cash payment will amount to decent interest on their debt. Not one year in which the Government will not be a loser by the transaction.

The railroad companies will have extinguished their debts to the Government by an annual payment of a percentage less than the current interest, while the Government at the end of the funding period will owe the full amount it has borrowed to lend to the corporations. On its face, this is a bill to enable the railroad companies to pay their debts. At first glance the proposition that the companies shall pay 2 per cent interest for eighty-five years and clear off the principal by annual installments, beginning with $365,000 a year and increasing to $750,000 per year, has rather an honest look. But suppose we put the proposition in another way. Suppose we say that the railroad companies shall pay no part of the principal of the debt they owe to the Government, but if they will pay interest upon these debts at rates ranging from less than 1 per cent to 2.98 per cent per annum for eighty-five years, the debts are to be considered wiped out, and the roads are to be donated to them free from incumbrance, while the Government would still owe the principal of its debt contracted eighty-six years before, and upon which it had paid in interest more money than it had ever received. Yet that is the identical scheme contained in this bill.

The men who have wantonly and wickedly wrecked the ship now impudently importune the owners to employ them as salvers, and after the ship is saved and salvage paid they will own the ship.

The Congress of 1864 has been censured for legislation which proved to be more generous to the railroads than was necessary. That Congress loaned these roads about $61,000,000 and permitted the roads to place another mortgage of like amount ahead of our lien. The Congress of 1897 proposes to loan these roads $111,000,000, with a prior lien of $107,000,000 ahead of the Government lien. In 1864 the generosity of Congress was stimulated by a strong desire to secure the construction of a railroad across the continent, which would be of incalculable advantage to the Government. Now we have several transcontinental railroads and no such inducement exists. In 1864 the character of the corporations with which we were dealing was unknown. Our experience with them since is briefly summarized in two extracts from reports to Congress.

Nearly every obligation which these corporations assumed under the laws of the United States or as common carriers has been violated. Their management has been a national disgrace.—*Pattison.*

Every precaution that Congress had taken for the proper management of these great properties had failed of its purpose.—*Wilson Committee.*

1864. Subsidy bonds, Union Pacific and Kansas Pacific	$33,539,512.00
Subsidy bonds, Central Pacific	27,855,680.00
Total	61,395,192.00
First mortgage, Union Pacific and Kansas Pacific	33,539,512.00
First mortgage, Central Pacific	27,855,680.00
Total	61,395,192.00
1896. Bonds to United States, Union Pacific and Kansas Pacific	53,715,408.78
Bonds to United States, Central Pacific	57,681,514.29
Total	111,396,923.07
First mortgage, Union Pacific and Kansas Pacific	54,731,000.00
First mortgage, Central Pacific	52,801,000.00
Total	107,532,000.00

No officer of the United States whose duty it is to advise Congress in relation to these railroads now advises this legislation. The opinions of the President are expressed in the scathing words of the message to Congress transmitting the reports of the United States Pacific Railroad Commission. We can safely leave the settlement of this matter in his hands without further legislation, with a certainty that the interests of the Government will not suffer. A majority of the members of that Commission are now opposed to funding the debt. Mr. Anderson, who in 1887 signed the majority report, has since changed his mind. The present Government directors of the Union Pacific Railway Company unanimously recommend foreclosure and sale. The Commissioner of Railroads has ceased to recommend a funding bill. The Secretary of the Interior is opposed to this bill. Mr. Smith, the late Secretary of the Interior, appeared before the committee and in emphatic terms protested against this kind of legislation. He showed that these roads were still valuable properties: that the average annual net earnings of the Union Pacific and Central Pacific during the past ten years have been $8,584,000; that the average annual net profits for the main lines during the past ten years would have paid 3 per cent on a bond issue equal in amount to the sum of the first-mortgage bonds, the Government bonds, and the interest due on the Government bonds, and still have left a net profit annually of $3,089,000.

Mr. Coombs, one of the United States directors of the Union Pacific, stated to the committee that capitalists stood ready to pay $120,000,000 or more for these roads if given an opportunity to bid; that the Government could realize $60,000,000 or $65,000,000 upon its debt by a sale in the open markets.

The following article, clipped from the Washington Post of December 12, 1896, discloses the plan of the Union Pacific people:

UNION PACIFIC REORGANIZATION—THE COMMITTEE PREPARING TO BID IN THE ROAD IN THE EVENT OF FORECLOSURE.

NEW YORK, *December 11, 1896.*

The reorganization committee of the Union Pacific Railway Company today addressed a circular to the holders of securities of the company's main lines, inclusive of the Kansas Pacific, explaining the decision to extend to June 30, 1897, the time during which the plan and agreement may be declared operative. The committee recites the frequent efforts to secure an adjustment of the indebtedness of the company and of the Central Pacific Railroad to the United States during the session of Congress which began in December, 1895, and lasted until June, 1896. The circular says that the bill agreed upon by the Committee on Pacific Railroads of both Houses shortly before adjournment of the last session of Congress is in its main features satisfactory to the committee. It is hoped that action by Congress at the present session will be favorable, in which event the committee will promptly proceed with the reorganization upon the lines of the proposed funding bill.

Should, however, this expectation not be realized, there is a probability that the Government will proceed on existing authorization with the foreclosure of its liens. In such event the committee intends to prepare for the purchase of the property on such foreclosure, and thereupon reorganize the property. In the existing situation the committee has deemed it prudent to postpone action in declaring the plan operative until the attitude of Congress and the Executive becomes more clearly defined.

No officer of the Government advises the funding of this debt. No popular sentiment calls for this legislation, but immense petitions have been presented here against a similar bill. No State legislatures have memorialized us to pass this bill, while the legislature of my own State has sent here a strong protest against it. No political party in any State in the Union has declared in favor of a funding measure, while all of the political parties of California in convention have condemned this bill.

One of the great political parties incorporated in its national platform a declaration against this measure.

The owners of the roads alone, the men who have ruined the roads in the past, are here advocating this bill.

We hear much about the innocent stockholders of these roads, and this bill is carefully prepared to protect them and provide dividends for their stock. The great bulk of the stock of the Central Pacific is held by people who fear to avow their ownership lest they be held responsible for its debts. It is said that the managers of this company keep control of the organization by the use of proxies taken years ago from those in whose names the shares then stood. The stockholders of these corporations purchased with full knowledge of the facts. They deliberately purchased the legacy of a gigantic fraud. Shall we protect the speculator who has purchased this stock, tainted from its issue with fraud, or the farmers and producers of the West, who pay the tolls to support these roads? Their lot is already hard enough, without adding to their burdens.

The Central Pacific Railroad, one of the parties to the proposed contract, owns a road which the United States Pacific Railway Commissioners inform us actually cost $40,000,000. We ascertain from Poor's Manual that on December 31, 1895, the liabilities of that company were $203,543,645.79. This company has ceased to operate its own road, which is leased to the Southern Pacific for about ninety years. The Southern Pacific Company, which guarantees the payment of the obligation of the Central Pacific Company to the Government, is a Kentucky corporation with a stockholders' liability limited to $1,000,000. The business of this corporation is to lease railroad properties and run them rather than build and own roads. These are the companies to whom the United States must look for the payment of the debt due from the Central Pacific Railroad Company.

The plain remedy for the recovery of the money due the United States from these companies, and the remedy any business man would adopt under like circumstances, is foreclosure of the mortgages and a sale of the property, and if any deficiency arises an action against the guilty directors so far as they survive, and against their representatives so far as they have left assets, for the restoration of the funds misappropriated by them. The questions involved in any settlement between the Government and the railroads are judicial questions, and should be settled by the courts, and not by Congress. The courts ought to adjudicate the question as to whether the so-called first-mortgage bonds, amounting now to over $61,000,000 ($61,385,000), constitute a first lien upon the properties. The law of 1864 authorized the companies to issue bonds "to an amount not exceeding the amount of the bonds of the United States, and of even tenure and date," which would be a prior lien to the lien of the United States. It is alleged that the law was not complied with in issuing these bonds, and that they are not, in fact, a first lien upon the roads. The Thurman Act distinctly challenges the priority of these so-called first-mortgage bonds in its recital that "they are, if lawfully issued and disposed of, a prior lien." But if they are not lawfully issued and disposed of, they are subordinate to the lien of the Government. The report of the Pacific Railroad Commissioners of 1887 shows that they were not disposed of at all, but were paid to themselves under the thin disguise of a construction company of which they were the sole stockholders. This question, involving more than $60,000,000, is certainly worthy of consideration by a court. The Union Pacific has terminals in Omaha, Kansas City, and Ogden, the value of which is estimated, in the report of the Pacific Railroad Commissioners, at $15,300,000. The company claims that these terminals are not subject to the Government lien.

The same claim is made with respect to the Omaha bridge; a contrary opinion is held by others.

Thirty acres of land in the heart of San Francisco was donated to the Western (now the Central) Pacific, expressly for terminal purposes. If there is foreclosure, the court would undoubtedly decree that this land, worth over $12,000,000, was appurtenant to the railroad and covered by the lien of the Government. This bill permits it to escape.

These are all questions for the courts to determine, and are not within the proper scope of Congressional action.

Millions are involved, and yet we propose to decide these matters offhand and without investigation, and decide them all against the Government and in favor of the corporations.

There is another question of great importance and requiring more careful consideration than we can give it.

The Central Pacific Railroad is a State corporation, created by the State of California and existing under its laws. In that State the life of a corporation is limited to fifty years and can not be extended. Indeed, the constitution of the State says, "The legislature shall not extend any franchise or charter nor remit the forfeiture of and franchise of any corporation which is now existing or which shall hereafter exist under the laws of this State."

The date of the incorporation of this company was June 27, 1861. In 1911 the corporation will be dead—very dead. It will be buried, and no power can resurrect it.

It will be the duty of the attorney-general of California, under the laws of that State, to institute legal proceedings for the winding up of its affairs. This bill contemplates that the Central Pacific Railroad will continue its corporate existence for eighty-six years at least, with its corporate powers unimpaired; that during that period it shall perform its duties as a common carrier, maintain and run a railroad, and every year pay interest and an installment of its debt to the Government until it is fully paid.

These transactions between the Government and these corporations have been going on for thirty years without a settlement. A vast amount of money is involved, and there should be a careful accounting. Let us know what property is subject to our lien, and what is not. Let the order and priority of the liens be ascertained. Then let the property be sold together as one line, so that there shall be one ownership and one management of the road from the Missouri River to the Pacific Ocean. Then the plan of the projectors of the scheme for a continuous highway across the continent will be realized.

Conditions should be imposed upon the purchasers that no officer or member of the purchasing company should be an officer or be interested in any competing road.

The people of the West, and especially of California, have a special objection to this bill. These roads are capitalized for more than $170,000,000 above their actual cost, and vastly more than their present value. We object to being taxed for the next eighty years to pay interest upon this fictitious and fraudulent capitalization. These corporations have become indebted to the Government in a large amount. The scheme in this bill is to permit them to pay their debt by levying excessive tolls upon their patrons, and their patrons are the people of the States through which the roads run. If this debt is paid, it will be paid primarily by the stockholders, but ultimately by us. An assessment district will be established comprising the country tributary to these roads, and the managers of the roads will be authorized by this bill to collect from us the money to pay the debt they owe to the whole United States. It will in effect be a mortgage upon the products and enterprise of that Western country. The Central Pacific and the Southern Pacific railroads are under the same management, so that there is no competition, and California is absolutely at the mercy of a monopoly. The same management also controls the line of steamers from New York to San Francisco, so that competition by water is denied us.

We are opposed to this bill because it fastens upon us indefinitely these conditions, which make progress impossible.

Governments must necessarily be hard creditors and unrelenting collectors. To swerve from such a policy would open the doors to a destructive favoritism. Our Government is no exception. The records of our Federal courts abound in cases maintained against delinquent debtors to the end of their lives and against the representatives of their estates long after their death. The cost often exceeds the amount recovered, but the cost is not considered in view of the higher object to be attained of proclaiming and establishing that honesty will be exacted of those who deal with this Government.

The rule prevailing in the Departments of our Government is that the Government must have its own; that neither lapse of time nor the insignificance of the debt shall exempt the delinquent.

A recent case which has come to my notice illustrates the accustomed vigilance of the Federal officers in the collection of Government moneys. In one of the counties of my district is a belt of land of inferior quality lying along the foothills. Years ago this region of country was settled upon by an industrious and frugal class of people, who paid the Government for the land and there established their homes. Their lot has been a hard one, for the sterile soil has not yielded generously, and the railroad company (which is here to-day asking our bounty) has charged them "all the traffic would bear" to transport their surplus farm products to the market.

They bought from the proprietor of a small sawmill in the neighborhood the lumber for the erection of their buildings. It was discovered years afterwards by the vigilant officers of the Government that the trees from which the lumber was made grew on Government land, and a demand was made upon these farmers for repayment. These settlers were innocent purchasers, but they had not paid the right man. I have here a letter received by one of these unfortunate people from a special agent of the Interior Department, which I will read. It is but justice to the Commissioner of the General Land Office to state that when his attention was called to the case he ordered proceedings suspended.

[Special service. Division P.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Eureka, Cal., November 21, 1896.

SIR: I am in possession of testimony showing that you purchased from Hiram R. Green, of your neighborhood, 2,000 shakes, amounting in value, at the customary price in Newville, to $18. Said shakes were unlawfully cut and removed from Government lands, and are the property of the United States. You are therefore liable to the United States for the value at the time of purchase for said shakes.

I am authorized by the honorable Commissioner of the General Land Office to call upon you for the settlement of your liability incurred as such purchaser, and to inform you that you will be allowed to adjust the same without litigation by submitting to me at Eureka, Humboldt County, Cal., within fifteen days from the receipt of this notice, on the accompanying form, to be forwarded by me to the honorable Commissioner at Washington, D. C., a proposition to pay the United States, through the receiver of public moneys at the United States land office in San Francisco, Cal., within thirty days from the receipt of the notice of acceptance, the value in money of said shakes at the time of purchase.

Your attention is called to rule 3 of the circular printed on the accompanying form, relating to the measure of damages.

Very respectfully,

W. F. LANDERS,
Special Agent of the General Land Office.

MR. MARK BAILEY, *Newville, Cal.*

Look on this picture, then on that!

The poor farmer, who, without fault, has become technically indebted to the United States for $18, must respond within fifteen days or be mulcted in damages, and must pay the debt within thirty days after notice.

The railroad magnates, controlling untold millions, have the time extended for eighty-six years, within which they may pay or not, as they please. What a contrast!

If these corporations had been treated like ordinary debtors of the United States, there would now be no necessity for a funding bill. How refreshing it would be to find somewhere a letter from a Government officer to these railroad people, breathing the same sturdy determination to enforce the law which this letter discloses!

The plain, common people of the country can not understand why these people should not be compelled to pay their debts as ordinary citizens are compelled to pay theirs.

They see the law relentlessly enforced all around them against the unfortunate poor. If the poor man fails to pay the mortgage on his home, the sheriff turns him out, and the Government will not stretch out its strong arm to shield him.

Why should the great power of the Government stay the enforcement of the law as to these debtors?

There is no disguising the fact—there is abroad in this country a growing feeling that there is one law for the rich and another for the poor; that some of the departments of this Government are more vigilant in protecting and guarding the interests and supposed rights of corporations and combinations representing aggregate wealth than they are in caring for the welfare of the individual citizen.

If this bill passes, it will serve to encourage this thought among the people. In fact, it would be the most conspicuous case of class legislation that has ever appeared upon our statute books.

The friends of this bill claim that it will be a finality; that it will terminate the relations of the Government with the railroads, and get the Government out of the railroad business. I believe that it would have just the opposite and contrary effect. It would get us more deeply into the railroad business. We have now an interest, a second mortgage, on the main lines of the two roads. Pass this bill and the Government will have an interest, a second mortgage, on a lot of branch lines and feeders. Some of these lines have never paid expenses, and all are now mortgaged for their full value. It is proposed to include these mortgages on the unsubsidized roads in the blanket mortgage which the companies are to make covering all their roads, subsidized and unsubsidized alike, which will be prior to the Government mortgage. This will increase the lien having priority to the lien of the Government by $46,154,320. Under this bill the interest on the first mortgage on the Central would be limited to 5 per cent, and on the Union to 4 per cent. The security for these bonds would be the full value of the properties, and also the fact that the United States, having a second mortgage, would be obliged to pay the debt in order to secure itself.

In passing this bill we increase the complications of the situation by adding the unsubsidized roads and short-line feeders to our railroad holdings, which are already too great, and we also add $46,154,320 to the debt, which is prior to the lien of the Government, increasing that prior lien to over $107,000,000.

The dealings of these companies with the Government form a page in the history of our country so shameful that every American blushes at its mention. The scandals in Congress and out of

Congress, growing out of the corrupt management of these properties, form a dark picture of our political history, and the American people wish that it could be forever turned to the wall.

But they tell us that the history of these railroad frauds is ancient history. No longer ago than 1886 three of the directors contracted with themselves to build an extension of the California and Oregon division of the Central Pacific from Delta to the boundary line of Oregon, a distance of 103 miles. In payment they issued stock to the amount of $8,000,000 and bonds to the amount of $4,500,000, the market value of the stocks and bonds at that time being $8,340,000. The actual cost of construction was $3,505,609, so they personally profited by their own votes by that single transaction to the extent of $4,834,391.

It is true they are no longer sapping the resources of the Central Pacific through such agencies as the Contract and Finance Company, Western Development Company, or the Pacific Improvement Company. Those early methods were clumsy, and have been improved upon.

But even now they are crippling the Central Pacific road just as effectually as ever by means of a rival road which they own, and to which they divert the traffic so far as they can control it.

But even if the history is old, it is so hideous that it is still fresh in the minds of the people. The fair names of too many distinguished men have been tarnished, the reputation of the American people for honesty has suffered too much, to permit the unworthy acts of these men to be so soon forgotten and condoned.

I do not believe that the members of this House will be unmindful of the shame and mortification which such legislation as this bill proposes would bring on our country and perhaps on the Congress that enacts it.

What are the admitted facts as they will go down in history?

The United States advanced for the construction of these roads, in principal and interest which it has paid or will pay up to maturity, $178,884,249, and donated over 26,000,000 acres of land worth $65,073,836; in all, $243,935,595.

These advances of money were not donations to the companies, or to the individuals controlling them, in consideration of the construction of the roads. On the other hand, the terms of the act require them to repay the Government every dollar of principal and interest.

The difficulties were not so great as were anticipated, and the sum advanced by the Government was greatly in excess of the necessities for construction. These men could have dealt honestly with the Government and still have become millionaires; but they chose the opposite course. Nearly half of the great sum placed in their hands by a confiding Government for the performance of a trust was misappropriated and diverted to their own use by the parties charged with the trust, who are now fabulously rich, while the companies in whose names they acted are left at last stripped of all means to pay, while the individual directors are millionaires.

In other words, the directors have the money and the companies owe the debts.

Congress ought not to condone such monstrous frauds, such misuse of public funds. To do so, especially after publishing to the world the particulars and proofs, as we have done, will be to say to all the world that the American Congress considers these transactions quite up to the American standard of morality in dealing with public trusts.

Immigration.

REMARKS

OF

HON. JOHN P. TRACEY,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. TRACEY said:

Mr. SPEAKER: The debate appears to have drifted away from the proposition before the House, which is not whether we will enact legislation restrictive of immigration, but whether the character of the restrictions, as embraced in the conference report, ought to be enacted. Instead of considering that proposition, a vigorous and determined effort has been made to divert the attention of the House to a question not now involved—that of practically excluding all foreigners from immigrating to the United States, upon the plea that we already have more people than can be provided with employment, or successfully used in the march of our civilization, or successfully imbued with the spirit of patriotism and assimilated with the millions born beneath the flag.

The real question is one of tremendous importance, and deserves consideration upon its merits. It is embraced in two propositions. First, the manner of excluding illiterates, and second, the effect of such exclusion upon families.

In order that these propositions may appear clearly, divested of unnecessary verbiage, I will call attention to the language of the bill which passed the House, the bill which passed the Senate, and the bill presented by the conference committee, and which has the unusual distinction of not having had a prior passage through either House.

The House bill excludes "all male persons between 16 and 60 years of age who can not read and write the English language or some other language."

The Senate bill excludes "all persons over 16 years of age who can not read and write the language of their native country or some other language."

The conference report excludes "all persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country."

It is apparent at a glance that the provision of the Senate bill is broader and more liberal than the bill which passed the House. The House bill excludes all male persons over 60 years of age, without regard to their ability to read and write, while the Senate bill admits all persons over 16 years of age, without regard to age, who are able to read and write. Upon this branch of the question, therefore, the difference between the two Houses relates to persons over 60 years of age. By what method of reasoning the provision reported by the conference committee can be regarded as an amendment of the House bill rather than the Senate bill it is impossible to discover. The statement of the committee to that effect is purely arbitrary. It retains the Senate provision as to age, while it does not contain a single condition of that section of the House bill. For any practical purpose it is not an amendment of either, but is the substitution of a new and original proposition. It adds a class not embraced in either the House bill or the Senate bill—the physically incapable—to which there is no objection per se, and then makes an entirely new condition to govern the educational test.

Instead of requiring on the part of the immigrant ability to read and write the English language or some other language, as was required by both the House bill and the Senate bill, it requires that he shall be able to read and write the "English language or the language of his native or resident country." Why the change? The test sought after is an educational test. Is a Frenchman living in Alsace-Lorraine, which is a part of the German Empire and which is both his native and his resident country, either more or less intelligent, more or less worthy of citizenship in this country, because he is only able to read and write the French language? Is a German resident of the Baltic provinces of Russia, where he and his ancestors have lived for centuries, more or less intelligent because he can not read and write the Russian language, schooled as he is in the language of the Fatherland?

The Mennonites of the United States, whether native born or naturalized, have established the highest character for thrift, energy, honesty, economy, and patriotism. They are devoted friends of education and are possessed of the virtues in a very high degree which make good citizens, and upon which the Republic must lean for support in every crisis through which it is called upon to pass. It is doubtful if they ever sent an immigrant to this country who could not read and write, but many have come who were unable to read and write the language of the country of which they were native and resident. Are they more or less intelligent, or more or less worthy of the citizenship conferred upon them, by reason of the fact? The Hebrews of the United States are intelligent, industrious, and thrifty as a class, and they love the institutions of the Republic. Are they any the less worthy of citizenship under the flag because many of them have come who were educated in but one language, and that not the language of the country of which they were native or resident?

These are practical illustrations, and are offered for the single purpose of showing that the proposition of the conference committee can not be regarded as having for its object an improvement of the educational test as embodied in the House bill or the Senate bill. It can not be soberly contended that a man is better equipped for the duties of citizenship in this country merely because he can read and write the French language instead of the German, or because he can read and write the German language instead of the Russian. The purpose of the committee had other inspiration than that. What can it be other than to secure by indirection what the House has refused when appealed to openly and frankly? The provision is cunningly worded and well calculated to deceive. But it seems to me that whoever submits it to a careful analysis must reach the conclusion that it is leveled against a class of people, or against classes of people, without regard to their educational requirements, as the basis of their admission to the rights of citizenship. Leaving out of consideration the peculiar manner in which this legislation has come before the House, I

submit that if there are such classes of people in Europe, it would be more manly, and would therefore appeal with much greater force to the true American spirit, to name them, that all may understand who and what they are and be prepared to determine the question upon its own merits rather than upon those of a proposition not at all involved.

It seems to be a rule of action with many of us, when we start in a given direction, to pursue that direction to the farthest extreme, and that, too, in spite of the fact that the experience of mankind shows that extremes in whatever concerns the welfare of a people are nearly, if not quite, always dangerous. When once started, we refuse to exercise discretion, refuse to take counsel of prudence, and rush headlong to the end, bidding the consequences to look out for themselves. It is not the first time this has happened in the Republic, and it may not be the last.

With reference to the second proposition of the committee, the effect of the exclusion upon families, the House bill contains the following:

But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

The Senate bill reads as follows:

But an admissible immigrant over such age of 16 years may bring in with him or send for his wife or parent or grandparent or minor child or grandchild, notwithstanding the inability of such relative to read and write as aforesaid.

The conference report has the following:

But a person not so able to read and write who is over 50 years of age, and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent, may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age similarly qualified and capable.

The House bill admitted the parents of the qualified immigrant now here or hereafter to be admitted, but made no provision for the admission of the wife. The Senate bill provided for the admission of the wife or parent or grandparent or minor child or grandchild, while the conference report provides for the admission of the parents or grandparents, and with the House bill leaves out the wife and the minor children and grandchildren. Here, again, while the Senate recedes in form the House recedes in substance. The House bill provided for the admission of one class of relatives, the Senate bill for five classes, or the entire family, and the conference report for two.

In my opinion the Senate bill is a better measure and more in accord with the spirit of our institutions than the bill which passed the House in the particulars I am attempting to discuss. The family is the unit upon which society is founded and maintained. The integrity of its being ought to be stimulated and encouraged to the uttermost. Without the preservation of the family, social order would be impossible. Without the maintenance of social order the State must inevitably perish. The social and political unit therefore should be safeguarded at every point. In a free country, where the welfare of all depends upon the action of the majority, the family circle ought to be regarded as the training school of freemen, the nursery of the virtues, the only sure foundation of the State. Its precincts ought to be esteemed as sacred from intrusion, and an assault upon them from whatever source ought to be regarded as a crime. The Senate bill preserves the integrity of the family and to that extent is the superior measure. The bill before the House not only attacks the family relation of those who might be desirable as well as qualified immigrants, but it destroys such relation of thousands of those who have been admitted as citizens by making it impossible for the wife or the children to join the husband and father unless they are qualified and admissible themselves. It is flippantly declared that if a husband does not want to leave his wife or a wife her husband they are not obliged to separate, but can remain where they are unless both are qualified to enter upon citizenship in the Republic. While this is true, it is equally true that the conferees have presented a measure which offers a strong inducement for the immigration of fragments of families and is to that extent the offer of a premium for separation. It seems to me that every right-minded person ought to concede the wrong involved in this proposition without argument.

It is proposed in the pending measure to admit the parents and grandparents of the admissible immigrant, if the former are over 50 years of age and the latter over 21 and capable of supporting them. That there may be reasons in favor of this discrimination is not denied; but whatever they may be (and none having been offered by the friends of the measure, they are left to conjecture) and whatever may be their force, they would have infinitely greater force if offered in behalf of a discrimination that will include the wife and children. In an effort to add to the classes of immigrants now excluded by law, the illiterate, if it is desirable to exempt any of the family relatives of the admissible immigrant from the operation of the test, in the name of humanity, in the name of justice, in the name of the highest and holiest ties contracted by men and women, let the wife or husband come first, the children second, the grandparents and grandchildren third. Let the preservation of the integrity of the family receive the first consideration. The interests of society, the interests of morality, the interests of the State, all demand this. I trust it will not be considered presumption on my part to insist that this analysis of the three bills demonstrates the immeasurable superiority of the Senate bill in these essential elements, because it preserves the integrity of the foundation upon which social order must forever rest. The pending proposition attacks that integrity, and to the extent it may be endangered it is vicious, and peril to the State may be expected to follow. It is interesting to note how often in the world's affairs a small departure from the right has been followed by tremendous consequences.

The remarks that have been made by gentlemen in favor of the measure reported by the conferees are, so far as I have been able to discover, inspired by two considerations which appear to have precedence over all others. The purpose appears to be to deprive the steamship companies of passengers they now carry and to prevent the immigration of the Russian Jews. The language of the gentleman from Ohio [Mr. DANFORD] is suggestive. He says:

They are known as the Russian Jews; men who have been persecuted and driven out of Russia, who have been made to move on as they passed across continental Europe.

Mr. Speaker, the people here referred to in this light and breezy manner are human beings. They are men, women, and children. They can suffer as others can suffer. The ties of relationship are probably as strong among them as among others of the human race who are more favored, and yet the world is presented with the spectacle of a vast army of them driven from the land where they were born and raised, where they had made their homes, where they had reared their children, despoiled of their property and compelled by the pitiless power of the mailed hand and the iron heel of despotism to move on. Wherever they go the same pitiless command greets them, "Move on." Foot-sore and weary they must tramp, tramp, tramp, until the lamp of life has expired from sheer exhaustion, and they enter upon their last migration. They were born into the world, but the world has no place on all of its vast and varied surface they may call a home. They must move on. Perhaps no sadder spectacle has ever been presented to mankind than that of a race of people spewed out of every nation, driven in upon themselves, and compelled to subsist without subsistence, compelled to live, but denied the means of living. I have nothing to say as to their desirability, but I could not avoid calling attention to the sadness of the spectacle presented; and I submit to the gentlemen who have given us this report that it would have been better in every way to have excluded any objectionable race of people in terms. As it stands, it may exclude others who would be desirable, if it is desirable to permit any additional immigration.

It has been very strongly intimated that the opponents of this report are the special friends of the steamship companies. In this connection I desire to read a telegram which I know does not come from agents of the steamship companies, or from people who have any interest in them, directly or indirectly:

SEDALIA, MO., *January 25, 1897.*

JOHN P. TRACEY,
Congressman, Washington, D. C.:

Your German-American constituents expect you to vote against extreme measures of Lodge bill as reported by conference committee.

SCHNEIDER & BOTZ.
LOUIS HOFFMAN.
P. H. SANGREE.

These gentlemen live in the central city of Missouri and are among its most prominent and influential citizens.

I desire also to read a telegram from the editor of the most widely circulated German newspaper in the United States, the Westliche Post, published at St. Louis, Mo.:

ST. LOUIS, MO., *January 26, 1897.*

Congressman TRACEY:

The Germans of your district expect you to vote against the drastic measures for the restriction of immigration as reported by the conference committee.

EMIL PRETORIUS.

At the request of my friend the Delegate from New Mexico [Mr. CATRON], I will read a telegram from Albuquerque, N. Mex.:

ALBUQUERQUE, N. MEX., *January 25, 1897.*

Hon. T. B. CATRON:

I am requested by many of your constituents to urge you to protest against the passage of the immigration bill, and to use your influence against it, its passage being detrimental to the best interests of the Territory.

J. R. McCOWAN.

These telegrams from the people show conclusively to my mind that the proposed legislation has startled the sense of justice and right which is a fundamental principle of the American character. The men who have taken the trouble to make their wishes known in this way have no special interest to serve, are Americans in the highest sense, are devoted to the country and its institutions, and are moved by the unselfish desire to serve the best interests of all the people. They do not serve the steamship companies, nor are they prompted by a desire to serve a class. They speak from hearts

as full of patriotism as any gentleman here upon the floor with whom they have the misfortune to differ, if it is a misfortune.

The theory of our institutions is that intelligence is and must remain the basis of good citizenship. To that end we spend more money each year for the education of the children of the people than is spent for a similar purpose by all the nations of Europe. It is not strange, therefore, that we should insist upon the adoption of measures that will prevent the increase of the illiterates we now have by additions from the outside. Upon this question there is no difference of opinion. The object is twofold: First, to cut down the volume of immigration; secondly, to improve the character of that which does come. I have not considered the possible political effect of this legislation, because I do not regard it as a political question. The interests involved have a higher significance than any question of mere partisan politics. The adoption of an educational test, with provisions for its enforcement, is demanded upon the highest and broadest principles of right. This will lessen the volume of the stream of immigration and improve its character. But all that would be accomplished by the adoption of a provision similar to that embraced in the Senate bill, which is frank, open, and so plainly declarative of its purpose that nothing is left for construction. There is a wide difference of opinion as to the real meaning of the proposition under discussion. Even its friends do not agree about it, and hence it will doubtless have to be construed by the courts, should it become a law, before it can be successfully administered.

The gentlemen who are supporting the conference report seem, as if by common consent, to talk about everything except the proposition under discussion. The result of this course is to mystify and mislead the people. In addition to that it is urged that unless the conference report is adopted nothing can be done. This can not have any other purpose than that of influencing members of the House who are so anxious to secure restrictive legislation that they will vote in favor of agreeing to the report in spite of their objections. That no one ought to be so influenced becomes apparent when it is remembered that there is yet time during the session to frame and pass an entirely new bill should that become necessary. The real question, then, is whether the restrictions which all desire shall be frank and manly, unambiguous and easily understood, or shall they be so cunningly devised as to be fairly subject to two or three different constructions; shall the conference report be adopted, or shall the report be disagreed to and the conferees instructed as to the wishes of the House? These questions have received no consideration from the gentlemen supporting the report.

The gentleman from Michigan [Mr. CORLISS] discussed the "birds of passage," having presented an amendment to the House bill to prohibit their making temporary nests in this country, which was adopted by the House and which nobody attacks. The distinguished gentleman from Iowa [Mr. HEPBURN] grows eloquent in behalf of the "working men and women of the country" and declares that "this is their country; this is their labor field; you have no right to give away either." Nobody disputes that, certainly no one on this side of the House. It has my unqualified indorsement.

If I could state it in stronger language than that used by the gentleman, I would gladly do so; but how can those declarations be made to bear, even remotely, upon the question of difference between the two Houses or between the two Houses and the conference committee? If the question before the House was a proposition to prohibit immigration, to shut out forever from the blessings of a free government all the people of other lands, the remarks of the gentleman would be apropos and would be a strong as well as an eloquent argument in favor of the adoption of the proposition. But that question is not before the House. Nor is any similar question before the House. It is merely one of difference as to the method to be adopted for the purpose of applying to future arrivals the educational test. In the language of the distinguished gentleman from Illinois [Mr. CANNON], "if it is desirable to shut out all citizens of any other country, then shut them out. But let us do it in a manly, square way, so that there will be no doubt of our intention."

Mr. Speaker, it seems to me that ambiguity and indirection in legislation are always wrong and always dangerous. They have been the source of unnumbered lawsuits, resulting in almost endless litigation, at a vast expense to the litigants of both money and patience. The distinguished gentleman from Iowa, after admitting practically that error exists in the conference report, demands its passage, with the assurance that the errors can be corrected afterwards. I have not had much experience in legislation, but I seriously doubt the wisdom of that proposition. I believe it would be a great deal better, wiser, and more patriotic to cure the errors while the bill is before the House.

Having said this much in criticism of the report, and as the reason why I shall vote against it, having voted for the House bill and announced my readiness to vote for the Senate bill, I will briefly follow the gentlemen, or some of them who have made excursions outside of the record, apart from the question under consideration, and discuss, as I may be able, the situation of the country as it has been or may be affected by immigration. It is probably true that there is more real distress among the people of this country now than at any former period of its existence. A larger body of honest, able-bodied, self-respecting working men and women are out of employment than ever before. Why are they out of employment? The answer to that question, if full and complete, would disclose facts which have been here very artfully concealed, or, if adverted to at all, have been lightly passed over, as though they were of trifling importance. The greatest nation in the world's history can hardly afford to treat lightly any fact which bears upon or tends toward the solution of its economic problems. Since the fall of slavery, the greatest labor problem in our history is upon us. Its demands for solution are imperious, and can not be thrust aside.

The problem will not down at the bidding of any or all of the men in public life. The safety of the nation depends, not upon its politicians and statesmen, not upon its men of wealth, but upon its vast and constantly augmenting army of hardy and honest yeomanry who toil cheerfully when they have work to do, that they may enjoy the comforts of life, if not its luxuries. These men, when employed and paid fair wages for their labor, are the most independent, fearless, self-respecting, and loyal laboring men upon the earth. They love their homes, they love their country and its institutions, and would be the first to offer their lives, if necessary, for the preservation of the integrity of the one and the safety of the other. But the virtues of patriotism, ordinarily among the most powerful of the incentives to human action, are shorn of their effectiveness, though never so temptingly displayed, when they are presented to men who are out of employment, and ragged and hungry because of enforced idleness.

It is estimated that there are now out of employment in this country 2,000,000 able-bodied men, or men who would be able-bodied if they could get enough to eat. They are tramping from place to place in the vain hope of finding work. The number out of employment is equal to the immigration of men for a period of five years. It must be apparent, therefore, that the statements of gentlemen who ascribe the glut in the labor market entirely to the increase that has resulted from immigration ought to be subjected to a very careful examination before they are accepted as true. The tide of immigration was larger in the years prior to 1892 than it has been since, and yet the oversupply of labor was not apparent then as it is now. There was probably a smaller number of men, able and willing to work, out of employment in the years 1891 and 1892 than in any other years of the country's history; at least that part of its history on this side of the great era of universal freedom.

It is urged, by way of explanation, that the conditions have changed. They have changed. But is there no other change apparent anywhere than that of the possession and occupancy of large tracts of fertile land which years ago were open to settlement? The constant and rapid growth of our towns and cities prior to 1892 points very clearly to the absorption on the part of the industrial enterprises of the country of much the larger portion of the able-bodied immigration during that period. At the same time, there is no evidence, of whose existence I am aware, that Americans were discharged from employment to give place to the immigrants. In those years there was a constant development and growth of our industrial system. Old plants were enlarged and new ones were built. In this constant expansion the ever-increasing supply of labor found an equally constant demand. The stupendous results inspired the pride of Americans and excited the wonder and admiration of the world. The industrial machine was so well balanced that all of its parts were in motion, and the motion was healthy and produced a constant accretion of strength. We were gradually approaching an equitable division of the field of labor among the regiments, brigades, divisions, and corps of the industrial army, to the end that each might give strength to the other, and all, inspired by a common purpose, would increase their own comforts and add new glories to the grandeur of their country with each passing year.

But when we were upon the eve of reaching a consummation so much to be desired, the great tide of industrial development was rolled back upon itself, and thousands of prosperous enterprises were seriously crippled, and other thousands of them hopelessly destroyed. An iron smelter was closed, but the discharge of men did not stop with the dismissal of the immediate employees of the smelter. Men were turned out of the mine because there was no longer a demand for the ore. Men were turned out of the coal mines because there was no longer a demand for the coal. Men were turned away from the coke ovens because there was no longer a demand for the coke. Men were discharged from the quarries because there was no longer a demand for the limestone. The demand for all kinds of products, whether of the farm or the garden, the factory or the mill, the store or the workshop, was

correspondingly reduced, and the era of bankruptcy begun. Throughout the entire period of the country's greatest growth there was an increase of the wages of labor, amounting to nearly 70 per cent in thirty years. And yet that increase was accompanied by the largest influx of immigrants of any period of the history of the Republic.

Our country is more richly endowed by the Creator than any other country in the world. We have iron enough to supply the world for an indefinite period. We have coal and limestone enough to smelt it, and genius and skill enough to fashion it for all the uses demanded by the highest civilization. We have the precious metals in abundance, and along with them every species of the raw material demanded by the arts and sciences. As yet we have but scratched the threshold of this vast storehouse of inexhaustible wealth.

With this conceded fact staring us in the face, why is it seriously contended that the present sad condition of labor is due to an oversupply of workingmen instead of to the demoralized condition of the employments of labor? Why was there no discovery of a superabundance of labor prior to 1892? If there is a real superabundance of labor, why has it never become visible when the employments of labor were prosperous? Why select a period when the field of labor is in eclipse to determine the true condition of the market for labor? Ought it not at least to be remembered that we now have over 71,000,000 people, that the number is increasing at the rate of a million and a half per annum without immigration, that 2,000,000 of the men we now have, and who are able and willing to work, have nothing to do, and that that number will increase each year without additions from immigration? Remembering this, would it not be wise to find out the real cause of the plethora in the labor market since 1892? Would it not be wise to make an earnest effort to lift the clouds of adversity which have lowered darkly upon the land during the past four years, beneath which it is difficult, perhaps impossible, to discern clearly the facts which surround the question under discussion?

There are two very important elements of society in the high degree of civilization to which we have attained. They are good men and sound dollars. It will hardly be contended that we can have too many of the latter; may it not at least be possible that we can not have too many of the former. Let us begin again the march of industrial development. Let us fill the air with the soul-inspiring music of its progress along the lines of a policy that will enable us to continue the march. Let us eliminate from our politics, at once and forever, the last remnant of class prejudices and sectional animosities. Let us wither the demagogue with the scorn and contempt of honest patriotism. Let us remember that the sections of our great country, varied in soil, in climate, and in production, are each essential to the welfare of the other and, all together, make up but one harmonious whole. Let us remember that in the social order there have been, since the world begun, capital and labor, employers and employees, and that each appears to be necessary to the welfare of the other. Let us remember that the imperfections of humanity will always be a bar to the attainment of an ideal condition, and, remembering that potent fact, let there be an honest endeavor to advance the comfort and happiness of that vast army of the people whose capital is labor and whose contribution to the world's progress exceeds all others. Let us remember that the strongest support of free institutions is free men.

Free, not alone in form, for that is a mockery, but free in the broadest sense of the term consistent with the preservation of order. Free to engage in any lawful calling or occupation, conscious that the field is open and the competition fair, conscious that success waits upon intelligent, well-directed, and persistent effort. Is there a bar anywhere, a trust, or a combination which narrows the field of individual effort, that cramps the genius, the skill, the ambition of the individual, let us destroy that bar by removing from the pathway of the individual the combination or trust that impedes his progress. Let us restore the Republic to its pristine condition. Let us do more than that. Let us make it in deed and in fact what it is in theory, "the land of the free and the home of the brave." When the prizes of life are open to the competition of all, a much larger percentage of the people will make an effort to obtain them, and in making the effort will be lifted above the conditions that environ them to-day and which cramp their energies and stifle their aspirations.

When we have accomplished this, when the sun of freedom, of progress, and of prosperity is again mounting toward the zenith and his benignant rays have lifted the clouds of darkness and of gloom from the homes of the people; when every mill wheel is turning and every spindle humming; when every mining camp is a hive of industry and new camps are being constantly opened; when the forests resound with the song and the ax of the lumberman; when the farm is the abode of comfort and happiness; when commerce holds its prosperous court in every city, town, and hamlet in the land; when the "old flag" floats over our teeming millions, fairly contented, because they are the best fed, the best clothed, and best housed, and have the best Government in the world; when new avenues of employment continually opening add to the spirit of contentment among the working men and women of the country by increasing the demand for labor, then let us look about us and see if there is a plethora of good men or a glut of good material in the labor market. In the meantime let us adopt restrictions that will keep out the undesirable immigrants, but in doing so let us not institute a system of compulsory divorce or tempt the sundering of family ties by offering a home in the Republic to the husband of an illiterate wife or the father of illiterate children.

Pacific Roads Funding Bill.

SPEECH

OF

HON. JOHN F. SHAFROTH,

OF COLORADO,

IN THE SENATE OF THE UNITED STATES,

Friday, January 8, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 5189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—

Mr. SHAFROTH said:

Mr. CHAIRMAN: Every gentleman who has spoken in favor of this funding bill has started with the statement that the measure is purely a business proposition and that every element of sentiment ought to be excluded from the debate. They want no reference made to the past conduct of the men who have had control of the Pacific roads. The last gentleman who spoke upon the other side of this question [Mr. ARNOLD of Pennsylvania] said that the allegations of peculation and fraud have no place in the discussion before this House.

Mr. Chairman, I also believe in treating this as a business proposition, but I maintain that the very first business inquiry that every creditor makes of his debtor who is seeking an extension of his obligations is, How has the debtor acted in the past? No man will extend credit if he thinks that his debtor has not honestly, faithfully, and equitably attempted to perform his part of the contract. It is purely a matter of business to require it, and is usually the most important business principle involved in such transactions.

If upon investigation it is found that the men who have had control of these roads have lost any money in this transaction, or if they have been using all their efforts to discharge their obligations, then the Government ought to grant them most liberal terms of extension. But if, on the other hand, such investigation discloses that these men have never had any capital invested in the enterprise, but have grown enormously rich out of the same, while they have let the Government pay on their indebtedness $57,000,000 in interest more than it has received, it would be in violation of elementary principles of business to have further business relations with them.

It is well said that any person is liable to be fooled once, but if he is fooled again by the same party, it is his own fault.

LEASE OF CENTRAL PACIFIC TO SOUTHERN PACIFIC.

Why did the Central Pacific Railroad Company lease its road to a competitor in business, composed of practically the same stockholders? That question has been asked time and again, and has received no answer. The Southern Pacific has a line from San Francisco to New Orleans and controls a line of steamers from New Orleans to New York. It consequently controls the haul for the entire distance from the Pacific to the Atlantic Ocean, and hence gets the freight charges for the same. Of freight shipped by the Central Pacific only a proportion of the entire charge is received; hence it is directly to the interest of the men controlling these roads to divert the through traffic from the Central Pacific to a line from which they get all the charges. If they were the only ones interested, no one would blame them. But when we find that the road which they lease is the one practically owned by the United States by reason of its second lien, then there can

be but one explanation of such conduct. They must have intended to divert travel and traffic from the Central Pacific to the Southern Pacific for the purpose of decreasing the earnings of the Central Pacific and enriching themselves at the expense of the Government. Would it be business for any private creditor to ever again trust a debtor who had thus abused the confidence reposed in him? This one transaction is alone sufficient to arouse the indignation of every citizen who has a regard for honesty and fair dealing and who desires the protection of the public Treasury. Yet this very funding bill recognizes the validity of that lease, which was intended to discriminate against the road in which the Government is so deeply interested.

Nearly every Western State has a provision contained in its constitution prohibiting a competing line of railroad from leasing or purchasing another such line. Those provisions were not framed with relation to these roads, but in recognition of certain fundamental principles which the people of all States admit, and which this branch of the Government has recognized in the interstate-commerce laws.

Is it possible that in order to please the people urging this measure that the United States will sanction the violation of the fundamental laws of the States and the principles which its legislative bodies have approved time and again? We think not.

CONSTRUCTION OF ROADS.

It has been contended on this floor that as these men have expended enormous amounts in the construction of these roads that the Government should be liberal with them. Mr. Chairman, what are the facts?

The United States Congress passed an act granting to these companies the alternate sections of the public domain for a distance of 20 miles on each side of the railroads constructed, which made 12,800 acres for each mile of the lines. In addition, it was provided that the Government should lend its subsidy bonds, to the extent of $16,000 per mile on the prairie or valley part of the roads, $32,000 per mile on the interior part, and $48,000 per mile on the mountainous part of the lines, which aggregated $61,395,192. This indebtedness was to be a first lien upon the railroad so constructed. Within a short time after the passage of that act the Government was induced to permit these companies to borrow from private parties $61,385,000 at 6 per cent interest per annum, and to secure the same by a first mortgage upon these railroads, thus making the Government lien for the same amount a second mortgage.

How was the road constructed? In the case of the Union Pacific, by its officers contracting with themselves at enormous rates and prices, as has been clearly shown by the investigations of the Government into the affairs of the company called the Credit Mobilier through which they operated.

In the case of the Central Pacific, the officers of that corporation organized a construction company composed of its principal stockholders, called the Contract and Finance Company.

The Contract and Finance Company agreed to build the road for the first and second mortgage bonds, aggregating $55,708,680, and the entire stock of the Central Pacific of the par value of $54,000,000. It induced the Government to treat as mountainous a good portion of the road lying between the mountains and a point 7 miles east of Sacramento, thus getting subsidy bonds for construction of same at the rate of $48,000 per mile, instead of $32,000 and $16,000 per mile.

It is charged that the road did not cost as much as the first and second mortgage bonds, and that the profit of the stockholders was over $60,000,000.

When the United States desired to investigate this matter, the startling fact was discovered that the books of the Contract and Finance Company, which involved transactions aggregating over a hundred million dollars, had been destroyed. Not even were the ledgers, which gave only general amounts, preserved. Books of such importance could not have been destroyed through mistake. It must have been done for the sole purpose of preventing the Government from finding out the enormous amount of profit which was made in the transaction.

But we still have this fact, that the men who organized the Central Pacific road were at that time only worth property of the assessed value of $250,000 in California, their home, and now everyone concedes that they or their estates are fabulously rich. Mr. Stanford admitted that each of the four parties in interest had received $13,000,000 of the Central Pacific stock as his share of the profits.

In the report of the United States Pacific Railway Commission by Governor Robert E. Pattison we find that the total amount of stock actually paid in was as follows: The Union Pacific, $400,650, while its capital stock issued was $36,762,000; the Kansas Pacific, $250,000, while its capital stock issued was $5,072,000; the Central Pacific, $760,000, while its capital stock issued was $54,283,000; the Central Branch, $386,700, while its capital stock issued was $980,000; making a total of $1,797,350 paid in for stock, representing about $100,000,000 at its par value, a mere infinitesimal amount compared to the gigantic amount of capital stock that was issued by these companies.

Senator MORGAN, in his recent report on the Pacific railroads, shows from a table, which he says closely approximates accuracy, that the gross earnings of the Union Pacific system and the Central Pacific system from 1872 to 1894 were $886,992,020, while the operating expenses were $512,229,852, leaving a net income of $374,762,168. I ask leave to incorporate the table in my remarks:

Union Pacific system.

To June 30—	Gross earnings.	Operating expenses.	Net income.
1874	$10,559,880	$4,854,703	$5,705,176
1875	11,993,832	4,982,047	7,011,784
1876	12,886,858	5,268,211	7,618,647
1877	12,473,203	5,273,421	7,199,782
1878	12,873,658	5,376,586	7,497,072
1879	13,201,078	5,475,503	7,725,575
1880	25,766,898	12,121,993	12,944,954
1881	28,971,250	18,840,080	13,131,170
1882	29,430,318	15,241,961	14,188,357
1883	28,629,222	16,144,359	12,484,882
1884	25,657,290	14,868,115	10,789,145
1885	25,674,674	15,987,233	9,687,441
1886	26,903,797	17,908,618	8,995,178
1887	28,557,766	17,667,733	10,890,033
1888	30,195,523	19,734,888	10,460,635
1889	39,069,600	26,013,553	13,056,047
1890	43,049,248	30,811,164	12,238,084
1891	42,699,588	29,160,278	13,539,310
1892	43,135,098	28,764,979	14,370,119
1893	36,053,402	26,057,159	9,990,243
1894	22,319,144	16,008,870	6,310,273

Central Pacific Railroad.

To June 30—	Gross earnings.	Operating expenses.	Earnings over operating expenses.
1872	$11,963,640	$5,011,278	$6,952,361
1873	12,863,952	4,969,271	7,894,681
1874	13,611,630	5,268,131	8,342,898
1875	15,165,081	6,487,199	9,177,882
1876	16,996,216	7,857,211	9,136,004
1877	16,471,144	7,774,417	8,696,726
1878	17,530,858	8,786,118	8,744,730
1879	17,153,163	11,206,728	6,325,542
1880	20,508,112	12,873,609	8,492,115
1881	13,984,825	5,908,361	7,986,462
1882	13,736,182	6,146,275	7,589,906
1883	13,175,757	5,972,189	7,203,568
1884	11,856,822	5,950,386	5,906,436
1885	10,546,809	4,671,167	5,875,641
1886	11,599,486	5,644,874	5,954,611
1887	13,604,682	7,271,923	6,332,758
1888	15,838,832	9,632,067	6,206,764
1889	15,530,215	9,764,271	5,765,943
1890	15,937,004	9,875,018	6,061,986
1891	16,629,104	9,211,749	7,417,354
1892	14,612,990	8,905,411	5,707,578
1893	14,261,224	8,521,889	5,739,335
1894	13,022,970	8,168,857	4,854,112

What has become of this large amount of net earnings, this $374,000,000? It has gone largely in paying dividends, in constructing and buying railroads upon which the lien of the Government did not extend, in paying interest on the mortgages upon these railroads, and in constructing machine shops and terminal facilities upon lands not covered by the Government lien.

Is it not material from a business point of view that these men in control of the Central Pacific have made $60,000,000 out of these transactions from practically no investment, and have abused the trust and confidence in them reposed, when they now, in their corporate name, are begging for an extension of the total debt and unpaid interest far exceeding the principal, upon terms so liberal that the equal of it has never been known in the history of the world? If they have lost money, or even failed to make money in this enterprise, give them the extension upon the most liberal terms, but if they have individually grown rich at the expense of the corporation, make them pay the first-mortgage bonds as they agreed to do. I do not want to treat them in any other way than fair, but I want them to have no advantage over any other person.

HAVE THE COMPANIES COMPLIED WITH THE REQUIREMENTS OF CONGRESS?

It has been claimed in this debate that the railroad companies have complied with the terms of the acts of Congress in regard to payments, but how have they done it? They made no provision for a sinking fund to discharge this debt until they were compelled to do so under the Thurman Act of 1878. Congress at that time provided that they should pay into the Treasury of the United

States, including the account for transportation by the Government, 25 per cent of their net earnings; but instead of complying with the law in its spirit, they so arranged matters as to thwart the Government again. The Central Pacific leased its road at such a low figure that it would prevent practically any net earnings over the transportation account of the Government. The Union Pacific diverted much of the amount which should have formed its net earnings into the construction and purchase of new railroads and terminals upon which the Government had no lien.

These companies have known for thirty years that the bonds and interest paid by the Government were maturing, and yet provision was not made to even take care of the interest.

FUNDING MEASURES.

A funding measure must of necessity be a proposition from the railroad companies to this Congress. It is a proposition from one side. They never submit their best proposition. They would be foolish if they did, because in that event any amendment favorable to the Government would kill the measure. The companies are not dealing with us upon equal terms. They have the advantage, for they know many things concerning the roads which it is impossible for us to find out. In accepting a funding proposition, it can never be known how much better other syndicates would have done. No funding proposition from parties who have treated the Government as have the Pacific companies should ever be accepted unless the debt is secured by a first mortgage.

PROVISIONS OF THE BILL.

The proposition contained in this bill is to increase the first-mortgage indebtedness from $61,385,000 to $118,385,000, and secure the same by a first mortgage upon all the subsidy roads and the terminals thereof, giving to the Government a second lien upon the same to secure its debt of $111,396,923, the debt due the Government to bear interest at 2 per cent per annum, with annual payments on principal by each of said companies for the first ten years of $365,000, for the second ten years of $500,000, and for the balance of the time $750,000. These annual payments would discharge the debt of the roads in about eighty-six years.

What would you think of a proposition to the effect that if the railroad companies should pay 3 per cent interest per annum on the indebtedness due the Government for eighty-six years, at the end of that time it should make them a present of the principal? Why, sir, if it were put in that form it would not receive a single vote in this House. And yet, if you take a pencil and calculate the result, you will find it a better proposition, one out of which the Government would get more money each year and in the aggregate, than the proposition contained in this bill. [Applause.] The annual payment on principal which wipes out the debt in eighty-six years is less than the difference between 2 and 3 per cent. Yesterday there was a pertinent question asked of the chairman of the Committee on Pacific Roads by the gentleman from Iowa [Mr. LACEY]. He asked: "Why is it that you allow the United States only 2 per cent interest per annum, when you allow the preferred stockholders to receive a dividend of 4 per cent each year?" The chairman answered the question apparently very well, but there was something which he failed to state. The stock of the Union Pacific Railroad Company is now selling on the market in New York at $10 per share, the face value being $100. Upon the theory of forming a pool of reorganization the stock is liable to an assessment of $15 per share, which makes an investment of $25 per share. Now, this bill allows the man who makes that $25 investment to receive a dividend of $4 on the same, or $16 upon every $100 of actual investment. The stockholder gets 4 per cent on the stock, which means $4 on every share. The stock costs him but $25 a share; consequently he gets the enormous amount of 16 per cent instead of 4 per cent.

Mr. POWERS. After all the Government requirements are met?

Mr. SHAFROTH. Yes; after the Government requirement of only 2 per cent is met. If these roads should earn large amounts, the deferred stockholders would receive 16 per cent on their investment, while the Government would receive only 2 per cent.

Every State in the Union has condemned the policy of permitting corporations to water their stock, and yet this bill authorizes the Union Pacific Railroad Company, over and above its first and second mortgages, aggregating $109,000,000, to issue preferred and common stock to the amount of $122,000,000. I believe the road is worth more than the bonded debt, but not near any such amount as $122,000,000. The people will be expected to pay passenger and freight charges sufficient to make a dividend upon that enormous amount of stock. This Government ca not expect to retain then confidence of its citizens if its legislative bodies should sanction such a wrong.

VALUE OF PACIFIC ROADS.

Mr. Chairman, I am not one of those who believe that these properties are worth less than the first mortgages and Government debt. People have testified, it is true, that the roads could be built for a much less sum. I do not doubt it. A new railroad constructed through a new and undeveloped country, with no towns or cities along its line, is usually worth only the cost of construction; but I maintain that the value of a road, after years of operation, is determined, irrespective of its cost of construction, by its advantage of position, by the development of the country, by the number of towns and cities that have been built along its line, and by the business it is doing. The true test is its earning capacity.

From what I have learned of people who have great knowledge of these roads, I believe the Union Pacific and Central Pacific roads are worth much more than the bonded indebtedness upon them. A high official in the Denver and Rio Grande Western Railroad Company, which terminates at Ogden, Utah, told me that his company for years had endeavored to find a practical route to the Pacific Coast; that after numerous surveys they had found no route which compared in easy grades with the Central Pacific, and he was satisfied that none existed. He further stated that it was impossible to estimate the enormous value of a road which had such a great advantage.

To assert that such a road is worth nothing over cost of construction, to say that such an advantage would not be sought by capital, is simply to deny fundamental business principles. So I take it that these roads are not worthless concerns, but are of great value. But I agree with the gentleman from Pennsylvania [Mr. GROW] that the best test of the value of a road is its earning capacity.

The gross earnings of the Union Pacific Railroad for the year ending June 30, 1896, were	$14,083,347	
The operating expenses were	9,347,672	
Making the net earnings		$4,735,675
The gross earnings of the Central Pacific for the year ending June 30, 1896, were	12,755,369	
The operating expenses were	8,583,959	
Making the net earnings		4,171,410
Making the net earnings of both roads		8,907,085
The first mortgage upon the Union Pacific and Kansas Pacific roads is	33,532,000	
The first mortgage upon the Central Pacific and Western Pacific railroads is	27,853,000	
Making total first-mortgage indebtedness		61,385,000
The Government bonds loaned to the Union and Kansas Pacific roads were	$33,539,513	
The Government bonds loaned to the Central and Western Pacific railroads were	27,855,680	
Making total Government bonds loaned	61,395,193	
The total debt due the Government on January 1, 1897, from the Union and Kansas Pacific roads, after deducting sinking fund, is	53,715,408	
The total debt due the Government on January 1, 1897, from the Central and Western Pacific roads, after deducting sinking fund, is	57,681,514	
Making total debt due the Government		$111,396,922
Making total indebtedness upon these roads of		172,781,922

Thus we find that the net earnings of these roads is more than 5 per cent on the total indebtedness of the same, or 3 per cent on the enormous sum of $296,605,961. Can it be that roads with such earning capacities are worthless?

There can be no doubt that during these depressed times transportation is at its lowest point. But even measured by earnings in such times we find that they are sufficient, if this debt were placed by the Government on a 3 per cent basis, of making a net profit of $3,717,085 per annum.

For such a profit railroad syndicates would certainly undertake to operate these roads and enter into sharp competition for the same.

Mr. Chairman, a good deal has been said in this discussion about these railroads "commencing nowhere and ending nowhere." You would think from the statements made by some of our opponents that these roads are practically worth nothing on that account. Should not those gentlemen take into consideration the

fact that the roads are just as essential to the terminals as the terminals are to the roads? Gentlemen may ask, What are these roads worth without the terminals? But we may reverse the question and ask, What are the terminals worth without the roads? The fact is, the roads and terminals are mutually dependent, and there can not be any conflict of interest in a case of that kind.

In my own State of Colorado there was built from Denver, in the direction of Utah, a railroad called the Denver and Rio Grande, which terminated at the Utah line. A distinct and separate corporation, composed of different men, built the railroad from the Utah line to Ogden City. Where those roads met there was not even a station, not even a side track, and yet there has never been a conflict of interest between them. It was just as essential to one road as to the other that the business should pass over the whole line. I mention this as an illustration, to show that the theory which is presented here that the Government's interest would be greatly enhanced in value by acquiring the terminals at Omaha, Kansas City, Denver, and Ogden, and that it is not worth much unless the Government has a lien on the whole, will not bear close scrutiny.

Some gentlemen have spoken as if the owners of the terminals had the roads at their mercy, and could stop the approach of trains when they so desired. Mr. Chairman, the laws of our country are not quite so crude as to permit that. The courts still recognize the fact that railroads are public carriers and have a public duty to perform, and the law requires them to transmit over their lines all freight and passengers delivered to them. Their charges can not be exorbitant, as the connecting railroad company and other interested parties possess the right to have the rates fixed by the Interstate Railway Commission on all through freight and by the railroad commission of the State on all local business.

When these facts and rights are considered, what is the use of burdening the Government with the additional debt of $57,000,000 which it is proposed to incorporate in the first mortgages? It is true we get a second mortgage upon the terminals, but what do we know of the value of the terminals—the report does not attempt to give a detailed valuation of the same. We do know, however, that $57,000,000 is a very large sum to slip in ahead of the Government lien, and we further know this is their proposition, and consequently must be to their advantage.

FORECLOSURE THE ONLY REMEDY.

The only way the Government can get the best proposition concerning these roads is to invite competition. That can only be done by the Government taking care of the first mortgages and foreclosing the lien. No business man of means, holding a second mortgage, would permit an enterprise to pay out of its earnings a larger rate of interest on the first mortgage than the money was worth to him when the mortgaged property was clearly worth more than the first lien and his security doubtful. By taking care of the first mortgage the Government would not be contracting a new obligation, but would be getting value received. The Government should not let these companies appropriate their earnings to pay a large rate of interest on the first-mortgage bonds, when it can carry the same at 3 per cent, and so apply the earnings thus saved on interest to the liquidation of the principal and interest of the Government debt. It is business to take up the first mortgage.

As the Central Pacific is now managed under the lease for $2,750,000 per year, it is impossible to find out its earning capacity even if we know the actual receipts of that company. How much traffic is diverted from that line to its competitor, the Southern Pacific, no one can tell. While the road is in the hands of a receiver, during foreclosure, its earning capacity can be ascertained, and then competitors can have some basis upon which to make bids. If the right of redemption would deter bidders, the Government, after it acquires the title to the properties and after the earning capacity of the roads is fully ascertained, can offer the same for sale on liberal terms. The Government could save itself from the loss of a single dollar if it would then sell the road to the highest bidder, on time, at 3 per cent per annum, with a cash payment of 10 per cent, and at the end of ten years an additional payment of 10 per cent, the balance to be paid in ten or twenty years thereafter. Cheap money is always attractive to syndicates, and any number would be formed to bid on such a proposition. The rush for such a proposition would resemble the scramble of bidders for United States bonds.

It was the original intention of the Government to aid in the construction of one great continuous railroad from the Missouri River to the Pacific Ocean. The departure from that policy has operated to the disadvantage of the nation. By foreclosure the consolidation of the roads will be effected, and the value of each greatly enhanced. No more can travel and traffic be diverted to a rival road, but their full earning capacity will be developed. Thus the original intention of Congress will be accomplished to the advantage of the properties and of the Government.

Immigration Bill.

REMARKS
OF
HON. I. F. FISCHER,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. FISCHER said:

Mr. SPEAKER: The people of this country demand the passage of a law which will keep out all undesirable immigrants, and we are led to believe through the press and councils of organized labor that an educational qualification will supply the proper remedy. As a result of the agitation upon this question, this House did pass a bill which at the time I believed and still believe fully covered the question. It appears that the Senate discarded our bill entirely and passed another instead, and that that amended measure has never been presented to us for consideration, but that the conferees appointed on the part of the two Houses have prepared an entirely new bill and now present it to us for adoption. Remember, we are not asked to act upon the measures passed by either House, but upon a measure passed, if you please, by three Senators and two Representatives.

This measure is very faulty, and by reason of the parliamentary situation permits of no correction or amendment, the question being merely to concur or recommit for further conference. We could overlook many things and agree to its adoption if the objectionable features were not so very broad, but under the circumstances I am compelled to record my vote against concurrence and in favor of commitment.

If we desire to keep out every undesirable immigrant by requiring an educational test, then the bill that we passed supplies the remedy, or if we accept the Senatorial bill, that will answer; but the conference measure is entirely too drastic and would work great injustice. This country owes much, yea, all, to those who came from foreign climes, and as we are all descendants of foreign-born ancestors—it matters not how long since they immigrated here—we must deal as justly with those who are yet to come as were those before them. The question is one not easy of solution, and for myself I must say that I have no great faith in the educational test, except as it may tend to keep out a class of citizens whose environments make them undesirable. I am most mindful of the fact that the census of 1890 shows that of the persons convicted of crimes in this country 96½ per cent were able to read and write, and the balance, or only 3½ per cent, were illiterates. Now, sir, as we all seem agreed that it might be well to try the experiment of an educational qualification, might it not be well to frame the measure in proper language, and not hasten under present proceedings to pass a measure replete with errors? This bill now before us is most ambiguous.

Take the first section of the bill. Here we find the greatest injustice and cruelty. By its provisions a man having the necessary qualifications for admission may enter, but his wife, not so qualified, can not; but he may, however, bring his grandparents.

Wherefore this distinction?

Suppose a man now here, having immigrated to our shores to enjoy the benefits of our Government and its advantages, but unable to provide means at the time to bring his wife and family, should desire to do so at some day later. If his wife can not read and write she can not enter, and is barred by its provisions. Is this just or right? Why, sir, it strikes me that the measure could be turned into an instrument for wrongdoing, for if a man now now residing in a foreign country desires to abandon his wife, he might, if educated, secure a haven here, commit bigamy, and if she were disqualified educationally, she could not land, and the offender against law and society would be secure from prosecution. In other words, we would be enacting a law placing a premium on crime. Can such legislation be justified?

I asked the gentleman from South Carolina a question founded on this proposition, and his only answer was that the law would go into effect next July. He also said in the course of his remarks that we desired only the best immigrants, and that the worst classes would be kept out if we debarred the wife, because the husband, altogether qualified, would not come if his wife could not. Is not this absolutely ridiculous? Why, he must certainly know that the worst classes would be pleased with this, and that only a desirable person, one with moral instincts, would decline to enter unless his wife could accompany him.

I can not vote for a measure which puts a premium on abandonment of a wife by her husband, or vice versa.

I also oppose this conference measure because I am satisfied that it is intended to operate as a religious crusade, and would only too well accomplish what its advocates desire in that direction.

The requirements of a knowledge of the English language or the language of the land of their nativity or adoption would prove an insuperable barrier to those who, living in a country of oppression, where the acquirement of an education is impossible, and where those who desire to learn are dependent upon their own resources, as is the case in Russia, means the total exclusion of the people of that country, while our most dangerous immigrants are generally men of excellent education. I refer to socialists and anarchists. While men of Johan Most's ilk may enter, such men as came here poor and afterwards became leading and respected citizens would be barred. One could refer to many instances of this kind, if it were necessary. I do not wish to be understood as favoring illiteracy, for I am convinced that good citizenship and education go together; but I know that many good and desirable people are not possessed of education because of a lack of opportunity. Here in this great and progressive land one can not understand this so well, but those of us who are descendants of foreign-born parents appreciate it most fully. I beg gentlemen to remember that the children of foreign parents born here have none of the characteristics of foreigners, and that they are Americans in every sense.

I believe in a proper immigration-restriction bill. I voted for one when it was presented to us, and it will be my pleasure to do so again, but I can not support the measure presented. Give us an opportunity to perfect, or I must oppose the measure.

Immigration Bill.

SPEECH
OF
HON. JAMES A. HEMENWAY,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. HEMENWAY said:

Mr. SPEAKER: I desire to submit a few remarks upon the pending conference report in the nature of an explanation of the vote which I shall give upon the pending measure rather than attempt to make a speech or discuss at length any of the important questions arising under the bill now before the House for consideration and action.

In the few minutes of time at my disposal it would be impossible to go at length into the details of this subject. I have the honor to represent upon this floor a constituency composed largely of naturalized German-American citizens and other foreign-born naturalized citizens. I have not the least fear but that my vote will meet with the commendation of these worthy people when they come to understand and realize the effect of the pending bill. These people in years that are past left their homes and sought our shores in order to better their condition, and I shall cast my vote to-day as much to protect their material interests as to protect the interests of the native-born American citizen.

While it is true that this measure is aimed at the restriction of foreign immigration, yet it only restricts where history has demonstrated the fact that restriction is necessary.

I have always flattered myself that I was a Republican in principle as well as in name. I believe, as I believe in my own existence, that the doctrine of protection is absolutely a correct principle, but I can not bring myself to the conclusion that it will subserve any lasting benefit to protect the manufacturer, or protect the manufactured article, and fail in protecting the laborer who makes this article from the unjust competition of the never-ending increase in the numbers competing for an opportunity to perform this labor.

Organized labor, skilled labor, through the many trades unions and other schemes devised by this large and respectable class of artisans, has in a measure been enabled to protect this class from this competition, but I flatter myself that to-day, as ever, I find myself the friend, not only of organized labor, but of unorganized labor.

There is a class of people, not common in my district alone, but scattered through all the borders of this Union, men who labor with their hands, women who labor with their hands, the bread-winners of this country, who stand to-day in the most urgent need of protection, and such protection as can and will be given by the provisions of this report when it shall become a law.

It is idle and useless to say that if I should have a job of work which would give labor to 10 men, if 30 men should apply for it, that this would not result in depriving two-thirds of those who apply for the job from obtaining it, and reduce the wages of the third who did secure the job. Every field of labor is crowded with persons seeking to do an honest day's work for an honest dollar, and yet how many people will go to their humble homes this night, after having braved the inclement weather of this day, unable to have found labor and unable to bring to that humble home the cheer and comfort, the result of one day's wages only.

It has been said, and will be said, that the provisions of this bill will separate husband and wife. Not so, Mr. Speaker, because in every hamlet of the Old World the shipowners, who have their agents in every town and community in Europe in their own self-protection, will make known the provisions of this law, for if they bring to our shores an excluded immigrant they are required by the provisions of this bill to return this immigrant without price, at their own expense, to the port from which he sailed.

I believe the naturalized American citizen—that man who has renounced all fealty to a foreign prince or potentate, and who in truth and in fact has been imbued with the blessings of American citizenship—sees the necessity equally with the native-born citizen of excluding from our shores the class of foreigners aimed at in this bill.

As in the days that are gone and past, we welcome to our shores every intelligent, honest, liberty-loving man or woman who seeks our shores as an asylum from oppression, and desires in good faith to make this the fatherland of his children and his children's children. Still, we have no room for the ever-increasing hordes of ignorance spewed upon us, bringing in their train the evils of the crowded tenement houses and the red flag of anarchy constantly displayed in the marches of this vermin and offscouring in the streets of our great cities.

I should be recreant to every trust imposed upon me by the voters of my district, be they foreign or native born, if I should fail in my vote, when the opportunity presents itself, to so cast that vote as, in my opinion, it would redound to the interest of the greatest number.

I believe, Mr. Speaker, that when this bill goes in effect, in next July, it will materially decrease the immigration from foreign countries of people whom their own governments are glad to be rid of for the best interests of those governments; people who are willing and content to live like cattle, like beasts, rather than men and women; people who flock to our cities and usurp the places of our own native-born citizens and of our naturalized citizens; who take the bread out of the mouths of the children of our people, and who only expect, in the main, to thus live, or at best to accumulate a little of the world's goods and return again to the shores from which they came.

For the above reasons, Mr. Speaker, and many more which I should take pleasure in giving at length if I had the time, I shall cast my vote in the affirmative, and sincerely hope that this conference report may be adopted.

Immigration.

SPEECH
OF
HON. JOHN B. CORLISS,
OF MICHIGAN,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. CORLISS said:

Mr. SPEAKER: The conference report embraces a provision which I had the honor to introduce at the beginning of this Congress, and by its advocacy before the committee and on this floor secured its adoption as an amendment to the bill which passed the House at the last session. I much prefer the House bill to the measure now under consideration. Legislation, however, along the lines that are proposed in this measure should be secured, and I have found in my brief experience here that in order to accomplish results one must yield to the views of others.

My measure is directed against what are known as the "birds of passage." Members on this floor, during the past few days, have received copies of a clipping from an editorial published by the Free Press, of my city, a Democratic paper, and I may say the cuckoo of the present Administration in Michigan. My predecessor, Judge Chipman, one of the ablest men who ever represented my State on this floor, offered in this House, during three con-

tinuous terms, the same provision that is now before you for consideration. He was lauded by the Free Press as the champion of the laborers of that district. He failed, however, to secure consideration thereof from a Democratic House. Now that it is about to become a law, this Democratic paper has attempted to injure the cause by calling your attention to the business interests that are located along the lines of the Detroit River, in the great city of Detroit and the little city of Windsor. It is true that some of the people who engage in business interests there pass back and forth from day to day, and this measure, by the amendment proposed by the committee, is directed at that particular grievance. My measure, in its original form, was directed at the greater number of "birds of passage" that come to this country every year from every nation in the world.

In this Free Press editorial of January 23, 1897, furnished the members of this House, you will find a criticism embracing the following language:

If the tide moved only in one direction, and that toward the American shore, the measure would be less open to criticism than it is. It would still belong to the Chinese Wall order of legislation and appeal to prejudice rather than to statesmanship. * * * It would gratify the labor unions, in whose interests it has been framed. In addition, it would give the Congressman the notoriety he seeks, and possibly some votes, as an adjunct to that notoriety, when he needs them.

The editor also points out the great injury to such firms and corporations as Parke, Davis & Co., D. M. Ferry & Co., and numerous others, because, forsooth, they will be prohibited from employing men who reside in Canada. This is in keeping with the free-trade notions of the Free Press. I do not believe that these large firms, most of whom are anxious to see a reasonable tariff measure adopted by Congress for the protection of American industries, desire to forbid the same protection to their employees against the unjust competition of foreign labor.

Permit me to call the attention of the members of this House to an editorial in the Detroit Free Press on May 21, 1896, when the original measure introduced by myself was under consideration, and ask you to compare the views therein expressed with the narrow and selfish criticism of the editorial of January 23, 1897. It reads as follows:

Congressman CORLISS's amendment to the immigration bill for the exclusion of aliens from temporary employment in the United States, which was adopted by the House yesterday, will impress the unprejudiced as a well conceived and sensible restriction. Certainly no alien who finds employment in this county should count it an unreasonable and oppressive exaction that he be required to establish his home and permanent citizenship here. Whatever hardship may be entailed in shifting his allegiance to the Government under which he is able to earn a living, it should be willingly borne both from a sense of duty and an appreciation of the compensations which a residence in this country secures. Congressman CORLISS very discreetly disclaimed any intention of prohibiting any worthy person from obtaining for himself and family a permanent residence on American soil. Our Canadian-born citizens have been and are a credit to the Commonwealth. It is because we appreciate them so thoroughly that we want them to declare when they come here, "Your country shall be our country and we will not turn back."

Now, Mr. Speaker, I wish to call the attention of the House to a resolution which was passed the other day by the legislature of my State, and which, as it is brief, I desire to read for the benefit not only of the members here from Michigan, but also of members from other States:

Resolved by the House (the Senate concurring), That we do heartily indorse the Hon. JOHN B. CORLISS in his efforts to have the immigration laws so amended as to restrict the tide of foreign labor which flows daily across our borders, robbing our citizens of employment, only to return to foreign lands to invest their earnings, thereby depriving our merchants of a large volume of business to which they are justly entitled.

That resolution passed both branches of the Michigan legislature. I have resolutions of every organized labor association in the United States heartily indorsing the particular measure which I advocate, and in the name of 6,000,000 honest, industrious laborers in our land I ask the members of this body to protect them against the "birds of passage" who come annually to rob our wage earners of the fruits of their labor.

Let me state to you that there are in my city to-day nearly ten thousand honest people anxiously waiting for labor—people who are being deprived of work yearly by this class of competition.

Mr. BARTHOLDT. Will the gentleman allow me a suggestion?

Mr. CORLISS. Certainly.

Mr. BARTHOLDT. I do not think if this bill be referred back to conference the section in which the gentleman is interested will be in any danger.

Mr. CORLISS. Then I want to say that when it is reported back, it should be amended by striking out the words "regularly and habitually," and inserting a clause so as to cover all "birds of passage" who seek our land with no intention of making it their permanent home. I favor the proposition as it stands, because I want legislation for our people and fear that if the measure is permitted to be returned to conference, nothing can be secured this session. The educational test does not meet my full approbation. Personally I would prefer the measure as it passed the House, limited to the male immigrants; but as I before stated, personal views can not prevail in a legislative body, and I yield my objections in order to secure the great object and benefits to be derived from this character of legislation.

When I took my oath of office and assumed my official obligations as a member of this House, it was not in the spirit in which the member from Louisiana seemed to have entered, but rather for the protection and welfare of the American people and American institutions. [Applause.] If the members of this floor will but read the papers that come from the great city of Chicago, they will find that 50,000 people are there to-day, attending the soup houses and being supported by the charities of that city, because they are out of employment. Is it not time, then, to protect the wage earners of the United States? Upon what theory can we Republicans pass a law for the protection of capital, the industries, and the producers of the nation if we fail to protect the laborers against these "birds of passage" who come from a foreign soil to rob them of the fruits of their toil, while at the same time we undertake to protect capital against the products of the cheap labor of the world?

Let me say to my Democratic friends that the bright spot in the present unfortunate Administration of national affairs is, in my judgment, the Immigration Bureau, and the first recommendation they make to Congress is this:

Provision should be made to exclude aliens coming year by year to perform labor in the United States, with no intention to settle therein.

Mr. Speaker, there is no district represented by any member on this floor that embraces more foreign-born citizens than my own, of every nationality; and I say to you, sir, that in my judgment 80 per cent of them would vote to pass this measure to-day, not only for the protection of American citizens and laborers but for the protection of those who have come and adopted this country as their permanent abiding place. I believe that the foreign-born residents who have come and adopted this as their country are as loyal to the American flag as those who were born beneath its folds, and I desire to extend my little influence and vote in favor of those who have come and are now here, but so unfortunate as to have to suffer because of the failure of legislation in their interests.

Permit me to appeal to every member on this floor to put your ears down to the ground and listen to the tramp of the unemployed throughout our land, who, in idleness and want, though honest, industrious, and intelligent, day by day in vain seek employment. For the protection of the unfortunate laborers and the preservation of the fruits of labor to those already in our country justly entitled thereto, for the upbuilding of American interests, and for the preservation of American character and manhood, let us pass this measure. [Applause.]

Immigration.

REMARKS
OF
HON. ANDREW R. KIEFER,
OF MINNESOTA,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. KIEFER said:

Mr. SPEAKER: I do not think this bill in its present form should pass, and I sincerely hope that it will not pass. I see no good reason for any change or additions to our already existing immigration laws, and if those laws now upon our statute books are rightly enforced all undesirable persons will be kept from landing on our shores.

The proposed legislation, Mr. Speaker, seems very harsh. It seems un-American. It requires that "all persons physically capable, and over 16 years of age, who can not read and write the English language or the language of their native tongue, shall not be permitted to enter here." I would amend this by stipulating that all male persons should be subject to this really unnecessary provision, but that is as far as I will go in supporting this bill. To compel the female immigrants to be able to read and write will in many cases work the greatest hardships and suffering. It will if insisted on part man and wife, mother from children and husband, thus separating families. Many very desirable people who intend coming to this country, and with considerable means at their disposal, will, if this bill is placed on the books, be debarred. Here is a man who is well educated, he can read and write in his mother tongue, but his wife, like many of the peasantry of the old country, may not have enjoyed those advantages. She is an excellent housewife, and is in every way capable of being with her husband to bring up the family. They come to Ellis Island; the husband passes the inspection; he reads and writes the slip upon which is printed the twenty-five words required to be read taken from the

Constitution of the United States of America, which is itself a guaranty to liberty all over the known world, and under the provisions of which we as a country are known and recognized as the greatest nation on earth.

His wife, with the flush of youth and health upon her cheeks, can not read the long and to her unmeaning words as she looks at them in cold print. What is the result? The husband and father is permitted to land, and the wife, almost heartbroken and discouraged, is compelled to return to the land whence she came.

Mr. Speaker, this indeed is inhuman treatment. It is on a plane almost equal to that of slavery, where families were often broken up.

Had this law been on our books during the past hundred years, where would we have been to-day? Undoubtedly a mere colonial dependency to some country ruled and governed by a king. Such legislation is indeed unworthy of our people, who have sprung themselves from immigrants; it is unworthy of a people who claim to have reached the highest plane of civilization, who are noble and generous, and who claim to be the people of a Christian nation.

But, Mr. Speaker, the next point in this bill, which is equally as unjust, is the provision requiring the immigrants to read and write their native language. Thousands of people who reside in Russia, it being their native and resident country, speak only the German language. They can not, they do not speak the Russian tongue. But under the provisions of this bill not one of these people could become a citizen of our great and glorious Republic.

There are many others who would be excluded likewise, the Finlander, the Pole, and the people from Alsace-Lorraine, for the reason that, while residents of a certain locality, they do not speak the mother language of the nation of which that locality forms a part.

Why not amend this bill, if you are bound to have this test, so as to read: "to read and write the English or any other language?"

If it must pass, then let us eliminate the cruel and inhuman provisions which will take father from child and mother from child and husband.

You want to ask an immigrant if he can read and write, and then compel him to do so. Rather ask, and make him prove, that he is an honest man; that he comes to work, to make a home, to become a loyal citizen, one who will make his adopted country his first love, ready to defend the Stars and Stripes against all the world when the occasion demands. When you find such a man, you will find the brother and next of kin to many men born on foreign soil whose blood was given to preserve the Union of States. No matter whether he could read or write, when the call to arms came in 1861 our adopted citizens vied with the native born in springing to the defense of the flag. Mr. Speaker, I implore the House not to pass this bill. Immigration and our open invitation to all the world has made this country what it is to-day.

And there are still greater possibilities. It has been said here that this bill is in the interest of the American workingmen and the day laborers who can not get work. Mr. Speaker, there are some people who will not work. They are possessed of the idea that they were not born to labor, and they will not work, no matter what our immigration laws may be. No man who is not ashamed to exercise his muscle in this country need go hungry.

Our cities are filled with thousands of people who hover around the great centers of population like moths around the candle, while there are millions of untilled acres awaiting development from the strong arm of labor, encouraged and cheered by the sweet voice of wife and daughter, no matter whether she can read some of the erudite provisions of the Constitution or not. In the great Mississippi Valley there is still room for 500,000,000 more people. Justice, liberality, freedom build up a nation.

Hateful and cruel statutes, like the one which for some strange reason is so strongly insisted on in this instance, has often marked a nation's downfall.

Where would the city of New York be to-day, Mr. Speaker, had it not been for the immigration laws heretofore existing?

We are young yet in the world's history. Where would Chicago, or, in fact, any great city, be if, say, twenty-five years ago the Congress of the United States had passed such a bill as this?

Sir, are we ready to step backward? Are our hands losing their cunning? My own State, through the governor, in his last annual message to the legislature, recommended a measure to induce and encourage immigration to the great State of Minnesota. We want new men and new women to build up and develop our great resources in the Northwest. And when I speak of the new women I do not mean the kind that rides a bicycle, nor one who can not make a baking of good brown bread.

We have 5,000,000 acres of land in Minnesota which is unknown to the plowshare. Every inch is productive, and it is awaiting the strong and willing hands of the immigrant to make a paradise of the land that God has given to the world.

Again, Mr. Speaker, I utter the word of warning, and beg of the House not to press this bill in its present form.

The Late Representative Charles F. Crisp.

REMARKS
OF
HON. HENRY ST. GEORGE TUCKER,
OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 16, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

"*Resolved*, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased"—

Mr. TUCKER said:

Mr. SPEAKER: In the death of CHARLES F. CRISP the country has lost a valuable statesman, the Democratic party one of its most loyal and efficient leaders, the State of Georgia one of her most devoted sons, and his family an affectionate husband and father. The qualities of mind and traits of character which distinguished him in this Hall have been amply portrayed as well by his political friends as his adversaries. They were of no mean caliber, and history will accord to Judge CRISP a high and honorable place in the long catalogue of distinguished American statesmen.

The province of eulogy too often runs into the extravagant; but a just tribute to our friend need not exceed the bounds of truth in according him a high and honorable position among the great leaders of his party. I would not claim for him the powers of analysis of a Calhoun, or the ponderous eloquence of a Webster, or the masteful, imperious leadership of a Clay, or the brilliant dash of a Blaine, but combining, it may be in a lesser degree, many of the strongest qualities of each, with a coolness of judgment and equipoise of mind which has rarely been equaled, he made available his powers, and all of them, in the discharge of public duties, as effectively as any man I have ever seen in public life. If he was not so great a logician as Mr. Calhoun, his powers of logic were always thoroughly available, and wielded with telling force against his adversary.

If he lacked the highest type of eloquence, his intense earnestness in debate supplied what the rhetorical art might have suggested. His leadership was always won by the arts of persuasion rather than by arbitrary dogmatism. He was one of the most resourceful as well as forceful men in the maintenance of his position in debate that has appeared in this Hall for years. Few men possessed the power of drawing upon their resources and utilizing their every power in action as did Judge CRISP.

His manners were simple, unostentatious, and cordial. A natural playfulness of spirit, united with a dignity and a self-reliance of character, repelled none who sought his counsel, and drew the closer to him all who sought his society. He did not hesitate to lend his ready counsel in molding the policy of his party or shirk the responsibility which rested upon him as one of its trusted leaders. As a leader on the floor or as Speaker he was always bold, aggressive, and oftentimes defiant. The elements of character in him were harmonized in a certain simplicity of style which offended no man's self-love and commanded the respect and confidence of all.

It was not always my fortune to agree with him as to matters of party policy, and in the memorable fight for the Speakership in the Fifty-second Congress I felt it my public duty, against my personal inclination, to advocate the claims of another. Such action on my part, however, so far as I know, never created any breach in our personal friendship.

The State of Virginia has always felt the deepest interest in the life and career of Judge CRISP. In those days which tried men's souls he freely spilled his blood on her soil, and from May, 1861, until May, 1864, when Virginia was "a looming bastion fringed with fire," he mingled with her people, enlisted with her sons, and fought by their sides. As a soldier Judge CRISP exhibited the highest qualities of excellence. With a cheerful temper he bore the privations of war in the camp, on the field, or on the march, and he was ever obedient to command, and ready to respond to his country's call.

He enlisted at Luray, in the Valley of Virginia, in Company K of the Tenth Virginia Infantry, while his father and his brother Harry enlisted in an artillery company in the county of Shenandoah. He served first under Col. S. A. Gibbons in the brigade of the gallant Elzey, afterwards commanded by Gen. W. H. Taliaferro, now Judge Taliaferro, of Gloucester County, Va., and subsequently commanded by Gen. George H. Stewart.

In speaking of his services as a soldier, his old captain, Capt. R. S. Parks, of Luray, Va., says:

In the spring of 1862 our regiment was transferred from Joe Johnston's command, on the Rappahannock, to Jackson's command, in the Valley, and remained in that command until the sun set at Appomattox. Most of the regiment was captured with Ed Johnson's division in the "bloody salient" on the 11th of May, 1864, where perhaps occurred the fiercest struggle and more blood was spilled than at any place during the war. CRISP was captured at that time and was not released until after the war. He enlisted at the age of 16 years as a private, and was second lieutenant when he was captured. He was quite small, not disposed to be corpulent, as he grew to be in after life. He was very quiet and unobtrusive; in fact, retiring in his manner; a great reader, he was never without a book. He carried one in his knapsack always, if he had one (but "Jackson's Foot Cavalry" did not like to carry superfluous baggage), or in his blanket. Often when the regiment was halted to rest on the march, he would immediately sit down and read from his book. He had a most remarkable memory, and could read a book and then relate everything in it, giving, in many instances, the exact language.

Like all the members of Company K, he was a soldier from head to foot, for no man ever commanded a better set of men or harder fighters than those who composed that company. Taps for "lights out" have been heard by many since 1865, and one by one they are passing to the other shore. Each one, so far as I have seen or heard, drew the drapery of death around him as coolly as he wrapped himself in his old blanket and laid down to sleep and dream on the field of carnage to await the call to arms at early dawn.

In the infantry there was little chance for promotion for gallant service. They were under orders and had only to fight and die on the heights of Gettysburg, in the tanglewood of the Wilderness, or the swamps of the Chickahominy. CHARLIE was a soldier without a stain, a statesman without a guile, and in war and peace a gentleman.

The people of Virginia in common with those of the whole country mourn at the grave of their friend, defender, and protector, and claim the privilege through her representatives here of placing a flower upon his open grave in commemoration of their lasting gratitude for his fidelity to her and to his country.

Contested-Election Case—Yost vs. Tucker.

SPEECH

OF

HON. HENRY ST. GEORGE TUCKER,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 21, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That Jacob Yost was not elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is not entitled to a seat therein.

"*Resolved*, That H. St. George Tucker was duly elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is entitled to a seat therein"—

Mr. TUCKER said:

Mr. SPEAKER: I had not expected to take part in this discussion, and I am now limited to only fifteen minutes; but, slightly paraphrasing the language of Paul in his wonderful defense before Agrippa, I can say I think myself happy, gentlemen of the House, because I shall answer for myself this day before you touching all the things whereof I am accused of the Jews.

There is one point upon which gentlemen seem to think this case turns, that, if they will give me their attention, I will demonstrate beyond the possibility of question (unless the minds of gentlemen are made up) settles my right to the seat. The honorable gentleman from Illinois [Mr. CANNON] on yesterday asked this question: "If you count the imperfect ballots, is the contestant elected?" The answer was that he would be. I deny it. If you will look at the end of the sixteenth page of the majority report, you will find that the majority conceded to the contestee is 221. Count every imperfect vote for contestant and contestee, as shown in the table on page 4 of the majority report, and it still leaves the contestee a majority. Answer it, gentlemen who are to follow me. Gentlemen seem to think that is the critical point in the case, that if you exclude the imperfect ballots, the contestee is not elected. But if you exclude them, it leaves the contestee in his seat, as shown above. So that all that the gentleman from Ohio [Mr. GROSVENOR] and my friend from New York [Mr. DANIELS] have said in favor of counting these votes goes absolutely for nothing. You may admit everything they have said, and count the imperfect ballots and give them to the contestant, and yet the contestee has a clear majority.

So that, Mr. Speaker, in looking at this case, I hope the House, if they are anxious to get at the real truth of it, will remember that fact. I do not believe you have a right to count them. The committee do not believe it. But count them, and still the contestee is entitled to his seat.

But we are told by gentlemen that there was an enormous conspiracy in the Tenth district, as shown by the burning of certain ballots, and that at many precincts through the district there were no election officers given to the opposition. I want the members of the House to lend me their ears just for a moment on this point, and I challenge my colleague to meet me on this point from the record.

What are the facts? There are 174 election precincts in the Tenth district. The defective ballots were burned in 15. That is the evidence of a conspiracy! In the 15 precincts in which the ballots were burned, in all except 3 the Republican judge of elections assented to it, agreed to it, and in some cases burned them themselves. Why? Because in the old law which was in force before the enactment of this law there was a provision directing the burning of certain defective ballots. The election under consideration was the first held under the so-called Walton law in the State. The judges themselves did not know what to do with the defective ballots, for the law was silent on the subject; and the Republican judges themselves, in all of these precincts where they were burned except 3, consented to it; and what was the effect in these 3? In these 3, there was a contest in 2 of them as to whether the Republican judge consented or not, and in the third this committee, in their majority report, counts for contestant the rejected burned ballots. So that, absolutely, contestant has nothing to stand upon on his charge of conspiracy, or to support his remarkable statement made on yesterday, when asked why these ballots were burned, when he said, "Well, sir, I believe as honestly as I believe I am standing here that it was done for the purpose of defrauding me of those votes which they knew were mine."

Why, Mr. Speaker, is it possible that a conspiracy to hide the evidence of fraud in that great district would have been carried out by the burning of ballots in only fifteen precincts; and is it possible that the Republican judges who consented to the burning were parties to such conspiracy?

Mr. THOMAS. May I ask the gentleman a question?

Mr. TUCKER. Oh, certainly.

Mr. THOMAS. Does the same authority appoint a Republican judge that appoints the Democratic judge?

Mr. TUCKER. Yes.

Mr. THOMAS. And that authority is Democratic?

Mr. TUCKER. And that authority is Democratic, and I will show how absolutely fairly that power was used.

Mr. JOHNSON of Indiana. Will the gentleman permit me to ask him, Were those Republican judges who consented to the destruction of these burned ballots good, intelligent, representative men?

Mr. TUCKER. They were just as intelligent as could be gotten, and the evidence discloses that the Republican county chairmen in these counties went to the electoral board and asked for the judges, and got those they wanted.

Now, I find on page 1019 of the RECORD this morning that the contestant [Mr. Yost] on yesterday stated that there were eighteen precincts in this district where no Republican sat as a judge of election. You remember the statement. You will find it on page 1019. I have here, Mr. Speaker, the most remarkable evidence from the record on this subject. In every one except three of the eighteen precincts referred to, Republicans or Populists were appointed. Deny it if you can. There is no law in Virginia compelling a man to sit as judge of election. All that could be done was to appoint them. This these Democratic electoral boards did. Could they do more? I challenge the record to show the contrary. Here, then, is a table of eighteen election precincts where it is charged there were no Republican judges of election; and it is true that in some of them there were none. Why? Because they were appointed and simply declined to serve; and because they declined to serve I am brought here on trial for the failure of the Republican judges to serve. In one of the three precincts where no judge of the opposition was appointed, a majority was returned for contestant. In the other two not a line of evidence is put in the record impeaching the returns.

Mr. STRODE of Nebraska. Will the gentleman yield to me for a question?

Mr. TUCKER. Yes, sir.

Mr. STRODE of Nebraska. Did any of the Democrats who were appointed as judges of election refuse to serve?

Mr. TUCKER. Many of them. Ask me another, my friend. [Laughter on the Democratic side.] And I verily believe the record will show as many precincts where the opposition had a majority of the judges against the Democrats as of precincts where no opposition judges were appointed at all.

Now, Mr. Speaker, I have but fifteen minutes, and I want to put the points in this case as concisely as I can. There is great talk, and the gentleman from Ohio [Mr. GROSVENOR] on yesterday waved over your heads this ballot, printed in Old English type, which was used in Amherst County, and he appealed to you to know if you were going to sanction such a thing by voting to retain me in my seat. I hope it is not necessary for me to state to this House that I do not approve that ballot, and that I had no knowledge of it until I saw it in this contest. But I go further and say that if the contestant can show by reason of it he has lost a vote he ought to have it. I appeal to the record to show the evidence of a voter in Amherst County who came forward and

said he could not vote by reason of that ballot. It is true the county Republican chairman said that the contestant had lost maybe 10 per cent of their votes by reason of it. Ten per cent! That would be something under 200, and would still leave me a majority of over 300 in the county. But what are the facts? Hear me! During that election this ballot was used in Amherst County; that county gave me a majority of 499. Last fall the contestant, still being a candidate, running in that county, when the ballot was printed in plain roman type, lost the county by 606; so that the printing of the ballot in that ugly type seems to have been an advantage to the contestant rather than a disadvantage.

Mr. McCALL of Massachusetts. Will the gentleman state how the contestant ran in the remainder of the district this year compared with two years ago?

Mr. TUCKER. Yes, sir. The gentleman from Michigan made a mistake——

Mr. THOMAS. That is not a matter of record in this case.

Mr. TUCKER. The gentleman from Michigan made a mistake in reference to that a moment ago that I will correct in reply to the gentleman from Massachusetts. The gentleman said that in the white section of the State my opponent had carried every county. He lost every county but one. This last fall he carried every one but one.

Now, I want to call attention to this Amherst County vote; for, gentlemen, I say frankly that if the contestant has lost a vote by reason of the mode of printing that ballot, he ought to have it. What sort of a county is it? It is a Democratic county and has been such from time immemorial. The average Democratic majority in Amherst County for the past eight years has been 550. The average vote in the county for the past eight years has been 2,680. In the election in 1894, in the contest with my opponent, my majority was 499, and the total vote of the county was 2,705. So that the whole evidence shows that the contestant has lost not a vote, but that, on the other hand, this year, with a plain-type ballot, he lost the county by 606 majority, whereas he lost it two years ago by only 499.

But, Mr. Speaker, I desire to call the attention of the House to another point in this record. These election officers have been assailed as men who were prepared to do anything to cheat their way through. Now, I call a witness to their character. Who is it? Yost's Weekly, edited by the contestant in this case. What did he say when the election officers were appointed in the counties of Augusta and Rockbridge and the city of Staunton, two counties that contained about one-third of the population of the district? In reference to the election officers for these counties and the city of Staunton he said:

> The county electoral board met in the court-house Thursday last and transacted the following business. The special constables selected are men of high character, so far as we know, and will be acceptable to the people generally. We do not believe that either of them with whom we are acquainted would wink at fraud or fail to administer the law fairly and justly.

Then follows a list of the constables for the whole county.

The same paper, on the same date, has the following to say of the appointment of constables in Rockbridge County:

> The electoral board of Rockbridge County, Col. J. C. Shields, M. W. Paxton, and W. S. Hopkins, appointed last week the following constables provided for under the Walton election law, all of whom, we learn, are among the best and most trustworthy citizens of Rockbridge County. This is very satisfactory as evidence that the people of this part of the State at least intend to maintain the integrity of the ballot boxes, as they have heretofore.

Under date of October 25, 1894, the same paper has the following to say concerning the appointment of constables for the city of Staunton:

> The new electoral board, composed of R. S. Turk, J. A. Glasgow, and George W. Blackley, have appointed J. Frank West as an election constable in Ward No. 1 and B. F. Hughes in Ward No. 2. These appointments will be satisfactory to everybody. Had the Republicans been consulted, they could not have secured two men who have the implicit confidence of the community more fully.

During the reading of the foregoing the hammer fell.

Mr. TUCKER. Mr. Speaker, I should like to have enough additional time to complete this extract.

Mr. McCALL of Massachusetts. Mr. Speaker, I will yield the gentleman whatever further time he desires.

Mr. TUCKER. I will take only enough to finish this extract. Here is what the contestant's own paper published, and what, perhaps, his own hand wrote.

Mr. BRUMM. If the gentleman will pardon me, I understand that all those counties gave Mr. Yost a majority

Mr. TUCKER. No; not one of them. These fraudulent men, these election officers appointed for a fraudulent purpose, were thus indorsed by the chief Republican paper of the district, of which contestant was himself one of the editors, as honest men, whose appointment guaranteed a fair election, and who would discharge their duties, as they had always done, fairly and honestly. Yet now the gentleman is here stating that their conduct in the election was a part of a great conspiracy to keep him out of his seat.

[Here the hammer fell.]

Pacific Railroad Bill.

SPEECH

OF

HON. GROVE L. JOHNSON,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897,

On the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Mr. JOHNSON of California said:

Mr. SPEAKER: I favor the passage of this bill. It is a business settlement of a business question. For years the solution of the issues presented by the relations of the United States and the Pacific railroads has been prevented by outside matters. The decision of the United States Supreme Court in the Stanford suit eliminated from the case the point raised that the stockholders of the Central Pacific Railroad Company were liable to the Government for the debt due the United States by said company. The very clear and convincing opinion of the Attorney-General of the United States, concurred in by all lawyers who have studied the question and amply fortified by decisions of State and United States courts, has taken from the case the other point raised, that the officers of the Central Pacific Railroad Company were liable to the Government for the debt due the United States or for money claimed to have been diverted from the company by them. Upon these two points the opponents of a funding bill have for years based their entire contention. They have claimed that there was fraud and peculation in the building of the Pacific railroads, and that the railroad companies were seeking by the enactment of a law to extend the payment of the debt due the Government to deprive the United States of its means of redress for assumed wrongs by preventing by such settlement the institution of lawsuits against the stockholders and directors of the company to recover the sums alleged to have been illegally taken by them. In view of the decision and opinion I have referred to, I feel that I can congratulate the House that we can now discuss this bill without being called upon to enter into the unknown field of useless speculation as to what judgment this or that court might give against this or that officer or stockholder of the Central Pacific Railroad Company. That point is eliminated from the debate.

It is the part of wisdom to thoroughly understand the cause of any effect before deciding upon the proper method of dealing therewith.

Hence we should study the history of the Pacific Railroad legislation of Congress, the causes that prompted it, the actions of the Government and companies under that legislation, as well as the present condition of the debt and the companies. We are not acting for ourselves, but for the nation—not merely for and as of to-day, but must look backward to learn what caused to-day and forward to ascertain what to-day will bring to the future. We are mere servants of a great national partnership, eternal as the hills, we hope, and which must be treated as having transacted business for many years with a fixed design to improve the country and a firm belief that the business is permanent—not ephemeral. Therefore the light of the past will enable us the better to see the present and the wiser to plan for the future.

For many years prior to 1862 the attention of the United States had been attracted to the vast domain lying beyond the Missouri River, and forming what was called, when the Rocky Mountains were scaled, "the great American Desert."

The plain but interesting language of the first explorers of the great Northwest, Lewis and Clark, recounting their journeys through these then unknown lands, had given us our first real knowledge of this "terra incognita;" the later explorations of the gallant pathfinder, Fremont, had renewed our interest in the subject; the prose song of Washington Irving regarding the labors of John Jacob Astor, in his attempt to rival the Hudson Bay Company, and to dispute its supremacy in the fur trade of the world; the glowing panegyrics of the martyr Whitman upon the land of Oregon and the possibilities of Puget Sound; the reports of the land where springs of pure water gave plenty and health brought from Salt Lake by Mormon elders and returning travelers—all had served to fill the minds of American statesmen and of the American people with the desire to unite the waters of the

Atlantic with those of the Pacific by a railroad, to the end that these countries might be made the abode of man.

To no one man can be given the credit of arousing the public mind to the necessity of a transcontinental railroad that should annihilate space and connect the populous East with the open West. As early as 1836 one John Plumbe called a public meeting at Dubuque, Iowa, for the purpose of agitating the question of building a Pacific railroad. This, I believe, is the first recorded public move in any State. Iowa can claim the credit of being a pioneer in this subject. I hope all her sons will aid in settling honorably this present vexatious question brought to us by the building of the road thus really originating in the Hawkeye State. In 1837 Dr. Hartley Carver published in the New York Courier and Enquirer an article advocating the construction of a Pacific railroad which attracted much attention and formed the basis of many an editorial and furnished material for many a speech.

It is claimed, however, that even before that date, viz, in 1833 or 1834, Dr. Samuel Bancroft Barlow, of Granville, Mass., advocated the construction of a railroad from New York to the Columbia River's mouth by direct appropriations from the United States Treasury. This was the correct method, and Dr. Barlow deserves credit for bravely suggesting it. Had his ideas prevailed and the railroad been constructed as was the national wagon road, we would not now be worrying over this debt.

I presume, however, that to the labors of Asa Whitney are we most indebted for the constant and successful agitation of the scheme and the awakening of the public to its importance and the great benefit its construction would be to the entire nation.

The "Little Giant," Stephen A. Douglas, of Illinois, was an early convert to the proposition, and in the Twenty-eighth Congress, in the winter of 1844–45, reported favorably upon one of Whitney's memorials asking the construction of a Pacific railroad, and he ever afterwards was a firm and constant advocate of the construction thereof.

"Old Bullion," from Missouri, Thomas H. Benton, in season and out, persistently advocated in his forcible manner the construction of a Pacific railroad. His prophetic vision, like that of Douglas, saw the grand results to follow.

When the news of the discovery of gold at Sutters Fort, in California, in 1847, was carried to the four quarters of the globe, the rush for California of men from every State and every nation in the world was unprecedented. They came from everywhere and in every way—on foot, with teams of horses, mules, and oxen, in boats and ships and steamers, and it is sometimes gravely asserted by the pioneers of California (those who boast of arriving in the State in 1849) that some came in balloons and on wings.

A new impetus was given to the cry for a Pacific railroad that men might easier reach the new El Dorado to search for fortune, and might safer return to civilization to enjoy the fruits of their labor with their families left behind or families to be formed in the old home. Every disaster at sea, and there were many, emphasized the demand.

The California Senators and Representatives knocked with no uncertain hand, but with constant blow, upon the doors of Congress for this boon to their constituents, and pleaded daily with eloquent appeal for the building of quick communication with their State. In 1852 California's legislature passed an act giving the right of way to the United States for railroad purposes, the preamble of which is as follows:

> Whereas the interests of this State, as well as those of the whole nation, require the immediate action of the Government of the United States for the construction of a national thoroughfare connecting the navigable waters of the Atlantic and Pacific Oceans, for the purposes of national safety in the event of war, and to promote the highest interests of the Republic: Therefore, etc.

Congress answered the call of California and the wish of the people by appropriating large sums of money to defray the expenses of surveying a practicable route from the Missouri River to the Sacramento River, the results of which surveys can be found in the report of the Secretary of War to Congress, February 27, 1855. Year by year the demand grew. It was not confined to California or the Pacific Coast. It came from the far eastern shores of Maine, from the marts of trade in New York, from the plantations of Louisiana, from the rich prairies of Illinois. From all over the nation the people shouted, "We want a railroad to the Pacific. Our friends, our relatives, are there. We want to see them. We want them to visit us. Our young men want to seek their fortunes under the setting sun. Give us speedy communication with the gold fields of California, with its fertile valleys and fruitful hills." The internecine war with Brigham Young, where the United States was compelled to march its troops thousands of miles over trackless wastes and snow-clad mountains, across bridgeless streams and yawning canyons, at an expense exceeding in amount the total issue of subsidy bonds to the Central Pacific Railroad Company, had shown the Government and the people that in a military point of view the Pacific railroad was a necessity to the nation.

The expense of policing the plains to protect from the savage Indians, that roamed at will over the country between the Rocky Mountains and the Sierra Nevadas, the numerous caravans of immigrants who each spring started on their journey to the Pacific Coast, and whose bones marked the trail so that all could follow, had reached the enormous sum of about $7,000,000 per annum; which fact emphasized upon the minds of the people and the officers of the Government the absolute and immediate need as a military necessity, an act of humanity, a duty due its citizens by the United States, and a financial gain to the country, of constructing a Pacific railroad as speedily as possible.

This demand was not confined to party or sect. It was a universal want, felt by all men of all political beliefs.

In 1856 the Democratic national convention passed the following resolution:

> *Resolved*, That the Democratic party recognizes the great importance, in a political and commercial point of view, of a safe and speedy communication, by military and postal roads through our own territory, between the Atlantic and Pacific coasts of this Union, and that it is the duty of the Federal Government to exercise promptly all its constitutional power for the attainment of that object.

The same year the Republican national convention adopted the following resolution:

> *Resolved*, That a railroad to the Pacific Ocean by the most central and practicable route is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction; and as an auxiliary thereto, to the immediate construction of an emigrant route on the line of the railroad.

The Douglas Democratic national convention in 1860 adopted the following resolution:

> *Resolved*, That one of the necessities of the age, in a military, commercial, and postal point of view, is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional Government aid as will insure the construction of a railroad to the Pacific Coast at the earliest practicable period.

The Breckenridge Democratic national convention the same year adopted the following resolution:

> Whereas one of the greatest necessities of the age, in a political, commercial, postal, and military point of view, is a speedy communication between the Pacific and Atlantic coasts: Therefore
>
> *Be it resolved*, That the national Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific railroad from the Mississippi River to the Pacific Ocean at the earliest practicable moment.

The Republican national convention the same year adopted the following resolution:

> That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country; that the Federal Government ought to render immediate and efficient aid in its construction; and that, as preliminary thereto, a daily overland mail should be promptly established.

The Republican national convention of 1864 adopted the following resolution:

> *Resolved*, That we are in favor of the speedy construction of the railroad to the Pacific Coast.

Prior to 1860 the legislatures of eighteen States had passed resolutions in favor of a railroad to the Pacific. Three Presidents of the United States—Franklin Pierce, James Buchanan, and Abraham Lincoln—had in their messages called the attention of Congress to the necessity of aiding a transcontinental road to connect the Atlantic States with the Pacific Coast. Every newspaper in the nation had fully indorsed the project, some urging direct appropriation and some a loan, but all enthusiastically urged Congressional action. I have thus alluded—perhaps too lengthily—to these matters of history that we might all understand that the legislation of Congress in 1862 and 1864, under which the Union Pacific and Central Pacific railroads were constructed, was not taken at the request of either of these railroad companies or their stockholders, but was enacted in response to the universal demand of the whole American people, speaking through newspapers, State legislatures, national political conventions, and Presidents of the United States. Nor was it, as will be seen from what I have stated, entirely a war measure, although that was a great moving cause.

It had been asked for by the people for years. The great and growing importance of our Pacific Coast possessions, the fact that nearly $50,000,000 in gold was taken from its mines and shipped from California in 1862, the knowledge gained by the numerous caravans that journeyed "the plains across" to reach the land of gold that the great American desert was a myth, and that there was good land beyond the Rockies suitable for agriculture and grazing; the successful result of the colonization of Salt Lake Valley by the Mormons, and the glowing description of its beauties; the natural desire of the restless American youth to explore new fields, the stories of the wealth of New Mexico and Utah, the reports of the inexhaustible forests of the Territory of Washington, the absolute necessity of finding new homes for the almost numberless immigrants that were seeking shelter in our loved Republic from troubles in the Old World, and the feeling that Americans must know and must rule America from ocean to ocean, had inspired the hearts and attuned the voices of the sons

and daughters of the Union to one common chord upon which was sung the common song to Congress, "Give us a Pacific railroad."

Even without war Congress would have heeded the demand and granted aid sufficient to construct the Pacific Railroad. But in 1862 there was war in the United States. There is now of our number an honored son of the Keystone State, the author of the beneficent homestead law—of itself an enduring monument to his memory and a glory to his career—the only remaining member of the Thirty-seventh Congress that is with us in the Fifty-fourth Congress, a man we all respect, the Speaker of that most memorable Congress, the Hon. GALUSHA A. GROW, who can better than I tell of the conditions that confronted that Congress of loyal men, over whose proceedings he so ably presided. They met in the midst of war and its alarms, with suffering and sorrow and privation seen on every side and felt in every home of the Union.

The flag had been stricken down at Sumter. Eleven States had seceded. The government of the Confederate States had been established at Richmond. Its independence had been recognized by unfriendly foreign nations.

Bull Run had been fought and the Stars and Stripes trailed in Virginia's mud beneath the heel of, for a time, successful rebellion. The thunder of hostile cannon could be heard in the streets of Washington. The rebel flag could be seen from the Dome of the nation's Capitol waving in defiance of Old Glory. We had been forced to surrender in the winter of 1861–62, at the muzzle of cannon and in response to the arrogant demand of British power, the persons of Mason and Slidell, whose seizure was indorsed by the loyal North. The English Asiatic fleet had its headquarters at Vancouvers Island but a cannon-shot distant from our country and only three days' sail from the defenseless port of San Francisco, thus grimly menacing our hold upon all our Pacific Coast possessions. Our commerce was being swept from the seas by the privateers of the Confederacy equipped from British shipyards. The gold of California was one-half shipped direct to England because of the dangers of the sea and the very great cost of insurance, thus causing direct and immense injury to the nation. The talk of a Pacific republic was openly indulged in by disloyal Californians, and the project was being strenuously and secretly pushed by traitorous hearts and hands, so much so that the general in charge of California had been superseded for disloyalty, and he afterwards fell at the head of a Confederate army.

The necessity of keeping the trade of the Pacific Coast was so thoroughly recognized and felt, the gold of California was so much needed to maintain the nation's credit, and the fear of losing it entirely was so great; the danger of losing the entire Pacific Coast had been so alarmingly present; the absolute inability of the United States to maintain communication by sea with California and Oregon in case of a foreign war had been so forcibly brought to the attention of the nation; the impossibility of sending soldiers on foot or in wagons across the plains in time to be of any avail in days of war involving the Pacific Coast, while the cost thereof would bankrupt the Treasury; the resolve in the hearts of all loyal men that the Union should be preserved intact with not one State missing or one foot of territory lost, whether in the East or in the South, in the North or in the West, was so deeply embedded, so firmly rooted, so dearly cherished; the need of doing something was so great as a political, military, and economic measure, that all the Congress saw that the time had arrived when the prayer of the people for a Pacific railroad could no longer go unheeded; that the demands of war accentuated the demands of peace and impelled the passage of the act of 1862 granting Government aid to the Union Pacific and Central Pacific railroad companies, to the end that a transcontinental railroad might be speedily constructed. It was the spontaneous act of the Congress of the United States. It was done because it ought to have been done. It was indorsed as a war and economic and proper measure by all.

As illustrating the views then felt by Congress, I will call attention to the following language used in 1862 by Mr. Campbell, chairman of the Committee on Pacific Railroads, House of Representatives, in the House while discussing the proposed aid. He said among other things:

> In a recent imminent peril of a collision with a naval and commercial rival, one that bears us no love, we ran the risk of losing, at least for a time, our golden possessions on the Pacific for want of proper land transportation.

Grand old Thaddeus Stevens, the acknowledged leader of the House, the Commoner who swayed his party with accepted rule, said:

> In case of a war with a foreign maritime power, the travel by the Gulf and Isthmus of Panama would be impracticable. Any such European power could throw troops and supplies into California much quicker than we could by the present overland route. The enormous cost of supplying our army in Utah may teach us that the whole wealth of the nation would not enable us to supply a large army on the Pacific Coast. Our Western States must fall a prey to the enemy without a speedy way of transporting our troops.

These remarks show that Congress felt that what it was doing was for the interest of the nation, not for any company. That it was for the good of all the people, the preservation of the Union as an entirety, the benefit of the industrial conditions of the land, the binding in closer union of the widely separated geographical sections of the country, and the consequent development of the unpeopled portions of the great West.

It was thought then that the act of 1862 would furnish sufficient Government aid and that the companies could under it construct the road and repay the Government. The bill was so framed. There were not wanting, however, public men at that day who looked beyond the mere question of dollars and cents, who viewed the measure as statesmen, and who avowed their belief that the Government ought to give the aid and build the road if it never received a penny of its bounty in return. A brief mention of some of these patriots and their thoughts will not be amiss now, when so much stress is laid upon the fact that the United States loaned these companies money and that it must collect every dollar of principal and interest, like a greedy creditor and not a liberal nation. Among these was Hon. Henry Wilson, Senator from Massachusetts, and afterwards Vice-President of the United States, who on June 17, 1862, when discussing the bill in the Senate, made the following remarks:

> I have little confidence in the estimates made by Senators or Members of the House of Representatives as to the great profits which are to be made and the immense business to be done by this road. I give no grudging vote in giving away either money or land. I would sink $100,000,000 to build the road, and do it most cheerfully, and think I had done a great thing for my country if I could bring it about. What are seventy-five or a hundred millions in opening a railroad across the central regions of this continent, which will connect the people of the Pacific and the Atlantic and bind them together.

And on the same day he used the following language:

> As to the security the United States takes on this road, I would not give the paper it is written on for the whole of it. I do not suppose it is ever to come back in any form except in doing on the road the business we need, carrying our mails and our munitions of war. In my judgment we ought not to vote for the bill with the expectation or with the understanding that the money which we advance for this road is ever to come back into the Treasury of the United States. I vote for the bill with the expectation that all we get out of the road (and I think that is a great deal) will be the mail carrying and the carrying of munitions of war and such things as the Government needs, and I vote for it cheerfully with that view. I do not expect any of our money back. I believe no man can examine the subject and believe that it will come back in any other way than is provided for in this bill, and that provision is for the carrying of the mails and doing certain other work for the Government.

Senator Clark, of New Hampshire, in the same debate spoke as follows:

> Whether I am right or not, I do not build the road because I think it is to be a paying road. I build it as a political necessity to bind the country together and hold it together, and I do not care whether it is to pay or not. Here is the money of the Government to build it with. I want to hold a portion of the money until we get through, and then let them have it all.

The language of Judge David Davis in delivering the opinion of the Supreme Court of the United States in the case of the United States *vs.* The Union Pacific Railroad Company, reported in 91 United States Reports, page 79 and following, shows how that august tribunal regarded this legislation:

> Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress, and owing to complications with England the country had become alarmed for the safety of our Pacific possessions. The loss of them was feared, in case those complications should result in open rupture; but even if this fear were groundless, it was quite apparent that we were unable to furnish that degree of protection to the people occupying them which every Government owes to its citizens. It is true the threatened danger was happily averted, but wisdom pointed out the necessity of making suitable provision for the future. This could be done in no better way than by the construction of a railroad across the continent. Such a road would bind together the widely separated parts of our common country and furnish a cheap and expeditious mode for the transportation of troops and supplies. If it did nothing more than afford the required protection to the Pacific States, it was felt that the Government, in the performance of an imperative duty, could not justly withhold the aid necessary to build it, and so strong and pervading was this opinion that it is by no means certain that the people would not have justified Congress if it had departed from the then settled policy of the country regarding works of internal improvement and charged the Government itself with the direct execution of the enterprise. This enterprise was viewed as a national undertaking for national purposes, and the public mind was directed to the end in view rather than to the particular means of securing it. Although this road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier. There was a vast unpeopled territory lying between the Missouri and Sacramento rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased, and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and for the Indians. It was in the presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable. * * * Of necessity there were risks to be taken in aiding with money or bonds an enterprise unparalleled in the history of any free people, the completion of which, if practicable at all, would require, as was supposed, twelve years; but these risks were common to both parties. Congress was obliged to assume its share and advance the bonds or abandon the enterprise, for, clearly, the grant of lands, however valuable after the road was finished, could not be available as a resource for building it.

This opinion and language was reaffirmed by the same court in the case of the United States *vs.* The Union Pacific Railroad Company et al., reported in 98 United States Reports, page 619.

Hon. William D. Kelley, of Pennsylvania, in the course of the debate in the House, said:

Can there be any question that our country can bear such an augmentation of its annual expenditure, or will it harm if posterity, being blessed by this work, should perchance have to pay the principal of the credit invested?

Mr. White, of Indiana, used the following language:

Now, sir, I contend that although this bill provides for the repayment of the money advanced by the Government, it is not expected that a cent of the money will ever be repaid. If the committee intended that it should be repaid, they would have required it to be paid out of the gross earnings of the road, as is done with the roads in Missouri, Iowa, and other States, and not the net earnings. There is not, perhaps, one company in a hundred, where the roads are most prosperous, that has any net at all. I undertake to say that not a cent of these advances will ever be repaid, nor do I think it desirable that they should be repaid. The road is to be the highway of the nation, and we ought to take care that the rates provided shall be moderate. I think, therefore, that this will turn out a mere bonus to the Pacific railroad, as it ought to be.

From these citations, and others that could be made if time permitted, it can be seen that some of those who participated in the Congress that voted this aid did so not merely with the expectation that such aid would be returned, but because they were willing to build the road even if the United States paid the entire expense. A careful inspection of the debates in both Houses of Congress during the consideration of the act of 1862 will show that not a single vote was cast in favor of that law with any expectation that the Government would receive from the railroad companies in reimbursement of its advances one dollar in addition to the requirement for the payment of 5 per cent of the net earnings of the roads after they were completed and the services to be rendered in the transportation for the Government provided for in the law.

Yet now we hear the cry that every dollar of principal and interest must be immediately paid in cash. These debates show that all this Pacific railroad legislation was had not at the request of the railroad companies, nor their promoters, but at the demand of the people. It was under such circumstances, and with such views and hopes, that Congress passed the act of July 1, 1862, authorizing the organization of Pacific railroad companies and the construction of Pacific railroads. We should—as I think—carefully bear them in mind while legislating in 1897 regarding the expected results of legislation in 1862. Our nation has received all the benefits predicted, has borne some of the burdens, and being a thousand times stronger now than thirty-five years ago, can afford to be generous as well as just, but never merciless.

The terms of the act of July 1, 1862, were in effect that the two companies, Union Pacific and Central Pacific, were to construct the Pacific Railroad and that in aid of such construction the United States agreed to donate every alternate section of public land designated by odd numbers, to the amount of five alternate sections per mile, on each side of said road on the line thereof, within 10 miles of each side of the road not sold, reserved, or otherwise disposed of; the title of said land to be vested in the company when it should have completed 40 consecutive miles of railroad and telegraph; and that on completion of said section, the Secretary of the Treasury should issue to the company bonds of the United States, payable thirty years after date, bearing 6 per cent per annum interest, payable semiannually, to the amount of sixteen of said bonds per mile; but from the western base of the Sierra Nevada Mountains (such point to be fixed by the President of the United States) the bonds to be issued should be at the rate of $48,000 per mile for 150 miles eastwardly; and between the mountainous sections at the rate of $32,000 per mile; the Central Pacific to complete 50 miles of said railroad and telegraph line within two years of filing their consent to the provisions of this act, and 50 miles each year thereafter; the entire line between the Missouri River and the Sacramento to be completed so as to form a continuous line of railroad and ready for use by the 1st day of July, 1876.

The act provides that the issue of said bonds and delivery to the company shall ipso facto constitute a first mortgage on the whole line of the railroad and telegraph, together with the rolling stock, fixtures, and property of every kind and description, and in consideration of which said bonds may be issued.

That the grants of the said lands and bonds are made upon condition that said company shall pay said bonds at maturity, and shall keep its said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line and transport mails, troops, and munitions of war, supplies, and public stores on said railroad for the Government whenever required to do so by any department thereof; and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid at fair and reasonable rates of compensation, not to exceed the amount paid by private parties for the same kind of service; and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid; and after said railroad is completed, until said bonds and interest are paid, at least 5 per cent of the net earnings of said road shall be annually applied in the payment thereof.

The Central Pacific had been incorporated in 1861 under the laws of California. It accepted the terms of the act of July 1, 1862. It tried in good faith to comply with them. January 8, 1863, it commenced the construction of its road at the city of Sacramento. All voices in California were then in its favor, although many prophesied the bankruptcy of its promoters and the ignominious failure of the undertaking.

By the most strenuous efforts of its promoters, it managed to construct 31 miles of its road, extending it to Newcastle, Placer County, Cal., in the Sierras, where, for lack of funds, it was obliged to stop.

The Union Pacific was unable to raise a dollar or to build a mile of its road under the act of 1862.

I call attention to this as showing the good faith of the men who constituted the Central Pacific and their honest desire to build the road according to their agreement. It should be counted strongly in their favor to-day, especially in view of the attacks made upon them. Under these circumstances, duly presented to Congress, and after due deliberation and discussion in that body, the act of July 2, 1864, was passed, which modified the contract of 1862 and permitted the railroad companies to issue their first-mortgage bonds on the respective railroad and telegraph lines to an amount not exceeding the amount of the bonds to be issued by the United States, and of even tenor, date, time of maturity, rate, and character of interest, and that the lien of the United States bonds should be subordinate to that of the bonds of said companies authorized to be issued on their respective roads, property, and equipments, except as to that provision of the act of 1862 relating to the transmission of dispatches and the transportation of mails, troops, munitions of war, supplies, and public stores for the Government of the United States; and that the aid provided to be granted by the act of 1862 should be given upon the completion of 20 consecutive miles instead of 40, and that the Government should retain only one-half of the compensation for services rendered to it by the company, to be applied in payment of the bonds issued, instead of the whole; and that the Central Pacific should be required to complete only 20 miles in one year in place of 50.

This act was passed after the Republican national convention of 1864 had adopted its resolution demanding the completion of the Pacific railroad.

Under this act the Union Pacific found capital and commenced work, and the Central Pacific was enabled to continue its work.

Incited by the act of 1864 to a generous rivalry, the two companies pressed every man and machine attainable into their service and speeded across the continent, one facing, the other following the setting sun, until they met at Promontory, in Utah, in May, 1869.

How well I remember the celebration in Sacramento of the driving of the last spike that marked the completion of this great work. It had been arranged that the whistle of the locomotive that bore the officials and guests that assembled at that out-of-the-way spot to witness the occasion should signal the event, and should be answered by others, until one continuous whistle should be heard from Promontory to California, waking the echoes of valley and the crags of mountains with its scream of triumph. We were ready with our procession, and as we heard the whistle that announced the end of nearly seven years of hard and unremitting toil, we all, men and women and children alike, cheered and cheered and cheered again.

It seemed to me that it spoke of man's triumph over nature; of the great achievement of American citizens.

In fancy it took me back to the days when wearily I traveled for twenty-two days and nights in the rough coach over the route of this railroad. I could see again the barren deserts where water was brought 40 miles for use, the shifting sands of many streams that seemed without foundation, the deep and impassable canyons, the mountains rearing their snow-clad tops until they kissed the blue clouds of heaven, over which the coach was dragged at a snail's pace through narrow defile and dangerous pass, and I thought, Is it possible that a railroad has been built where the coach could scarcely move?

I could hear in the shrill whistle of the locomotive the voice of the genius of America commending the work done by her sons and calling the world to witness another triumph of American enterprise, ranking side by side with those of Franklin, of Fulton, and of Morse.

When Vasco Nunez de Balboa bade his followers remain while he alone climbed the mountains and gazed upon the broad expanse of Pacific Ocean, the first white man to whom that pleasure was vouchsafed, what thoughts must have passed through his mind? He could see that ocean covered with the ships of Castile and Aragon, its shores dotted with the cities owing allegiance to his country, while the grandeur of Spain's imperial power was covering the world with its glory as the wealth of the Indies,

East and West, were poured into her treasury and the nations of the earth yielded homage to her supremacy.

So the whistle of the locomotives on that May day in 1869 called up images of the future greatness of our loved land. New States to swell the galaxy of stars in our banner were rising on every hand. The music of the factory, the hum of busy cities, the sound of school and church bell usurped the yell of savage and the howl of wolf and coyote, while the grand acclaim of millions of happy people proclaimed the prosperity and progress achieved by reason of the clasping of mother earth with a steel girdle from ocean to ocean across what was once as unpeopled as Pacific's waters when Balboa's eyes upon them first glanced.

The vision of Balboa's came true, but lasted not.

The vision pictured by the locomotive's cry came true, is true, and will forever last. Nine stalwart sovereign States of the Federal Union have joined the parent thirteen since the headlight of the locomotive first crossed the whole country, which but for that locomotive's flight would still be feeble Territories without wealth or strength. Now millions of people and hundreds of millions of wealth in places once given over to savage man and beast proclaim ceaselessly through day and night the full fruition of the labor of these Americans who built in America an American overland Pacific railroad.

In the language of Senator Bogy, of Missouri:

I look upon the building of the railroad from the waters of the Missouri to the Pacific Ocean, at the time particularly in which it was built—during the war—as perhaps the greatest achievement of the human race on earth.

The benefits to the United States by its construction have been very great and are growing each year. The expenses of the Government have been greatly reduced in policing the plains, in cost of mail and transportation services, in the cost of Indian wars, and in other ways, until a conservative estimate shows that over $160,000,000 has been saved to the United States by the building of the Pacific railroads.

In addition, the lives of settlers and immigrants have been made more secure, and the Indian depredations have been restrained and almost entirely prevented.

The United States has made money out of the railroads; has made people and States; and if the Government forgave every dollar of debt due from the companies it would be greatly the gainer in wealth and power.

But it is claimed that the aid of the United States to these roads was enormous and unprecedented. Let us examine.

The subsidy consisted of bonds and land. We will discuss the land question first.

At the outset it must be remembered and understood that the lands granted were not worth one dollar without the railroad. In this, as quoted, the United States Supreme Court concurs. So the value of the land grant becomes nothing in reality, for it depended entirely upon the ability of the railroad companies to build the road, for until built the land was a "castle in Spain."

I have prepared a statement showing the amount and value of the land grants made by the United States to various railroad companies, including the Central Pacific, which shows as follows, namely:

CENTRAL PACIFIC RAILROAD COMPANY LAND GRANT.

From Land Commissioner Mills we learn that the Central Pacific Railroad Company received under the original grant 7,072,000 acres. There was sold to June 30, 1895, 1,722,512.34 acres for $3,344,157.88, being $1.94 per acre. The unsold lands are estimated to be worth, in round numbers, $2,000,000, which is certainly a liberal estimate, considering the barren character of the soil, the greater portion of the lands being located in the great Humboldt Desert region of Nevada.

Value of Central Pacific Railroad Company grant, as above, $5,344,157.88.

ATLANTIC AND PACIFIC RAILROAD COMPANY LAND GRANT.

The Atlantic and Pacific Railroad was completed and commenced active competition with the Central Pacific in August, 1883. Table on page 225 of report of United States Commissioner of Railways, 1894, shows that the original grant was 42,000,000 acres, of which 10,795,480 acres were forfeited. Page 43, annual report of Atchison, Topeka and Santa Fe Railroad Company for year ending June 30, 1893, shows number of acres claimed to have been "earned" by this company to be 20,295,296, and the total acres sold 5,308,583.48, for $4,511,931.85, being at the rate of 85 cents per acre, a very low figure; but applying this low rate to the acres earned, the value of the Atlantic and Pacific Railroad Company's grant would be $17,251,001.60.

ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY LAND GRANT.

Land-aided 613.38 miles, at 6,400 acres per mile. Connections completed at Los Angeles November 29, 1885; to Deming March 20, 1881, and to El Paso July 1, 1881. This company failed to report to the United States Commissioner of Railways; but its annual report shows that up to June 30, 1893, the receipts for land were $15,349,868.19, and on page 38 the total sales are given as 3,356,449 acres. There are no further data obtainable, but these figures show about $5 per acre; and if the $15,349,868.19 already realized is the total value of the grant, it is nearly three times the value of the Central Pacific Railroad Company's grant.

Value of land grant as shown, at least $15,349,868.19.

BURLINGTON AND MISSOURI RIVER RAILROAD COMPANY GRANT.

Failed to report to the Commissioner of Railways, but table on page 225 of report for 1894 shows original grant as 3,390,243.66 acres, of which there were patented 2,762,304.85 acres. No data obtainable show any information about disposition of these lands, excepting page 38 of annual report of the Chicago, Burlington and Quincy Railroad Company for 1894, which shows sales of 18,000 acres for $102,000, or at an average price of $5.63, which is probably a low rate for these productive lands; but even at this figure the grant would be worth $18,087,074.

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY GRANT.

Failed to report; but table on page 225 of the United States Commissioner's report for 1894 shows original grant as 1,261,181 acres. Poor's Manual for 1894 shows sales to March 31, 1894, 548,508.83 acres, but gives no other data. Page 12 of the annual report of this company for 1894 shows price per acre received for land sold that year was $13.23, probably a very reasonable price for the fertile lands included in this grant. On this basis the grant would be worth $16,685,425.

CHICAGO AND NORTHWESTERN RAILWAY COMPANY GRANT.

Table on page 225 of report of United States Commissioner of Railways for 1894 shows original grant to be 7,642,821 acres. The company reports up to June 30, 1894, total number of acres sold 2,239,000, for $8,777,000, or $3.90 per acre. On this basis, which seems very low for lands along this grant, the total value of this grant would be $29,807,001.90.

CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY COMPANY GRANT.

Page 37 of report of United States Commissioner of Railways for 1894 shows total acres acquired by grant to be 2,959,230.70; sold to June 30, 1894, 1,980,676.53 acres for $8,778,396.26, or $4.43 per acre, an exceedingly low price for the lands in this fertile region, but on this basis the total value of the grant would be $13,109,393.33.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY GRANT.

This company gives no data in its annual report and does not report to the United States Commissioner of Railways or to Poor's Manual, but the original grant, as per table on page 225 of report of Commissioner of Railways for 1894, amounted to 3,500,000 acres, which at $5 per acre, which is an extremely low figure for the lands contiguous to the road, would make a valuation for the grant of $17,500,000.

GREAT NORTHERN RAILWAY LAND GRANT.

Page 73, report of United States Commissioner of Railways for 1894, shows this company's report up to June 30, 1894, up to which date there had been patented 2,906,761 acres; page 74 shows total receipts as $8,729,793.99, equivalent, if all the lands in the grant were sold, to about $3 per acre; but this is not probable, since the other parallel roads, particularly the Northern Pacific, sold their lands for at least 50 per cent more, as appears from this analysis. No further data is obtainable, but even if nothing more were realized the grant was worth nearly double that of the Central Pacific, yet the acreage is less than one-half. Value of the grant, $8,729,793.99.

ILLINOIS CENTRAL RAILWAY LAND GRANT.

Failed to report to United States Commissioner of Railways. Poor's Manual for 1894, page 480, shows average price per acre realized for that year was $7.08, probably a fair average value for this rich grant. The total sales of donated lands is given as 2,487,478.36 acres. On this basis the value of this grant would be $17,610,323.

MISSOURI PACIFIC RAILWAY LAND GRANT.

Table on page 225 of United States Commissioner of Railways report for 1894 shows original grant to the Little Rock and Fort Smith and the St. Louis, Iron Mountain and Southern Railway to be 3,798,411.05 acres, and the annual report of the Missouri Pacific ending December 31, 1894, shows gross receipts from land sales to have been $5,138,216.47, which probably includes only a small portion of the grant, the unsold lands not being ascertainable; yet if the $5,138,216.47 does represent the total value of the grant, it will be seen that for these two small roads (absorbed by the Missouri Pacific) the grant was considerably in excess in value proportionately to the grant of the Central Pacific. Value of grant at least $5,138,216.47.

NORTHERN PACIFIC RAILROAD LAND GRANT.

Report of the United States Commissioner of Railways for 1894, page 57, shows original grant for 2,215 miles as 47,000,000 acres, of which 8,978,800 were restored to public domain; but the total sales reported by this company to the Commissioner amount to $38,137,238 for 8,430,447 acres, or at the rate of $4.52 per acre. The grant for the Central Pacific was for 742 miles. For a corresponding parallel distance, the Northern Pacific received a grant of 25,600 acres

per mile. At the rate for which their land was sold, the grant for 742 miles on a similar basis would be worth $85,308,304, or more than the Central Pacific subsidy bonds, including interest at maturity and the total value of the land grant combined.

The Central Pacific Railroad Company has no indemnity land grant to draw upon, and its grant is subject to all reservations made by the Government under the acts of Congress; but the Northern Pacific also acquired an indemnity grant for 10 miles outside the limits of the regular grant. Up to June 30, 1892, as shown by that company's report, nearly 4,000,000 acres of land had been selected within the indemnity limits, which, at the average price above given, would be worth to the company an additional $18,000,000. The Northern Pacific was completed and entered into active competition with the Central Pacific September 9, 1893. Value of the land grant at a very low estimate, $100,000,000.

UNION PACIFIC RAILWAY LAND GRANT.

Page 101 of the annual report of the Union Pacific Railway for 1894 shows estimated value of unsold lands of that company to December 31, 1894, was $13,358,500, added to land contracts for sales, $6,162,751.55, makes $19,521,251.55, or nearly four times the value of the Central Pacific grant; yet it is fair to presume that they have placed a small estimate on their unsold lands; however, if the $6,162,751.55 shows total sales instead of merely outstanding contracts, and if $19,521,251.55 represents the total value of their land grant, it is in striking contrast with the value of the Central Pacific Railroad Company grant. Value of grant (as far as ascertainable), $19,521,251.55.

Table No. 5, on page 225 of the report of the United States Commissioner of Railways for 1894, shows the total grants of land by the United States Government to railroads in this country, the greater portion of which was granted to lines that compete with the Central Pacific, incidentally depreciating its value, amounted to 196,569,372 acres, of which 29,453,347 acres were forfeited and 20,317,517 acres were restored to public domain; therefore the 7,072,000 acres granted to the Central Pacific up to June 30, 1895, represent only about 4 per cent of the entire grant; deducting forfeitures and restorations, it represents less than 5 per cent; and in value, on the basis of the above calculations, which manifestly can not be very far off, since they are based entirely upon Government reports and upon the statements of the roads directly involved, the grant to the Central Pacific Railroad Company is considerably less than 2 per cent.

From the foregoing it is apparent that the value of the land grant extended in aid of the construction of the Central Pacific Railroad fades into insignificance in comparison with the magnificent outright gifts of land accorded to active competitors of the Central Pacific Railroad Company, aggregating a total value (when all has been disposed of) of not less than $300,000,000 against a grant for the Central Pacific not worth a dollar more than $5,500,000. Bear in mind that these munificent bounties were extended to active competitors, with whom the Central Pacific has had to divide the business, under steadily declining rates, in the struggle to get its share of the traffic, and were given at a time when material for building was to be had at much less cost than the Central Pacific had to pay.

In view of this showing, what becomes of the eloquence that has resounded through this Chamber and elsewhere regarding the (as it was claimed) unparalleled and priceless grant of lands to the Central Pacific Railroad Company?

Now, as to the bonds.

According to the Treasury reports the total amount of subsidy bonds given the Central Pacific and the Western Pacific is $27,855,680; not as much (as before stated) as the Mormon war cost the United States prior to the construction of the Pacific railroads.

Compare this with the magnificent subsidy granted to the Canadian Pacific Railway Company.

According to the revised estimate made by the eminent statistician, Joseph Nimmo, jr., of Washington, which was submitted to the United States Senate Select Committee on Relations with Canada April 26, 1890, it appears that the Canadian Pacific received from the Dominion Government a subsidy or bonus of $25,000,000; had donated to it 25,000,000 acres of land, embracing only such as are suitable for settlement; had also given them right of way, station grounds, dock privileges, and water frontage in so far as was within the control of the Government; further, the Government constructed and transferred to the Canadian Pacific Railway, free of cost, 714 miles of railway, the estimated value of which, according to that company's report for the year 1887, was $35,000,000. This company was permitted to import steel rails free of duty, and under its charter it is freed from taxation for all time; its land grant in the northwest is freed from taxation for twenty years, and the Government has bound itself not to permit during the term of twenty years the building of parallel lines to the Canadian Pacific. This road, free from the restriction of the interstate-commerce act, is one of the roads with which the Central Pacific is expected to compete. The action of the English Government in munificently aiding and fostering the growth of this transcontinental line is in harmony with its policy for controlling the commerce of the world, and it is a striking object lesson that our people might study with profit to our Government.

Mr. Nimmo adds that the total amount of aid granted to this road by the Dominion Government, including bonds and lands and cash, aggregates the enormous total of $215,361,697.

In comparison with this munificence the amount granted the Central Pacific becomes a mere nothing.

Still it is a large sum.

The total amount due the United States from the Central Pacific amounts as follows on January 1, 1897:

Principal	$27,855,680.00
Interest	48,011,293.24
Total	75,866,973.24

The contract made by the acts of 1862 and 1864 did not call for the payment of interest until the maturity of bonds, hence the large amount of interest due.

This contract was made by the Government itself. It is unilateral, in that one party to the bargain—the United States—dictated its terms, and has claimed and exercised the right ever since to alter, amend, and change it, regardless of the wishes of the other party to the contract.

If it was bad for the United States, no one is to blame but the United States.

It is not claimed by anyone that the companies did any more than to accept the contract that the Government made.

The Central Pacific has fully complied with every requirement of its contract from the day that it accepted the same.

When every other Pacific railroad company and many other railroad companies defaulted in their interest payments, the Central Pacific met all its obligations at the day appointed. When every other Pacific railroad company and many other railroad companies went into the hands of receivers upon the application to court of their creditors, the Central Pacific attended to its own business, paid all its debts when due, and kept one railroad out of court and in the hands of its owners.

As a Californian, I am proud of this fact, and proud that it was owing to the keen business sagacity, honest purpose, and untiring efforts of Californians that the Central Pacific was enabled to make this glorious record. As a Sacramentan also I am particularly proud of it.

The men who originated the Central Pacific, who built its road, who carried it through all its years of labor and vicissitudes, retained their interests in it, unlike those who formed the Union Pacific and built its road.

Of the five Sacramentans who started the road, but one, C. P. Huntington, remains, and he is as proud of the company and as jealous of its financial credit as when he first assumed office in it thirty-five years ago. The Central Pacific did not realize the full amount of the bonds issued to it by the Government.

They were made payable in "lawful money," meaning greenbacks, were known in commercial circles as "currency sixes," and were sold by the company at an average rate of 70 cents on the dollar, thus netting the company but $19,498,976.

This amount was much reduced, as the company was forced to buy gold at immense premiums for use in California and Europe.

This does not change the generous purpose or statesmanlike idea that prompted these subsidies, but should be remembered when talk is had about the immense sums donated to these Pacific railroad companies. It should be considered in deciding what to do now with the debt due the United States.

This epitome of the history of the legislation had and taken by Congress concerning the building of the Union and Central Pacific railroads I commend to the careful consideration of every member of the House.

It appeals to the reason, not the prejudice, of all. From it we learn that these roads were built not primarily to make money for their owners but because the whole nation wanted them constructed for the benefit of the whole nation, and was perfectly willing to lose all its loan, provided the work was done according to contract.

We learn further that the contract with the Government was kept by these companies, and the roads were constructed seven years in advance of the time fixed in the contract. We learn further that the present status of the relations of the United States with these railroad companies is the natural result of the laws passed by Congress, and that all changes in the law governing the matter have been made by Congress.

We know that the building and operation of these railroads has resulted in great good, far exceeding the original hope, to our country.

Hence we, representing the nation, should, in settling accounts with our debtors—the companies who performed the work the nation wanted—bear in mind that we have secured more than we expected, that any defects in primary legislation was our fault, and that our decision of this important question should be made with reference to all the facts and language of the past as well as the condition of the present.

Immigration—The Conference Report.

REMARKS
OF
HON. CHARLES H. GROSVENOR,
OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897.

The House having under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States—

Mr. GROSVENOR said:

Mr. SPEAKER: The real question involved in the matter now pending before the House is not whether or not this House is in favor of or is against the restriction of immigration. That question is involved here to some extent, possibly, but the friends of restriction are not necessarily compelled to vote for this conference report. The real question is whether we shall have a law which will be the true exponent and illustration of the intelligent judgment of the House of Representatives as to what is wise and beneficent and just, or whether we shall take the measure that is proposed by this conference report. I do not gainsay or criticise the position of the gentlemen who in behalf of bad legislation bring to the front an argument demonstrating the necessity of some legislation. I have no time to depict the hardships, the privations, and the distress of the laboring class of this country. No man knows more about it than I do; no man more deeply sympathizes with it than I, and there shall be no pending measure in this Congress which I believe is just in principle and wise in form which by any possibility can alleviate labor difficulties that I will not support, and no man will go farther than I will to carry into law and execution the platform and principles of the Republican party in this behalf. In this respect I yield neither to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] nor to the eloquent gentleman from Indiana [Mr. JOHNSON]; but, Mr. Speaker, there are certain provisions in this conference report that I will not vote for and which I will oppose under all conditions and circumstances, and I will now briefly point them out and state my reasons; but, in the first place, I do not subscribe to the theory put forth here that this House and this Congress are powerless to secure proper legislation on this question.

It is said by the friends of this report that if it is recommitted to the committee of conference it will defeat the bill. Why should it? The action of the House in recommitting this bill with or without instructions will suggest to the committee of conference, to be immediately thereafter appointed, what the real position of the House is. We have twenty-seven more legislative days before the adjournment of this Congress, during which this conference can agree, and its report will be privileged and can be made at any moment of time. During these twenty-odd days we shall have scores of conference reports, and you, Mr. Speaker, are familiar with the fact that it is not unusual to have five, six, even eight or ten conference reports from the same conference committee upon the same bill in a single legislative day. Some of these coming conference reports will be stubbornly resisted, and discussion will occur, but in the end they will all be arranged and settled.

Now, Mr. Speaker, I will not vote for a certain provision in this or any other bill which will enable or authorize a man to abandon his wife and practically to cast her off and then enable him to bring his pauper relatives into the United States of America. There is just such a provision completely set forth in this conference report. It provides that an acceptable immigrant, one who can read the Constitution of the United States or of some country of his nativity or residence, found admissible, and who can pass the scrutiny of the office in New York, while he may not bring in his wife and must discard her and drive her away and ship her back, may bring with him his impoverished and illiterate father and grandfather. If the wife can not read the language of her native land or of the United States, she is to be discarded, but the aged and helpless paupers are to come here. Let us see how that will work. A competent young immigrant, who can read the constitution of his native country and is able to cross the ocean with his wife, is met at the Barge Office in New York by this requirement. His wife has been his mainstay; she is intelligent, capable, industrious, and the mother, perhaps, of a babe at her breast, but in the struggle for bread she has failed to learn to read the constitution, and she is turned back. I favor an educational requirement, but I denounce this one. This woman is driven back to Europe, or she is left in Europe, as the case may be, to seek, by virtuous or nonvirtuous methods, a livelihood. The family is broken up, but the son may write over to the old country and import, under the provisions of this bill, his grandfather, who is a pauper, and his father, who is a pauper, and upon the happening of disability to the son by reason of sickness or misfortune, the whole party become objects of public charity. I will not support this proposition. If any man can explain to me what the motive, purpose, idea, suggestion, or thought of the committee of conference was when they agreed to this provision, he will enlighten me on a very important point.

In the next place, Mr. Speaker, I find in this conference report an abandonment of the plain provisions of the bill of the House which we passed in the last session and which is the basis of this bill. That provision was that if the immigrant was able to read the English language or some other language he should have passed the educational test. That was the measure that I am willing to vote for and did vote for, but instead of that we find here very peculiar language, uncertain in its meaning, confused in its expression, badly stated, and, I fear, aimed with sinister purpose. The language here is that the immigrant must read the Constitution in the English language or the language of his native or resident country. This is strange language and means something. When we come to ask for the motive underlying this change—a change which brings incongruity and uncertainty where there was certainty and simplicity—we are answered at first by silence, and then, after a little consideration, we are given to understand that the operation and effect of this new provision is to be to strike at a certain class of immigrants or at a single series of classes, among whom are certain Jews; and I find on further investigation that the Jews of Russia, driven out and persecuted as they have been, are not the only class that is affected by this singular provision. I find that it will disfranchise the immigrant from the Baltic Provinces and the Germans. It will disfranchise the Mennonites and many other kindred people. It will hopelessly expatriate or drive out from this country the Armenian refugees who flee from the Turkish Sultan's murderous acts, while these people will be excluded from home and Christian protection in this "land of the free and this home of the brave." The immigrant affected by this provision may find himself able to read the Constitution of the United States in the French language or in the German language, but if his native land happened to be Russia and his native tongue to be Polish he is excluded under the provisions of this act. It is done with class intention and it is aimed at a class, and, unfortunately, it seems to be aimed at a religion.

Now, Mr. Speaker, once for all, I will not by vote or act discriminate against any man under any circumstances for any purpose on earth because of his religion. The underlying principle of our Government is that every man shall enjoy the right of his conscience in the worship of God. Not only shall he not be discriminated against by the provisions of this law, if he be a citizen, but, by just parity of reason, religious tests shall not be aimed at the immigrant while permitting the introduction of one and discarding the introduction of the other. I have long ago felt that any legal discrimination in this country for or against any man upon the score of his conscientious religious belief was a practical sapping of the very foundation upon which rested the structure and hope of free institutions.

There is another provision about which I wish to speak for a moment. There is a provision here which authorizes the introduction into this country of all classes of people—paupers, criminals, anarchists, socialists, communists, ragtagged, bobtailed, everybody—provided they have lived for a definite time upon the Island of Cuba. It does not say that they shall live there one day or six months or six months or one day, but if they have resided there at any time during this revolution, they are to come absolutely into the United States. Under the provisions of this feature millions of men discarded by the population of Europe may touch upon the Island of Cuba, make a pretended residence, and then come into the United States unaffected by our immigration law. What a door there is here! A door that must be shut and barred by a change in this measure or all our efforts for restricted immigration will have been for naught. I am not willing that the Island of Cuba shall become the means for the introduction into this country of all classes of people based upon the simple provision that they shall have resided for a certain time within that island. I appreciate that this provision was put into the bill for a sort of patriotic and sentimental purpose, but it would open the door so wide and would be so utterly pernicious and unjustifiable in its effect that that provision alone is fatal to the conference report.

Mr. DANFORD. That is to continue only during the revolution.

Mr. GROSVENOR. Yes, but no one knows how long that revolution will last. If this revolution is to be continued as long as the last one, there are still eight more years of this revolution.

Mr. BOUTELLE. Is not the language of the conference report very vague and indefinite in that respect?

Mr. GROSVENOR. It is vague and indefinite.

Mr. BOUTELLE. And is it not also a fact that the Island of Cuba has been for two generations the depot for the introduction

of coolies and other ignorant and cheap classes of labor, such as this proposed legislation is intended to exclude?

Mr. GROSVENOR. Most assuredly it is. It is the home of the brigands and of the vile. It is the rendezvous of criminals—men driven from other nations by reason of unfitness for citizenship.

Mr. Speaker, I might possibly vote for this conference report if I believed that its defeat would put an end to the possibility of any legislation at this session of Congress; but there is no ground for the supposition. This bill can be re-referred and re-reported within twenty-four hours, and we can have a wise proposition in consonance with the great necessities and the Christian civilization of our country. [Applause.]

Pacific Railroad Bill.

SPEECH

OF

HON. W. JASPER TALBERT,

OF SOUTH CAROLINA.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897,

On the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Mr. TALBERT said:

Mr. SPEAKER: We are a great people; a great and wonderful nation. It is our common boast that we excel every nation in the world in everything we undertake, and I am firmly of the opinion that the pending bill may be cited as an illustration of that fact. I do not believe there is another nation, clan, or tribe of people, civilized, half civilized, or savage, that would for a moment tolerate a proposition so utterly inimical to its own interests and that of its constituents as the one presented to us with a favorable report of the committee to-day. Certainly there never has been a parallel to this proposed remarkable legislation in this country. I was astonished when the propositions contained in this bill were presented to the committees, and still more so when the committees reported this bill favorably in both Houses; and now gentlemen of ability, honor, and integrity actually standing on the floor of this House after making long arguments of pure, unadulterated sophistry, have the temerity to conclude that this iniquitous measure should pass.

I feel that such arguments are not complimentary to me as a member of this House; that they reflect upon my ability, and that they are an insult to the intelligence of the good people I represent. Feeling thus, I propose in plain, simple language to state my reasons. I shall not undertake to explain what I conceive to be a mystery, and that is, how a man worth many millions has succeeded in lobbying this iniquitous measure into its present position of advantage. I shall not, I say, take up that feature of the question, because I am not in possession of facts to sustain and prove the charges if I should make them in accordance with what I believe to be the true conditions existing. There may be bribery and corruption behind this measure already, and I believe there is, and the people of this nation believe there is, but I can not prove it, and hence will not charge it; but before I have finished I shall so clearly show the pernicious nature of the measure and the subtle means of sugar coating it by the accomplished thieves and robbers who are working under cover that none can doubt they would resort to bribery and corruption to achieve their ends.

The history of this question dates from the passage of the act of July 1, 1862, the provisions of which subsidized these roads by lending them United States bonds which they pledged their roads by first mortgage to pay at maturity. The bonds were to run thirty years and bear interest at the rate of 6 per cent per annum, payable semiannually. The amount of bonds issued to these roads under this law was $64,623,512. The law donated every alternate section of Government land for 20 miles on each side of the proposed roads, but the grant of this land was made contingent upon the payment of these bonds and the interest thereon. In order to secure the payment of the interest the Government was authorized by this act to credit the whole amount earned by the roads for carrying mails and troops and telegraphing. The average earnings of the roads from these sources has been about $2,000,000 per year, and the interest on the bonds is $3,877,410.72 per year.

These were provisions of the original bill as it passed July 1, 1862. That was a good safe bill to go before the country with and show the people that their Representatives knew how to drive a bargain and look out for their interests. It was not just what the railroad men wanted, but they accepted it as an entering wedge and immediately went to work to get it modified. This they succeeded in doing in the very next Congress, and the act of July 2, 1864, was the result, by the terms of which act they were required to only pay the Government on interest account one-half of their earnings from carrying mails, etc., and from that date until the passage of the Thurman Act, in 1878, the Government was compelled to pay half cash for the carrying of mails, etc., to these roads which had been subsidized with about $30,000 per mile in cash and about 12,000 acres of land per mile, and in addition to which subsidy the Government has been compelled to pay $3,877,410.72 interest in cash every year on the bonds. But the strangest and most inexplicable change made by the law of July 2, 1864, was a provision which authorized the roads to issue first-mortgage bonds to an amount equal to the bond issue of the Government in behalf of these roads and making such first-mortgage bonds a prior lien, which converted the whole debt of the Government into a second mortgage which could only be collected after the first-mortgage bonds had been satisfied. Under this law first-mortgage bonds were issued to the amount of $64,618,000.

In 1878 the Thurman Act was passed. This restored the law of 1862 in regard to the payment of all earned by carrying mails, etc., to the Government, and provided that one-half of such funds should be applied to the interest account and the other half invested in Government bonds and held as a sinking fund to guarantee the payment of the first-mortgage bonds. The following table, taken from the annual report of the Secretary of the Treasury for 1895, page 109, shows the roads for which bonds were issued, the amount of bonds, and the amount of interest due the Government after deducting all credits:

Statement of thirty-year 6 per cent bonds (interest payable January and July) issued to the several Pacific railway companies under the acts of July 1, 1862 (12 Statutes, 492), and July 2, 1864 (13 Statutes, 359).

Railway companies.	Amount of bonds outstanding.	Amount of interest accrued and paid to date.	Amount of interest due, as per Register's schedule.	Total interest paid by the United States.	Repayment of interest by transportation of mails, troops, etc.	Balance due the United States on interest account, deducting repayments.
January 1, 1894:						
Central Pacific	$25,885,120.00	$38,983,627.27	$776,553.60	$39,760,180.87	$6,941,840.29	$32,818,340.58
Kansas Pacific	6,303,000.00	9,911,133.09	189,090.00	10,100,223.09	4,216,185.13	5,884,037.96
Union Pacific	27,236,512.00	41,299,757.61	817,095.36	42,116,852.97	14,047,043.53	28,069,809.44
Central Branch, Union Pacific	1,600,000.00	2,509,808.26	48,000.00	2,557,808.26	583,767.52	1,974,040.74
Western Pacific	1,970,560.00	2,850,584.94	59,116.80	2,909,701.74	9,367.00	2,900,334.74
Sioux City and Pacific	1,628,320.00	2,441,289.49	48,849.60	2,490,139.09	211,530.86	2,278,608.23
	64,623,512.00	97,996,200.66	1,938,705.36	99,934,906.02	26,009,734.33	73,925,171.69
July 1, 1894:						
Central Pacific	25,885,120.00	39,760,180.87	776,553.60	40,536,734.47	7,065,409.08	33,471,525.93
Kansas Pacific	6,303,000.00	10,100,223.09	189,090.00	10,289,313.09	4,280,762.74	6,008,550.35
Union Pacific	27,236,512.00	42,116,852.97	817,095.36	42,933,948.33	14,315,082.84	28,618,865.49
Central Branch, Union Pacific	1,600,000.00	2,557,808.26	48,000.00	2,605,808.26	606,253.44	1,999,554.82
Western Pacific	1,970,560.00	2,909,701.74	59,116.80	2,968,818.54	9,367.00	2,959,451.54
Sioux City and Pacific	1,628,320.00	2,490,139.09	48,849.60	2,538,988.69	218,663.44	2,320,325.25
	64,623,512.00	99,934,906.02	1,938,705.36	101,873,611.38	26,495,538.54	75,378,072.84

Statement of thirty-year 6 per cent bonds (interest payable January and July) issued to the several Pacific railway companies, etc.—Continued.

Railway companies.	Amount of bonds outstanding.	Amount of interest accrued and paid to date.	Amount of interest due, as per Register's schedule.	Total interest paid by the United States.	Repayment of interest by transportation of mails, troops, etc.	Balance due the United States on interest account, deducting repayments.
January 1, 1895:						
Central Pacific	$25,885,120.00	$40,536,734.47	$782,377.94	$41,319,112.41	$7,199,578.63	$34,119,533.78
Kansas Pacific	6,303,000.00	10,289,313.09	189,090.00	10,478,403.09	4,322,194.31	6,156,208.78
Union Pacific	27,236,512.00	42,963,948.33	817,095.36	43,751,043.69	14,586,559.32	29,164,484.37
Central Branch, Union Pacific	1,600,000.00	2,605,808.26	48,000.00	2,653,808.26	617,621.58	2,036,186.68
Western Pacific	1,970,560.00	2,968,818.54	59,116.80	3,027,935.34	9,367.00	3,018,568.34
Sioux City and Pacific	1,628,320.00	2,538,988.00	48,849.60	2,587,838.29	225,217.67	2,362,620.62
	64,623,512.00	101,873,611.38	1,944,529.70	103,818,141.08	26,960,538.51	76,857,602.57
July 1, 1895:						
Central Pacific	25,885,120.00	41,319,112.41	705,693.60	42,024,806.01	7,353,330.38	34,671,475.63
Kansas Pacific	6,303,000.00	10,378,403.09	189,090.00	10,667,493.09	4,400,201.41	6,267,291.68
Union Pacific	27,236,512.00	43,751,043.69	817,095.36	44,568,139.05	14,857,320.42	29,710,818.63
Central Branch, Union Pacific	1,600,000.00	2,653,808.26	48,000.00	2,701,808.26	625,792.26	2,076,016.00
Western Pacific	1,970,560.00	3,027,935.34	59,116.80	3,087,052.14	9,367.00	3,077,685.14
Sioux City and Pacific	1,628,320.00	2,587,838.29	48,849.60	2,636,687.89	231,938.23	2,404,749.66
	64,623,512.00	103,818,141.08	1,867,845.36	105,685,986.44	27,477,949.70	78,208,036.74

This shows the total debt of these roads to the Government on the 1st of July, 1895, was $142,831,548.74. The sinking fund at that time contained $20,891,986.62, leaving a net debt of $121,939,562.12.

The provisions of the pending bill are as follows:

Sections 1 and 8 direct the Secretary of the Treasury to ascertain the amount of the indebtedness of these roads to the Government on the 1st day of January, 1897, after having allowed all credits made under the present law and a further credit equal to whatever sum can be realized from the sale of the bonds now held in the sinking fund, and applying the whole sinking fund to the credit of the companies.

Sections 2 and 9 authorize these companies to execute their mortgage dated January 1, 1897, to the Secretary of the Treasury, as representing the Government, said mortgage to embrace all property and franchise of the roads, subsidized and unsubsidized, and all property to be hereafter acquired, subject, however, to the important exception that certain new first-mortgage bonds to be authorized by this act may be issued by the Union Pacific system and shall constitute a lien which shall be prior to that of the Government, and the Government lien upon the Central Pacific system is made "subject to any bona fide, lawfully prior, and paramount lien, claim, or mortgage upon any railroads," etc. These sections also authorize the roads to sell any of their property at will and apply the proceeds to legitimate purposes by reporting same to the Secretary of the Treasury.

Sections 3 and 10 provide for the execution of bonds by the companies and their delivery to the Government. Such bond issue is to be equal to the indebtedness and the bonds are to be for $1,000 each, with interest at the rate of 2 per cent per annum, payable semiannually and continuing until said bonds are paid. They are to be dated January 1, 1897, and are to be accepted by the Government in settlement of the entire indebtedness at that time.

Sections 4 and 11 provide that the bonds issued by the companies shall be numbered and shall be payable in lawful money, and that for the first ten years the companies shall pay the interest and $365,000 on the principal every year, and for the second ten years the interest and $550,000 each year, and every year thereafter they are to pay the interest and $750,000 until they are all paid. But the lien is made subject to the first-mortgage bonds.

Section 5 authorizes the Union Pacific system to issue new first-mortgage bonds and take up the present first-mortgage bonds. The bonds given the Government are made second-mortgage bonds, and are subject and subordinate to these new first-mortgage bonds. The amount of first-mortgage bonds allowed and now outstanding by the Union Pacific system under the present law is $33,532,000, but the amount of new first-mortgage bonds these roads are authorized to issue under the law proposed in the pending bill is $54,388,000, being an increase of the preferred indebtedness of $20,856,000. These new first-mortgage bonds are to be dated January 1, 1897, and mature in fifty years, with interest payable semiannually at not over 4 per cent per annum. There is an unexplained, and to my mind an unexplainable, paragraph in section 5. It authorizes the Union Pacific railway companies to issue preferred stock equal to its present stock outstanding, thereby enabling it to double its stock, and provides that it may bear interest at not over 4 per cent per annum. I find nothing in any previous law authorizing the issue of preferred stock, and nothing in this law regulating or controlling this issue, and it seems to have been intended as a piece of pure hydraulic irrigation.

Section 6 provides for a reorganization of the Union Pacific Railway Company in case it should be sold either by forced or voluntary sale, and provides for a transfer to the new company of all the rights, powers, and privileges.

Sections 7 and 12 continue the statutory lien as provided in former laws.

Section 13 authorizes the President of the United States, whenever in his opinion it shall become necessary in order to protect the interests and preserve the security of the United States in respect to its lien, mortgage, etc., to direct the Secretary of the Treasury to pay off and take up the paramount indebtedness of the Central Pacific Railway, and after paying such indebtedness require the company to refund the money so paid under penalty of all its obligations to the Government maturing. But this section is rendered nugatory by the one that follows, section 14, which authorizes the Central Pacific Railway to refund its first-mortgage bonds, and without any limitation as to time or amount, and subject only to the condition that the interest shall not be over 5 per cent per annum.

Section 15 provides that in case default is made in the payment of interest, the entire debt matures and the Government may, at the option of the President, take possession or may take it into the courts to compel payment.

Section 16 provides that in case of default in the payment of interest or principal, no money shall be paid the companies on account of services rendered, but the compensation for such services shall be credited upon the amounts so in default.

Section 17 relates to dividends, and prohibits them until all dues under first and second mortgages are paid.

Section 18 provides when the act shall take effect, and also provides for the sale of the bonds now in the sinking fund and the application of the proceeds upon the present debt and interest.

Section 19 relates to the lease between the Central and Southern Pacific Railway, and seems to be foreign matter injected to create confusion.

Section 20 authorizes the roads to pay off the indebtedness at any time and take up their obligations. Section 21 is full of import. It repeals all provisions of law relating to Government directors and abolishes that office. Ever since the passage of the act of July 2, 1864, the board of directors consisted of 20 members, 15 of which were elected by the stockholders and 5 appointed by the President of the United States, and one of these was required to be on every important standing and special committee. This is now all to be abolished. The law of July 1, 1862, required the roads to pay the Government 5 per cent of their net earnings annually as a sinking fund, and the Thurman Act of 1878 provided conditionally for 25 per cent of the net earnings to be paid into the sinking fund. All this is by this section repealed.

"And all provisions of law relating to the collection of any per cent of net earnings, and to the withholding or application of any moneys due or to become due from the United States for any service rendered," are unceremoniously repealed. Thus at one fell swoop they knock out the sinking fund, and they are rapidly knocking out every safeguard and security the Government ever had. They next provide that the Government must pay these roads cash for all services rendered in the carrying of mails, etc., as soon as same is rendered. After all this reckless abandonment of all restraint this section goes on to say:

> And all provisions of law forbidding either of said companies from mortgaging or pledging its property shall be repealed, and either of said companies shall, after the acceptance of the terms of this act as hereinbefore provided, have and possess all the usual powers of borrowing money on its credit or on security of any of its assets, and of constructing or extending its railway by consolidation, lease, or otherwise, and of leasing its railway and property or parts thereof, and of acquiring title to land by condemnation proceedings, and such other powers as are or may be granted to and exercised by railway corporations in the respective States and Territories in which the said railway is or may be situated.

At last they uncover the bug under the chip and come out boldly demanding the right to do everything they have the power to do by the corrupt use of aggregated wealth, and denying and abolishing every restraint and safeguard. The other sections of this law relate to its execution and amendment.

I have spent some little time in giving an outline of the history of the Pacific railway legislation of the past and in giving a synopsis of the provisions of the pending bill because I think it necessary in order to place clearly before you the scope and effect of the changes proposed. I am making an affirmative argument and endeavoring to show by good reasons why this law should not pass. I have nothing to negative from those who advocate its passage, because not one of them has dared to attempt to show any reason why the Government should abandon the security it now has at the same time it increases and renews the debt for three hundred and ninety-two years, as I shall show this bill proposes, or why the Government should remove all legal restraints and grant the liberty of license to a corrupt corporation and place all the traffic tributary to its lines under perpetual bondage to its soulless and avaricious greed.

But I shall proceed with the argument. We have looked at the past and present of this matter, and now let us look at the future as provided for in this robber's chart reported by the committees.

The following table shows the amounts and dates of maturity of the bonds issued by the United States:

Central Pacific Railroad.

Maturity of bond:	
January 16, 1895	$2,362,000
January 1, 1896	1,600,000
January 1, 1897	2,112,000
January 1, 1898	10,614,120
January 1, 1899	9,197,000

Union Pacific Railroad.

Maturity of bond:	
February 1, 1896	4,320,000
January 1, 1897	3,840,000
January 1, 1898	15,919,512
January 1, 1899	3,157,000

Kansas Pacific Railroad.

Maturity of bond:	
November 1, 1895	640,000
January 1, 1896	1,440,000
January 1, 1897	2,800,000
January 1, 1898	1,423,000

Central Branch, Union Pacific Railroad.

Maturity of bond:	
January 1, 1896	640,000
January 1, 1897	640,000
January 1, 1898	320,000

Sioux City and Pacific Railroad.

Maturity of bond January 1, 1899	1,628,320

Western Pacific Railroad.

Maturity of bond:	
January 1, 1897	320,000
January 1, 1899	1,650,560

making a total of $64,623,512, and showing that $20,714,000 of these bonds mature and will have been paid by the Government by January 1, 1897, and the whole amount will be paid by the Government by January 1, 1899. The interest paid by the Government up to the 1st day of April, 1896, after deducting all credits, was $78,274,672.53. The interest from April 1, 1896, to January 1, 1897, will be $2,908,058.04, making a total interest of $81,182,730.57. The roads will earn as a credit upon this for services between April 1, 1896, and January 1, 1897, about $750,000, leaving a net indebtedness for interest of $80,432,730.57. This, with the principal, makes a gross indebtedness of $145,056,242, subject to an increase equal to the interest on the "currency sixes" bonds from January 1, 1897, until they mature, and subject to a reduction by the payment of the proceeds of the sinking fund as a credit. The increase from this difference in interest will be about $2,000,000, making the total debt about $147,000,000 in round numbers. The sinking fund contained on April 1, 1896, according to Secretary Carlisle's report, $22,319,112.57, and it will contain by January 1, 1897, at the present rate of increase, about $23,000,000 in round numbers. By applying this amount as a credit it will leave a total net indebtedness on the 1st day of January, 1897, of about $124,000,000 in round numbers.

The interests of the Government as a creditor for this vast sum of money may at any time require the purchase of the first-mortgage bonds and paramount indebtedness, and such purchase will be imperative as such paramount indebtedness matures. The present first-mortgage bonds which mature at even dates with the currency sixes, as reported by Secretary Carlisle, are shown in the following table:

Union Pacific Railroad.

UNION DIVISION BONDS.

Maturity of bond:	
January 1, 1896	$6,475,000
January 1, 1897	1,696,000
July 1, 1897	1,920,000
Maturity of bond—Continued.	
January 1, 1898	5,999,000
July 1, 1898	8,837,000
January 1, 1899	2,400,000
Total Union Division bonds	27,229,000

KANSAS DIVISION BONDS.

Maturity of bond:	
August 1, 1895	2,240,000
January 1, 1896	4,063,000
Total Kansas Division bonds	6,303,000
Grand total Union and Kansas divisions	33,532,000

Central Pacific Railroad.

Maturity of bond:	
July 1, 1895	2,356,000
July 1, 1896	3,393,000
January 1, 1897	3,997,000
January 1, 1898	15,508,000
December 1, 1895	112,000
July 1, 1899	1,858,000
Total	27,224,000

Central Branch, Union Pacific Railroad.

Maturity of bond May —, 1895	1,600,000

Sioux City and Pacific Railroad.

Maturity of bond January 1, 1898	1,628,000
Total first-mortgage bonds	64,613,000

The pending bill authorizes the refunding of the Central Pacific part of this without restriction as to date of maturity, and it also authorizes the issue and sale of new first-mortgage bonds by the Union Pacific Railway Company in the place of those now outstanding with an increase of over $20,000,000. The authority given the Central Pacific to extend or refund its paramount indebtedness does not prohibit that road from increasing the amount; but in order to be conservative, I will presume that it will not increase the amount, but simply refund the present first-mortgage bonds at 4 per cent interest for fifty years, which is exactly what the Union Pacific is authorized to do. Then the entire paramount indebtedness would be refunded for fifty years at 4 per cent and would amount to—

Central Pacific roads	$27,853,000
Union Pacific roads	54,388,000
Total	82,241,000

No business man will for a moment doubt that the Government at the end of fifty years, if not before, will be compelled to take up and pay off this $82,240,000, in order to protect its claim of $124,000,000, and since, by the provisions of this bill, the Government gives up and surrenders all supervision and control of these roads the probability is that the interest on the paramount indebtedness will be allowed to accumulate also. The interest on $82,240,000 at 4 per cent is $3,289,640 per annum. Now, to be conservative, let us suppose that the roads pay this interest for half of the fifty years, though there is nothing to compel them to do so. The bonds and accrued interest at maturity would then amount to $164,482,000.

Now, let us see how the Government debt would fare under the provisions of this bill.

First ten years.

	Interest.	Principal.	Balance.
1898	$3,480,000	$365,000	$123,635,000
1899	2,472,700	365,000	123,270,000
1900	2,465,400	365,000	122,905,000
1901	2,458,100	365,000	122,540,000
1902	2,450,800	365,000	122,175,000
1903	2,443,500	365,000	121,810,000
1904	2,436,200	365,000	121,445,000
1905	2,428,900	365,000	121,080,000
1906	2,421,600	365,000	120,715,000
1907	2,414,300	365,000	120,350,000

Second ten years.

	Interest.	Principal.	Balance.
1908	$2,407,000	$550,000	$119,800,000
1909	2,393,000	550,000	119,250,000
1910	2,385,000	550,000	118,700,000
1911	2,374,000	550,000	118,150,000
1912	2,363,000	550,000	117,600,000
1913	2,352,000	550,000	117,050,000
1914	2,341,000	550,000	116,500,000
1915	2,330,000	550,000	115,950,000
1916	2,319,000	550,000	115,400,000
1917	2,308,000	550,000	114,850,000

From twenty to fifty years.

1918	$2,297,000	$750,000	$114,100,000
1919	2,282,000	750,000	113,350,000
1920	2,267,000	750,000	112,600,000
1921	2,252,000	750,000	111,850,000
1922	2,237,000	750,000	111,100,000
1923	2,222,000	750,000	110,350,000
1924	2,207,000	750,000	109,600,000
1925	2,192,000	750,000	108,850,000
1926	2,177,000	750,000	108,100,000
1927	2,162,000	750,000	107,350,000
1928	2,147,000	750,000	106,600,000
1929	2,132,000	750,000	105,850,000
1930	2,117,000	750,000	105,100,000
1931	2,102,000	750,000	104,350,000
1932	2,087,000	750,000	103,600,000
1933	2,072,000	750,000	102,850,000
1934	2,057,000	750,000	102,100,000
1935	2,042,000	750,000	101,350,000
1936	2,027,000	750,000	100,600,000
1937	2,012,000	750,000	99,850,000
1938	1,997,000	750,000	99,100,000
1939	1,982,000	750,000	98,350,000
1940	1,967,000	750,000	97,600,000
1941	1,952,000	750,000	96,850,000
1942	1,937,000	750,000	96,100,000
1943	1,922,000	750,000	95,350,000
1944	1,907,000	750,000	94,600,000
1945	1,892,000	750,000	93,850,000
1946	1,877,000	750,000	93,100,000
1947	1,862,000	750,000	92,350,000

This shows that at the end of fifty years the companies would still owe $92,350,000, provided they had paid the interest, amounting to $110,411,500, and the annual installments of the principal, amounting to $31,650,000. At this time the first-mortgage bonds and paramount indebtedness would fall due, and if the companies paid it off and continued their payments to the Government according to the provisions of this bill, they would pay off the entire amount in one hundred and twenty-three years more, and would pay in interest the sum of $122,436,000, making a grand total of $124,000,000 principal and $232,847,500 interest, and aggregate payments to the amount of $356,847,500, principal and interest, in the one hundred and seventy-three years.

It must be borne in mind that these immense payments will in no way lessen the profits to be derived from the stock, both bona fide and watered, because the roads are granted that attribute of sovereignty, the power to levy tribute at will, and all these fixed charges are met by an increase of rates upon the traffic; they constitute, therefore, a tax upon the business of the roads. But this, bad as it is and appalling as its results are sure to be, is not all; in fact, it is the most favorable light in which it can be presented. Let us for a moment look at the alternative, which I am free to admit I believe to be the certain result of the working of this bill. If at the end of fifty years the roads should fail to pay the new first-mortgage bonds with accrued interest as I have estimated them, then the Government in order to protect its own interests would have to take them up and pay them off to the amount of $164,482,000. The total indebtedness to the Government, then, at the end of fifty years would be $256,830,000, for which there would be only two alternatives, either to foreclose or to continue on same terms of payment as the balance.

I will not consider the contingency of foreclosure, because I do not see how at any time after the passage of this bill foreclosure could be had without very much greater loss than now, and the only argument against foreclosure now is that it would be attended with loss, and if we yield to that we set a precedent which must control a future Congress when called upon to meet the same question, with the contingent loss greatly augmented. We are increasing the principal of the debt from about $64,000,000 to about $124,000,000 and decreasing the security by an increase of the paramount indebtedness from about $64,000,000 to about $84,000,000 and allowing the paramount indebtedness to mature one hundred and twenty-three years before the final payments on the Government debt are due. The absurdity of considering even for a moment the subject of foreclosure is shown by the following proposition: To foreclose now, even if the property did not sell for more than enough to pay the paramount indebtedness, would entail a loss upon the Government of $124,000,000, over half of which has already been paid, and the balance matures in the next three years. To foreclose fifty years from now, when, in all probability, the property would not bring over one-half what it will now, would entail a loss of about $230,000,000. Hence I conclude that foreclosure, if rejected now, is not to be for a moment considered as a contingency of the future.

On the other hand, should the paramount indebtedness be purchased by the Government fifty years hence, and the whole debt of, say, about $256,830,000 be continued on the same terms as the debt proposed in this bill, it would take three hundred and forty-two years to pay it off, and the date of the final extinguishment of the debt would be A. D. 2289, just three hundred and ninety-seven years from now, and the gross payments for interest would be $879,487,200. This, with the interest paid during the first fifty years, would swell the grand total of tax authorized to be assessed against the traffic of these roads to $1,218,557,200. This shows the utter absurdity and the pernicious tendency of the bill, and when we remember that this tax on the traffic operates to increase the price of commodities received and products shipped from the Pacific Coast, and to decrease the price of commodities shipped from and products received in the East, and that dealers and middlemen must make up these deficiencies in the prices made to their general run of customers north and south, we see that the effect will permeate all the ramifications of business and commerce, and be, in fact, ultimately a tax upon the productive industry of the nation. Now, I submit that it is better for the Government and better for the people for us to submit now to the greatest loss that could possibly accrue under the present law, if we cancel the whole debt and collect direct from the people the $50,000,000 necessary to meet the same, than to authorize these corporations to levy and collect $1,218,557,200 to be paid to the Government.

The money made by these roads which should have been used to pay the present indebtedness has been applied to the building of colossal fortunes for officers and managers, and now they are asking time in which to tax the people for the ostensible purpose of liquidating. But we have no guaranty that the process of personal aggrandizement would not be continued at the expense of the Government; but in case we had, and the money taxed from the people by these corporations should be applied as contemplated by this bill, it is folly and worse than folly, because the Government is simply a representative of the people, and the transaction in its last analysis is simply taxing the people to pay a debt due the people from a third party who, from some unexplained reason, enjoys immunity.

There is one evil of our railway system that promises, if not corrected, to undermine our institutions, and that is the power to levy tribute at will. It is used to discriminate for or against a locality or an industry, to build a private fortune or to destroy one. This power to levy tribute at will is an attribute of sovereignty and therefore a function of government that under our system of government we have no right to farm out to individuals or corporations. To do so constitutes a surrender by the Government of a part of its sovereignty, and that the Government has no right to do, because sovereignty is delegated to it by the people, and a delegated power can not be redelegated. But it has been, and is now, and it constitutes a sort of secret and illegal partnership between the Government and those specially favored with power to exercise its functions. Nothing can be more disastrous in a popular government supposed to guarantee liberty, equality, and justice, and dependent upon the loyalty and patriotism of its citizens, than for the masses to discover, as soon they must, and as this bill boldly proclaims in every line, that the Government has special pets and favorites who are exercising some of its functions of sovereignty for the purpose of taxing the public to build up their own private fortunes.

This, I say, is bad enough, and threatens the very existence of our institutions; but this partnership is even worse than that when it proposes to delegate to these special favorites the power of taxing the people for nearly four hundred years to collect over a billion of dollars for the Government. Can not the Government collect what money it needs from the people? Is "the land of the free and the home of the brave," established by Washington, Jefferson, Madison, and our patriotic ancestors, so out of joint with the people that it must needs use a corrupt and soulless corporation to force money from the necessities of the masses to supply its coffers? This partnership becomes actual incest, an incestuous alliance. No! I say; a thousand times, No!! Honesty is the best policy. Let us be honest with ourselves, honest with the Government, and honest with the people. Even the Government has no right to tax the people except for money to be used in their behalf, because a tax is a forced contribution, which can only be justified on the ground of the public welfare, and when not so justified the act of taking it by force can be nothing but robbery. The burden of proof is therefore on the Government to show that every dollar taken from the people by taxation has been used for the public welfare, otherwise every dollar taken is a robbery, and no people will long support a robber government.

I say we are in no danger of losing these roads by foreclosing, and I firmly believe they would be better managed and conducted, and that their rates would be lower if we were to reject this proposed law and instruct the proper officers of the Government to foreclose under the law now in force. Then one of two things would take place, either the present owners of the stock would disgorge or a new company would buy it in, and in either case it would be free of debt and would be in much better shape to carry out the purposes for which it was built.

Now, Mr. Speaker, in accordance with these views I shall cast my vote, and hope the Government will take the proper steps to force this gigantic corporation to pay its debts just as it would do a private citizen.

Honesty is the Best Policy—Shall Corporations or the People Rule?

SPEECH

OF

HON. JOHN S. LITTLE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897.

On the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Mr. LITTLE said:

Mr. SPEAKER: The history of legislation in aid of subsidized railroads is one of marvelous liberality, phenomenal in the amount donated in the way of public domain, as well as in bonds the payment of which was guaranteed by the Government; equaled only by the liberality of the management of these roads toward themselves, and the systematic and unconcealed rascality of those in control of the roads receiving the aid of the Government.

The act of Congress extending its aid to Pacific railroads, and acts amendatory thereof, authorized the issuance of bonds of the Government to the amount of $16,000 for each mile of road constructed, bearing 6 per cent interest, the Government advancing the interest until the maturity of the bonds, these bonds to be a first mortgage upon the roads.

Under this legislative authority there were issued bonds to the following amounts:

Union Pacific Railway	$27,236,512
Kansas Pacific Railway	6,303,000
Total	33,539,512
Central Pacific Railroad of California	25,885,120
Western Pacific Railroad	1,970,560
Total	27,855,680
Making a grand total in bonds of	61,395,192
When to this principal is added the interest to maturity, there is made a grand aggregate of	178,884,759

BONUS IN LAND.

The same companies received, as an absolute gift, a right of way over the public domain 400 feet wide, and in addition thereto 25,763,658 acres of land. This land would have made 161,023 farms of 160 acres each as homes for the people; and the bonds would have realized at maturity enough money to have given to each of them $1,117 and left $23,168 surplus for educational purposes.

THE RELATIONS OF THESE CORPORATIONS TO THE GOVERNMENT.

The following language, taken from the report of the Wilson committee, made to the President on the 20th day of February, 1873, is so plain and aptly stated that I quote it:

Your committee can not doubt that it was the purpose of Congress in all this to provide for something more than a mere gift of so much land, and a loan of so many bonds on the one side, and the construction and equipment of so many miles of railroad and telegraph on the other. The United States was not a mere creditor, loaning a sum of money on mortgages. The railroad corporation was not a mere contractor, bound to furnish a specified structure and nothing more. The law created a body politic and corporate bound as a trustee so to manage this great public franchise and the endowments that not only for the security for the great debt due the United States should not be impaired, but so that there should be ample resources to perform its great public duties in time of commercial disaster and in time of war.

Continuing, the report says:

The corporators, in whom these powers were vested and under whose control these subsidies were placed, were, in the opinion of your committee, under the highest moral, to say nothing of legal or equitable, obligations to use the utmost degree of good faith toward the Government in the exercise of the powers and the disposition of the subsidies.

Not only did the projectors of these roads occupy the high and sacred relation of trustees toward the Government in relation to subsidies granted them, but they, by reason of their official relations to these quasi-public corporations, owed a duty to the people of the United States to furnish them as cheap transportation as was compatible with the successful management of the roads.

Seeking and receiving these great public benefactions, the public, as a consequence, was and is entitled to the highest considerations of justice and fair dealing at the hands of these corporations.

If these companies have faithfully performed their trusts toward the Government and the people, they might expect some indulgence at the hands of the Government; if they have not, then they should be met by foreclosure, and the quasi-official relations between them and the Government should be severed, and the legal rights and equities of the Government speedily and rigidly enforced not only against the corporations but with greater energy against the officers and directors of these companies, who have gathered mammoth fortunes as the fruit of their crimes against the Government which gave them life and put into their hands these immense sums of money and unmeasured quantities of the public domain.

I will not enter into a detail of the misconduct of these companies, but refer to only a few of the leading acts of bad faith as an evidence of what may be expected in the future if this bill becomes a law. The nation is familiar with the dark history of the "Contract and Finance Company," the "Western Development Company," the "Pacific Improvement Company," and the infamous "Credit Mobilier."

These companies were composed of Messrs. Stanford, Huntington, Hopkins, Crocker, and their allies, who were the directors and managers of the various Pacific railroads. Through the instrumentality of these companies they let contracts for the construction of these roads at enormous prices to themselves.

A statement of the actual cost of construction and the amounts paid to themselves is as follows:

The Kansas Pacific (393 miles):	
Cost of construction	$11,800,000
Amount paid	25,028,250
Amount of this steal	13,288,250
Central and Western Pacific (860 miles):	
Cost of construction	40,000,000
Amount paid	124,211,680
Realizing in this steal	84,211,680
Union Pacific (1,038 miles):	
Cost of construction	38,824,000
Amount paid	70,999,812
Amount pocketed	32,175,812
Making a grand total pocketed in these four transactions of	129,675,742

Mr. Robert E. Pattison, of the Pacific Railway Commission of 1887, in his report, after stating what these roads could have done if they had adopted honest methods, makes the following statement:

But they chose dishonest methods. At the outset they divided $172,347,115 of fictitious capital, they dissipated over $107,000,000 which should have been applied to the payment of the principal and interest of the Government debt, and they taxed shippers to the extent of over $140,000,000, or nearly $8,000,000 a year, to pay for the inflation of capital of these companies and for the vicious practices that crept into their management.

They have squandered many millions of dollars that should have gone to the Government in corrupting the public service and debauching legislation.

The majority of the Pacific Railroad Commission in their report to the President make the following startling statement, based upon evidence in their possession:

Leland Stanford and C. P. Huntington had taken from the assets of the company, over which they had absolute control, the magnificent sum of $4,818,355

Continuing, the report says:

There is no room for doubt that a large portion of the money was used for the purposes of influencing legislation and of preventing the passage of measures deemed to be hostile to the interests of the company and for the purpose of influencing elections.

Again, the report says:

It is impossible to read this evidence, and especially the extracts from the Colton letters, written by Mr. Huntington himself, without reaching the conclusion that large sums of money were expended by Mr. Huntington in his efforts to defeat the passage of various bills pending in Congress.

If these were all of their crimes, Congress should deal cautiously with these companies; but they did not stop here. They issued stock, or capitalized their roads three times more than the cost of construction, and made oath that it was paid up, when it was not, and forced the consuming and industrial classes in all sections of

the country to contribute to the payment of interest and dividends upon the fictitious capital which they had created by perjury and in violation of law.

They constituted themselves the masters of trade; they charged all that traffic would bear, and appropriated the "lion's share" of the profits of every industry, by charging the greater part of the difference between the actual cost of production and the price of the article in the market; they have discriminated between articles, between places, and between persons; they destroyed competition; they built up and pulled down at will, until no man dared embark in business without first consulting the company; they exerted a terrorism over merchants and over communities; they participated in election contests, and by secret cuts and violent and rapid fluctuations in rates they reduced business, paralyzed capital, and retarded investment and enterprise.

This is but a feeble picture of these "loathsome moral lepers, blotched from footsole up to crown," who ask the indulgence and benefactions of the Government.

WHY THE PENDING BILL SHOULD BE REJECTED.

The present indebtedness of the Union Pacific Railway to the Government is	$53,287,593
That of the Western Pacific is	57,908,559
Total	111,196,152

This debt is now bearing interest at the rate of 6 per cent. It is proposed to extend this debt for fifty years with interest at the rate of 2 per cent.

The difference of 4 per cent in the interest for fifty years amounts to the sum of $222,392,300. Why this splendid donation to these companies who have swindled the Government at every turn since their creation?

Two reasons are given. One is that the Government can not make its money out of these companies and pay the prior lien. The other is that it has no claim or lien upon certain branch lines and terminals, and that by doing this the Government will secure a second or junior mortgage upon these properties.

The amount of the mortgages which are prior to that of the Government are as follows:

The Union Pacific (consolidated)	$33,539,512
The Western Pacific (consolidated)	27,855,680
Total	61,395,192

It is proposed by the pending bill to increase the amount of these prior mortgages as follows:

Union Pacific	$54,731,000
Central Pacific	52,801,000
Total	107,532,000

Which makes the total increase of the lien which precedes that of the Government $46,136,808, which amount is almost equal to that which now constitutes the prior claim or lien.

By accepting the second mortgage the Government must see it paid before it can realize a cent from the second mortgage. Thus the Government becomes the guarantor of the first mortgage and enables the companies to float their bonds upon the markets at a low rate of interest. But it is claimed that the Government, by the extension of its second mortgage over these additional properties, will be compensated for this increase. That the value of the additional properties equals this increase is doubted by many who are more or less familiar with these properties; and what they will be worth at the maturity of these bonds is mere speculation.

But it is claimed that the main lines are valueless without these branches and terminals. I would ask what would be the value of the branches and terminals without the main lines? If it is thought, by this indirect threat, that the Government can be driven into a settlement unfair to itself, I would suggest that when the trunk dies the branches will also die.

There are no sufficient guaranties or safeguards in this bill for the payments provided for. If the companies should make default of the first payment, in my opinion the Government would be in a much worse condition than it is to-day. If it went into court to foreclose, it would be confronted with the enormous sum of these first mortgages, and would thereby be effectually deterred from ever attempting to enforce its debt, and would be in a condition to submit to whatever additional terms the companies might demand.

If they comply to a letter with all the requirements of the pending bill, its advantages to these companies will be greater in the end than all the donations and subsidies that have heretofore been made to them. The Government will continue for fifty years more to be the agency to enable these pirates to plunder the Government, debauch official life, corrupt elections, and rob the people.

The following computation, made by the San Francisco Examiner, tells the tale:

The state of the account at the end of the process will be this: In the first ten years the Government will have paid its creditors in interest on the money lent to the railroads $11,528,141.43 more than it will have received from the roads for interest and principal combined. In the next ten years its excess of payments will reach $10,531,141.43. In the remaining sixty-nine years and three months it will pay $117,025,125.64 more than it will receive. By the time the railroads have "extinguished" their debt their aggregate payments to the Government for interest and principal combined will lack $139,084,408.50 of the Government's payment for interest alone, taking no account of interest on interest. And while the railroads will then be free of debt, the Government will still owe the whole original principal, amounting to $121,140,942.39. Its total loss from the funding operation, therefore, will be $260,225,350.89, or more than twice the estimated cost of the Nicaragua Canal.

By the passage of this bill the Government will condone the felonious practices of the directors and managers of these roads. It will, in legal effect, release these fraudulent officials from all personal liability. It will legalize and sanction every dollar of fraudulent and fictitious stock issued by these roads, which now furnishes a basis for their exorbitant and extortionate charges upon the people who are from necessity compelled to patronize them.

To my mind, Mr. Speaker, the duty of Congress and the Government is plain. No exigency, sir, exists which will justify us in increasing the liabilities of the Government $46,000,000. From purely a financial standpoint the bill should be defeated. From a desire to punish wrong and treachery; from a desire prompted by the highest sentiments of patriotism to free the commerce of the country from this grasping monopoly, it should be defeated.

Let the law officers of the Government proceed to foreclose the Government's lien, and at the same time institute proper suits to purge of fraud the lien which is prior to that of the Government, and enforce the claims of the Government against the directors personally on account of their fraudulent practices. There can be but little doubt that in this way the Government can recover every cent that is due it.

Can it be said by gentlemen who favor this legislation that the Government, both creditor and sovereign, is unable to enforce its rights against these corporations of its own creation? Can they maintain that the men who, as officers of these roads, betrayed the trust reposed in them by the Government, and who, as a result of their schemes and swindles, have amassed fortunes, can hold these against the just claims of the Government? Can a man purloin my property, and while in possession defy me in the courts of my country? If he can not, then can the officers and directors of these roads, in violation of the law and of their charters, by fraud and perjury, withdraw or steal the money and property of the company and defy the Government and hold the property? If they can not, there is no room for doubting the ability of the Government to make every dollar of its money, and to rebuke these people who seek to debauch the courts and dictate legislation.

But when it is established that the Government can make its money by foreclosure, we are met by the proposition that it would lead to the ownership of these roads by the Government, and that such a result would be a public calamity. As for myself, if it should become necessary for the Government to have these roads sold, and to become the purchaser, in order to collect her debt, and to place in the public Treasury the amount that has been advanced to these roads by way of bonds, I am willing that it shall be done.

And I will say right here, Mr. Speaker, that unless these and other corporations are compelled to do justice toward the Government and the people, it will not be many years until this question will force itself upon the country: Shall the Government own the railroads or shall the railroads own the Government?

But we need not be alarmed over this question, for in the last few years the Government has run, first and last, more than one-half of the railroads in the country, through the intervention of receivers; and what the Government can do for ordinary creditors without injury she can do for the benefit of herself without danger.

But, aside from these mere business and legal propositions, in dealing with corporations we should seek to determine their rights and functions as well as those of all other roads. Corporations looking alone to the law for existence, and that existence being granted them for purely business purposes, should not be allowed to participate in governmental affairs, and particularly in elections. The proof shows that much of the money of these corporations has been spent in election contests and in an attempt to influence legislation. This conduct, in its dangerous tendencies and inherent wrong, would justify a revocation of the charters of these interstate railroads and the placing of stripes upon their directors.

The recent national election furnished a new field for their adventures; and emboldened by their former successes, not only these companies, but almost every railroad corporation in the Government openly and defiantly espoused the cause of gold monometallism. They contributed largely to the campaign fund of the Republican party; they ran excursion trains from all parts

of the country carrying hundreds of misguided and coerced laboring men to Canton to pay homage to the representative of the Republican party; they compelled thousands of honest laboring men, by threats of discharge and other coercion, to vote against their own independent convictions.

That these charges are true no man except he be a blind partisan will deny. It is not a slander to the great army of laboring people in the employment of these companies that it is so. Many of them have spent much of their lives in this service and are poorly qualified for other employment. Discharge to them would mean idleness for themselves and want for their families. To add them to the great army of the unemployed on account of their political action would be cruel and violative of the most sacred rights of these independent and honest people. Sir, no more honorable, industrious, and patriotic class of citizens live in this or any other nation. To allow their independence to be thus swept away is to suffer the most heinous offense to go unpunished and a bold and good citizenship to be destroyed. To protect them appeals to the loftiest sentiments of humanity and patriotism.

I do not cite these wrongs for the purpose of abusing the Republican party, for God knows it will soon get abuse enough from its own misguided and disappointed followers. It was claimed upon all occasions that the election of McKinley would restore confidence and that a new era of prosperity, unprecedented in the history of the country, would begin; but already the campaign slogan of "McKinley, protection, and prosperity" is being transformed by a disappointed people into the refrain of "McKinley, taxation, and want."

The wail started two weeks ago in the three-million-dollar bank failure in Chicago, and since then many banks have failed throughout the country, sweeping away millions of deposits, representing the toil and labor of the people. If these institutions had been as earnest in attending to their own business and the purposes of their organization as they were in their efforts to control the election, and had used their money in paying their debts instead of enlarging the campaign fund, the large sums held by them in trust for their patrons, often representing the savings of a lifetime, might not have been swept away.

The national banks represent another class of corporations that have undertaken to run the politics of the country. These corporations, Mr. Speaker, do not represent the warm, patriotic heart of the American citizen. Cold, selfish, grasping, and heartless, knowing not the demands of humanity, and being prompted by no patriotism further than to feed their own insatiate greed, nothing but evil to the country can come from their participation in its political contests.

The party alone which is willing to forget the people and yield to the unjust exactions of these corporations can hope to tap the vaults of their treasuries or gather the fruits of their corrupting influence.

I believe, sir, that there is no influence in our system of government that so justly deserves to be rebuked; no peril that so threatens our institutions and our Government; no danger within or without our shores that so certainly tends to the uprooting of our Government founded upon the will of its sovereign and independent masses. By concert of action they can place an embargo upon trade, breed panics, intimidate creditors, coerce employees, and debauch legislation.

That by these methods they controlled the last election I think there is little doubt. The desire to secure the passage of the pending bill was one of the motives that actuated these companies in laying aside their corporate duties and engaging in the election contest through which we have just passed.

The Democratic party was committed in its platform against the bill. The Republican party, through its committees in Congress, were committed to its passage. The railroads have performed their part of the contract faithfully, and it is now to be seen whether the party "of great moral ideas" will perform its part of the contract at the expense of the people and to the shame of the nation.

These companies were neither unselfish nor patriotic in their support of the Republican party. They acted upon the principle of "You tickle me and I'll tickle you." They have acted their part of the play, and this is their first mild demand they make upon Congress; but of the next Congress the railroads will demand more subsidies and less interference upon the part of the Government. The banks will demand more liberal charters, with greater special privileges. The factories will demand higher protection. The trusts and syndicates will demand noninterference and an open field for their peculations and extortions.

The people of the nation will look on with amazement and horror at their boldness, and with keen-eyed vigilance and patriotic devotion to their liberties watch each concession, and if you grant them the people will overwhelm you; if you refuse them the corporations and syndicates will turn and rend you. "You have sown to the wind; you shall reap the whirlwind."

The Late Representative Charles F. Crisp.

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 16, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of HON. CHARLES F. CRISP, late a Representative from the State of Georgia.

"*Resolved*, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased"—

Mr. BARTLETT of Georgia said:

Mr. SPEAKER: To those distinguished gentlemen who have spoken and who will address the House on this sad occasion, and whose gifted tongues are so well aided by a long and familiar association with him in these Halls, might well be left the fit memorial of this our late colleague and honored friend. To me the effort to speak of the life and death of him whose memory we memorialize to-day is difficult indeed, for my tongue almost refuses to convey into speech what my heart feels, and it is with much distrust of myself that I have ventured to speak at all; indeed, it is with an emotion that almost stifles utterance I approach the altar of his hallowed memory to lay upon it my simple flower of feeble tribute. I shall not attempt to relate in detail the various epochs in his illustrious career, nor to delineate the many admirable and exalted virtues he possessed. That will be done by others more able and eloquent than myself.

Mr. Speaker, again has death invaded this House—again with relentless greed has borne a trophy from our ranks. Again we pause amid the busy scenes of public duties to pay tribute to the dead. This time the insatiate archer has hurled his shaft with unerring aim and fatal precision at one of its brightest and most shining marks, and not only this House, but this whole Union of ours, has lost one of its loveliest and purest ornaments. The mind in which genius and real worth had already erected a temple to fame and usefulness, and which but awaited the opportunity, already at hand, to make it grander, greater, and more useful, is no more; the heart in which the noblest virtues dwelt is stopped forever. The representative of his people on this floor, who was soon to bear the commission of his State as a member of the Senate of the United States, has ended his earthly career and taken up his abode in the "silent halls of death."

With bowed heads and sorrowing hearts, but with sweet and hallowed recollection of his life, his friendship and association, we stand to-day over the new-made grave of CHARLES FREDERICK CRISP.

On the 23d of October last the reluctant wires conveyed to the world the sad intelligence that CHARLES F. CRISP, for many years a member of this House, twice its presiding officer, was dead. A great bereavement fell upon my State and upon the whole people—a sudden and most untimely bereavement. The blow went straight to the heart of the great State he represented on this floor, and Georgia laments the loss more than words can express. "The flower of her hope withered" because the new and highest honor in her gift, prepared for him by the almost unanimous voice of her people, remained unbestowed by her hands.

He died when but little advanced beyond the prime of life. His success had been equal to that of the favored ones of the day. He left us at a time when the past yielded a great deal for gratifying retrospection, when the present afforded the richest elements of happiness, and the future invited him to higher honors and ampler resources of enjoyment, and assured him success in a field of greater usefulness for his State and the people of this great Government. But all that he possessed, all that he hoped for, could not stay the hand of the great destroyer.

Judge CRISP filled many important positions, and he met and performed the duties of each in a manly, straightforward, honest way. As a young volunteer soldier in the cause of the Confederate States, he was brave, determined, and obedient to authority. He was a member of the legal profession, a profession which is "as ancient as magistracy, as noble as virtue, as necessary as justice," and which, above all others, shapes and fashions the institutions under which we live; a profession "which is generous above all others, and in which living merit in its day is bestowed according to its deserts." As a member of the bar of the southwestern circuit of Georgia, a bar noted at all times for the learning and ability of its members, he soon forced his way to the front rank, and

at an early period after his entering the practice was appointed solicitor-general of that judicial circuit.

As a lawyer, while he always represented the interest of his client, he never undertook to mislead judge or jury by specious sophistry, but he adhered to the same scrupulous sincerity in his advocacy of his client's cause which he observed in the other transactions of life. As prosecuting officer for the State, while he fearlessly pursued the violators of the law, no innocent man, however poor or humble, was permitted to suffer.

He was judge of the superior court of his State, the court of the highest jurisdiction, other than the supreme court of the State, for the correction of errors of law. Though quite a young man when he was made judge, and with somewhat limited experience at the bar, he soon proved himself to be an ideal judge. He was patient and courteous, not given to that vice possessed by some judges, first to find that which he might in due time have heard from the bar. He never met the case halfway nor gave occasion to parties to say their counsel or proofs were not heard. His integrity was above even suspicion, and though the judgment may have been erroneous at times, the counsel and the parties knew that the law had been pronounced as he, the judge, believed it to be—for at last, above all things, integrity is the portion and proper virtue of a judge.

Judge CRISP's intellectual excellence and power was due to his very extraordinary common sense and an innate controlling impulse to know and do what was right. His mind was distinctly a judicial mind; his education was by no means thorough, because the years of his early youth were spent in the Confederate army, and the time usually devoted to education was given in defense of the South and her cause. When he was appointed judge he had had little experience at the bar, and that as only solicitor-general; yet when he was appointed judge he soon took rank amongst the ablest of our judges, and became and was regarded one of the best, if not the best, judge in Georgia. His charges to the juries were models of clearness and directness of speech. He always "dug deep for the justice of the case," and when found permitted no technicalities to defeat it. He belonged to that class of lawyers and judges who rely upon their clear perception of what is just and right and true rather than upon books and cases—more upon principle than precedents—

Juvat accedere fontes.

His mind was preeminently practical, and his oratory was in admirable keeping with his strong natural sense. He invariably spoke for use, and never for display. Judge CRISP was of a most gentle and kindly disposition; he was an amiable man; the law of love dwelt in his heart, and the "milk of human kindness" mingled in his blood. His manners were the most bland and agreeable, and this, added to the intuitive quickness of his mind, exuberant and good temper, his devotion to the truth, and attachment to his friends made him the favorite he was with his brethren at the bar, his associates in this House, and the public. Though ambitious to be distinguished and useful, he was not in the slightest degree selfish. Those who did not know him well or understand him might have supposed that he was always on the alert to make friends for his political purposes; but the truth was he was so broad, so catholic in his kindness and gratitude, that it was perfectly natural for him to be more than merely courteous and polite; it was perfectly natural for him to compliment all with whom he came in contact with his attentions and courtesy.

And thus he bore without abuse
The grand old name of gentleman.

True, indeed, it is that we can say of Judge CRISP that he was distinguished in the humbler walks of life by his devotion to family and friends, by his simplicity in manner and speech, and a warm welcome to all who approached him.

His was a soul of honor everywhere,
That to ignoble actions scorned to bend;
True to his trust in friendship's faith, he ne'er
Forgot a favor or forsook a friend.

He possessed in a degree that is worthy of emulation by us all "that humanity that meets in every man a brother;" that sympathy which enters with warmth into the feelings of others; that friendship which glows with generous emotions and binds us to those we love with most indissoluble ties; that charity that puts on every dubious action and appearance the most favorable interpretation; that philanthropy that feels with quickness the distresses of others, and that spirit of justice that accords to all their due.

Of his services in the Hall of Congress others have spoken, and I will not endeavor to say more, except that as a national character his fame stands out before the world preeminently great. A man of broad, conservative views, honest convictions, zealous in patriotic endeavor, courageous in the defense of right, gentle, modest, and merciful, he stood above his compeers a statesman of the nation and defender of the South and her people. He was never recreant to a single trust. His love for home, his love for Georgia and for the Union, and his bold stand for his people against oppression of every character have won for him a place in the hearts of his countrymen and among the imperishable names in the Halls of Congress, where he was the peer of his ablest opponent.

It may be and is true that he did not possess that brilliant genius that marks a meteoric fame; but his was that worth and ability that with steady glow grew brighter as it swept into the sphere of usefulness. Though he has gone from amongst us, though his warm, sympathetic heart will beat no more, and though his body is beyond mortal view, his name and fame are written among that constellation of the great men of the South, and of this Union, where it will live on and on through the life of the Republic.

The great beauty of Judge CRISP's character was his constant, tender, loving, and enthusiastic devotion to his wife and children. His family life was, after all, his chiefest grace. With a tender and gentle courtesy and with a loving nature, he lavished his heart's best gifts on her whom God gave to him, and with a fond father's love and devotion he cherished the children who grew up around him. No change that years and sickness wrought brought any change in the gentleness, care, and love that were bestowed upon the wife. Though sickness and affliction had made the wife almost an invalid, yet upon her and to her he always bestowed all gentleness, all care, all devotion. To him, indeed, the afflicted wife seemed "dearer than the bride."

But neither his fame as a lawmaker, nor the love of his people, nor the devotion and prayers of his loved one, could stay the hand of the great destroyer. Silent and sure and remorseless death heeds neither youth nor age; genius, learning, poverty, nor wealth; the tears of relatives and friends, nor the cold indifference of strangers. "All equally the universal reaper gathers to his ever-filling yet ever unfilled garner—the tomb."

On a calm, still Sabbath day, at deep twilight, with hands of reverent love, we laid him in the bosom of the universal mother, by the side of two of his children who had gone before, there to rest under Georgia's soil, beneath Southern skies and the city he loved so well and the section he served with so constant fidelity; there, where the shapely shafts of Parian white tell of the peace within, where the everlasting hills uplift their rugged crests to catch the first ray of the morning sun, symbols to the eye of faith of the glorious coming of the new dawn; there, in the company of son and daughter, he awaits the final destiny of greatness.

What a noble example has Judge CRISP set to the young men of his State, of this great Union, of diligence in business, of truth and devotion to principle and justice, honesty and uprightness in all his conduct toward his fellow-men and in public life, which is the basis of our social connections. This was the means by which he achieved success in life; and here is an example on which our young men should be proud to form themselves, an example that refutes "the dull maxims of idleness and profligacy" and points out the real road, and the only highway in a Republic, to honor, fortune, and fame.

I utter no idle words when I say for the people of Georgia that, "living, we all loved him; dead, we will cherish his memory in our innermost hearts."

His virtues he bequeathed us, that we yet
May meet him in a lovelier land than this,
Where darkness is unknown, suns never set,
And sorrow never comes, but all is bliss.

Mr. Speaker, I append as part of my remarks the account of the funeral services had at the church in Americus on October 25, 1896, and the funeral oration delivered by his old army commander, that distinguished Georgia divine, Gen. C. A. Evans, the old commander of the "Stonewall Brigade."

APPENDIX.

The church was reached at 2.30 p. m., around which had assembled another vast crowd. It is a frame building of quaint architecture. The vestibule has two large octagonal columns, back of which is a deep recess. Round these two massive supports were entwining long folds of black crape, from chapiter to plinth. Broad steps, the entire width of the church front, led up from a gentle slope to the vestibule. It is embowered in a grove of oaks, which is inclosed by an old fence. The very place has an air of solemnity; but the occasion gave a deeper funereal aspect to the church and surroundings.

VIEWED THE REMAINS.

An hour was allotted to those who desired to have a last look at their friend and townsman. A single-file procession began, and the entire time was consumed in this sad privilege. The face, so familiar in life to all the people of Americus, still bore the same calm, peaceful expressions that had won the hearts and esteem of all who knew him. Pale though it was, still the pallor of death had not robbed it of serenity nor of its former life-like semblance. Though his last words were, "Oh, what pain!" the features bespoke that calm resignation to God's will and the trust he had placed in his Creator's promise of salvation. Thus the people saw him, and thus his memory will be cherished.

The bells of the city were still pealing their requiem when the hour for the last sad rites arrived. The casket rested on a bier in front of the chancel, buried in beds of rarest flowers. The pulpit and other places were covered with floral emblems, donated by admirers of the deceased.

While the people were gathering into the church, the organ in softest notes pealed forth a funeral dirge. After this solemn rendition, the choir sang "There is rest for the weary" so feelingly that many of the congregation shed tears.

Rev. T. M. Christian, of the First Methodist Church, then read the one hundred and third psalm, after which Rev. Leroy Henderson, pastor of the

Presbyterian church, read the thirteenth chapter of the First Corinthians. Then Rev. Mr. Turpin, of the First Baptist Church, offered the following prayer:

"O God, beneath whose throne Thy people in all ages have dwelt secure, regard us in great compassion, we beseech Thee, for Thy hand hath touched us.

"O Thou, who makest sore and bindest up, draw us with the cords of Thy love, for we are sorely smitten before Thee.

"Look in mercy upon a nation whose citizens are saying one to another: 'Know ye not that there is a prince and a great man fallen this day in Israel?'

"May the great loss we have sustained serve to rebuke the bitterness of party spirit and to calm the turbulent passions of the people.

"Visit with Thy salvation our public servants, gathered here from different sections of our State and country, and profitably remind us all that 'the paths of glory lead but to the grave.' Help us to remember 'what shadows we are and what shadows we pursue.'

"Bless, we implore Thee, our community, which so deeply mourns the loss of her distinguished citizen, for we were accustomed to lean upon his words, and are fain to cry out:

"'Oh! fall'n at length
That tower of strength,
Which stood square to
All the winds that blew!'

"Lord God of all comfort, bind up the broken hearts of this family circle, whose bitter grief would almost make them say, 'Behold and see if there is any sorrow like unto our sorrow.'

"Strengthen with Thy might in the inner man, Thy venerable servant, as he receives back under his fatherly protection to-day the daughter who in the days of her youth so confidingly gave her heart to him, who became so worthy of her unfaltering trust, but who has now, alas, been parted from her.

"We invoke, O God, Thy tenderest mercies upon our sister. O Thou who art the light of the world, abide with her, for Thou hast taken away from her the light of her eyes. May Thy everlasting arms be underneath her, and do Thou comfort, sustain, and keep her as she sighs—

"'For the touch of a vanish'd hand,
And the sound of a voice that is still.'

"Be merciful, O Lord, to all the members of the household. Sanctify to the bereaved sons and daughters their deep distress.

"Look down with Thine all-pitying eye upon Thy young servant, who so tenderly leaned upon her father's bosom, and who was such a joy to his heart. Hold not Thy peace at her tears. Lord, God, bless these manly boys, and may the mantle of their father fall upon them.

"We praise Thee, O, God, that we 'sorrow not as those who have no hope.' We thank Thee for the belief of Thy servant who has finished his course in those Holy Scriptures, which are able to make us wise unto eternal life, and for his simple trust in the Redeemer of the world. And we thank Thee that throughout his public career he ever 'wore the white feather of a blameless life.' For Thou hast taught us to ask: 'Who shall ascend into the hill of the Lord and shall stand in His holy presence?' and Thou hast said: 'He that hath clean hands and a pure heart, who hath not lifted up his soul unto vanity, and hath not sworn deceitfully.' Glory be to God, for in 'the hope, the blessed hope, when days and years are o'er, we all shall meet in Heaven,' where—

'The saints of all ages in harmony meet,
Their Saviour and brethren transported to greet,
While the anthems of eternity unceasingly roll,
And the smile of the Lord is the feast of the soul.'

Through Jesus Christ, who was delivered for our offenses, and was raised for our justification. Amen."

The choir then sang, "We shall sleep, but not forever." A stillness akin to death impressed the solemnity of the occasion upon every heart. The bereaved ones sat near the casket, having the sympathy of their friends from every section.

THE FUNERAL ORATION.

A moment of silence, and Georgia's noble old soldier and Mr. CRISP'S warmest and truest friend, Gen. Clement A. Evans, stood in the presence of the dead to pay a tribute to his unblemished life and express sorrow at his early death. Following is the oration:

GENERAL EVANS'S ORATION.

A great bereavement has befallen a whole people—a sudden, sad, and most untimely bereavement. The strong, tender ties which bind men together in the closest relations of human life are sundered. I say most untimely in reverent, humble submission to the good will of Almighty God. Death aimed his shaft at the brightest mark which for the moment shone upon the public field. With startling emphasis the quick stroke, ringing throughout the State, announced the imperial authority of the insatiate archer to strike down the most exalted human figure as surely and easily as to bring a sparrow to the ground.

Our State takes this blow to heart, for it has cut off her beloved son in his prime, and she laments the loss as Jacob mourned for Joseph. Her pride is wounded to the quick, for in him she had gloried as a valiant supporter of her fame. The flower of her hope withereth because the new and lustrous honor prepared for him by her sovereign will remains unbestowed by her hands. To-day Georgia embodies the sorrows of a great, sympathetic people, and by every token tells that a whole State can feel a common grief. Using the language of another, "We expect the sun to go down in the evening, we expect the flower to wither in the fall, we expect the stream to be frozen in the winter, but that the sun should go down at noon, that the flower should wither in the summer, that the stream of life should be frozen before the chill of age had come upon it, is a reflection that saddens the soul in man."

It is my sad duty in the present ministrations of this sanctuary to give some expression to this common sentiment and to speak of a noble life so thoroughly known as not to require minute description.

It is commonly commented on that the career of Judge CRISP was a steadily ascending, uninterrupted rising from the first level on the shore line of a citizen's duty, upward from grade to grade, until he had reached that lofty table-land where all supreme distinctions become possible. Such a career illustrates the free course laid open by the peculiar principles of our American Union to honorable aspiration, as well as the wisdom of our political laws, which give to the people the privilege of a wide range in selecting their representatives and rulers. Without special prestige, without fortune, without the favoring gale of association formed by residence, and beginning business life obscurely in a little Georgia town as a returned soldier—a youth of 20—he enters on the work of life amidst the unfavorable conditions that prevailed in 1865 throughout this Southern land. The reflection has interested me personally that at this precise period we were not a day's ride on horse apart, both just returned from the same scenes, the same fields, possessing the same spirit, and looking alike landward from the shore line; behind us the sea where a nation had been wrecked; before us an unknown wilderness of political possibilities.

It is not on this warp, however, I would weave the suggestive event of his nobly successful life, but instead thereof I would point the young men of the State to the clean truth that Mr. CRISP attained his fame by industrious, honorable, and patriotic discharge of the duties devolved upon him from time to time. Few public men in Georgia have gained great distinction by their sole reliance upon the adventitious aid of fortune and ancestral name. That illustrious roll which we are proud to call is answered by a multitude of noble men who overcame disadvantage by the sweat of the brow, the throb of the brain, the tension of nerve, the pulse of heart—by men who "stopped the mouths of lions and quenched the violence of fire;" by men who patiently waited while they earnestly worked out their manifest destiny, and who, in a heroic scorn of obstacles, achieved greatness in all those various departments of human endeavor open to all men through the regulated liberties of our free land. Ambition requires no liaison with corruption in order to attain a glorious fame. The path to human glory should be as "the path of the just that groweth brighter unto the perfect day." In the battle of life the aspirant for fame should indeed be a hero in the strife, and if in the encounter he should go down, let it be said of him at the roll call of human names, "He died on the field of honor!"

"The life of Judge CRISP as a lawyer is above reproach. After a year of preparation he was admitted to the bar, and then came on six years of that experience which brings discouragement to many young barristers and during which some unhappily predestinate their total failure. But baffling, rather than being baffled, and seizing opportunities as they moved within the circle of his grasp, and rising by gradations which demanded and were met by the toil that gains ascensions, the young lawyer of Ellaville became the solicitor-general of his judicial circuit, and after four years' experience rose by appointment and elections to an honorable and responsible position upon the bench of the superior court of Georgia.

"Tested in these offices of delicate, difficult, and often embarrassing duties, Judge CRISP won the esteem of the bar, satisfied the demands of the law, proved himself an able, just, incorruptible judge, and increased his popularity as his intercourse with the people widened.

"The result was his transference from the bench to the Halls of Congress, where services were rendered as occasions came which gained him increasing attention until even in a Congress where he was at a disadvantage by being in the minority, and especially because he represented a Southern district, he commanded such respect for his courage, his parliamentary skill, his fidelity to his party, and his patriotic devotion to his country that he was conceded the position of leader of his side of the House. His field battles with the eminent Speaker—a foeman worthy of his steel—will always be memorable parliamentary history. Gallant as any chivalrous Southern knight, skilled in the tactics of Congressional proceeding, ready in running skirmish, and steady as a stone wall under assault, he stood foremost among national party men on the floor of Congress until the great change in the political situation gave his friends the opportunity to reverse positions between himself and his able antagonist by elevating him to the Speakership, one of the most commanding offices created by the Constitution. With many other Georgians I have proudly witnessed in Washington the contests and the triumphs of this conspicuous Representative from our own State. Recalling the old historic names of Georgia—recalling the days when Berrien charmed the Senate with his pelucid speech, when Toombs in torrents of eloquence stirred the House, when Stephens, like a river, made glad with limpid logic the hearts of his countrymen, when Cobb, illustrious from his youth, held the Speaker's gavel, and on to Hill the superb, Brown the wise, and Colquitt the tribune, and others who like these requited the State with fadeless luster for the honors she had conferred on them—I say, recalling these historic men, I am not loath to place among them the name and fame of the statesman whose loss from the national councils we so sadly deplore.

"I will venture to say that no more magnificent display of political self-denial ever occurred in the lives of aspiring men than that which shines out in splendor like the noonday sun in one well-known event of Mr. CRISP'S political life. I refer, of course, to the occasion when he put aside the Senatorial toga proffered him by Governor Northen on the death of the lamented Senator Colquitt. I will not try your patience nor party fealty by asking what you would have done. Let us imagine that others would have acted as he did, and yet his act remains unparalleled by any similar instance. Consider that the office of Georgia Senator was the shining goal of his just aspirations; that in the judgment of the governor he was the proper recipient of the great trust; that the popular mind coincided with the governor's views; that the tide in politics was turning against his party and would sweep him from the Speakership, and that to lose the Senator's place then might cause its loss to him forever; consider this situation, and a view of his declination of the office of Senator will glow upon your admiration as a sunlit summit of fealty to official trust and party principles whose height will not be often climbed by mortal man.

"But he lived to see his course justified. The people of the State kept him in mind. By an unusual popular vote they have this year requested the legislature to make him the State's ambassador in the United States Senate, and their will would have been performed a few days from this sad date when he lies before us wrapped in the slumbers of death. Once by his own act, once by the act of God, the Senatorial crown has been put aside. We are glad he etched into his enduring fame the self-denial which so much exalted his character; we are glad he lived to know that the high trust had been given him by the people of his beloved State; and since he has been deprived by the just will of God of the high position, we will lay the unworn Senatorial robe at the base of his monument and write his great name among those of the patriotic statesmen of our country.

"I can not justly omit that eventful period of four years in which, as a young Virginia soldier, he espoused the cause and bravely fought the battles of the Confederate war. When 16 years old, a stripling youth, a boy of handsome form and gallant mien, but spirited as a cavalier, he put on the gray jacket and offered himself for slaughter. It is just such food as war craves, and too often gets. The 'flower of the South' decorated the grim battlefields with their slain bodies and made them glorious. CRISP was among the number of that army of northern Virginia which Lee, Jackson, and Stuart depended on for victories which made them an immortal fame. The first year brought Manassas, with its unobscured triumph of the Southern army. The second year, the 'Seven days around Richmond,' when Lee rolled McClellan's outspread columns like a scroll back upon the River James. The third year, Gettysburg, with its first day of glory and its third day of bloody repulse. The fourth year, the Wilderness series of interlapping horrors, centering on the 12th of May, when a whole day's titanic wrestling in garments rolled in blood ended with the fraternal foes confronting each other in rifle range. Through these scenes, with their intermediate events all equally momentous, our young soldier served with his comrades, terminating his field service by his capture in the 'bloody angle' of the 12th of May. Imprisonment followed, but when released in 1865 he turned his steps to Georgia and became her loyal, faithful, and honored son. Not once has he claimed political reward for this heroic service in the cause of the South. He knew that patriotism has no price. The tender of life to the state in its peril is only a real tribute of righteous sovereignty, and the offering has no place on any pay roll; it thrusts no key into the public treasury, and makes no demand on the popular ballot. But the record of our comrade is with us his highest honor, and his consciousness of patriotic duty faithfully done is his highest reward.

"But the State can not take to itself the keenest pangs which this public bereavement has caused. Let it stand aside in its open sorrow, made expressive by many honoring testimonials, and let it be silent before the poignant grief which wrings the heart of the family whose prop and pride, whose crown and chief is gone; whose tender fatherhood is now but sweet potential memory. His family life was, after all, his chiefest grace. With a loving nature, he lavished his heart's best gifts on her whom God gave to him, and on the children who grew up under his care. If words of consolation could be effectively spoken we would all speak them in sheer pity for her whose heart is broken by this blow. But no wine press is for the tramping of many feet in concert. She must tread the wine press of her affliction alone. There is One only who can come to her whose comforting is barred by no ceremony and lacking in no quality. 'I will not leave you comfortless; I will come to you.' And so, if words of counsel were needed by these children they would be offered by thousands of friendly tongues. But the counsel is not needed. The heritage of a wise father's life is wealth for his offspring. By the memory of his words they will direct their ways. We therefore commit this stricken household to the God who guided their head, and to the memories of his noble life. I do not know how to speak further in the presence of an audience who knew him so well, of his personal traits and his private life. I am conscious of repeating your sayings when I would describe his genial, hopeful, generous disposition. The smile which lighted his face was an issue of his heart. The face itself inspired confidence; his social mien won affection; his tongue was free from the guilt of detraction; he was kind in speech even when he spoke of his adversaries. Genuine charity had its home in his heart and directed his hand to help the weak and the poor. The masterpiece of Paul's pen, as recorded in the thirteenth chapter of the first letter to the Corinthians, was his most favorite study. His nearest neighbors esteemed and loved him, his friends trusted him, his political opponents respected him.

"In early manhood he embraced the faith taught in the Scriptures, united with the church, loved the brethren in its communion, and died in the hope which his religion inspired. Separated now from all that delighted or tried him on earth, he is gone to that mysterious sphere where duty to God will be done in perfection and the joy of the service will be the heavenly rewards.

"We may suffer ourselves to be counseled even by death. Meet it we must; meet it daringly we may; meet it reverently we should, for it is designed to be, but the priest in the black gown sent to conduct us to the Prince of Life Eternal.

"The last object that man beholds on earth is not the state and its officials; not the church and its ministers; not the family of loved ones, and not friends in tears; but the last Being alone with man on earth is Almighty God. In the article of death, after every mortal citadel has been stormed, the eyes of the unassailable soul turns from the delightful scenes as well as from the ghastly horrors of Time to look with clairvoyant power and boundless interest upon the serene eternity of infinite things. In that moment of an indescribable crisis the alone soul looks before it springs, and as it looks it encounters the face of God. The Almighty God! The immortal soul! Face to face! Does the soul reflect the image and likeness of Him into whose face it looks? That is life's crucial question. Blessed in such a crisis are the pure in heart.

"In the crucible of every human career, after all fires have burned down and the vessel is cold, there should remain at last refined and prepared for eternal use an immortal soul which serenely reflects in character the face of God.

"It is well for us who are here, and who know each other's natures well, to understand that in our inmost unexpressed thought we believe there is something better than the poor prizes for which we are all contending."

The Late Representative Charles F. Crisp.

REMARKS
OF
HON. JOHN W. MADDOX,
OF GEORGIA,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, January 16, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

"*Resolved*, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased"—

Mr. MADDOX said:

Mr. SPEAKER: The distinguished gentlemen who have preceded me have in eloquent and beautiful language portrayed the life and character of my late distinguished colleague as a soldier, citizen, husband, father, lawyer, prosecuting officer, judge, member of Congress, and Speaker of this House, and but little is left for me to say. But there are some thoughts that I desire to suggest on this occasion. What has already been said of his merits, in my opinion, has not been exaggerated.

I first became acquainted with the Hon. CHARLES F. CRISP in Atlanta in 1883, when he was presiding over a State convention for the purpose of nominating a governor, and met him occasionally until I became a member of the Fifty-third Congress, when my relations with him became exceedingly close, and I am proud to say that I enjoyed his confidence to a larger extent perhaps than any of his colleagues. He told me of his political troubles and trials. I knew his ambition to be Senator from Georgia long before he made that fact known to the world, and when he was offered the appointment by Governor Northen, no one knew better than myself what it cost him to lay aside the goal of his ambition to discharge a patriotic duty that he owed the country, but he did it cheerfully.

When he determined to become a candidate for Senator, he departed from the usual custom that prevailed in our State in obtaining the voice of the people. Instead of going before the legislature, he demanded of the party machinery in the State that they order a primary election for United States Senator, and let every Democrat in Georgia speak for himself; and they did speak, and from the mountains to the seaboard, almost without a dissenting voice, he was chosen. Through his long term of service in this House he was always the champion of the people and their rights, and when he aspired to a seat in the Senate it was to the people he appealed and not to rings and combinations. As high as he stood in the estimation of the people of his State, they never fully appreciated his great ability on the stump. He never had any opposition that amounted to anything in his election in his own district, and, the State never being a doubtful one, therefore, when the great political contests were being fought throughout the Union, he was at the command of his party, and wherever the battle waged the warmest there he could be found at the front battling for Democracy. So, when he went to Georgia to discuss the political issues of the day in joint debate with his distinguished fellow-citizen, the Hon. Hoke Smith, and was compelled to discontinue them, some of the newspapers were unkind enough to attribute his withdrawal to an inability to cope with his distinguished and able adversary.

Mr. Speaker, we who had seen him cross swords with the ablest men in this House on every sort of question that it is possible to conceive of in a body like this, and found him to be the equal of any and inferior to none, and we who knew of his great power and tact upon the stump before the people, were not prepared to believe this, and when he returned to his post here I met him at his hotel and found him a sick man, and from what he said I knew that his disease was far more serious than mere throat trouble. I sat beside him in the first session of the Fifty-fourth Congress, and I know that after his return from Georgia that he never arose to address the House but that he complained of the great pain that it gave him to do so. After Congress adjourned he went to Asheville, N. C., and spent the summer. There his friends hoped he would regain his health at that famous resort.

The reports we had from him from time to time led his friends to believe that he had been greatly benefited, and when he returned to Georgia in the early fall I, at the instance of the citizens of Rome, invited him to address the people of that section on the political issues of the day. He accepted the invitation, and I met him at the depot the evening before he was to speak and was astonished to see the inroads that disease had made upon him in the few months we had been separated. But notwithstanding the fact that he was then at death's door, he bore up manfully and attended a reception that was held in his honor and had a hearty handshake and smile for all whom he met.

He was to speak the next morning at 11 o'clock. I called for him at 10 o'clock and was admitted to his room by his distinguished son, CHARLES R. CRISP, and found him upon the bed writhing in pain. After the paroxysms had to some extent passed off, I begged him not to attempt to make a speech. He said that he was advertised to speak; the people had come to hear him, and he was determined to make the effort. I accompanied him to the opera house and introduced him to the vast audience that had assembled there. He spoke for one hour and fifteen minutes, and whilst he was not as vigorous as I had seen him when addressing the people before, he made one of the clearest, most logical, and powerful arguments that I ever heard him make. This speech was published throughout the State and used as a campaign document. And yet, whilst he was speaking, I would not have been surprised to have seen him fall, and was expecting it; but with sheer force of will power, which he possessed in an inordinate degree, and, with death staring him in the face, he coolly, deliberately, and courageously depicted the wrongs of the present financial system and told the people how they were to be corrected. This was his last speech, and it was worthy to be his last one.

The people who heard him were delighted and were looking forward to the time when they could point to him as the Senator from Georgia. But alas, how little did they know of the condition of this man they were so eager to honor. Mr. Speaker, when he was leaving Rome I begged him not to attempt to speak any more in the campaign. He finally agreed that he would not, though exceedingly anxious to visit several places in the State for that purpose. My opportunities for judging this man were good. I had his confidence. I sat by him. I watched him closely. I compared him with all the distinguished men that I knew or had ever known, and in my judgment, viewed from every phase of life, politically, socially, and otherwise, he was the peer of any and inferior to none.

And when the death angel, with his solemn message, invaded our midst and summoned from earth this pure and spotless statesman, the nation mourned and every heart in Georgia was saddened, every eye was dimmed with tears; for they realized that a

great and good man was gone and our country had sustained an irreparable loss, cut down in the strength and vigor of his manhood, when his ability and usefulness were recognized all over the country. Though he will mingle with us no more, and we will miss the genial smile and the cordial hand clasp—though his voice may be hushed and his chair may be vacant—yet the spirit of patriotism and chivalry which he has breathed into the hearts of his countrymen will live for ages. We can not dismiss him to the dark chambers of death. Recognizing his greatness and goodness, we delight to do him honor, and will weave bright garlands gathered from the sweetest flowers of admiration, friendship, and love, and tenderly twine them, a last sad tribute, round his memory.

IMMIGRATION BILL.

Land Monopoly, not Immigration, the Evil.

The protection that labor needs is not against labor, but against monopoly, which bars laborers away from their natural opportunities and strips them of the lion's share of what they are permitted to produce.

REMARKS

OF

HON. JAMES G. MAGUIRE,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. MAGUIRE said:

Mr. SPEAKER: The bill reported by the committee of conference provides for the exclusion from the United States of all illiterate aliens regardless of their virtues, their honesty, their love of liberty, or the purposes for which they seek admission to our country. It is confessedly aimed at the laboring poor of Europe and draws class distinctions degrading to labor, such as no monarchy of Europe has ever drawn or recognized. It denies the right of migration to a class of honest, liberty-loving laborers who seek to escape from the conditions that deprive them of the opportunity for education, to secure for themselves and their children the blessings of free institutions, and to avail themselves by honest toil of the measureless and inexhaustible natural resources of this great, new, and imperfectly developed country.

The purpose of the bill is to exclude laborers, not because they are illiterate, but because they are laborers. The contention that the illiteracy of the people sought to be excluded under the bill is a menace to the institutions of this country is a false pretense. Nobody believes it. Nobody is really supporting the bill on that ground. The percentage of foreign-born illiterates in our citizenship is very trifling, and their division among the political parties makes their influence on the legislation of the States and nation practically nothing. Their illiteracy is not a source of danger, and it will not be transmitted to their children. None are more eager to secure the advantages of education to their children than those who have been deprived of its advantages themselves.

I concede and uphold the right of the nation to exclude from its borders all aliens whose coming would be dangerous to our free institutions or to the morals or health of our people. The exclusion of persons sought to be imported to this country under bonds of servitude or other restraints upon their liberties is also a rightful exercise of governmental power.

But, sir, the present bill is not aimed at any of these evils or dangers. Its purpose is the exclusion of men and women of our own race and blood who are free from all of these objections, and the purpose of its principal supporters is sufficiently shown in their statement that it is only a step in the direction in which they desire to go.

A statement has been circulated here on behalf of the Immigration Restriction League, purporting to show how effectual this bill would be in restricting immigration from certain countries of Europe, among which Italy, the country of Columbus, whose genius and courage gave this continent to the world and to civilization, is conspicuous. Is it possible that already the beneficiaries of the life-work, and achievement of Columbus are prepared, in un-Christian—nay, anti-Christian—spirit, to bar his fellow-countrymen from the land which he discovered?

Is it possible that the representatives of New England, who, with one exception, as we are assured by the gentleman from Massachusetts [Mr. MORSE], are all in favor of this bill, represent the new spirit and views of the people of New England? Has the brotherhood of man, even within the limits of the Caucasian race, ceased to be a part of the creed of New England? Has the principle of brotherly love—that one grand, towering glory of Christianity which distinguished it from and lifted it above all the other religious creeds of the world—been banished from the hearts of the professed Christians of the United States? If that be so, then Christianity itself, of which brotherly love is the very soul and essence, has lost its vitality here, and it would seem that the time has come for the American missionaries now laboring in foreign lands to return and seek to Christianize their own country.

The previous legislation of Congress on the subject of immigration affords no warrant and no precedent for the present bill. This is an entire departure from all the principles upon which former legislation has proceeded. Such legislation is progressive in its character. There is no difference in principle between the present bill requiring an ability to read and write in some language and a bill requiring the intending immigrant to hold the degree of master of arts from some recognized university.

ANARCHISTS, SOCIALISTS, AND NIHILISTS.

Gentlemen urge the passage of this bill as a step in the direction of excluding anarchists, socialists, and nihilists from this country. Assuming that it would be right and desirable (though I do not admit that it would be either right or desirable) to exclude these classes, or any of them, from this country, yet the present bill does not, even remotely, tend to their exclusion. They are generally educated men, many of them holding university degrees, whose offending consists of resistance to tyranny, which, in the conditions under which they live, is "obedience to God."

Who are the nihilists? They are the democrats of Russia, who are struggling against almost hopeless odds to establish the natural and inalienable rights of man in that country as against the tyrannous and false pretense of divine right on the part of the Czar.

Who are the anarchists of Spain? They are the republicans of that country, seeking to establish the principle of popular sovereignty as against the unnatural privilege of governing now enjoyed by a single family.

Who are the socialists of Germany? They are the opponents of monarchical government and special privilege—the advocates of the equal rights of man. I believe their scheme of social regeneration to be impracticable and mistaken, but their purpose is right and their cause should be sacred to every lover of liberty and justice.

I trust the time will never come when men who struggle for liberty and justice against tyranny and oppression will be denied asylum in this "land of the free heart's hope and home."

If the time shall ever come when, as a nation, we shall cease to sympathize with the struggles of the people of other countries for liberty and justice, our own liberties and our free institutions will be in the gravest danger.

The anarchists and socialists who are dangerous to the free institutions of this country are not those who are contending against monarchical tyranny in Europe, but rather those of our own citizenship who, by powerful combinations of wealth and special privilege, are overriding and evading our laws and corrupting those who make and administer them.

These are the anarchists and socialists who are dangerous to American liberty. These are the classes against whose serious menace to free institutions our legislation should be directed.

PROTECTION TO AMERICAN LABOR.

The most crafty, deceptive, and insidious argument made in favor of the bill is that it is a measure of protection to American labor; that it will protect American labor from a certain proportion of foreign competition, and that it will preserve the American labor field for American labor.

Some of the labor organizations of the country—some of the great labor organizations—unmindful of past experiences, have been led by this argument to turn aside from their great struggle for the rights of man and to pursue again into the morass of disappointment the phantasm, the "will-o'-the-wisp," of protection.

This phase of the struggle gives the bill an importance and entitles it to a consideration which it would not otherwise merit. It is scarcely necessary for me to say that I have always been friendly to labor and to labor organizations. I think I may safely leave that question to be settled by my public record, which is an open book, accessible to all. But I would consider myself unworthy of the confidence of labor or the respect of my fellow-men if, seeing, as I believe I do see, that the course being pursued in this matter is contrary to the principles of natural right and necessarily doomed to failure and disappointment, I should encourage its pursuit or fail to point out its fallacy. He is the best friend of labor who is most faithful to the principles by which it may be emancipated from its existing thralldom; not he who pretends to agree with all the methods by which it seeks that end.

"Come, let us reason together." It is well that we should know in advance whether or not the game is worth pursuing. If it shall appear that the course proposed will bring us, after a great waste of valuable energy and more valuable time, only Dead Sea fruits "that turn to ashes on the lips," it is best for us to know it now, that we may save our energy and time.

LAND MONOPOLY, NOT IMMIGRATION, THE EVIL.

Let me premise by saying that I fully understand and most heartily deplore the terrible and terribly unjust condition to which labor has been reduced in this country. I fully understand the awful meaning of the presence in every labor center of an army of willing and capable laborers, facing immediate want or fear of want, forced by their pressing necessities to bid for the places of all who are fortunate enough to have employment, thus forcing and keeping all wages down to the minimum for which suffering men are willing to work, regardless of the wealth-producing value of labor. That is the deplorable condition existing in every labor center of this country to-day, and, differing only in degree, it has been so for twenty-five years.

The theory of the advocates of the bill under consideration is that this evil condition is caused by the overpopulation of our country; that the natural resources of this country are insufficient to comfortably support its present population.

If that theory be true, then the authors and supporters of the bill are right, and God's scheme of human existence on this planet stands utterly condemned, beyond the possibility of defense.

But I know that the theory is not true. Every man who reads and thinks knows that the natural resources of this country are ample, in the present state of the arts of wealth production, to support in comfort one thousand millions of people. The labor required of each man and woman to produce from the natural earth all requisite food, clothing, and shelter for that number of people in this country would not amount to more than healthful exercise.

Why is it then that, with only 70,000,000 of population, millions of honest, industrious, willing, capable, virtuous people are unable to provide themselves with comfortable subsistence? Why is it that, with so small a population in proportion to natural resources, we are suffering all the horrors that are supposed to spring only from overpopulation? The answer is obvious. The congestion of our labor markets, condemning millions of laborers and those dependent on them to suffer privations in enforced idleness, is not caused by the overpopulation of our country, nor by the presence of illiterate aliens, nor by the inefficiency or inertia, or vices of the suffering laborers. It is caused by the monopoly of the land which constitutes our country.

Three-fourths of the land of our country is owned by less than one-tenth of our people, while the great body of the real wealth producers, excluded by this monopoly from their natural God-given opportunities, are forced into an unnatural competition with each other for such artificial opportunities as the pursuit of profit may induce those who control the sources of production to offer.

The land is not only "the natural common heritage of the whole people, from the immediate gift of the Creator," as Blackstone declares, but it is necessarily the inalienable common heritage of the whole people. The earth, with all its powers and qualities, was made and freely given by the Creator for the equal use, subsistence, and comfort of all mankind, in all generations, from the first human being placed upon it to the last who shall inhabit it. It "belongs, in usufruct, to the living" of each generation, as tenants in common, regardless of what any previous generation, in any country, may have done or decreed concerning it.

The right to the use of the earth is necessarily inalienable because the inalienable rights to "life, liberty, and the pursuit of happiness" are all dependent upon the right of the individual man to the use of the earth at all times upon equal terms with his fellow-men. Any surrender or abridgment of that right is necessarily an abridgment of the other rights.

The violation and perversion of God's heritage through the laws which permit and encourage the monopoly of land is the great crying, horrible, tragical evil which is sought to be palliated by the passage of this bill. There is no use in applying palliatives to such an evil. It can not be palliated. The passage of this bill would not in the least reduce the pressure of unnatural competition in the labor markets. If 20,000,000 people (laborers and their families) were deported from this country to-morrow, the terrible phenomenon of the army of unemployed labor would appear again in every labor center within thirty days. It is an ineradicable incident of every industrial system that has land monopoly as its basis. Two forces would immediately cooperate to bring about that result.

The departure of 20,000,000 of our people would proportionately diminish the demand for commodities, and consequently the demand for labor. But suppose that the departing population had been in the habit of producing more than it consumed, and that the deportation should increase the demand for the services of each of the remaining laborers, thus tending to increase their wages and their purchasing power. That would be the consummation devoutly to be wished. But an increase in the purchasing power of laborers is an increase in their rent-paying power, and in proportion to their increased prosperity ground rents would be advanced to absorb its advantages.

Increased prosperity in any locality belongs, under our land system, to the owners of the location and not to the men who happen to work there. The great danger and probability would be that rents would advance beyond the advantage resulting to the laborers from the deportation of their competitors, leaving them worse off than they were before. In this hypothetical case I have assumed that the wages of the remaining laborers would rise as a result of the deportation. In fact, I think the effect would be less favorable to them. But the ultimate result would be substantially the same. They would in the one case be crushed by the upper and in the other by the nether millstone—either by a diminution of demand for their labor or by an increase of ground rent to absorb their gains. Such are the beauties of our automatic industrial system.

The late William Saunders, member of Parliament, once gave an illustration of landlord domination of industry and of the labor market which is highly instructive as well as interesting. He said that during the Crimean war so many laborers were drawn away from a certain district in England to serve in the army and in employments incident to the war that laborers became scarce in the district.

The laborers, discovering this condition, began to suggest that they should have better treatment and higher wages. A meeting of employers, including the landlords of the district, was called for the purpose of devising means to curb the arrogance of the laborers.

After discussing several plans, it was decided that the situation could best be met by dispossessing some twelve hundred tenants at will, who were living in comparative comfort and independence upon small holdings, and forcing them into active competition for employment in the open labor market. This plan was ruthlessly carried out and immediately restored to the market the surplus of labor which is ever and everywhere relied upon to keep wages down.

Mr. Saunders said that after the adoption of this plan no further complaint was heard from any of the laborers, but each clung to his employment as if his life and happiness depended upon his ability to retain his place.

What liberty or happiness is possible under a system of land tenure, in which a class of nonproducing toll gatherers at the gate of industry exercise such an unlimited despotism over the lives and homes and industries of the real producers of all wealth?

Land being the exclusive source of wealth production and of human subsistence, the small class of landowners can exclude the landless classes from all opportunities for producing subsistence; or, being humane and having a businesslike view to profit, can exact such tribute from the landless classes for the privilege of producing subsistence from the earth as will make them—what, in fact, they have been made—industrial slaves.

You can not remedy or even mitigate the oppression of this system by restricting immigration, or even by reducing population. The system is an automatic labor crusher as well as an extractor of unearned increment, and promptly adapts itself to small as well as to large populations in every community in which the monopoly of land is complete.

Entertaining these views, I can not support the pending bill, nor give any encouragement to the theory that social conditions may be ameliorated by such legislation.

Nearly fifteen years ago, in advocating the organization and general confederation of labor unions, I had occasion to say:

> Monopoly is the one and only oppressor of labor. If you would make labor free, set your faces at once and forever against all forms of special privilege. Advocate and contend not only that such privileges shall not be granted in the future, but that all such privileges now existing shall be withdrawn or canceled or rendered harmless by appropriate legislation, of course respecting the equitable rights of those affected by the change.
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> Nearly all of our constitutions in this country expressly reserve to the lawmaking power the right to amend or repeal all laws granting or providing for the acquirement of special privileges whenever the public good may seem to require such amendment or repeal. With respect to the monopoly of land—the greatest and most crushing of all monopolies—the right of unlimited taxation has been reserved against it, to be exercised by the people of each State and by the Federal Government in such manner as to them may seem most likely to promote the general good. Every foot of land in private ownership is held subject to that reserved right of the people.
>
> Those who hold land hold it subject to that right of unlimited taxation, and can not complain of its exercise, at any time or to any extent, in accordance with the expressed will of Congress or of the people of the State in which the land is situated. In case of the exercise of that right to the extent of taking the entire rental value of all land by taxation for public uses the owners of the land would have no equities, because they hold it subject to that right of the people. Indeed, the land speculator stands in the position of a mere gambler, betting the price which he invests in the land against the probability of such a change in the tax laws. If such a change be not made in the tax laws, the speculator (gambler) wins and pockets as his winning the market value of the increased but unearned increment. If, however, such change be made in the tax laws, the speculator loses his stake and the people win back the greatest of their natural rights, to bless not only the present generation, but all the generations of the future.
>
> The fight against monopoly will be hard and perhaps protracted, for the beneficiaries of special privileges will band together and spend largely of their ill-gotten gains, which are enormous and growing, to corruptly influence elections and public servants to favor them.
>
> But the people will win in the end, and their triumph will secure not only the emancipation of labor, but also the salvation of popular sovereignty and of free institutions.
>
> Give no heed to the loudly proclaimed assurance that those who oppress

labor are desirous of protecting it. Wolves have always desired to become shepherds, but the wisdom of trusting them in that capacity has never been proved.

The political catch phrase, "protection to labor," is and ever has been a delusion.

The protection that labor needs is not against labor, but against monopoly, which bars laborers away from their natural opportunities and strips them of the lion's share of what they are permitted to produce. Abolish special privileges, remove every barrier that now interferes with the free production or the free exchange of wealth, and labor will take care of itself without the patronage of any other class. Then labor of hand or brain will be the respectable—the only respectable—means of acquiring wealth. Then the much vaunted dignity and contentment of labor will be realized beyond the wildest dreams of those good people who now, from sanctums and sanctuaries, tell us what they should be. Freedom, and not restriction, is the way to the emancipation of labor.

I have not changed my mind in the least on any of the questions discussed in that speech, and I have the same opinion of this new form of so-called protection to American labor that I expressed concerning the form of protection which I was then discussing.

It is even more plausible, but it is equally fallacious and worthless.

For thirty years, sir, the laborers of this country were deceived by the pretense that a tariff levied on the importation of manufactured commodities would protect the employment and wages of American laborers engaged in the production of similar commodities. For thirty years our laborers wasted their energies and neglected their own true interests in supporting that theory and policy, only to find at the end of the period that the condition of labor had been growing steadily worse, notwithstanding tremendous increases in the tariff, and that "protection fattened no one but the boss."

For thirty years the farmers were similarly deceived by the assurance that protection secured to them a larger home market for their products at higher prices than they would otherwise have. The condition of the farming interests grew steadily worse during the whole period. The farmers paid the onerous burdens imposed on them by the tariff as consumers of manufactured goods, but secured no benefit in the sale of their commodities. When deception could go no further, it was admitted that protection could not keep up the price of cereals, because there is, and must ever be, a surplus of cereals produced for export; and that the home-market theory was a fallacy, because the prices of cereals could never be higher in the home market than the prices commanded by the surplus in the world's free markets less the cost of shipping cereals to those markets. These were the very fallacies in the protective theory that we had been pointing out for years. They now stand admitted.

What new form of jugglery will be practiced on the farmer to induce him to stand by the tariff barons we are not advised, but to the laborer the assurance is given that the great mistake of the protective system was in permitting the protected tariff barons to scour the labor markets of the world for pauper labor to be employed in the protected industries, and that now, after they have imported more than enough of laborers to carry on all the protected industries, they will really protect labor by preventing any further influx.

How long will the laborers of America be deceived and lulled to inactivity by this new protective farce?

It will fail; it will disappoint them finally. But how much time are they to waste through the deception?

When it fails, if the American laborer is still credulous, I suppose the monopolists of the country will try to lead him into a few years more of fruitless fighting against the introduction and use of labor-saving machinery, which, far more than immigration, invades what they are pleased to call "his labor field."

The "labor field" is another name for the exploded fallacy of the "wage fund," the theory being that there is in this country a certain amount of manual labor to be performed and a certain amount of money with which to pay for it, and that therefore the condition of labor is to be ascertained by the simple process of dividing the amount of the wage fund by the number of laborers seeking employment; whereas, in the last analysis, labor is the employer of labor the world over, and all that the laborers of the world require as their true condition of happiness and plenty is freedom to supply each others' demands—freedom of production and freedom of exchange.

"Back to the land" is the way to industrial freedom, and the single tax, which will take away the only incentive that men now have to monopolize land, is the means by which that freedom can and will be accomplished.

Justice is the real need of the American laborer, for that involves his right of access to the soil of his country and his right to enjoy all the wealth that his labor produces.

The new demand of the people will be for justice— for natural justice—not for favors. And they will do justice when they shall enjoy it. Let no man fear that they will fail in this.

Make us sharers in the plenty
God has showered upon the soil;
And we'll nurse our better natures
With bold hearts and judgment strong,
To do as much as men can do
To keep the world from going wrong.

Pacific Railroad Bill.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 8, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—

Mr. WHEELER said:

Mr. CHAIRMAN: I am in favor of getting the very best settlement that is possible with regard to the Pacific railroads. During the last fifteen or twenty years this question has been vexing the people and vexing Congress. I am in favor of a commission, as suggested by my distinguished friend and colleague [Mr. HARRISON], or I am in favor of a lump sum being paid, as was suggested last year by the distinguished gentleman from Georgia [Mr. TURNER], and as is now suggested by the Secretary of the Interior. Failing in that, I advocate an extension of the debt upon the very best terms that we can get. I believe that without some such settlement this railroad will be cast upon the hands of the Government, which will incorporate into our Government a new and dangerous feature, one never contemplated by our forefathers, and one the effects of which are very far-reaching. I fear that if the control of this road is cast upon the Government the results will be an annual loss, until finally we shall be begging some corporation to take the road upon terms much less favorable than now presented.

My investigation leads me to the conclusion that the tendency of all well-ordered governments has been to abstain from, or at least to lessen, government ownership of railroads, and, so far as possible, to encourage their being only controlled by companies.

I also observe that those governments which seek to increase the power of the governing forces are those which tend to encourage government ownership of railroads, while the tendency of all other governments has been to oppose it. I find also that in all countries where railroads are owned by the government the charge for passengers and transportation of freight are much greater than on railroads owned by private companies, while at the same time we find that the expenditures of government railroads are always greater than that of private companies.

In Sweden the expenditures are about 95 per cent of the revenues for State railroads. The expense of the private railroads are only 78 per cent of the revenues.

In Belgium three-fourths of the railroads are State railroads. The expenditures of the State railroads are 59 per cent of the receipts, while the expenses of the private roads are only 48 per cent of the receipts.

In England and Wales all the railroads seem to belong to private companies, and the expenditures are about 60 per cent of the revenue.

In India the State owns about 72 per cent of the railroads, but many of them are leased to private companies.

In Russia most of the railroads belong to the State, and in 1893 the expenses of the roads and interest on money borrowed to purchase the lines exceeded the income by 3,263,387 rubles.

In Spain all of the railroads belong to private companies.

In Portugal two-thirds of the railroads belong to the State.

In Italy the roads were formerly owned by the Government, but when the spirit of liberty began to be incorporated in their system, an act was passed requiring roads to be leased to companies, and absolving the State from control and responsibility.

In Greece the greater number of the railroads belong to private companies.

In Denmark three-fourths of the railroads belong to the State.

Only one-fourth of the railroads in Sweden now belong to the State.

In Austria and Hungary there are 7,124 miles of State railroad, and 6,138 miles of private railroads worked by the State, and 4,776 miles of private railroads worked by private companies.

In 1862 Congress enacted a law loaning money to the Pacific railroads, at the rate of from $16,000 to $48,000 a mile, and two years later this body enacted a law by which it voluntarily gave up the Government's first mortgage on the road, and substituted for it a

second mortgage. After thus impairing the Government's security, the legislation of subsequent Congresses has had the effect to reduce the value of all property.

In 1873 this Government commenced legislation which has gradually but surely reduced all the value of property, and it has kept up that system of legislation until to-day.

When Congress demonetized silver, and thus struck down one-half of the redemption money of the United States, it reduced the value of all property and impaired the security upon every mortgage in the land.

When Portugal demonetized silver, there was comparatively little silver in that country; but yet, in order to do justice to the creditor, it enacted that all debts could be liquidated by paying three-fourths of the amount due. If the legislation of the last few years which has fastened the gold standard upon us had also enacted that all debts of the United States could be liquidated by paying one-half the amount due, it would have only done justice to debtors, as it is no exaggeration to state that on an average the property of the United States has fallen to half its former value. Railroads have been unable to pay interest on their bonds, and the owners of the bonds have felt it to be to their benefit to scale the bonds or accept a lower rate of interest, rather than proceed against the roads and foreclose the mortgage. If private individuals felt that they would be benefited by accepting such a compromise, then most certainly the Government ought to be willing to accept a compromise of a debt due it by the Pacific Railroad Company when the Government itself is alone responsible for the enactment of legislation which has reduced the value and income of this property so that they can not pay the interest as first contracted.

Now, Mr. Chairman, I do not concur with those gentlemen who believe that this Government could successfully subject the private fortunes of the directors of these roads to make up the deficiency which will be developed by the foreclosure of this lien. I believe the Stanford decision of last year practically settles that question; and I believe that if that railroad is forced upon our hands it will inaugurate a system more detrimental to us than to lose the entire debt. I do not concur with all that has been said with regard to the construction of these railroads. Congress enacted loose and badly guarded and perhaps very improper legislation, and these gentlemen have availed themselves of it. I do not concur in the belief that the managers of these roads are guilty, as has been charged upon this floor. I do not believe that Charles Francis Adams, or Mr. Stanford, or Mr. Huntington managed this road in the manner indicated in the speeches made here. The extent of what they did was to avail themselves of privileges given by legislation, which has proven under their management to be quite profitable. But it must be remembered that all capitalists had the same privilege, but very few dared to invest their means in an enterprise which involved risk and the danger of great loss.

If these men had done more than to avail themselves of the privileges offered by legal enactments, the courts would certainly have been invoked to enjoin them, and if they had violated the law, they certainly would not have escaped the severity of the most extreme legal penalties. It is certainly abundantly evident that hosts of enterprising people and an army of the best legal talent has stood ready to hold them to the strictest accountability.

Congress enacted very unwise legislation; gave these corporations great privileges and licenses, and those who controlled those corporations availed themselves of these licenses and privileges and reaped large fortunes thereby.

We are hitting at the wrong men when we denounce and vilify the projectors and controllers of these great enterprises. Most men will avail themselves of advantages offered by legislation, and it is not surprising that those men have done so; but the men at fault are those who enacted the laws, not the men who avail themselves of the benefits thus tendered.

I recognize the desire on the part of our friends of the Pacific Slope to have these railroads declared Government roads, as they seem to think it will be a benefit to the people of that section of our country.

Mr. HERMANN. All the representatives of the Pacific Coast do not hold that view. Many abhor that idea.

Mr. WHEELER. I believe that; but I think it would be better for Congress to make the people of the Pacific Slope a present of the system, if they will give a guaranty to the Government of the United States that the Government should be subjected to no more liabilities, and then let them run the roads as a benefit to that country, which we all recognize is peopled by those who are worthy of the highest consideration of the Government. This would be better than for the Government to attempt to run these roads, especially in the present condition, without terminals and other facilities essential to successful operations.

It must be borne in mind that the capital stock in these roads is largely owned by parties who have had nothing to do with the road's management. Widows, children, orphans, and estates are among the holders of these stocks.

The morning papers publish what purports to be a better proposition than any heretofore tendered to the Government, but the committee which has the bill in charge inform me that no such proposition has been suggested to them or to any official of the Government. Whatever is done by this House is by no means final. Any bill we pass must go to the Senate, and if a bargain is offered which is better for the Government, the Senate will certainly amend the bill, and thus give the best possible protection to the people.

The CHAIRMAN. The gentleman's time has expired.

Pacific Railroad Bill.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes"—

Mr. GROSVENOR said:

Mr. CHAIRMAN: I do not hope or expect, in the few remarks I can make in five minutes, to add anything to the argument that has been made on the affirmative side of this question. I desire only to place myself on record as giving to the committee the reasons why I shall support the pending bill. This question of the funding of the debt of the Pacific Railroads has been before Congress ever since I have been a member. The same arguments have been used on all these occasions, and there have been some arguments used in the past which are not insisted upon now. One of the strongest arguments advanced in opposition to the bill which was considered in the Fifty-third Congress, the Reilly bill, was that its passage would have the legal effect to discharge from liability certain stockholders of the Southern Pacific Railroad Company who could be made to respond in the courts in an action to be brought on behalf of the Government. It was claimed that individual liability upon the stock would produce, from the estates of three dead men and one living man, a complete indemnification of the Government, and many of the same gentlemen who are now so strenuously opposing this bill were giving us their legal opinions, backed by the opinions of very able lawyers, that if we passed the Reilly bill we would discharge a great standing liability that the Government could look to for indemnification. That argument had much to do with the defeat of the proposition then before the House. Since that time the judgment of the highest court in the land has held that that hope was unfounded, and that there was no such claim which could be enforced by the Government in the courts.

Mr. BARHAM. What decision is that?

Mr. GROSVENOR. The decision in the case of the Stanford estate. Now, Mr. Chairman, I do not know that the pending bill gives us all that equity demands, but I know this: After all these years of consideration, while these properties have been going downward in value, going downward in their power to earn, going downward in the possibility of paying greater amounts than they were then willing to pay, this legislation has been held over their heads to their very great detriment. One of the best railroad men in the United States, in no wise interested in this proposition or in the event of this legislation, told me the day before yesterday that two of these railroad lines, one extending from Kansas City by way of Denver to Cheyenne, and the other from Omaha to Ogden, had been safely earning $10,000,000 per annum above their expenses prior to six years ago; but that by reason of the unfriendly attitude of the Government, and the consequent impossibility of their extending their facilities to meet the competition of other railroads, $3,500,000 per annum is the utmost figure upon which those railroads can be counted on to pay over and above their running expenses, and even that is a precarious figure. So I conclude that the committee that has made this report has gone over the whole subject carefully and has wisely brought in a proposition which, if adopted, will give us the best results that the Government can hope to get out of the transaction.

I pay no attention, Mr. Chairman—I may be wrong about that—to any of these matters of crimination and recrimination about the building of those railroads. I was keenly and intently interested in the construction of those railroads at the time they were builded. I thought I understood what the purpose was; and in the full light of my recollection of those days I would as soon cast up against the adjustment of a Southern railroad the money that we expended to build a military line even through Tennessee and

Georgia as to complain of the cost of the transcontinental lines. Their building was the glory of the people of this country, and amid the shouts of joy that went up all over this country in April, 1865, there was mingled great rejoicing that amid war and in the very din of war we had extended the iron bands that united the Pacific with the Atlantic coast, and, Mr. Chairman, I refuse to be misled or in any wise affected by the volume of slander and vituperation that has been poured out upon the men who were largely instrumental in the construction of these roads. They were forced to build these roads at a rate which forbade and made impossible economy. They worked by day and by night, on week days and on Sundays; they worked at an enormous disadvantage so far as economy was concerned, and these men who made California what it is, who by their indomitable industry and enterprise and farseeing commercial wisdom united the two sides of this mighty continent, will not suffer at the hands of anonymous scribblers and blatant slanderers who have filled the mails of this country with the poisonous stuff of professional libelers.

I am not afraid to stand here and say that the men, Huntington, Stanford, Crocker, and Hopkins, are men whose names will shine in the galaxy of mighty men of the United States when their libelers will have been utterly forgotten. But, Mr. Chairman, it was a most wonderful demonstration that was made on the floor of this House when my distinguished colleague from Ohio [Mr. NORTHWAY] was speaking. I hold that gentleman in high esteem, and honor him as a man who is usually right, and I was amazed at the position which he himself took, and I was more amazed at the applause that followed the suggestion which I construe to mean an approval of the idea of the purchase of the Pacific railroads and their operation by the Government of the United States, and I may say here that whether he favors the operation by the Government or not, his position in favor of the purchase of the roads by the Government leads absolutely to the operation by the Government, and therefore I shrink whenever the suggestion of Government ownership of railroad lines is even mentioned in my presence.

I know something about the operation of railroads by governments. I have traveled many times on government railroads, and I would as soon live in a country governed by a czar—I mean a real czar—as to live in a country where the government holds in its grip the instrumentalities of enterprise, commerce, and intercommunication. The right of the citizen to sue in the courts to redress his grievances against railroad corporations is, under this manner of government ownership, cut off. The right of the citizen to enforce compliance with the law by railroad corporations is in this way cut off. There is piled up on the taxpayers of the country an absolute army of employees, which in the United States of America would add 250,000 at least to the already numerous office-holding class. I can not believe for one moment that the Government of my country, a free country, which owes its greatness to the enterprise of its citizens, will ever become the owner of the instrumentalities of transportation, and thus become the operator of all the means of enterprise in the country.

So, then, we have upon this floor now pending two propositions. The gentleman from Missouri [Mr. HUBBARD] has not been quite ingenuous in stating that it is the purpose of somebody to dispose of this question now. The alternative is presented that this question shall be disposed of now or handed over, in all the deformity of a defeated bill, to the next Administration. I so understand the proposition, and the gentleman says, "Let us do that, because we have no information on this subject." We have been devoting the best talent of this House to the investigation of this question for nearly two years' time. We had the best talent of this House examining this question two long years before we began, and the concurrent testimony of the committee of the Fifty-third Congress and of the committee of the Fifty-fourth Congress is that this measure ought to pass this House.

The division of sentiment in opposition to this bill is enough to defeat the purposes of that opposition. No two of these gentlemen are able—though patriotic, doubtless—to get together on any proposition except the negative one not to agree to the passage of this bill. Each man had his own separate proposition, some of them wise, doubtless; some of them doubtless otherwise; but no two of them stand together. We are asked, in the interest of getting together, to hand this matter, along with the Cuban matter and a few other pending questions, to the incoming Administration. We are asked to relieve the present Administration from the responsibility of disposing of current questions which have arisen all along these lines. It has been a wonderful Administration to shirk everything, every duty, every question, except the duty which it has considered a paramount one, of seizing all the places in the Government and of filling them full of unexamined and unfitted Democrats and then placing the ban of civil-service reform over them.

First, then, my proposition is, we shall never get any better information than we have now. What is my evidence? We have been four years trying to get better information, and we have got just where we are, and we have got not one inch beyond it.

My next proposition is, it would be better for the Government of the United States and for the people of the United States to give a clear receipt for every dollar invested in this controversy than to have it perpetuated and ultimately settled in the form of a Populistic purchase of a great line of railroad. [Applause.]

My next proposition is that the best judgment of the best men of this country is that this is the best proposition we can ever get.

Gentlemen say there was a better proposition some years ago. There may have been. The property was worth more; and two years hence the property will be on the same downward scale that it has been during the past four years. I am not willing that gentlemen going out of this House, who have expended so much labor in the effort to clear up this matter, shall hand it over as a legacy, in the vain hope that their successors will do more than they can do. Let us decide this question in view of the weight of the evidence. It is time to settle it. The time has come. Let us take the side that has the preponderance of intelligent evidence upon this question, and settle it. I am not willing that the Government of the United States should own a railroad. I am not willing that this contest should be kept up any longer in the interest of the agitation of California politics. I am not willing that the Government of the United States shall put its money into the running of a railroad across the State of California at the same time that all profit and improvement of the railroad is destroyed by the operation of the local laws and railroad commissioners of California.

I am not afraid of the attacks upon men. I have no interest in local controversies over this road. I believe, with the best light I have, that the path of duty is the path that has been marked out by the distinguished majority of this great committee of the House of Representatives.

And I close my remarks, Mr. Chairman, with the prediction, which I make here and now, that this is the best conclusion of this matter we shall ever have offered us, and at the door of the men who throttle this measure and appeal to the prejudice and sand-lot hostility of men will lie the responsibility of keeping up this agitation to defeat the best interests of the Government and destroy a magnificent property in which I take pride, and which is a part—a great part—of the magnificent shining history of the Republican party and of this great country of ours.

Anti-Ticket Scalping Bill.

SPEECH

OF

HON. JAMES G. MAGUIRE,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 27, 1897.

The House having under consideration the bill (H. R. 10000) to amend the act entitled "An act to regulate commerce"—

Mr. MAGUIRE said:

Mr. SPEAKER: The scalping business aimed at in this bill is based wholly upon discriminations made by railroad companies between persons and places. The remedy for that evil is to prevent the discrimination. The scalping business will then go out of existence. The principal effect of ticket-scalping is to distribute the advantage of special railroad rates to the public with a percentage to the scalpers. The effect of the bill will be to enable railroad companies to perpetuate pools between competitive points and discriminations against noncompetitive points. It is thoroughly vicious legislation, increasing the unjust privileges of the holders of railroad franchises.

It is urged that there is an immoral phase to the sale of special contract tickets to be used by persons other than original purchasers who have signed them and who have agreed that they shall not be transferable. No common carrier should ever be permitted to demand from a passenger purchasing a ticket his signature to any such contract, nor to any special contract. Special contracts on the part of common carriers are vicious from every point of view. The practice of forcing special contracts upon passengers by railroad companies should be stopped. That will remedy the evil.

Again, this bill proposes to legalize and encourage the vicious and demoralizing practice of giving passes over railroads to public officers and others, which is now forbidden by the interstate-commerce act. This is a vicious and retrogressive step.

I regret exceedingly that this House has determined to railroad this railroad bill through on Empire State express schedule time, and that there is no opportunity for fair discussion. I am admonished that my time is up.

[Here the hammer fell.]

Appropriations.

SPEECH

OF

HON. WILLIAM P. HEPBURN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 13, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes—

Mr. HEPBURN said:

Mr. CHAIRMAN: I do not know that I desire to controvert any of the specific appropriations carried in the pending bill, but I do want to use this occasion for the purpose of inveighing against a system that is growing up in this House. I have no doubt that the Committee on Appropriations have done the very best they could in this situation. They have made no appropriations, or authorized no appropriations this year, or at least but very few, that they did not feel there was an absolute necessity for making. And it is not against their action that I wish to speak to-day, but against the action of the House itself heretofore, and that I believe is to be repeated over and over, in the legislative proceedings of this body. These, I think, challenge our attention; and I want to call the attention of the House to-day to the manner in which the river and harbor bill at the last session of Congress was passed—a river and harbor bill that makes necessary the expenditure of nearly $16,000,000 of appropriations carried by this bill.

I want to call the attention again, as I did then, to the fact that not a paragraph of that bill was read in the presence of the House; that it was passed without knowledge upon the part, I believe, of the majority of the members of this House of the propositions it contained.

Mr. GROSVENOR. Will the gentleman allow an interruption?

Mr. HEPBURN. Certainly.

Mr. GROSVENOR. I want to sympathize fully with the gentleman in regard to the passage of that bill. But I hope he will do the justice to the House to say that while it was passed without debate, as in my judgment it never ought to have been passed, nevertheless there was a refusal on the part of the opponents of the bill at the time to accept a division of the time, which would have given something like three hours, as I recollect it now, for general discussion upon the bill.

Mr. HEPBURN. The proposition that I made has not been met by the statement of the gentleman. I said that the bill was not read, nor was a paragraph of it read, in the hearing of this House. The first reading was dispensed with, and then the bill was passed under suspension of the rules. There was no debate of any kind, either general or with reference to the specific items. It was passed, authorizing more than $70,000,000, nearly $13,000,000 directly appropriated, which, with the sums carried in this bill, make a total of more than $28,000,000 appropriated by this Congress for rivers and harbors.

I am not one of those who are disposed to quarrel with such improvements as the gentleman from Mississippi [Mr. CATCHINGS] discussed. Works of great national importance ought to receive the attention of Congress, and should receive liberal aid; but under the pretense of works of that kind, millions, numbered by the fifties, have been appropriated, thrown away in insignificant ventures that have no national importance and no bearing at all upon our commerce. The gentleman from Mississippi [Mr. CATCHINGS] has given us another illustration of where "the wicked flee when no man pursueth." No word had been said about his pet appropriations, and yet the gentleman, anticipating that they are susceptible at least of criticism, hastened, out of his time, to apologize for their appearance.

Mr. CATCHINGS. I will say to my friend——

Mr. HEPBURN. I will remind him of what was once said of a distinguished Englishman, that he only escaped censure when he escaped observation; and the gentleman ought not to have challenged it to his own pet measure.

Mr. CATCHINGS. I want to say to my friend that he had very courteously notified me that he was going to attack that project, and I alluded to it. He had notified me in advance, and more than that, he had refused to speak first. I asked him to speak first, so that I could reply to him.

Mr. HEPBURN. The gentleman [Mr. CATCHINGS] and I have had a number of controversies over the river and harbor bill, and he has always paid me the compliment of insisting that I should speak first. I have thought now—when he came to me with the request a little while ago that I should do so—that I would exercise my election.

Now, Mr. Chairman, since the gentleman has preceded me, I will take some of his measures as illustrative of what I have heretofore said, that this bill, under the pretense of conducting works of national importance, is made the vehicle for ruthless, reckless extravagance and wasteful appropriation. The gentleman has told us about a specific appropriation. Mr. Chairman, there is on this bill a large appropriation, making the concluding appropriation of a gross aggregate of $1,155,000, under the caption "Improving the mouth of the Yazoo River and Vicksburg Harbor," and yet the gentleman's excuse for that is that the mouth of the Yazoo River has been closed by a sand bar, and by reason of that the navigation of 800 miles of otherwise navigable water is taken from the people. Why, Mr. Chairman, there is an appropriation in this very bill, or at least there was one in the last bill, for the removal of this sand bar from the mouth of the Yazoo River, of $20,000, or so much thereof as may be necessary.

Mr. CATCHINGS. I will say to my friend that this $20,000 is not for the removal of this sand bar, but for the improvement of that river.

Mr. HEPBURN. Let us see.

Mr. CATCHINGS. Well, you will see.

Mr. HEPBURN (reading):

Improving the Yazoo River, Mississippi: Continuing improvements, $20,000, of which so much as may be necessary shall be expended in removing the bar at Yazoo City.

Mr. CATCHINGS. Well, that is not the mouth of the river. That is 100 miles from the mouth of the river. [Laughter.]

Mr. HEPBURN. Very well, Mr. Chairman, the gentleman has said that it was for the purpose of improving the river and this harbor. Now, according to his own statement, this makes no continuous outlet or passage from the Mississippi River and around to the Mississippi River again. It is simply in effect an improvement of the Yazoo River and its tributaries.

Let me call attention to one of them, the Chickasahay River. At the time of the adoption of the present project the channel was only navigable for small rafts during high water, and was difficult and troublesome for that. The minimum width of the channel is 50 feet, and the minimum depth five-tenths of a foot at low water. That is one of the schemes carried by this river and harbor bill. Here is another, the Leaf River, Mississippi. Commercial statistics: One small stern-wheel steamer makes occasional trips up the river as far as Augusta, Miss., where a county bridge, lately erected, obstructs navigation. On that stream the total merchandise in 1895 was 50 tons. On the other one of which I spoke, the Chickasahay, in 1895 the merchandise consisted of cotton, 30 tons; produce, 3 tons; rosin and turpentine, 100 tons. That is the commerce on that river.

Mr. CATCHINGS. Will my friend state what is the appropriation for that river?

Mr. HEPBURN. I think it is $2,500.

Mr. CATCHINGS. Do you not think that is a fair appropriation for that?

Mr. HEPBURN. I do not. I think it a waste of the public money. Do you pretend to call that a national enterprise, or one for which we have a right to appropriate the nation's money? You might just as well insist on the Government building your county highways.

Mr. CATCHINGS. If my friend will let me answer——

Mr. HEPBURN. You had your time. You do not want to make both of these speeches. You agreed that I should make one if I make it first. [Laughter.]

Mr. CATCHINGS. I wanted to call your attention only to a speech made by Mr. Lincoln when a member of this House in which he was discussing just such a stream as that, and insisted that it was national.

Mr. HEPBURN. Mr. Chairman, I can conceive that a comparatively small stream at the time when Mr. Lincoln was a member of this House, when we relied upon the water courses for our means of transportation, would have an importance which it would not have at this time, when we have 185,000 miles of railway within the limits of the United States. At that time canals were factors in our transportation; and they are abandoned now. Some of them which at that time appeared to have a national importance are now dry and the roadbed of improved methods of transportation. But before I get away from Vicksburg improvements. The improvement of this harbor, as a harbor of great national importance! That suggests to the mind broad expanses of water, magnificent ships, great quays, warehouses, merchandise, and all the paraphernalia of commerce. Let me read from the report of the Senate on the river and harbor bill of last year, speaking of the mouth of the Yazoo River and the harbor of Vicksburg, Miss.:

Operations during the fiscal year ending June 30, 1895, consisted chiefly of clearing and grubbing Vicksburg Harbor.

[Laughter.]

Grubbing the harbor! Getting stumps out of the way [renewed laughter] and the cottonwood roots, in order to prepare for that

excavation that was finally to result in a broad expanse of water, in majestic steamers, in splendid quays, in superb warehouses, and in the commerce of a great city!

Mr. CATCHINGS. I want to suggest to my friend that that grubbing is on the side of the canal, and not the harbor.

Mr. HEPBURN. I do not know where it is; but I do know that this is a document, and that it is a document prepared in part by the engineers of the Army, the men who have this work in charge, and who are making a report of what they have done in order to carry on this great national work.

I submit, Mr. Chairman, that the gentleman was not felicitous in selecting the illustration that he used as to the necessity of expenditures of this kind. Buffalo is a great city; and yet the appropriations for Vicksburg keep well apace with those for Buffalo. Cleveland is another great city; yet the appropriations for Vicksburg, I think, exceed those for Cleveland; yet Cleveland has as many thousands of population as Vicksburg has of tens. Cleveland——

Mr. GROSVENOR. I want to say to the gentleman that while he is on a pretty good line of illustration——

Mr. HEPBURN. Then just let "the gentleman" continue, if you please. Mr. Chairman, I decline to be interrupted. I am saying one of my best things, and I do not want the gentleman to interrupt me. [Great laughter.] That is a way he has of disturbing the thread of my argument always.

Mr. Chairman, Duluth—there is a prospect of a city there, a city that will make contributions to the commerce of the United States; that enhances its wealth, its business, and makes labor. It has all the elements that enable us to assume it will be one of the great commercial points in this country. Is there any parallel between it and Vicksburg? Vicksburg has no inhabitant that has been able to see a steamboat or a craft carrying commerce for the last five years without a travel of 2 miles at least from the eastern limits of the town.

Mr. CATCHINGS. What we want is to cut off that 2 miles of travel and let the boats come up to the harbor.

Mr. HEPBURN. That is right. We have in Vicksburg about 4,000 or 5,000 people.

Mr. CATCHINGS. The gentleman is as far off in his knowledge of population as he is in his general feeling on river and harbor improvements.

Mr. HEPBURN. Mr. Chairman, it would be better for the people of the United States to pay for the transportation for the people of Vicksburg of everything they have going out or coming in, carrying it all the way to the seaboard, rather than to indulge in this vast expenditure in the attempt to prepare for them a harbor. When I have spoken of the $1,155,000, I have spoken only of the present enterprise. I have not referred to the hundreds of thousands heretofore expended in abortive effort to secure a harbor for that town. If the gentleman, when I get through, would have the kindness to tell this House of all the sums expended there through all the years in an abortive effort to make this a commercial city, he would astonish every member here present. The gentleman has not only been full of his local enterprise, but the older members of this House will recollect that the gentleman from Mississippi has been the champion of the Mississippi River Commission. At all times he has been its spokesman. In good report and evil report the Commission always had one champion here ready to meet all antagonists of that excrescence.

The gentleman from Mississippi used to be as earnest and as apparently sincere in the support of their schemes as he is now with regard to his own local rivers and his own town; yet that Commission, after expending more than $16,000,000 in the attempt to "rectify" the banks of the river, have yielded to the practical experience of everybody who has knowledge of that stream, abandoned all construction of that kind, and, after the expenditure of all these millions worse than thrown away, have resorted to the primitive method of dredging. Since that Commission has been in existence, and up to the last appropriation bill, it had expended nearly $27,000,000 in the alleged "improvement" of the navigation of the Mississippi, and yet in a message from the Chief Executive we find the astonishing statement that, after all that expenditure, they have succeeded in deepening the channel of the river at two points 18 inches! A million and a half dollars expended for each inch!

Now, Mr. Chairman, with that knowledge of how earnestly my friend—and I say this with all respect—with that knowledge of how earnestly he has championed the movements, the purposes, the abortive attempts of the Mississippi River Commission to improve navigation, and their lamentable failure, I must be permitted to receive with some allowance the other suggestions which the gentleman may make with regard to what may be called living propositions in the river and harbor bill.

Mr. Chairman, the appropriation of $16,000,000 covered by this bill for the purpose of improving rivers and harbors is said to be justified because it is in furtherance of the contract system. I submit that there is a provision in the last river and harbor bill which destroys entirely the efficacy of that system. I refer to the provision which allots or proportions the work by making only a portion of the authorized sum available each year. If there could be a lump sum of money appropriated for a given work, a sum sufficient for its completion, and if all possible expedition could be used in construction, I can see that a saving might be effected; but what is the difference between appropriating $250,000 this year and $250,000 next year, and so on, and authorizing a contract whereby payments are to be made only at the rate of $250,000 a year?

Mr. CATCHINGS. I will say to my friend that the limitation to which he refers is based upon our experience, which shows that it takes about four years to finish one of these works, and the chairman of the Committee on Appropriations, and others who are specially charged with looking after the interests of the Treasury, thought it would be proper to put in the bill the limitation to which he refers, because, if it were not there, it would still take about four years to complete one of those works.

Mr. HEPBURN. I can see how it would be an advantage to have a gross sum appropriated, a contract let, the machinery assembled, the hands secured, more or less experience gained, and then the work proceeded with continuously to completion. But under this system is it not probable that the same evils will be experienced that were experienced under the old system, where, as was the practice of the committee, I think, when my friend from Mississippi controlled it, before the contract system was adopted, they would appropriate 20 or 25 per cent of the estimated cost of the work, a contractor would begin with that appropriation, he would assemble his plant, he would get his hands together, he would enter upon the work and partially complete it, and then, when the appropriation was exhausted, would leave it in an unprotected condition in the winter months, so that the elements would practically destroy what had been accomplished, and the next year the work had to be begun over again? Now, while we have theoretically the contract system, and contracts are entered into, the means of carrying them on are not provided, and the same evils will arise under this system that arose under the old system.

Mr. CATCHINGS. With the gentleman's permission, I wish to call his attention to the fact that the river and harbor bill expressly authorizes the Secretary of War to make a contract in advance of an appropriation, if he chooses to do so, for the completion of the whole work, the contractor to be paid only as appropriations are made; and that has been the practice, and no difficulty has been found in gettting contractors to take contracts on those terms. My friend is also mistaken when he undertakes to describe the old system. Under that system they appropriated about 25 per cent for two years, but there was no authority in the Department to make any contract beyond the amount covered by the appropriation. Under the present system the contract is made for the whole work; the contractor assembles his plant and goes on with the work to its completion without waiting for an appropriation; so the gentleman will see there is a very great difference.

Mr. HEPBURN. Well, does that explanation change the status as I have presented it? The contractor must make allowance for the ravages that will be wrought by the elements upon his work. There is a time when work will be suspended, there is a time when nothing will be going on, and it seems to me that the very object which this system pretends to secure—great economy—is defeated, because the contractor, knowing that his contract is to extend over four or five years and that the work will be unprotected for large portions of that time, must, in the nature of things, make allowance for that in his estimate and in his contract price.

Mr. Chairman, I find in this bill something over $4,000,000 of appropriation for completing public buildings. I do want to say a word against the extravagant expenditure that we are indulging in with regard to public buildings. Take an illustration: What is there in the circumstances of the New Jersey city or town which is the beneficiary in this case that should make it necessary for the Government to expend $800,000 in a public building there? It is a wanton extravagance. Every man knows that a commodious business building could be erected at a cost of only one-eighth of that sum—a building which would meet every demand of the public, thereby saving $700,000, which might, in my judgment, be much better expended elsewhere.

Mr. RICHARDSON. To what city does the gentleman refer?

Mr. HEPBURN. Newark, N. J. I believe that we ought to erect public buildings; but instead of expending $800,000 for a single building at such a city, I think it would be a great deal better to erect there a building worth, say, $100,000, and then appropriate $10,000 for each of seventy towns throughout the United States, so that we might be enabled in these various places to do the business of the second and third class post-offices.

[Here the hammer fell.]

Potomac Flats Park.

SPEECH
OF
HON. JOSEPH WHEELER,
OF ALABAMA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 24, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Potomac Park—

Mr. WHEELER said:

Mr. CHAIRMAN: Gentlemen tell us who have spoken upon this bill that the purpose is to beautify the flats which adjoin the city, and which have been created by dredging out the river, thus making 300 acres of land, all of which has been done at an expense of from $2,000,000 to $3,000,000. Now, in ordinary cases, I approve the beautifying of everything connected with this city; but we are now in Committee of the Whole House on the state of the Union, and we must consider the state of the Union. I want to call attention, Mr. Chairman, to the condition of our country. I want to call attention to the suffering and poverty in our land, all of which has been produced by legislation enacted in this House, and until laws are enacted for the purpose of and which will have the effect of restoring our country to prosperity, the question of dedicating land which has cost us $3,000,000, and when beautified will cost $3,000,000 more, should not be seriously considered.

The people that I represent have witnessed a terrible object lesson caused by the legislation of our country. In 1870 the people of Alabama started to build a city in the wilderness, and they built up a place called Birmingham. It had wonderful natural facilities, wonderful advantages, and in the course of three years a barren area had become a prosperous city of between four and five thousand people. While prosperity was crowning the efforts of our people, the subtle destroyer entered this Hall and, unknown to the people, an act was passed in this House which the world recognized as reducing the money of ultimate redemption one-half. Immediately that prosperous city became a scene of desolation, and for a period of five years there was no business done there except that of the sheriff, the marshal, and the chancery court in enforcing liens.

That condition continued until action was taken in this House which restored the coinage of silver. The energizing effect of this action was felt throughout our land. After the enactment of the first law to which I have referred, the act of February, 1873, Birmingham commenced to lose her population, so that there were only 3,000 people left in that city when the census of 1880 was enumerated, but during the period of ten years of silver coinage she rose to be a city which, including the immediate suburbs, exceeded 75,000 people, and property increased in value five thousand fold. When people found that the land values had risen so high, so that they could not afford to invest in Birmingham, they went up to Sheffield, bought a cornfield there, and in three years, under the beneficent influence of the coinage of silver, Sheffield had changed from a cornfield to a prosperous city of nearly 5,000 people, with five great furnaces blazing forth their light to heaven. When property got too high there, people went across the river, and in three years the city of Florence changed from a place of 1,200 to a place of 7,000 people. Then they went to Decatur, and in three or four years Decatur changed from a sleepy town of 1,500 people to a city of 6,500.

Mr. LACEY. Will the gentleman yield for a question?

Mr. WHEELER. In a moment.

Mr. LACEY. I want to know if all this great growth which the gentleman is describing occurred since the "crime of 1873?" [Laughter.]

Mr. WHEELER. The depression occurred immediately after the "crime of 1873," and the depression continued until we rebuked the crime of 1873 by enacting the law of 1879 for the coinage of silver.

Mr. HARDY. And under a protective tariff.

Mr. GROSVENOR. And the downhill movement began after the Democratic tariff legislation of 1894.

Mr. WHEELER. No; the downhill movement commenced immediately after the passage of the law of July 14, 1890, by which we repealed the coinage law of 1879; and the stringency and suffering was intensified in October, 1893, when we repealed the purchasing clause of the Sherman law of 1890.

Mr. GROSVENOR. You dare not present the figures to sustain your statement.

Mr. WHEELER. Oh, yes; I will present them.

Mr. GROSVENOR. No; you will not.

Mr. WHEELER. I assert that all the prosperity the country has enjoyed since 1890 was caused by the operation of the Democratic tariff law of 1894. Under that law the iron furnaces of Birmingham are shipping pig iron to England and other European ports. We have shipped 90,000 tons during the last six months, and could have shipped double or treble that amount could we have obtained transportation. Every ton of iron has been sold in Europe at a handsome profit.

Mr. BRUMM. The gentleman speaks of the repeal of the purchasing clause of the Sherman law; that was done at the instance of a Democratic President, who called an extra session for that purpose.

Mr. WHEELER. The extra session was called by a Democratic President, but the majority of those who voted to stop silver coinage were Republicans.

To continue, Mr. Chairman, our people next went to Chattanooga, and Chattanooga during that period of silver coinage, from 1879 to 1890, changed from a city of 7,000 to a city of 40,000 people.

Mr. GROSVENOR. What kind of coinage was that "coinage of silver" that you are speaking about?

Mr. WHEELER. It was silver coinage which the world understood to be free coinage.

Mr. GROSVENOR. It was the "free and unlimited coinage of silver," was it?

Mr. WHEELER. That is what the House passed first, but it went to the Senate and——

Mr. GROSVENOR. But what did Congress do?

Mr. WHEELER. If you will listen, you will find that I am telling you something interesting. [Laughter.] Now, when did all this change?

Mr. GROSVENOR. In 1894, when you passed your tariff law.

Mr. WHEELER. No; the gentleman is not justified in making that statement.

Mr. BABCOCK. Mr. Chairman, I would like to inquire how much more time the gentleman from Alabama has?

Mr. WHEELER. Oh, do not cut me off in this way. [Laughter.]

The CHAIRMAN. The gentleman from Alabama has two minutes remaining.

Mr. CANNON. I hope my friend from Alabama will not be interrupted.

Mr. BABCOCK. Will the gentleman yield me a minute and a half of his two minutes. [Laughter.]

Mr. WHEELER. I have not finished my speech.

Mr. CANNON. The gentleman favors erecting a mint on the Potomac Flats for the free coinage of silver, and I think he ought to be heard. [Laughter.]

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. WHEELER. I can not yield to the gentleman. [Laughter.]

Mr. BABCOCK. I want to ask the gentleman if he thinks it right for him to take the whole ten minutes allowed for general debate and not permit anyone else to get in?

Mr. WHEELER. Well, I can not resist that appeal, and at the gentleman's solicitation, and on account of the high regard I have for him, I will yield him the remainder of my time, with the understanding that I may extend my remarks in the RECORD. [Laughter.]

Immigration Bill.

REMARKS
OF
HON. JOHN F. FITZGERALD,
OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. FITZGERALD said:

Mr. SPEAKER: I am utterly opposed to this bill in its present form, and I am amazed that a committee of the members of this House and the Senate should report a measure containing such unfair and inhuman provisions as this report does.

I do not see how any member of this House can vote for a bill which will allow a man to bring his parents or grandparents into this country without being able to read and write and yet excludes his wife, the mother of his children.

The measure now before this House is one of the most inconsistent that has ever been presented to a legislative body. Under

the provisions of this act, if an immigrant who has been in this country for any length of time wishes to send for his parent or grandparent, either can be admitted without being subjected to any educational test. If he wishes to send for his wife, the mother of his children, she must be able to pass this Civil Service examination. I would like at this point to suggest wherein this part of the bill will entail a peculiar hardship. An immigrant and his wife and children land at Ellis Island. The husband is able to conform to the requirements of the law, but the wife and mother is not able to stand the test and she is ordered to return. Under the provisions of this act the steamship company is only required to pay the passage of the unqualified immigrant, and the wife returns to her native land without her husband and children, thus causing a separation of families, or else the husband and children return at their own expense.

Mr. Speaker, thousands of Irish and Jewish girls and women, owing to the injustice and barbarities that have been heaped upon them by the English and Russian Governments and the lack of opportunity offered by these Governments in the education of their subjects, are unable to read and write.

They are, however, educated in the duties of the home, make good mothers and helpmates, are loyal and devoted to their husbands and children, yet by the inhuman provision of this act they are denied admission to this land of the free.

I have strong convictions and feelings upon this matter, Mr. Speaker, because I am confident that if the provisions of this report had been enacted into law at the time of the arrival of my own mother from Ireland into this country she would have been denied admittance.

It is not such a long time ago that England had upon her statute book laws that inflicted penalties upon those who would impart knowledge and learning to Catholics, and it was therefore impossible for members of this faith under these conditions to receive much, if any, education.

The fact that my mother had not received even an elementary education did not make her less loyal to American institutions, and only increased her desire to see her sons educated and march in the advance guard of American citizenship.

She was one of the purest types of God's womanhood, a Christian Catholic soul, a loving wife and devoted mother, and I would be false to her memory and her teachings if I sought by my vote to deprive any woman of the blessings of American freedom and liberty which she had the opportunity to enjoy.

I am opposed also, Mr. Speaker, to another provision of this act which refuses admission to all immigrants who can not read and write twenty-five words of our Constitution in the English language or in the language of their native or resident country.

It is a well-known fact that there are thousands of people in Europe and South America who are not illiterate, yet are not able to speak the language of their resident or native country, and under the provisions of this report they would be denied admission to this country. In fact, scholars, artists, and men of the highest repute in many of the countries of Europe would be denied admission to our shores because the language spoken by them would not be the language of their native or resident country. Or to give a practical example: If the most profound Jewish scholar of the age was born in Russia and could not pass the test in the Russian language he would be denied admission into this country.

In Russia alone the Germans of the Baltic provinces speak the German language, the people of Finland speak the Finnish and Swedish languages, the Mennonites speak the German language, and the Jews speak the Jewish language, yet all these people are under the domination of the Russian Government, and if any of them migrated into this country and the provisions of this bill were enacted into law, no matter how proficient they might be in their own language, they would be required to read the Constitution in the English or Russian language. I was rather inclined to think that this provision in the report was not intended until I heard a leading Republican member of the committee say on this floor that one of the objects of this part of the report was the absolute exclusion of the Jews who have been persecuted and driven out of Russia. My surprise was intensified when, upon reflection, I found that the Chairman of the Conference Committee, which formulated this report, was the distinguished Senator from my own State, Senator Lodge. I may be mistaken, but I am in great doubt if the people of that great Commonwealth will stand behind the Republican party in its attempt to still further hound and persecute a patient and long-suffering people. I can very well remember, only a few years ago, the intense indignation that existed in all parts of this country against the Russian Government for the inhuman manner in which the Jews were treated, how in that part of Russia inhabited by the Jews fire and destruction, pillage and murder raged hand in hand over whole tracts of country, destroying nearly 200 villages and $80,000,000 of property, and as my mind recurs to that story of terrible butchery and brutality I little thought at that time that America would second the persecution begun by the Russians by refusing the rights of hospitality and freedom to this downtrodden and persecuted race.

I was born and reared in Boston, in that part of the city where the great majority of the Jewish people have settled and still live, and I give cheerful testimony to the fact that in all the requisites of good citizenship, honesty, sobriety, integrity, and capacity they meet every requirement demanded of them. I have associated with them in school and college, in social and in business life, and I am proud to claim large numbers of them as my personal friends and associates.

It was my privilege a few years ago to secure the appointment of one of their own number, who was proficient in both the Jewish and the English language, as a teacher in one of Boston's evening schools, and I can well remember the pleasure I received standing outside this school and watching the hundreds of Jews, from the boy of 10 to the old man of 60, eagerly enter the school building almost before the doors were opened.

The schoolbook, not the bayonet, was always the weapon of the Jew, and it is the universal testimony of the school-teachers in Boston to-day that the boys of Jewish parents easily hold their own. As I have stated before, Mr. Speaker, I am in a position when at home, by almost daily association and contact, to note the racial characteristics of these people, and I am free to say that they are in every respect worthy of American citizenship; and if we examine carefully the history of our country we will find that in all the struggles of this nation from the Revolution down and through the civil war, the Jewish people, in proportion to their numbers, contributed their share to the defense of and the building up of this great Republic.

In the war of the Revolution the struggling colonies were greatly indebted to the Jewish patriots Haym Salomon, Isaac Morris, and Mordecai Manuel Noah, who contributed the greater part of their fortunes to the colonial treasury, and it is a matter of record that a company, composed mainly of Jews, fought with great bravery under General Moulton at Beaufort. To show the feeling of regard the Jews were held in by General Washington, I will quote part of a letter addressed to them by him after the war:

> I rejoice that a spirit of liberality and philanthropy is much more prevalent than it formerly was among the enlightened nations of the earth, and that your brethren will benefit thereby in proportion as it shall become still more extensive.

I wonder what the feelings of that illustrious statesman would be to-day in regard to the measure now before this House.

Thomas Jefferson, John Adams, and James Madison also expressed their deep admiration for the Jewish people in letters addressed to them.

Col. Isaac Franks, who served on Washington's staff, Col. Solomon Bush, Jacob De Leon, Maj. Benjamin Nones, and Philip Moses Russell are a few of the Jewish race who distinguished themselves upon the field of battle during the Revolution.

In the war of 1812 Commodore Uriah Phillip Levy, who at the time of his death in 1862 was the highest ranking officer in the United States Navy, was master of the brig *Argus*, which destroyed a large number of British merchantmen. In recognition of his valuable services the city of New York tendered him the freedom of the city. Commodore Levy vigorously opposed the use of the lash on seamen, and upon his tombstone at Cypress Hill is recorded the fact that "he was the father of the law for the abolition of the barbarous practice of corporal punishment."

Among others who distinguished themselves in the war of 1812 was Judah Touro, who served under Jackson and was wounded at New Orleans, and who afterwards made it possible to construct Bunker Hill Monument by contributing $10,000, for which he received a vote of thanks. Brig. Gen. Joseph Bloomfield, and Col. Nathan Myers also served with distinction in this war.

In the war with Mexico some of the bravest acts of the war were performed by the Jewish soldier, Gen. David De Leon who on two successive occasions took the place of commanders who were killed, and acted with such bravery and gallantry as to receive the thanks of Congress twice.

Lieut. Henry Seeligson was also rewarded for bravery by General Taylor at Monterey.

In the great war of the rebellion the Jews fought nobly for the cause of the Union, and I instance a few members of the race who received medals of honor: Leopold Karpelles, color-sergeant of the Fifty-seventh Massachusetts Infantry; Benjamin B. Levy, of the First New York Volunteers; Adjt. Abraham Cohn, of the Sixth New Hampshire Infantry; David Orbanski, of the Fifty-eighth Ohio Infantry; Henry Heller, of the Sixty-sixth Ohio Infantry; Abraham Gumwalt, of the One hundred and fourth Ohio Infantry, and Corpl. Isaac Gans, of the Second Ohio Cavalry.

Among other brave Jewish soldiers of the war of the rebellion may be mentioned Brig. Gen. Edward S. Solomon, of Illinois; Capt. Joseph B. Greenhut, of Illinois; Brig. Inspector Mayer Frank; Brig. Gen. Frederick Knefler, who attained the highest rank of any Israelite during the war; Sergt. Maj. Alexander M. Appel, of Iowa; Abraham Cohn, of New Hampshire, and Simon Levy, of New York, and his three sons, Ferdinand, Alfred, and Benjamin C. This list could be lengthened indefinitely, but I will close by saying that of the 7,000 or more Jews who willingly risked

their lives in defense of their country they all bore themselves with credit and with honor.

With such a record of devotion to our country's flag in time of peril, is it fair to close the gateway of American freedom and liberty to these brave people now?

The severity of treatment which will be imposed upon the Jew by this law only adds another to the many burdens of this persecuted race. For nearly a thousand years every civilized country in the world had denied to the Hebrews the right to purchase land, to engage in business, to study any profession, or to attend school or college.

People who gave them employment were fined, while those who taught them were threatened with death. In England, as late as 1846, they could not hold land, and in France their disabilities were not removed until the reign of the first Napoleon, and a little later in Germany. It is only within the past fifteen years, I think, that a Jew could be a member of the New Hampshire legislature.

With a vigor that has grown by persecution and fed upon martyrdom, they have planted the record of their achievements high upon the scroll of the world's history. A race that has produced such scholars as Emanuel Deutsch, and Franz Delitzsch, Ewald, Hersfeld, and Leander; such masters of language as Oppert, and Bernays, and Benfey; such students as Traube in medicine and Ricardo in political economy; such philosophers as Moses Mendelssohn and Spinoza; such actors as Rachel, and Bernhardt, and Braham, and Grisi; such authors as Auerbach and Heine; such musical geniuses as Joachim, and Rubenstein, Offenbach, and Mendelssohn; such statesmen as Jules Simon, and Fould, and Cremieux, and Gambetta, and Lasker, and Disraeli, is always stronger for blows that fall upon it. Glorious as has been its history in the past, still more glorious will be its record in the future.

Mr. Speaker, this bill is aimed directly at the Jews, and for that reason I have devoted a great deal of my time to the defense of that race, but I can not take my seat without a passing notice of the remark made by the gentleman from Massachusetts [Mr. MORSE] who said a few moments ago that—

> The Italian can make a meal out of half a loaf of bread, without meat and butter, without educating his children, and without the commonest necessities of an American workman.

Mr. Speaker, this statement is a base slander, and utterly without foundation.

The statement I made a few moments ago in regard to the Jews holds equally well in regard to the Italians.

They live well, they dress well, they educate their children, and they conform in every respect to the requirements of American life. They are notoriously hardworking, industrious, and frugal. It is my pleasure to enjoy a close personal intimacy with hundreds of Italians in my own city, and I challenge criticism of them as to their loyalty or devotion to American principles.

I have attended their meetings and have heard them give utterance to patriotic sentiments, and no class of people would more gladly lay down their lives for the American flag than the Italians. The published accounts of Italians and their affairs have been presented to the world in a detached, uncertain, and often confused and contradictory form. I intend that this statement should be made at this time to explain and vindicate their cause.

We should distinguish between great truths and great falsehoods, between great rights and great wrongs, and act with great promptitude and vigor whenever the time comes to vindicate or secure the one and to expose and counteract the other.

In countries like Argentina and Uruguay, where, partly owing to their numbers and concentration, they do not have so many difficulties of language to contend with, the Italians have proved a very deserving class of settlers, and in the Province of Pesario they are predominant.

It does not seem fair to shut out a people who gave us the Gracchi, Tasso, Cæsar, Dante, Petrarch, Virgil, Raphael, Michelangelo, and, last but not least, the man who made America a possibility, Christopher Columbus.

Mr. Speaker, before taking my seat I wish to submit as part of my remarks a portion of an utterance delivered by me in historic Faneuil Hall on the 4th of July, 1896, before the city government and citizens of Boston.

The facts that are here presented relate more particularly to the general subject of immigration, but I feel that they apply with very great relevancy to the issue that is now before us.

"What nobler thought than to defend the downtrodden and oppressed of every land? They have come here from every clime, the strong, the vigorous, and the healthful, willing toilers, to carve with their own hand and to mold in their own fashion the way to fortune and to favor in this the land of their adoption. They no sooner land upon our shores than they respond in every way to the grand vital principles and requirements of the nation and readily assimilate themselves to all that is good and patriotic among our citizens. It would not have been possible, without the assistance of the honest and hard-working laborer from the old country, to have constructed the thousands of miles of railroad that annihilate distance in this country to-day and bring the remotest parts of the nation in close communication with each other. The traffic and commerce developed by these roads could not have sprung up, and the magnificent cities and villages that now adorn our Western frontier would never have had an existence. An agitation of similar character to the present one sprung up about the year 1850, directed at that time against the Irish, as the present agitation is directed against the Italian, the Austrian, and the Jew.

"Since that period more than 13,000,000 of people have landed upon our shores, and the progress of the nation has been marvelous. The history of the country during the past half century furnishes statistics more eloquent than words of the great value immigration has been to this land. Wages were higher, the mechanic and laboring man had more steady employment, and happiness and prosperity were universal throughout the country. During these years, if the increase of population depended upon the surplus of persons born and growing to manhood's estate over those dying, our population, instead of being 70,000,000, would have been nearer 40,000,000. The increase of our population is a blessing rather than a menace, and every other nation on the face of the globe encourages rather than retards this movement to-day. It is a source of great joy and pleasure to Germany that her population has increased within the last five years from forty-nine to fifty-two millions, and France, in order to increase her numbers, has put a premium on fecundity by granting an exemption from taxation to fathers who have a certain number of children. We have all been witness of the great rivalry between the cities of New York and Chicago in regard to population, and we know of the great joy among the inhabitants of these cities when the increase was large and wholesome.

"In the West and South to-day there are more than 700,000,000 acres of unoccupied land. Dividing this territory into 150 acres apiece, we have 4,375,000 homesteads. If occupied, and allowing five to a family, we would have nearly 25,000,000 more mouths to feed and bodies to clothe. What a tremendous increase in the consumption of groceries, of farming implements, of manufactured goods of every description, and what tremendous prosperity would prevail in every part of our land! Every loom in every cotton and woolen mill in the East would be set in motion and every factory and every workshop would thrive with the hum of renewed industry. In the figures prepared by the Immigration League, showing the percentage of illiterates that land upon our shores, the Portuguese have the largest number, 67.35 per cent being unable to read and write. Nothing could have proven to my mind the utter fallaciousness of this test more than these figures. I have been in a position all my life to note the racial characteristics of the Portuguese, and I cheerfully testify to their worth and value as American citizens.

"There is no class of people in our country more sober, more hard working, more honest, and more industrious than the Portuguese, and the United States is better off to-day because of the thousands of that race who have made this country their home. The existing law prohibiting 'all idiots, insane persons, paupers, or persons likely to become a public charge, persons suffering from loathsome or dangerous diseases, persons who have been convicted of felony or other infamous crime, a misdemeanor involving moral turpitude, or any person whose ticket or passage is paid by the money of another, or who is assisted by others to come,' if properly enforced, seems to me sufficiently strong. Where would this country be to-day if immigration laws were in force at the time John Ericsson and the mother of Phil Sheridan came to this country?

"What will be the result if the test of illiteracy is put into force? The strong, willing laborer who is unlettered and untaught, whose strong and sturdy right arm and honest heart we are in need of, will be driven back, and in his place will come the immigrant with too much education—the communist, the socialist, the anarchist, who labor with their tongues and disseminate strife and discord and discontent among the laboring men. The Commissioner-General of Immigration in his report says:

> "We know of no immigrant landed within a year who is now a burden upon any public or private institution. The class of immigrants have been of a good, healthy, and hardy character, well qualified to earn a livelihood wherever their services were required. They comprised both skilled and unskilled laborers.

"The report also says: 'The money we know they actually brought with them amounted to $4,126,723,' but as the immigrant is only required to satisfy the inspector as to the amount when under $30, I think it is safe to say that the amount of money brought into this country last year amounted to many millions more. This amount, while small in comparison with the magnificent wealth of this country, yet, taken in connection with the zeal and enthusiastic labor of the immigrant, that has changed the face of this continent within the last half century, turning deserts into green fields and forests into thriving towns and villages, has contributed more to the sum of human happiness in this country than the millions of the bonanza kings, wrung from the hard earnings

of the American people, and sent across the water to support a paupered nobility, to live lives of luxurious ease in London, in Paris, and on the Continent. Legislation is more necessary to my mind to prevent the outflow of American millions for pampered foreign aristocracy than for the stoppage of pure, honest, and wholesome immigration. Those who object to immigration can not do so on the ground that the country is not large enough, for the census of 1890 shows:

Country.	Square miles.	Inhabitants.	Inhabitants per square mile.
United States	3,602,990	62,622,250	17
Europe	3,555,000	380,200,000	107
Germany	211,108	49,421,064	235
Belgium	11,373	6,060,043	530

"If the United States was populated to-day as densely as Belgium, one of the most prosperous countries in Europe, we could support 1,500,000,000 people, or 100,000,000 more people than is contained in the whole earth to-day, and yet, with a ratio at the most of 20 inhabitants to the square mile, against over 500 for some of the most prosperous nations of Europe, we are seriously thinking of closing our gates to honest and remunerative labor. Mr. Gompers, one of the recognized heads of labor in this country, in speaking of the immigration question, said:

"While in my opinion it may be necessary to restrict immigration in some form, American workingmen are reluctant to impose any restraint upon the natural right of a man to chose his own place of abode.

"And President Eliot, of Harvard, in speaking on the same subject, said:

"I believe every healthy and honest man or child brought into this country to be an altogether desirable addition to the resources of the United States. Consequently I think that immigration should not be restricted except by rules intended to keep out paupers, criminals, and persons with incurable or dangerous diseases. More laborers, skilled and unskilled, are just what this half unoccupied continent wants.

"To show how the labor of this country has been benefited during the years of our greatest immigration, I wish to adduce some figures taken from the Senate report of 1893 on prices, transportation, and wages. The table of wages in leading occupations is given every tenth year for some time before the war in comparison with the wages paid a quarter of a century later.

Occupation.	Per diem rate of wages paid in—			
	1840.	1850.	1860.	1890.
Plasterers	$1.50	$1.75	$1.75	$3.50
Blacksmiths	1.50	1.50	1.50	3.00
Blacksmiths' helpers	.83½	.83½	.83½	1.75
Painters	1.25	1.25	1.25	2.50
Wheelwrights	1.25	1.25	1.25	2.50
Carpenters	1.29	1.41	1.52	1.94
Engineers	2.00	2.25	3.00	4.25
Firemen	1.25	1.37	1.44	1.65
Laborers	.81	1.04	.99	1.25
Machinists	1.45	1.55	1.76	2.19
Watchmen	1.10	1.00	1.00	1.55
RAILROADS.				
Baggagemen	1.53	1.53	1.91	2.11
Brakemen, freight	1.00	1.00	1.16	1.85
Brakemen, passenger	1.15	1.15	1.25	2.00
Carpenters	1.22	1.33	1.30	2.00
Conductors, freight	1.66	1.68	1.61	2.57
Conductors, passenger	2.11	2.30	3.19	3.84
Engineers, locomotive	2.14	2.15	2.30	3.79
Firemen, locomotive	1.06	1.15	2.00	2.00
Foremen, masons	2.50	2.50	2.50	4.10
Painters	1.50	1.43	1.32	2.17
Average	.877	.927	1.00	1.686

"It is fashionable to-day to cry out against the immigration of the Hungarian, the Italian, and the Jew; but I think that the man who comes to this country for the first time—to a strange land without friends and without employment—is born of the stuff that is bound to make good citizens. I have stood on the docks in East Boston and watched the newly arrived immigrant gaze for the first time on this free land of ours. I have seen the little ones huddle around the father and the mother and look with amazement on their new surroundings. The family were in a new country; they had forsaken the pleasures and memories of the native land and had left behind them home and friends, to earn a livelihood in this great empire of the west. What hardships and what struggles awaited them God only knew, but I said in my heart, on many an occasion: 'May the Almighty guide them to their new homes and bless them with prosperity and happiness in this land of plenty.'

"Niagara Falls has been the wonder and amazement of the entire world during the past century. Its tremendous force and power have been a marvel for years, and how best to use its terrific possibilities was unanswered until a short time ago, when the genius of a Hungarian immigrant, Nicola Tesla, gave the secret to the world, thereby proclaiming to the universe that the Huns, in former days one of the most powerful nations on the globe, were in the front rank in intelligence, industry, and civilization.

"If we examine the genealogy of the patriots of the early days, we will find evidences which prove that the blood of all nations contributed to the building up of this great nation. Washington sprung from English stock; the Adamses from Welsh; Paul Jones and Patrick Henry from the Scotch; General Sullivan, Commodore Jack Barry, and Charles Carroll from the Irish; Paul Revere, Lafayette, and John Jay from the French; Steuben from the German; Kosciusko and Pulaski from the Polish; General Van Rensselaer from the Dutch. It has seemed to me, therefore, that this was a fitting occasion upon which to reiterate and defend the cherished principle, established in and through that struggle, that not birthplace, not origin, but civic virtue and obedience to the laws alone, shall determine the standing of citizens in this country. I do not stand for a ruinous and blind hospitality; but I do insist that, before distinctions be drawn the inevitable effect of which is to stigmatize one class and exalt another, the logical supports upon which these distinctions are founded shall be free from gross and demonstrable error. I do protest against this latter-day attempt to set people against people and to preserve those frontier lines of European nationality, which, if left to the action of natural forces, will slowly but surely obliterate themselves here.

"In the early struggles the Puritan in New England, the Catholic in Maryland, the Dutchman in New York, and the Huguenots in South Carolina all joined in contributing to the magnificent result. Driven as they were from foreign lands, they had endured every kind of persecution and on many a bloody battlefield had learned to peril their lives in the cause of human rights. The principles of free government and the liberty of conscience had been impressed upon each of these classes in the different lands they had fled from, and when these same ideas were attacked by the English Crown, they united in the defense of a common principle. Let it not be said, then, of our generation that it has proved recreant to this heritage of noble sentiment. Let it not be said of us that petty apprehensions of remote peril have persuaded us hastily to break with a tradition supported by one hundred and twenty years of trial. Let it not be said that we have, by a crusade of disguised proscription, narrowed and perverted the meaning of Independence Day. Rather let it be said that, beset by grave trials, as all must admit we are, we resisted the temptation, however plausibly advanced, to forego a received principle of our Government, preferring at whatever cost of temporary embarrassment that our flag should still wave over a nation which has been so long 'the land of the free, the home of the brave,' and the refuge of the oppressed. Apt do the beautiful lines of Lowell seem to me here:

"'Thou taught by fate to know Jehovah's plan,
That only manhood ever makes a man,
And where free latchstring never was drawn in
Against the poorest child of Adams' kin.'

"I have laid before you in general lines the magnificent services rendered in the development of this nation by that section of her citizens, now fully 25,000,000 strong, who are agitated against and stigmatized in certain quarters under the comprehensive description, foreigners. I have shown you that if a balance of mutual obligations were struck we, and not they, are the debtors. It remains for me to point out and repeat, in the summary manner which my limitations of time impose, the specific charges, supported by tables of specious statistics, which are brought against them. Briefly, then, it is alleged that the foreigner has proved himself undesirable because he is exceptionally criminal, because he furnishes a disproportionate number of paupers and lunatics, because he is responsible for political corruption in large cities, and because his personal habits and standard of living are comparatively low. The charge of pauperism, and that degradation of habits which is its necessary consequence and concomitant, is ungenerous, unrepublican, and un-American. How long since in this country has it been a legitimate reproach to any man that he is poor? And who, I would ask, bears the heavier responsibility for the squalor and the misery which darken the crowded sections of our large cities—the foreign occupant or the native landlord of those blots upon civilization, the tenement houses? The percentages of lunacy and crime among the foreign born are, it is true, apparently high. But this excess is only apparent, for both lunacy and crime are strictly manifestations of adult life, so that a population composed largely of adults, like our foreign-born population, is, so to speak, arithmetically selected to show a high artificial proportion of lunatics and criminals."

Mr. Speaker, I desire in closing to warn the Republican party and to warn the Republican members from my own State, who, with the exception of one member, are unanimous for this bill, that a day of reckoning will come.

Under the provisions of this bill lunatics, paupers, criminals, and anarchists can be admitted if they prove a residence in Cuba, while honest, able, and deserving immigrants from the Continent of Europe are denied admission.

In the name of the Democratic party, a party which is coeval with the foundation of the Government and has always stood for equal rights and equal opportunities for all men, I protest against the passage of this bill. As its lone representative from the six New England States, I emphatically raise my voice against its unjust and inhuman provisions.

Contested-Election Case—N. T. Hopkins vs. Joseph M. Kendall.

REMARKS
OF
HON. JOSEPH M. KENDALL,
OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 18, 1897,

On the following resolutions:

"*Resolved*, That N. T. Hopkins was not elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to the seat.

"*Resolved*, That Joseph M. Kendall was duly elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is entitled to the seat."

Mr. KENDALL said:

Mr. SPEAKER: In his inaugural address, the incoming President, Mr. McKinley, next month, will overlook a most potent reason for felicitation if, when he speaks of the restoration of confidence and says that the spindles are already making music throughout the land with their buzz and hum, he does not at the same time congratulate the country and Congress that in this good year of grace 1897 "the elections of 1894 are now over."

In the statement of facts bearing upon this contention I shall endeavor, so far as I can, to confine my remarks to the facts, not only in the record, but to those facts to be found in the little book I hold in my hand, containing 108 pages, and the little pamphlet of 6 pages, these two containing all the proof considered by the committee. It is the thumb paper—the smallest case on your docket. On some points I shall doubtless be compelled to trench upon your patience in order to make myself clear. It goes without saying that the result of this contest will not, nor can it in any way, affect legislation. The loss of the sitting member only reduces the Democratic representation to 94, and increases the Republican membership to 252. In the first place, I want to admit—because I want to be candid, concise, and perfectly honest—so as to facilitate an accurate understanding of the case, that I was the Democratic and contestant was the Republican candidate for Congress from the Tenth district of Kentucky in the autumn of 1894. This asseveration was the first one made by the contestant in his notice of contest, and it occurs again and again throughout said short notice. Not a witness was examined on either side during the taking of depositions that my opponent did not insist that the sworn witness tell whether he was a Democrat or Republican; the learned lawyer for contestant opens his brief with this threadbare assertion; and both these gentlemen have been pressing this fact to the front with intemperate zeal, ofttimes regardless of whether the opportunity presented itself or not. On this fact mainly the contestant undoubtedly relies, and has relied from the beginning, for success, and had I made this admission in time, I feel very sure that he would not have taken the little proof he did, because in his judgment this concession alone would settle any contest, regardless of facts, figures, or conscience. Prior to and during the canvass it was quite different, as the following clipping from a respectable newspaper, printed last summer, when he made a desperate effort to secure the Republican nomination for Congress, but was defeated, will show:

> Candidate Langley [one of his opponents for the nomination] has been showing up the voting record of his opponent, Parson N. T. Hopkins, in the Tenth district. The Louisa News says: "According to the certificate of the Floyd County clerk, Hopkins voted while he lived in Floyd County as follows: In 1884 he voted for Judge John Q. Ward, Democrat, against D. Y. Little, Republican, for superior court judge; in 1885 for Dick Tate, Democrat, against F. F. Fox, Republican, for State treasurer; in 1885 for John W. May, Democrat, against Dr. I. R. Turner, Republican, for representative; and to cap the climax he voted for Governer Buckner and the entire State ticket against Governor Bradley."

Since these elections a change has come over the spirit of his dreams. Then he rarely remembered that he was a Republican, and claimed to be trying to unite the Baptist Church; but since the election, in order to gain this, what seems to him a mess of pottage, I believe he would deny being a Baptist. The fact is, this contest is one of those wild geese blown into this House by a bastard telegram sown broadcast over the country soon after that memorable landslide of 1894, which was not so much a Republican victory as it was a Democratic chastisement, stating that all Democratic Congressmen would be unseated who came with less than 500 majority over all opposition. So far as that is concerned, my majority is larger than the combined majorities of the three Republicans who were unseated during all the sessions of the last Congress, which was Democratic, and larger than the average Republican elector in the State of Kentucky at the recent election. It would be as reasonable to sentence every man under 5½ feet high to be hanged. To the vanquished rural rooster, however, smarting under defeat when it seemed that the balance of the world had gone his way, this telegram was like a poultice of ice on his fevered and lacerated comb, and a resolution was made by hearts hungry for the loaves and fishes that would fall from what promised and proved to be the next Republican Administration to appeal to the majority of this House and make that landslide unanimous, or practically so, by sweeping this lonesome and miserable and constantly decreasing little remnant of Democracy completely from this floor. Hence it was that when I came to Washington in the summer of 1895, to be present at the opening of the proof, the Clerk's office, where the evidence in these cases had been filed, looked like a Chinese laundry in full blast. No wonder the McCall bill, now on the Calendar, or a similar measure, has well-nigh become a public necessity—that election reform is about to become an issue of national importance. This ardent place hunter and one or two henchmen were unwilling to concede that it was even possible to suppose that the dominant power in the previous Congress might possibly have elected anybody. I am glad to observe, gentlemen, that this unwarranted assumption is a mistake. I am sure that justice and conservatism will mark your action in this case, and that you are not in any sense in accord with that spirit of violent partisanship which seeks at any cost to override the expressed choice of the voters. When we grasp by force what does not belong to us, we deserve to lose what we lawfully have.

I need hardly tell you that in this place you are both legislator and judge; that your jurisdiction is supreme. From your sentence there is no appeal. I believe that it should be different; that from the voice of the voters, that great tribunal to which we must all answer politically, there should scarcely be no appeal. I do not believe you will allow partisan prejudice to warp your judgment to secure a seat for yourself, much less for a stranger to whom I propose to show before I finish that it does not belong. This was the first election that the Republican party made any great inroads in the South—you gained four Congressmen in Kentucky—and it followed close on the repeal of the Federal election law, and a belief that the judicial quality would predominate in your policy toward all sections and all classes was in their minds and hearts, or these gains nor any part of them would have been made. What I see proper to say in this statement will be as brief as possible consistent with clearness (as I realize that under the pressure of other business my time is limited) and grouped according to the counties and the subjects to which it relates. Outside of Magoffin County not a vote was changed either the one way or the other by the proof taken. Under the present law in Kentucky it is absolutely impossible to cast a fraudulent ballot. In Magoffin County I gained 9 votes as the result of a clerical error, and a number of others that should have been counted for me because they were marked with a lead pencil instead of a stencil. The briefs presented by contestant's counsel fairly reflect their side of the case, which, in our judgment, taken alone and unanswered, would not justify a legal tribunal in disregarding the official acts of legally constituted and sworn officials in overturning the expressed will of the majority fairly declared.

Under the Australian ballot, or a system similar to it—which recently obtained in Kentucky—the only question is, "Who received a majority of the votes cast as shown by the returns?" The best lawyers in the State hold to this opinion. It is the fairest and most absolutely complete system of voting in existence. Governor Bradley, in his inaugural address, said:

> The present system is a great improvement.

Under it, fraud of any description is well-nigh impossible. For myself, I prefer that everybody who cares shall know how I vote, but for secrecy, the preservation of law and order, and the prevention of corruption, I am sure that the present law can not be too highly commended. Unlike the secret ballot system of most of the States, the election officers are required to be equally divided politically, or as near so as possible. In Kentucky there may be eight officers of the election. Two judges, who must belong to different and dominant political parties—a clerk, a sheriff, and two challengers and two inspectors, the challengers and inspectors to be appointed by the county chairman of the two leading parties, respectively. In most of the States this even division of the officers of election among the different political parties is not recognized, and the party machinery can use the election lights as engines of destruction, but it is not so in Kentucky. It could not be otherwise. There we are in favor of the fair thing. Party manipulation would stand for naught against public sentiment,

and one man wrongfully treated would become an overwhelming majority. No one except these sworn officers of the law and the voter voting is permitted to be within 50 feet of the booth during voting hours, and the voter must go inside the booth alone and prepare his ballot "sight unseen." Another advantage is that the vote buyer can not tell whether the goods are delivered or not unless a sworn officer of the law violates his oath, as I proved on contestant's brother at Painter Harve precinct, in Floyd County, and for all these reasons corruption is necessarily nearly a thing of the past. The courts of Kentucky have held that a voter can not be compelled and ought not to be even permitted to tell on the witness stand for whom he voted, and the reason for this is obvious and its wisdom indisputable. The doctrine was first laid down, I believe, in an able and elaborate opinion by Judge Jackson, of Louisville, since deceased, one of the purest men who ever adorned the bench in Kentucky, and that opinion will stand out as one of the promontories of judicial precedent.

The object of the Australian ballot is to protect the sacred secrecy of the voter's choice, for if he were compelled or permitted to tell how he voted, it would destroy its prime object, and the liberty and free choice of the elector in Kentucky would again be unprotected. But a more potent reason still why it ought never to be done, is that you might possibly go into a Congressional district and for $5 each persuade 500 men who voted against you to testify that they voted for you, making a change of 1,000 votes, because there would be no way of convicting them of perjury, because it is impossible to ascertain how they really did vote, and you could not tell whether they swore falsely or not, and, in this way, an adverse majority might be easily overcome or involve the title to the seat in endless litigation after the election. It is impossible under this law to go behind the returns, because the voter is so hedged about and protected that it is impossible to find out how he did vote, or in fact to do any material wrong whatever. Secrecy is destroyed when a voter tells how he voted, and if you can not allow even one voter to tell for whom he voted, and if no one else is permitted to see or know how he did vote, pray tell me how you would overcome my majority? All, then, this contest can amount to is to prove a few insignificant irregularities, mostly of form, that do not change a single vote, and the record will bear out the truthfulness of the assertion that where he proved one I proved two, in most cases strikingly similar and equally flagrant. There were only those slight irregularities consequent upon the introduction of a new and strange ballot system among an impulsive people of honest and deep convictions who had always been accustomed to the open, old-fashioned way of voting. This is all there is in the case. Having but recently adopted this new system of conducting elections, so radically different from the former practice, which only required the voter to appear at the polls and publicly announce his choice, which was then and there recorded in his presence as he directed, it is but natural to suppose that so soon after such a great change in the laws among so large a number of inexperienced officials intrusted with its execution, doing the best they could and yet sometimes unintentionally doing wrong, that a large number of irregularities, mistakes, and apparent frauds would occur, but at the same time not affecting the result of the election in any way whatever, or when taken as a whole as much one way as the other. To the discomfit of the contestant, a careful review of the testimony in this case clearly demonstrates that a far greater number of these mistakes happened in his favor than against him, and in order to show this I will take up the different charges and contrast the proof offered to sustain each allegation.

The notice given by contestant to take depositions in Clark County was not legal, inasmuch as it did not give the post-office address of the witnesses whose depositions it was proposed to take, the building in which they were to be taken, and the person before whom. For these good reasons we at first declined to participate, but upon reflection that the point at issue was not a question of defective process, but whether or not I was elected, we concluded that it would be best to waive the illegality of the notice and be present in order to cross-examine the witnesses.

A brief history of what transpired in Clark County, dating back to the April before the election, shows how step by step the rupture was brought about in the Republican ranks which culminated in their having two Republican tickets in the field for county offices, and gave ground for the charge on the part of contestant of fraud against the county clerk. On the 12th day of April, 1894, the Winchester Sun, a Republican newspaper, edited by J. L. Bosley and K. J. Hampton, published an article which referred to the social and political rights of the negroes, which proved very offensive to them and caused many of the most prominent to complain bitterly of such treatment at the hands of their white brethren. But none of their complaints were heeded or any amends offered for the injury done. The editorial follows:

THE NEGRO VOTE.

We hope we have made ourselves clearly understood upon the subject in the articles that have heretofore appeared. But to recapitulate. The negro vote, as a dominant factor in the Republican party, arrays Southern majorities against that party, it makes no difference what are its principles. The same influence makes pure local government impossible. Then, what course should Republicans pursue toward this vote? Cease to make special appeals to it. Do not attempt to organize it. The colored men who are at heart Republicans will vote their sentiments, and those who are inclined to drift can do so. The great Republican party owes the colored vote of the South no debts. The debt is all the other way, and the nomination of a negro to public office is not good policy under present conditions. It is not good for the negro race and offends the just sense of propriety in the South.

A short time after this this same J. L. Bosley became the Republican candidate for Congress to fill the unexpired term of Hon. M. C. Lisle, deceased. And as early as August we find the negro George Gray announced as a candidate for jailer of Clark County. And about the same time a call is made for the Republican convention to meet on the 5th day of September to nominate candidates for county offices. On the 1st day of September the negroes met in mass meeting in their hall in Winchester and passed resolutions recommending a list of names to the convention which was to meet on the 5th day of the same month as suitable persons to be nominated by the convention (three of the number being negroes), and appointed a Mr. Stallard to attend said convention and present their resolutions. When this convention met, on the day fixed, Stallard appeared to perform his mission, but was denied the right to be heard and was ordered to leave the house. The convention named a full ticket of white candidates, ignoring the claims of the negroes to any share in the business. This action on the part of the white Republicans awakened a new spirit of resentment in the minds of the negroes, who now saw what had been said about them in April before openly confirmed. So on Saturday night following they held a public meeting at the courthouse, when three or four prominent negroes made speeches condemning the white Republicans in bitter language for thus ignoring their claims, and offered this resolution:

Resolved, That it is the duty which the negro voters owe to themselves, their families, their posterity, and their future welfare to now assert their independence and name and vote for a straight Republican ticket for county offices.

This meeting was adjourned to meet the following Saturday, which was on the 13th day of September, at which time they met again and nominated what they denominated a straight Republican ticket and selected the eagle as their device, and in order to get the names of their candidates on the ballot caused three petitions to be circulated, to which they procured the signatures of the requisite number of voters, and on the 14th day of September, 1894, filed the same in the office of the county clerk, and by this act gained an advantage over the white Republican party in securing for their device an eagle, if any advantage it was, for, judging from the result of the election, it did not prove to be any advantage to them nor injury to the white Republican ticket. The effort of contestant has been to make it appear that the creation of the straight Republican ticket was the work of the white Democrats, and that it was all kept so quiet that even K. J. Hampton, the Republican committeeman, who said in his testimony that he had been one of the prominent leaders of the party in the county, could afford to say that the first he knew of there being a straight Republican ticket in Clark County was on the morning of the election after the polls had opened, and that, so far as he knew, not a single Republican in the county knew it at that time; and yet that petition contained the signatures of more than 100 voters of Clark County. Why he could make such a statement seems incredible, especially when he said he read the printed call for the negro meeting on the 1st of September, and that he had read an account of the meeting. After the white Republican convention which met September 5 had ignored the request of the negro meeting held on the 1st of September and denied their spokesman, Stallard, the right to be heard or to present their wishes, Hampton said that he had heard that many of the substantial negroes of Winchester were very much dissatisfied with the attitude the white leaders had assumed toward them, and that some of the best negroes had expressed their dissatisfaction to him. He farther said that he was present at the negro meeting held a few days after the Republican convention, in which several negroes made speeches in favor of a negro ticket for county offices, and in this meeting G. W. Hatton read the editorial from the newspaper which you have just heard.

He tells us that there were other Republicans present at that meeting, that the resolution quoted was offered, and that the meeting adjourned to meet again a few nights later, and that it was his information that at this adjourned meeting the ticket which appeared under the eagle was selected. He reluctantly tells us that about the time this negro ticket was being discussed J. T. Bohen took George Gray to his (Hampton's) room and that he discussed with Gray the political situation then existing in Clark County. In answer to another question, he said that he believed he had heard that the negroes intended to try to get the eagle for their device. In view of all these admissions, together with the fact that these three petitions were circulated publicly and signed by more than 100 legal voters of Clark County asking that the names of their candidates be printed on the ballot under the name of

straight Republican ticket with an eagle for a device, is it not strange that Mr. Hampton can say that he did not know of it until the polls were opened? The negro movement was a spontaneous, almost unanimous, and perfectly natural uprising of a discordant element in answer to what they were pleased to style an offensive manifesto that left them no hope from the headquarters of their own party. They declined in their own language to longer be "hewers of wood and drawers of water." Their ticket, in the eye of the law, was not a rebellious, discordant branch of the Republican party, as they would have you believe, because they represented a majority of the hopes, ambitions, and race of the Republican party in Clark County and they made what they considered a patriotic effort to lift it to the dignity of an independent political organization representing their views, and as they were the first to ask for the eagle, the clerk, under his oath, regardless of party, color, or faction, was compelled to give it to them. Even had the Democratic managers of the local campaign for county offices in Clark County originated this movement against those whom the colored element styled their political bosses, it would have been legitimate party warfare, but we have seen that such is not the fact. It would have been precisely what was done by contestant in Floyd County, where I suffered the loss of twenty times as many votes as he did in Clark.

The editorial from the Republican organ was the entering wedge that split asunder the ranks of colored voters. The white Republicans abruptly and absolutely refused to give the negroes, who constitute more than three-fourth of their party's strength in Clark County, as testified by the Republican chairman of the county, a single office, and the eagle spirits among the colored leaders rose in turbulent rebellion. I have not contended nor attempted to show that the advocates of the local Democratic county ticket did anything to pacify this discontent. Neither did this contestant and his brothers in Floyd County. On the contrary, they met in the clandestine midnight caucus at his brother-in-law's home and raised $2,000 with which they bought the votes, made drunk, and degraded the manhood of the proudest people in all this country. Then this preacher contestant comes in here with his very soul blackened and scorched by this infamous crime against a pure ballot and a fair count and talks about emblems, sample ballots, mandatory and directory laws and pictures, and log cabins and coons, and eagles and roosters, and partisanship, when he could not possibly have been elected, as I will show. I never have contended that I did anything to conciliate the discontent in Clark County, because I was in the other end of the district, composed of sixteen counties, several of which are to be canvassed on horseback. But no fair man who looks at both sides will contend that it was the duty of either myself or my friends—it was not our matter. With empty hands, as the proof shows, all over that district I was trying to meet this pious boodler. Hatton, the negro preacher, deposed that he received $10, but it is not claimed by anybody that I knew anything about it, and the ticket he was bought to encourage was not a Congressional but a county ticket.

Hatton was for Hopkins, and if Hatton ever parted with any part of that $10, which I very much doubt, it was spent for Hopkins. The fact is that Hatton, Gray, and the colored ticket were unanimously for Brother Hopkins, and asked that his name be placed at the head of their ticket in their petitions. I never met a member of that eagle ticket in my life, and I would not know one of them were I to see him. On Hatton's unsupported guess about the effect of this ticket on contestant rests about all there is left in this Clark County matter and, from the contestant's point of view, the entire contest. If Hatton would betray his party for 10 pieces of silver—20 less than Judas Iscariot got—he, being a gold-standard man, to steal 1 golden eagle from his beloved party, how many pieces of silver would it take to persuade him to make a wild guess utterly at war with the statement of Chairman Hampton, whom he so utterly deceived? The testimony of Hampton, given truthfully, though reluctantly, shows that contestant received nearly the full party vote of the county and demonstrates conclusively that the action of the Sun newspaper declaring the negro an incubus on the Republican party in Clark County was the sole cause of the dual ticket and that the Democrats had nothing to do with its origin whatever. When we shouldered the responsibility for this ticket on Hampton, the Republican chairman, and Mr. Bosley, the Republican candidate for the short term, as shown by Hampton's own evidence, we disposed of this case effectually. It is a maxim of the law that no man shall take advantage of his own wrong. Is it a matter of surprise that an element constituting more than three-fourths of a political party should ask and expect to secure a modicum of public favor?

The chief cause of contestant's complaint is that the clerk of Clark County, in preparing the official ballot, failed to place his name as a candidate in the column under the device of an eagle about to fly, and instead placed it in the column under the name of Republican ticket, having a coon for a device; and he makes a strong effort to show that this was a fraud practiced upon his rights which caused him to lose a large number of votes in that county. Counsel for contestant show clearly that they rely almost entirely for success in this case in getting rid of the entire vote of this county, as is shown by the manner in which they have presented their side and the great weight they would have you give to the evidence of two or three irresponsible witnesses to establish their claim and break down the evidence and character of men who for their high standing, moral worth and fitness have been chosen by those who know them best to stand guardian over their interests. The clerk did what was required by law, and nothing more. He did what he thought was legal and his duty in the premises. He and his bondsmen, and they alone, are responsible for his official acts. If the law is wrong, the Republicans have the power in Kentucky and can change it; but while it confessedly has many admitted defects, taken all in all, it is wise and wholesome. The clerk could not ignore the petition of the colored party simply because they were colored. If, in the arrangement of the ballot, the clerk violated his duty or committed any wrong upon the rights of anyone, he is personally responsible, and had contestant suffered, his redress would have been found in a personal action, and that is his only remedy. But as my majority over him in Clark County was less than the party majority at the previous Congressional election, it is useless to claim that contestant sustained any serious loss through the ignorance of those who intended to vote for him. He admits in his brief that the proof would not justify a personal action against the clerk; but a partisan Congress is called upon to do what the courts and jury in a Republican State could not afford to do. It is a reflection upon the integrity of the Republican members of this House.

Is the oath of a legislator less sacred than that of a judge or jury? I assert that it is not generally so regarded in Kentucky. There is no spot in all this country where a free ballot, a fair count, and all good things are held more sacred than in Clark County, and no place where conservative men of all parties would stand shoulder to shoulder more resolutely to resent any unfair or unlawful interference with this priceless privilege. The history of its people is one of unnumbered traditions of glory and honor won by matchless statesmen, brave soldiers, and incorruptible jurists, who have rendered Clark County historic, second to but one in Kentucky. They are a proud people, and they have much to be proud of. They are the highest type of citizenship in a State in which no seat in either branch of Congress has ever been bought or stolen. All a man has to do to represent them in Congress is to deserve it. They are the children not of kings and merchant princes, but of martyrs and patriots, lords of the soil, whose flint-lock rifles won the victory for Jackson on the 8th of January, and for Morgan at the Cowpens; whose best heart's blood purpled the waters of the melancholy Raisin, and whose intrepid courage well-nigh eclipsed the glory of Revolutionary traditions in our war with Mexico. They are absolutely incapable of any such fugling as has been charged by this contestant. The fact that the negro petition had less than 400 signers obliged the clerk to ignore their demands that contestant's name be placed at the head of their ticket. Section 1453 of the Kentucky election law requires: "For Representative in Congress, 400 petitioners; for county officers, etc., 100 petitioners."

That the white Republican ticket had my opponent's name at its head demonstrates conclusively that I was not in collusion with anyone to formulate a ticket against him, or that his name was placed there in my interest or at my suggestion. Otherwise I should have had his name placed on the weaker ticket, which only received 79 votes, instead of 1,488. But this argument is unnecessary in view of the fact that the proof utterly failed to establish, and the contention has therefore been abandoned, that I, or anyone for me, was in collusion with anybody to defeat him by any unlawful means. The impotency of his proof, on the other hand, and his logrolling and peanut methods since he came here, indicate unmistakably that he is a party to a conspiracy to defraud me of that which was as fairly won as the election of any member of this Congress. Not one line of proof appears that sustains the charge that I ever conspired either directly or indirectly, in person or by agent, expressly or by inference, with the clerk, or any other gentlemen, to place contestant's name under any particular device, or had any knowledge or information or intimation of what device he was under, until after the election, and had such a thing been alleged, it would have been false. I make this statement in this high presence with all the sacredness of an oath. It was immaterial to me what emblem he ran under. I felt sure I had him defeated.

We are told that a coon was first used as a campaign emblem in 1844, that "that same old coon," uttered in derision by his opponents, was adopted by the followers of Henry Clay as their slogan and emblem. Stockton, the quaint, fanciful, clever story-writer, in That Same Old Coon, puts these words in the mouth of Martin Heiskill, the old hunter and trapper:

I remember the time that there was a good many coons caught in traps. That was in the old Henry Clay 'lection times. The coon he was the Whig

beast. He stood for Henry Clay and the hull Whig party. There never was a pole raisin', or a barbecue, or a speech meetin', or a torchlight percession in the whole country that they did not want a live coon to be sot on a pole or somewhar whar the people could look at him and be encouraged.

That gallant soldier and patriot, Col. Silas Adams, of the Fifty-third Congress, to whose memory and worth this Congress paid substantial and well-merited tribute, ran under a small white coon, and polled about 5,000 votes, but was overcome by the personal popularity of my friend [Mr. COLSON] who honors the seat. What was good enough for Henry Clay and Silas Adams ought to be good enough for this contestant. Mr. COLSON ran under different emblems in different counties at the same election. In the county where he received the largest majority he ran under a buzzard, and with a buzzard in every county I believe his majority would have been doubled. In another county Mr. COLSON ran under a greyhound. But it is unnecessary to multiply instances. In Franklin County, at Frankfort, the citizens' ticket had a coon for their device. In my own county at the same election the present county judge ran under a hen, and on that ballot, as emblems, were a cross, a schoolhouse, a crown, and a broom, and in many other counties of the State the variety was even greater. I have an impression that the jailer in my county pulled through under the cross, the school superintendent under the schoolhouse, and the coroner won under the crown. Since this Congress met I clipped the following dispatch from a Kentucky newspaper:

NEITHER GETS A DEVICE—SCOTT COUNTY LOCAL-OPTIONIST ADVOCATES GO INTO COURT.

GEORGETOWN, KY., *December 12.*—(Special.)

On the 21st day of the present month Scott County will vote on the local-option question. The local-option people are making a vigorous canvass. They wanted the Bible for a device and the wording on the ballots to read "Are you in favor of prohibiting the sale of spirituous, vinous, or malt liquors?" The law governing elections says nothing about a device on ballots where no candidates are voted for. The county clerk was preparing a ballot without a device worded as follows: "Are you in favor, etc.," whereupon the local optionists sued out a writ requiring the clerk to use their device and wording. Argument was heard before Circuit Judge Cantrell, who refused the mandamus, holding that the form of the ballot adopted was in accordance with the law. The local optionists objected to the clerk's wording of the ballot for the reason that it compelled them to vote in the negative. It is said that the opposition had agreed upon a whisky barrel for a device.

I assert that no political organization has the right, either in law or equity, to appropriate a national emblem for partisan purposes, and no lawyer before a competent court would seriously contend for it. The learned counsel for contestant can not deny—no Kentucky lawyer will deny—that had my certificate of nomination, which was filed before contestant's, asked for the eagle as my device and that my name be placed under that emblem on the ballot, following the law the clerk would have been compelled to place my name under the eagle; and had he failed so to do, he and his bondsmen would have been responsible to me in a personal action for any injury that might have resulted, unless they had hidden themselves behind section 1453, Kentucky Statutes. The question of devices was at that time purely a formal one, and contestant suffered little damage by the differences among his followers, who were hopelessly divided among themselves on local issues and yet all for him, and all voted for him. But assuming, for the sake of argument, that the eagle ticket did not cast a single one of its 79 votes for him, which is an unnatural assumption; and then presuming that he would have received every vote cast for the coon and eagle tickets, or both Republican tickets—and he could not possibly have received more, because it is agreed as part of the evidence that every voter who wanted to vote voted, and that every vote was honestly counted and correctly certified—granting all this, and contestant would still have fallen nearly 200 short of a majority in the district, and in this calculation nine-tenths of the 79 votes would have been counted for him twice, because they undoubtedly crossed over and voted for him in the first instance, as is the privilege and custom after having voted their county ticket. That is the whole case in a nutshell.

Since that election the Republican party of the State of Kentucky, in the first State convention held since this new election law went in force under the Australian system, have for the first time, as required by law, adopted in a legal manner a party emblem, sustaining the doctrine just laid down, as will be seen by the following proceedings of the Republican State convention, June 6, 1895:

A LOG CABIN.

[This device will be used by the Republican party.]

In behalf of the committee on resolutions, Congressman COLSON reported the conclusion that the use of the eagle as a device on Republican tickets was illegal, and submitted the following resolution, which was adopted by a decisive majority:

Be it resolved, That the title of the party represented by this State convention be 'Republican,' and that a log cabin shall be the device by which its lists of candidates shall be designated on the ballots; and this convention requests that the device of a log cabin shall be used to designate all the party candidates of the Republican party in Kentucky for all elections throughout the State."

This was the convention that nominated the State ticket led by Col. William O. Bradley, the first Republican governor of Kentucky, and he was elected under the device of a log cabin, adopted after the convention had declared its opinion that the eagle was not a legal device. Gentlemen, what higher authority do you want than the State convention of the Republican party in Kentucky, speaking in an official capacity? It is a significant fact suggested in this connection that in that unprecedented landslide in Kentucky in which General Hardin only carried four out of eleven Congressional districts as the Democratic nominee for Governor, his majorities in the district I represent and in Clark County were in each instance only a few votes less than my own. The Republican party, or any other party, never had a legal emblem in Kentucky until the State convention in 1895 adopted the log cabin at their first opportunity, in pursuance of the new law. The Republican Presidential electors and candidates for Congress last November ran under a log cabin. The eagle never was and never can be the emblem of a political party in the State of Kentucky.

Section 1453, Kentucky Statutes, provides:

Such device may be an appropriate symbol, but the coat of arms or seal of the State or of the United States, the national flag, or any other emblem common to the people at large, shall not be used as such device.

In the "Interpretation of the Great Seal of the United States of America," as adopted by Congress, we find these words:

The escutcheon is borne on the breast of an American eagle, without any other supporters, to denote that the United States ought to rely on their own virtue.

So ought this contest. Because the star is the emblem of the Democratic party in the State of New York, I do not suppose that any Democrat will contend that the star is a God-given emblem, especially in the light of the result of the late Presidential election in that State.

Counsel for contestant contend that the entire vote of Clark County should be rejected because, as he tries to prove, the county clerk acted fraudulently in entering an untrue date on the filing of the petition of George Gray and others, by making it show it had been filed on the 14th of September when it was not filed until the 22d. Let us see how they are sustained in this, and by what weight and character of testimony. Rev. G. W. Hatton (as Mr. Hampton pleases to call him), George Gray, and J. H. Thomison are the only witnesses called by the contestant to establish this grave charge against a sworn officer of the law. The deposition of Hatton was taken without notice, and he was not cross-examined; but his own statements show what manner of man he is, and that he is unworthy of belief as a witness. He said that F. P. Pendleton called himself and others engaged in the negro movement to his office and told them to stick to the ticket and carry it through and that he would guarantee each of them $10 or more, and that he knew of money having been paid under this promise. He does not say to whom it was paid, but the inference is clear that he got it. He tried again to serve the cause of the men and party he had so recently betrayed and taken a bribe to defeat, by swearing that the placing of the "coon" at the head of the Republican ticket disorganized the Republican forces and caused many voters ignorantly to vote the straight Republican ticket; thereby contestant, in his opinion, lost from 300 to 400 votes in Clark County. Pray tell us, reverend sir, upon what is this judgment based, when the ticket you speak of only polled 79 votes and contestant only fell short 112 votes of the entire Republican vote of Clark County, which is a very large turnout indeed.

Now, who is the witness George Gray? K. J. Hampton, one of contestant's witnesses, when asked the question, "Has not George Gray, whose name appears on that ticket as a candidate for jailer, always borne a good name and been recognized as an honest, industrious negro?" answered, "He has not" and to a question by contestant on reexamination, "What is the general political reputation of George Gray?" answered, "George is a well-known floater." It is perhaps unnecessary to explain that in Kentucky the word "floater" means vote seller. Now, I ask in all candor and seriousness if the testimony of these two witnesses should be considered for one moment in the settlement of the most trivial matter, and especially when controverted by men whose reputation for truth and the manly virtues are not excelled in the refined and peaceful community in which they live? The only remaining witness introduced by contestant as to time of filing the petitions is J. H. Thomison, who admits that some of the negroes had talked to him before he gave his deposition, and that the well-known witness George Gray had come to him and showed him some entries in a small book and tried to get him to remember them, but that he could not remember anything except from "Saturday to Saturday." He had learned that this would cover all that was necessary for him to prove, and he could stick to that and not get tangled. It was therefore wise in him not to allow George to try to teach him too much. Contestant more than once asks the question, "Why did not contestee put F. P. Pendleton on the stand to contradict the witness Hatton" about the ten-dollar transaction? It will be seen in the record that contestant served notice on me that he would take Pendleton's deposition. I was there. Pendleton was on the ground, and why did

not contestant introduce him? On the other hand, J. B. Ramsey, county clerk, says positively that the George Gray petition was filed September 14, 1894. Dan Baker, one of the negroes engaged in getting up the negro movement, testified that the Democrats had nothing to do with organizing or carrying on the movement, and that he was present when George Gray gave the petition to Clerk Ramsey, and that it was on the first or second day after the final nomination was made, which was September 13. He further proved that he asked Ramsey if we were entitled to the eagle for a device, and he said he did not know whether we were or not; that he would look into the matter and if we were entitled to it he would give it to us. W. T. Fox, deputy county clerk, says the petition was filed September 14, and that it was the first petition or certificate filed in that office showing the list of candidates of any party for the November election. And on cross-examination by counsel for contestant the witness stated that he remembered that the petition brought by Messrs. Rupard and Powell was about a week after the petition was brought in by George Gray.

J. M. Benton testified that about the middle of September he went to the clerk's office and asked Clerk Ramsey if such petition had been filed. Witness then asked Ramsey if the certificate of the proper county officials of the Democratic party or the certificate of the nomination of the Republican county ticket had been filed. He said not. I then feared that the Republican managers would go to the clerk's office and learn that they had lost the eagle, and might then claim the rooster, which had been used as the device or emblem of the Democratic party, and in order to prevent that from being done (continues Mr. Benton) "I went immediately and found the chairman of the Democratic county committee and took him to the office of the secretary of the committee, explained to them the situation, and set them to work writing out the certificates to be filed showing the Democratic nominees for county offices. This certificate was filed September 19, 1894." Here we have the testimony of four reputable citizens sustaining the fact that the indorsements made on the petitions by Clerk Ramsey bear the true date of filing of same, and that they were actually filed in his office on the 14th day of September, and the first petition or certificate of nomination of any kind filed in said office claiming the eagle for a device, and to overturn these facts of record, which are the highest proof, and which prove themselves, sustained by witnesses of the highest character, we have the unsupported evidence of a self-convicted renegade, guilty of party perfidy, on his own statement, for $10, "a well-known floater," and an ignoramus who could only remember from "Saturday to Saturday." We can not understand why contestant should be interested in establishing that said petition was filed on the 14th of September, or even the 22d of September, or why he should take up the quarrel between the white and colored Republicans of Clark County, for it can not in any way affect his rights. Both factions were for him and supported him unanimously. There is no contention that contestant's certificate of nomination was filed in Clark County before the George Gray petition. Upon the contrary, it is shown by the deposition of J. B. Ramsey that it was not sworn to until the 1st day of October, and then before J. K. Dixon, in Johnson County, and that it was filed in the office of the Clark County court between the 1st and 15th of October, 1894.

Section 1460, Kentucky Statutes, provides:

> If the same device for designating candidates be selected by two parties or groups of petitioners, it shall be given to the one which first selected it, and the clerk shall select a suitable device for the other.

This is clearly as mandatory as any provision cited in this case. It is a well-settled principle of law which can not be successfully controverted that a statute in elections is mandatory when it affects the result and directory when it does not. There is no mandatory law in Kentucky that gives to a man an office to which he was not elected. The American Encyclopedia of Law, volume 6, page 334, says:

> The general principle drawn from the authorities is that honest mistake or mere omissions on the part of election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not avoid an election unless they affect the result, or at least render it uncertain.

In the case of Deloatch against Rogers (86 N. C. Rep.) this doctrine is even stronger stated, and I regret that time will not permit my reading the entire decision. I read from page 360:

> It is a well-settled rule in contested elections, scarcely needing a reference to authority for its support, that the result will not be disturbed nor one in possession of the office removed, because of illegal votes received or legal votes refused, unless the number be such that the correction shows the contending party entitled thereto. If the obnoxious ballots ought to have been counted for the relator, and yet are insufficient to overcome the majority ascertained by the count actually made, the election will stand and the occupant of the place left in unmolested possession of it.

In this North Carolina case a ballot having any device upon it is declared void, because at that time the Australian ballot did not prevail in North Carolina; but that has nothing to do with this case. On the contrary, under the Australian law now in force in Kentucky a ballot is not valid unless it does have a device upon it. The phrase in the Kentucky law "no other ballot shall be used" means that no other but the Australian secret ballot shall be used. With this explanation I do not believe that anyone will seriously contend that there is any connection between the North Carolina decision and the Kentucky statute.

It is really amusing to observe the artful manner in which it is sought to apply the rules of construction of the Kentucky election laws to make them either mandatory or directory, as the necessity of this case requires. One more authority—the very highest—and I think we may consider this mandatory and directory argument as clinched. Judge McCrary, in his work on Elections, lays down this general rule (third edition, pages 124, 125, 126):

> If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission shall render the election void, all courts whose duty it is to enforce such statute must so hold, whether the particular act in question goes to the merits or affects the result of the election or not. Such a statute is imperative, and all considerations touching its policy or impolicy must be addressed to the legislature. But if, as in most cases, the statute simply provides that certain acts or things shall be done within a particular time or in a particular manner, and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory if they do and directory if they do not affect the actual merits of the election. Ignorance, inadvertence, mistake, or even intentional wrong on the part of local officials should not be permitted to disqualify a district. Those provisions of a statute which affect the time and place of the election and the legal qualifications of the electors are generally of the substance of the election. While those touching the recording and return of the legal votes received and the mode and manner of conducting the mere details of the election are directory, the principle is that irregularities which do not tend to affect results are not to defeat the will of the majority.

Apply these rules to the adjustment of the charges and countercharges in this case and it will be found that they will hurt one party as much as the other and leave the final result at what the people of the district declared it should be through their ballots.

It does seem plain to me that if the clerk, Ramsey, had wanted to have injured the chances of the contestant he would have placed his name under the eagle, which only received 79 votes in the county. But the fact is that the scheming, if any there was, between Hampton and Gray and Pendleton and Hatton was a struggle for local supremacy in Clark County, with which neither contestant nor myself had anything to do or knew anything about. I am sure I did not. In the language of contestant's reply brief, "the testimony shows that there were many candidates for county offices, besides two other Congressional candidates for an unexpired term," at the same election.

As to sample ballots not being sent out, the clerk, Ramsey, fully exonerates himself from any blame in the matter when he swears that he sent the required number to each voting precinct and does not know why they were not posted, and that he acted fairly and honestly in the discharge of his duties as an officer in this election, without any intention to injure the rights of the contestant. It is not shown anywhere that anybody was injured by reason of sample ballots not being posted at some of the voting places. It is true that one James T. Bohan, who was introduced for contestant, proved that he advised from 75 to 100 voters to vote under the eagle in the precinct where he acted as challenger, but as K. J. Hampton, another witness introduced by contestant, tells us that the eagle ticket did not get a single vote in that precinct, we fail to see how contestant was injured. This is a fair sample of the little proof he did take, and it would require a powerful magnifying glass to find that place in it where he was injured.

Admitting for the sake of argument that the eagle ticket originated with the local Democratic leaders, which we have shown is not a fact, the next and supreme question is, Was the contestant defeated by reason of the presence of this local ticket for county offices? K. J. Hampton says that of a total of 1,600 Republican votes in Clark County three-fifths are negroes, and that contestant received 1,488, and that the eagle ticket only received 79. Contestant's vote is only 112 short of the entire Republican strength of the county. To give him the 79 votes which were cast for the eagle ticket, he would still be short 174 votes of an election, I having received a majority of 253 over him in the district. One hundred and four voters signed the petition for the Gray ticket and asked for the eagle as their emblem. Only 79 votes were marked under it in the entire county. It is a reasonable presumption that if 104 men sign a petition that 79 will vote for it. As these 104 qualified voters all asked for contestant in their petition when they asked for a place on the ballot and an emblem, and were to a man loyal to him throughout the fight, and had no candidate for Congress on their ticket, it is safe to assume that all, or nearly all, of them crossed over and voted for him. The clerk could not possibly have placed contestant's name under both devices, as a matter of course, and he placed him under the one that received 1,488 votes instead of the one which only received 79 votes. But if the contestant had been placed under both devices, as I have shown, and had not a majority of the minority ticket not crossed over and voted for him, as they undoubtedly did, and should you give him the aggregate vote cast for both tickets, and he could not possibly have received more, because it is not now claimed that anyone was prevented from voting or went away without voting, and in so counting both tickets for him nearly twice the 79 votes would be counted for

him unjustly, and yet he would have still fallen 174 short of a majority. Only 1 voter of the 79 who voted the Gray ticket could be found with a search warrant in Clark County to testify that he failed to vote in the Congressional race by reason of there being three tickets in the field; and, as I have said, had the entire 79 instead of 1 so failed it would have been no fault of mine and I could not in justice be held responsible, and if I was so held it would in no wise change the result in the district. I live more than 100 miles from Clark County and knew nothing about it. There were three tickets in my own county, and I could not help it, although I suffered in consequence. The same thing existed all over the State. I have never been able to control such things at home; have never assumed to do so, much less in a county so far away. The charge of a conspiracy between the clerk and myself is not only not sustained by the proof, but it is not even shown that I conspired with anyone to defraud contestant anywhere, or authorized any friend of mine to do so, or that any friend of mine did do so. No one now claims that I ever had intercourse of the slightest nature with either of the disturbing elements in Clark County or that I gave a single word of encouragement or contributed a dollar or asked any friend of mine to do so, or that I knew anything about the arrangement of the ballot; and not knowing anything about it, as a matter of course I could not have been a party to any conspiracy, and no conspiracy could likely have existed in my behalf without my knowing it. The proof utterly fails to show, and, in fact, I knew little about the wrangles for the county offices between the different parties and factions until after the election. This charge, like all the serious ones in contestant's petition, has been abandoned for want of proof. As a matter of fact, the clerk of Clark County was compelled to give the 104 petitioners a place upon the official ballot.

Let us look at the vote of Clark County and the Tenth district in the last notable races; that is, the Congressional races of 1892 and 1894 and the gubernatorial race of 1895, when the State for the first time in its history, elected a Republican governor. I summarize from the evidence:

OFFICIAL VOTE OF CLARK COUNTY.

1892. For Congress: Lisle, Democrat, 1,974; Russell, Republican, 1,599; Democratic majority, 375.
1893. County judge: Haggard, Democrat, 1,565; Reed, Republican, 1,308; Democratic majority, 257.
1894. For Congress: Kendall, Democrat, 1,844; Hopkins, Republican, 1,488; Democratic majority, 356.
1894. For Congress (short term): Beckner, Democrat, 1,768; Bosley, Republican, 1,456; Democratic majority, 312.
1895. For governor: Hardin, Democrat, 1,925; Bradley, Republican, 1,662; Democratic majority, 263.

HIGHEST NUMBER OF VOTES RECEIVED IN THE TENTH DISTRICT.

1894. Kendall, Democrat, 14,845; his majority, 253.
1895. Hardin, Democrat, 14,719; his majority, 209.
1894. Hopkins, Republican, 14,592; defeated.
1892. Lisle, Democrat, 14,515; his majority, 2,772.
1895. Bradley, Republican, 14,510; defeated in the district.
1894. Beckner, Democrat, 14,231 (short term); his majority, 1,261.

The Tenth Congressional district has never given a Republican majority in either a Congressional or State election. Last November, notwithstanding Major McKinley carried Kentucky, the Tenth district gave more than 1,200 Democratic majority for President and Congressman, notwithstanding the presence of nearly 1,000 "Gold Democrats" in the district, about one-half of whom live in Clark County. It will be seen from these figures that either Lisle's, Beckner's, or Hardin's majority in Clark County would elect me, that Democracy was at high tide in 1892 in Clark County, and that since then the majority has grown gradually smaller year by year, until in 1895 the bottom fell out and she only gave Hardin 263 majority over Bradley. Contestant received more votes in Clark County and in the district than did Mr. Bosley, his running mate, for the unexpired term, although Mr. Bosley lived in Clark County; and yet Mr. Bosley did not contest the seat of his successful opponent. The returns in the county races at the same election, on the same ballot, when a full set of county officers, from county judge down to coroner, were elected and are now in undisputed possession of their respective offices, all of whom are Democrats, demonstrate conclusively that contestant and myself ran along with a little in advance of our respective tickets. The returns show that contestant's vote in Clark County was larger than any other Republican candidate, and yet he is the only one who has the audacity to challenge the honesty and fairness of the election in that county; but after he went there and finished taking his proof he was compelled to admit that it was perfectly fair. No proof could be adduced to the contrary, and contestant and his attorneys so admitted, as will be seen, and none can be shown, because everybody there knows that a fairer election was never held in Clark County. The case of contestant fell to the ground at the end of his proof, when he made this agreement, which renders absurd and ridiculous the proposition to disfranchise Clark County, within whose bosom sleeps enough buried greatness to inoculate half of this entire Congress:

The agreed state of facts to be taken as part of the proof herein which it is agreed by both parties hereto: That all Republican voters in Clark County who attended the election and who desired to vote were given a fair and free opportunity to do so, and their votes were counted and certified as cast.

Couple this with the fact stated in the deposition of Lee S. Baldwin, that contestant received 1,488 votes in said county, which is a very large vote to poll out of 1,600, and we have the strongest possible argument in favor of a fairly conducted election in Clark County, and a refutation of all charges of fraud against the officers of that county who were in any way interested in conducting the election. This agreement, signed by the contestant and myself and our attorneys, contains what lawyers call the gist of the action, and this forced admission of his, because he could not prove to the contrary, demonstrates beyond question that the election in Clark County was an absolutely fair one. It seems to me to dispose of contestant's case completely. He surely does not want or expect you to count for him the vote of those who remained at home, and if you do he is then defeated. This agreement eliminates Clark County from the contest.

In Painter Harve precinct, in Floyd County, contestant was certified to have received 218 votes and myself 32 votes. In this precinct the law was held in utter contempt by those working in the interest of contestant. In this precinct three of the officers of the election were Republicans, and the only Democrat was an old man partially blind, so it was an easy thing for William R. Hopkins, the brother of contestant, who effected his way into the voting room under the claim of Republican challenger, by fraud and illegality and the use of money, to work the vote in the interest of his brother. In the oath he took as challenger he swore that he would use no means to influence any voter, and immediately thereafter he is found usurping the office of the clerk, and marking the ballots of voters and showing others how to vote for contestant, treating on whisky in the voting room, and then going outside and buying ginger cakes from his sister and calling out, "Come up, gentlemen, a treat for Thomas Hopkins"—his brother. He did not stop with all this, but after the vote was all taken he is found in the room with the board, taking the ballots from the box and calling off the vote, which is set down and the tally kept by one J. N. Harris, who was not an officer of election, and did not live in the precinct. This was done in the room where twenty or more persons were allowed to crowd in the light of one dim lamp, and in the presence of Levi Hopkins, the nephew of contestant, who was present during all that day mixing among the voters with a Winchester rifle, sometimes holding secret consultations with his uncle William through the cracks in the voting room, and the same man who said to witness Martin, just after he had been talking to his uncle William through the crack of the voting room, "If they fool with me I will break the damn thing up," meaning the election.

This is the same character who makes a business peddling "moonshine" liquor up and down the road, and in the fence corners, out of a jug. It seems that his intrepid spirit rose in rebellion against the manifest injustice which characterized the actions of his devout uncle. Counsel for contestant in his reply brief paints in glowing colors and throws a glamour of poesy, as it were, over the soothing influence of the ginger cake in a heated Kentucky election. It seems to me that Levi Hopkins's indignation on this occasion against the unfair and unscrupulous methods of his own clan can not be too highly commended. Whatever may be said in criticism of the Kentucky "moonshiner," it has never been contended that the natural chivalry of his nature will long permit him to be arrayed against the fair thing as this one was that day when he can say with the Highland chieftain, "My foot is on my native heath, and my name is McGregor." Levi Hopkins by this one utterance showed himself to be the typical "moonshiner" that he is—one of those rare birds seldom caught by the armies of deputy marshals who infest that section and who chase them like wild gazelles through deep fords and over rugged precipices. They have given a local habitation and a name to undiscovered country neighborhoods, and had he carried his threat into execution that day and broke up the election he would have deserved a monument of marble, and his name would have lived in local tradition, song, and legend; and he might have been transfigured into immortality by some future Charles Egbert Craddock or James Lane Allen. But he missed his opportunity, which, if unimproved, never returns. In this precinct the vote was taken in a log house with large cracks in the walls and a hole cut for a window, from which hole and crack everything which was done in the voting room could be both heard and seen by those who crowded around the house the whole day, although section 1470 of the Kentucky Statutes declares—

That no person, except an officer, shall remain within 50 feet of the polls except when voting.

In the Allan precinct, where the contestant was certified to have received 10 majority over myself, the polls were kept open and votes received until half past 5 or 6 o'clock, and the voters and other persons not authorized by law were allowed to be present and assist in counting the ballots, all of which was in violation of law.

In the county of Magoffin, where contestant is certified to have received 1,048 votes and myself 765 votes, such a state of chaos and confusion exists as to render it impossible to determine what the correct result of the election was in that county.

The Johnson Fork precinct had officers of election so ignorant or designedly corrupt that after they had closed the election they set fire to the poll books to conceal the true result and sent in no return of the election to the county clerk, as was their duty under section 1483, Kentucky Statutes. It was claimed that in this precinct contestant received a majority of the votes cast, although no certificate or poll book is filed in the office of the county clerk from which this can be ascertained.

The returns from the Meadows voting precinct show, as stated by R. C. Salyers, county clerk of Magoffin, that contestant received 124 votes and that I received 117 votes in said precinct, while said returns show that there were only 148 ballots counted as voted in said precinct, which is 98 less than the vote certified to have been cast between contestant and myself. This shows an inexcusable and bunglesome fraud or mistake on the part of some one handling them, and renders it impossible to determine how the vote of this precinct should be counted, and accounts for the abnormal majority against me in Magoffin. Contestant, in his reply brief, is unable to explain what he charitably characterizes a "discrepancy." He says:

> It must be admitted that this same certificate, showing the difference of 98 votes between the number counted as valid and the number cast between the contestant and contestee, was signed by the two judges, the clerk, and sheriff of the election.

The mistake at Ivyton precinct was occasioned by a clerical error in the certificate sent to town, and at the outset was generally admitted on all hands at Salyersville, the county site, until it was determined by a few violent partisans to trample under foot the true result of the vote in that precinct and county. In this precinct the officers, in making out the certificate sent in with the poll-book to the county clerk's office, made a mistake in filling it out, so that it showed that contestant received 143 votes when in fact he only received 134, as shown by the certificate on page 68 of the record. The clerk in making out the certificate reversed the figures 3 and 4. The fact that several did not vote between contestant and myself, coupled with this explanation, proves the correctness of this assertion. The certificate filed with the clerk shows that is wrong on its face, for it shows that there were only 155 ballots cast and counted as voted, while to give contestant 143 and myself 13 votes would make 156, one vote more than was actually cast, and there were doubtless many who did not vote between us. Nor is this all, for every precinct return shows the same mistake on its face.

In the Peter voting precinct, where contestant received 211 votes and myself only 57, the proof shows the most glaring frauds and utter disregard for law and the legal rights of both voters and candidates. One of the gravest causes of complaint is that William Estep, who lived in West Virginia, for his peculiar fitness for the purpose, was brought into the State and put in the voting room under the title of Republican challenger, that he might get in his nefarious work. He is the same person spoken of in the deposition of Thomas Chapman, who left Kentucky because he was indicted in Pike County for concealing stolen goods, keeping a disorderly house, and malfeasance in office. Section 1470, Kentucky Statutes, provides:

> No person other than the election officers shall remain within 50 feet of the polls except when voting: *Provided*, That each political party may appoint one challenger for each precinct, who shall be entitled to stay in the room or at the door thereof. Such challenger shall be appointed in writing by the chairman of the county or other local committee of their political party, and shall produce written appointment on demand of any of the officers of election. Each challenger shall take the following oath: "You do solemnly swear or affirm that you will faithfully and impartially discharge the duties as official challenger assigned by law, and that you will not cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as an elector, and that you will use no means to influence any voter."

This refugee from justice, living in another State, without any right forced himself into this secret voting room, as shown by the deposition of S. R. Daniels, under the claim that the court had appointed him, and while there, in open violation of the oath he had taken, went into the booth with voters and—as stated by the witness, R. F. Blankenship—whispered to the voters, at the same time pointing to the ballot; which means nothing more or less than that he was trying either to deceive or influence them to vote his way. This same Estep even went so far as to try to get the clerk to mark the ballots publicly, that he might see how each voter voted. He also went to the door of the voting room a number of times during the day, and would beckon for men to come in, and after they would come into the room and before they would get their ballots he would whisper to them, and after the polls closed he stayed in the room all the time the vote was being counted.

Section 1481, Kentucky Statutes, provides:

> The county executive committee of each party having a ticket to be voted at an election may designate a suitable person to be present as witnesses and inspect the counting of the vote in each precinct, who shall be admitted to said voting place; but no other persons except the election officers shall be admitted to the said polling place before or after the count begins, except as provided by law.

Nor was Estep the only person there working in the interest of contestant guilty of gross election frauds, for while Estep was in the voting room getting in his work, he was supported on the outside by one Frank Phillips, who, in the language of Jayson Rains, is a very violent, dangerous man, and most of the people in that neighborhood were afraid of him. He was a heroic chieftain and one greatly renowned for his prowess in the border war between the Hatfields and McCoys. Thomas Chapman testified that he saw him take men by the arm and lead them to the door and tell them to go in and vote the Republican ticket, and also that while within the line he told the negro Henry, who had started in to vote, to get out; that he did not allow any negroes to vote there; and the negro took him at his word and did leave without voting. This negro was a Democrat, and had he been permitted on this occasion would have voted for me.

After the polls were closed Phillips went into the voting room to reenforce Estep in controlling the count of the ballots, and while there tried to influence one of the judges to make a false return. Through the influence of these men, Moses Mounts and Bumbo Hurley, both minors, and Lon Toler, who had only come into the State the August previous, were all allowed to vote. They were all Republicans. During the time the vote was being taken, one of the judges got drunk and left his post of duty, and remained out of the voting place nearly half the day, although the law says that "the officers of election shall not separate during the hours of election." Nothing half so bad as all this occurred in Clark County, which it is proposed to disfranchise. The polls were not opened in this precinct until 8 o'clock a. m. or closed until 5 o'clock p. m. Section 1469 provides that the polls shall be opened at 7 o'clock a. m. and closed at 4 o'clock p. m., and in order to conform to this law the Republican judge set his watch back one hour, and then held the polls open until 4 o'clock by the same watch.

Having noticed in detail the several charges relied upon by each party, we will now compare them.

UNLAWFUL INTERFERENCE IN COUNTING AND CERTIFYING THE VOTE.

In Blackberry precinct I received 31 majority, and it is shown that Tolbert Hatfield, who was not an officer, assisted in counting the vote. This is more than offset by the Painter Harve precinct, in Floyd County, where contestant received 196 majority, where contestant's brother and others who did not live in the precinct counted the vote, none of them being officers of the election.

POLLS KEPT OPEN AFTER 4 O'CLOCK.

In Middle Creek voting precinct, in Floyd County, the polls were kept open after 4 o'clock. In this precinct I received 56 majority. The same thing occurred in Allan precinct and in Peter precinct, where contestant received 166 majority over myself.

FRAUD.

Contestant charges fraud against County Court Clerk Ramsey, of Clark County, a county in which I received 356 majority, which we think he wholly fails to establish. But should any gentleman take a different view of it, then we contend that the frauds charged to have been committed and strongly proven against Peter voting precinct, in Pike County; Painter Harve precinct, in Floyd County, and in the county of Magoffin largely more than offset anything wrong which might have been done in the county of Clark. Summing up, I have given the House as best I could in my weak way a clean statement, hastily prepared and unadorned and as brief as possible, of the facts in this case, and as I have tried to do my duty I believe you will do yours. In this recital I have followed in part the briefs prepared by F. A. Hopkins, an excellent "Kentucky mountain lawyer"—and, as was said by a distinguished Missouri member of the last Congress on this floor, "When you have said that, you have passed the highest encomium that can be passed on a lawyer"—and J. M. Benton, one of the brightest ornaments of the Bluegrass bar. I do not believe that you will permit partisanship to override patriotism. I believe that the majority mean to do right, that the question uppermost in your minds is, "Who was elected?" Admitting for the sake of argument every fact claimed in all his briefs, and still I am elected. It is impossible for any unbiased mind to construe the proof otherwise. The Committee on Elections virtually conceded that no case had been made out when it granted him leave to take new depositions during the recess of Congress. And yet he did not avail himself of that privilege. He knew that the less proof he took the stronger would be his case. As was suggested by a member of the committee and by the report of the committee, you are

asked to unseat me, not on the proof, but by inference. The contestant acknowledges in his reply brief and in his argument before the Committee on Elections, as they will bear me witness, that I was elected, that the injury sustained by him in Clark County was not of sufficient magnitude to warrant his defeat being ascribed to irregularities there, but contended in effect that I ought to be deprived of my seat to teach the ex-county clerk of Clark a lesson, when he says in his reply brief (page 24):

> The question is not whether anyone was injured or not injured, which would be difficult to prove or disprove; but the question is that the failure of Ramsey to distribute the sample ballots, taken in connection with his testimony that he did distribute them, is proof that his failure to distribute the sample ballots—or the regular ballots—according to law, was to conceal the fraudulent ballot as long as possible, and that his entire testimony is not worthy of belief.
>
> * * * * * * * *
>
> It is virtually saying that a public official legally intrusted with preparing a statutory official ballot may with impunity violate the law by giving to the voters a fraudulent, illegal ballot, prepared to defraud a candidate or a political party, and that nobody should cry fraud unless somebody was injured thereby.

I venture to assert that I should not be punished unless I am proven guilty, and that contestant should not be given this seat unless he was defrauded out of it—that he should not be elected by this House when he was surely defeated. This is the first time I ever knew of anyone in a damage suit, not even a railroad wreck or a breach of promise, where excessive damages are always demanded—not even in one of these cases did I ever read of a person suing for something broken and at the same time acknowledging that nothing had been broken. It is absurd. There is a very able work on the Doctrine of Damnum Absque Injuria, by Edward P. Weeks, which I ccmmend to this counsel.

In this same reply brief contestant says, in his effort to uphold the legality of the comparison of the county of Magoffin:

> The legality of the board is not to be ascertained. The question is, How many legal ballots were cast for contestant and contestee?

So say I. The question of the distribution of sample ballots in Clark County, from which no one was materially injured, "is not to be ascertained. The question is, "How many legal ballots were cast for contestant and contestee" in the district?

On this question there can not rest the shadow of a doubt. The fact that the contestant was elected is not susceptible of logical or mathematical demonstration. I have reviewed and answered every charge on which proof has been submitted. There were some omnibus charges, such as that "500 minors and persons convicted of felony," etc., voted for me, which were too vague, indefinite, and ridiculous to require attention, no proof having been offered to sustain them. In each of the sixteen counties composing that Congressional district a full set of county officers—that is, county judge, county attorney, clerk, sheriff, assessor, jailer, and coroner—were elected at the same election, and all are to-day holding their offices under the vote certified by the same precinct officers and compared by the same comparing boards, all under oath when they made up the returns between the contestant and myself. Each of these officers is to-day holding undisputed possession, and this contestant is the only man who has the hardihood to question the integrity and fairness of a single election officer, the oath of every one of whom backed my certificate of election—one-half of whom were Republican. These precinct officers were evenly divided politically, and to challenge their returns is to say that they perjured themselves—that Kentucky is incapable of choosing her own Representatives. If you do this you may as well abolish elections by the people and empower Congress to choose its own members. Nothing but irregularities were proven, which did not affect the ultimate result in any county outside of Magoffin, where a clerical error and a false construction of the law lost me many votes; and those taken from me in Pike and Floyd counties by bribery and intimidation. The only way in which the result could be overturned would be in a case like this already noticed at Ivyton, Bloomington, and Trace precincts. In the last two a number of ballots cast for me were thrown out because the voters used a pencil instead of a stencil. The election law provides that—

> No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice.

The errors in these precincts are the only ones established in the entire proof, and would have increased my majority many votes. It is hardly fair for contestant to claim that the 800 majority in Johnson County is genuine, and that, on the other hand, the majorities in Clark and Knott counties, where there was a falling off of many votes, were false and fraudulent, and that the election officers in those two counties perjured themselves. It is hardly necessary for me to repeat to anyone conversant with the proof that in the entire range of facts it is not shown that I conspired with anybody or authorized any friend of mine, or had known of any illegitimate plan, or that any illegitimate plan existed, either expressed or implied, to defraud the contestant of a single vote to which he was entitled; that I used or authorized any friend of mine to use any money or whisky or browbeating and bulldozing to influence any voter to vote for me; but, on the contrary, the truth brands this pious contestant's accredited agents with all these crimes.

Senator STEPHEN B. ELKINS has wisely said of the political situation:

> The Republican party can not only hold its present gains in the South, but can increase them, if it shapes its policy so as to encourage rather than inflame the people.

You have always advocated a free ballot and a fair count, but of what advantage, I pray you, are these priceless jewels if the ballot has been bought, as the proof shows in this election was done, by the opposition to me, and if the true verdict is to be set aside after it is fairly rendered, as you are asked to do. It goes without saying that you have the absolute power to declare who shall occupy these seats, but would it not be fairer to leave the settlement of these contentions between rival candidates, regardless of party, to the voters at the polls when they cast their ballots? I can not believe that you will strike down the sacred right of a sovereign people by unseating a Representative fairly chosen and backed by seven of the nine members of the Committee on Elections. There is not a line of the evidence which deprives me of a single vote that was counted for me or deprives the contestant of but one vote that was intended to be cast for him, and that was the fault of the voter; and I challenge the opposition to point out any other. No unbiased man can read the proof in this case carefully without reaching the inevitable conclusion that I have more ground upon which to stand and contest than contestant; that I am more sinned against than sinning. The proof all over that district shows that a fairer election was never held in Kentucky, a fact which all must admit, and which the contestant himself admitted in Clark County after he discovered that the contrary could not be established. I have been compelled to devote to this contest much time, thought, and research that should have been wholly dedicated to the business of my constituents and to reading and reflection. The district needs a Federal court to pass on the personal and property rights of its people and to remove the clouds that overhang its land titles and quiet them; it needs a public building; but I have been compelled to neglect these needs in looking after this unnecessary and uncalled-for contest, after having in a previous Congress for the first time secured reports from the Committees on the Judiciary and Public Buildings and Grounds favorable to both these measures.

Many fair Republicans in that district have expressed their condemnation of this contest to me and will learn with a pang that I am compelled to ask from my colleagues what a respectable majority of my constituents have already given me. I hardly believe I will be regarded as too sentimental, even in this prosy, practical age, when I assert that the outcome of this contest will touch every hand and home in the Tenth district and many elsewhere. But I feel sure that you are not going to render such a monstrous, tyrannical, and despotic verdict as you have been called upon to do. I have too much confidence in the sense of fairness of those with whom I have been associated recently. I believe that you will enlarge your generosities by doing simple and exact justice in this case; that you intend to do right in this matter; that when the vote is taken here the accredited verdict of the people will stand, rendered at the fairest election ever held in the district, and that the voice of the people—which is the voice of God always and everywhere, when they understand the question—will, by your verdict this day rendered, stand vindicated and triumphant, remembering that—

> Truth crushed to earth will rise again;
> The eternal years of God are hers.

Personally, from the beginning, the outcome of this contest has been immaterial to me. I care more for the principle than the place. I would rather stand erect and lose than

> Crook the pregnant hinges of the knee,
> Where thrift may follow fawning.

I have known men to be ruined by being elected to Congress, but not one who was ultimately injured by being turned out after he was elected. My constituents would probably vindicate their right to choose their own Representative, even though the salary were used to buy votes on the other side. If Joseph had not been robbed of his coat of many colors and sold into Egyptian bondage he never would, in all probability, have become the premier of Egypt. Better be elected and turned out than not elected and turned in. It would be a long time before that district would be close enough for another contest unless the party is revolutionary that attempts it. The party that aspires to govern others ought first learn to govern itself. However, "without this," it is immaterial to me individually whether I am in Congress or out so long as poverty—the result of unequal laws—is the birthright of my people, who find the gates of human happiness through prosperity closed against them. The skies of Kentucky are clearer than those that bend over Washington, and the breezes that come from the Blue Ridge are purer than the fog that hovers over the Potomac. While standing in this beautiful city, in the midst of its

splendid public edifices and magnificent private residences, with culture, refinement, and wealth upon every hand to attract and dazzle the mind, I see much to admire. But in the humble home of the cottager who inhabits the wild fastnesses of the Cumberland Mountains, I see much to love. Their child-like simplicity, broad, open-handed hospitality, and generous sympathy for their fellow-man, brings to mind the remark of a great genius of the past, that on the heights of the mysterious beyond he only desired a highland welcome. Such was his highest idea of heaven.

Gentlemen, I have spoken at such great length not for my own sake, but for the cause of truth, which is in danger of being trampled underfoot. I am much obliged for your patient attention to this weak statement of an impregnable case.

APPENDIX A.

THE COMMONWEALTH OF KENTUCKY,
Tenth Congressional District, sct.:

To the clerks of the county court of the counties of Breathitt, Clark, Elliott, Estill, Floyd, Johnson, Knott, Lee, Martin, Magoffin, Montgomery, Morgan, Menifee, Pike, Powell, and Wolfe:

This is to certify that a convention was held by the Democrats of the Tenth Congressional district of Kentucky in the town of Campton, Ky., on the 10th and 11th days of July, 1894, at which convention Joseph M. Kendall was by said convention nominated as candidate for Representative of the said Congressional district, to be voted for at the November election, 1894; that the title and principles represented by the said convention are known and designated as the Democratic party of the State of Kentucky, and that the device to be placed at the head of the list of candidates of the Democratic party to be the gamecock.

Witness our hands, as chairman and secretary of the said convention, this the 11th day of July, 1894.

T. C. JOHNSON, *Chairman.*
(Residence, Campton, Wolfe County, Ky.)
HENRY WATSON, *Secretary.*
(Residence, Mt. Sterling, Montgomery County, Ky.)

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STATE OF KENTUCKY,
County of Wolfe, sct.:

I, J. B. Hollon, a county court clerk within and for said county and State, do certify that on this the 18th day of September, 1894, personally appeared before me, Thomas C. Johnson, who acknowledged the foregoing certificate to be his act and deed, who was also sworn by me that the statements contained in said certificate are true.

Given under my hand and official seal the year and day aforesaid.

J. B. HOLLON, *C. W. C. C.*

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STATE OF KENTUCKY,
County of Clark, sct.:

I, Joe B. Ramsey, a county court clerk within and for said county and State, do certify that on this the 3d day of October, 1894, personally appeared before me, Henry Watson, who acknowledged the foregoing certificate to be his act and deed, who was also sworn by me that the statements contained in said certificate are true.

Given under my hand and official seal the year and day aforesaid.

JOE B. RAMSEY, *Clerk C. C., Ky.*
By W. T. FOX, *D. C.*

Contested-Election Case—N. T. Hopkins vs. Joseph M. Kendall.

REMARKS
OF
HON. N. T. HOPKINS,
OF KENTUCKY,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 18, 1897,

On the following resolutions:

"*Resolved*, That N. T. Hopkins was not elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to the seat.

"*Resolved*, That Joseph M. Kendall was duly elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is entitled to the seat."

Mr. HOPKINS said:

Mr. SPEAKER: On Thursday, February 18, 1897, and immediately after I had taken the oath as a member of this House, the gentleman from Arkansas [Mr. DINSMORE], who is a member of the Elections Committee which heard my contest, and who made a speech before this House in behalf of Mr. Kendall, arose in his seat and said:

Mr. SPEAKER. I ask unanimous consent that the gentleman from Kentucky, Mr. Hopkins, the contestant in this case, and the contestee, Mr. Kendall, have leave to print remarks in the RECORD upon the election case just disposed of.

I wish to say that I neither requested, nor in any way authorized the Arkansas gentleman to make such a request, and I think I am correct in assuming that Mr. Kendall was responsible for the request, and was anxious to put in the RECORD a speech which he never uttered anywhere, but availed himself of such an opportunity to attack me and the people of the Tenth district of Kentucky.

He was undoubtedly anxious to unload an old speech which he had carried in his pockets for several months, instead of carrying it in his head.

He had opportunities to deliver that speech, but he never had the courage to do so. He ought to have delivered it before the committee before the case was decided. He ought to have delivered it on the floor of the House before he was unseated. But he preferred to have others to speak for him. He had his kinsman, Frank Hopkins, of Floyd County, Ky., and also Gen. W. W. Dudley, an able lawyer and influential Republican of Washington City, to speak for him before the committee, and on the floor of the House he let Republicans advocate his cause.

Why did he not speak his little speech? Had he done so he might have turned the tide in his favor. On the very day he was turned out of this House, he had printed in the RECORD a speech he never made. He did that for home consumption, and will likely be a candidate again and claim that he fell a martyr. But before he fell and made his escape, he drew from the Treasury two years' salary, to which I alone was entitled. He got two years' pay for clerk hire to which I was entitled and can not now get. He got all the books, records, maps, documents of every kind to which I was entitled, and which I will never get for my constituents. He got all the garden seeds for two years to which I was entitled and will never get. He got everything in the way of money, documents, seeds, privileges to which a Congressman is entitled, and to which he was not entitled.

This ought to have satisfied him. But he seems greedy, mad, and dissatisfied.

The law and facts were against him. He should be thankful that he was permitted to serve as long as he did. But in his printed speech, which he never spoke, read, nor whispered, he takes occasion to discuss a lot of stuff that was never discussed before the committee.

Had he confined himself to the Clark County frauds, which only were reported upon by the committee, he would have shown better taste than he has displayed. But he rambles over matters which have no bearing upon the contest between us. He evidently does this to show his polish, his literary attainments, and his professional acquirements.

He goes out of the way to suggest that I am not a very good Republican, and refers to me as a vanquished rural rooster smarting under defeat.

It is true that I live in the country on a little farm, and am a very poor man, with a large family to support, and never had the advantages of schools and polished society. I married when I was only 19 years old, and have had to always labor to support my family. I have lived by farming and logging, and, not being an educated man like my friend Kendall, I have never known how to take short cuts as against hard labor, and not being a polished man, I have never been able to pass for more than I actually merited.

I was nominated for Congress when I did not seek the nomination, and when notified was at home working in my cornfield.

I hesitated whether to accept, and felt inclined not to do so, as I knew it would be a great sacrifice to my family, if defeated, as I was too poor to lose the time from my daily labor, which was necessary to canvass such a large district, but finally I obeyed the wishes of my party and the advice of friends and accepted the nomination. I went over the district telling the people my views upon the issues involved in that campaign, but never succeeded in getting my opponent, Mr. Kendall, to meet me in debate.

He always had business elsewhere, and kept himself at a safe distance. I went among the farmers and the country people. They knew me by reputation if not by sight. They knew my character for truth and veracity. They knew that if elected I would vote and act in Congress from the best information I could obtain, and what would be for my interest would be for their interest, as we were all poor farmers and logmen standing together.

He refers to me as a Republican trying to unite the Baptist Church, and says that in order to gain my contest, which appeared to me as a mess of pottage, he believes I would deny being a Baptist.

I do not know why Mr. Kendall undertakes to cut, slash, and punch the Baptist Church or any of its members, as during our campaign he was, so I was informed, crying that he was a Baptist.

I shall never deny my religious principles in or out of Congress. It is well known by those who know me that I am a member of the Baptist Church, but I do not fall out with any man because his views do not accord with mine as to either politics or religion.

Every man has a right to his own opinion on these matters. I am proud that I am a farmer, and also a member of the Baptist Church, and it is far better to belong to some good religious denomination than to none at all.

It is bad taste in Mr. Kendall for him to try to poke fun at me by referring to me as being a "rural rooster" and a member of the Baptist Church, but his speech will do him no good among the honest voters of the Tenth district of Kentucky.

Mr. Kendall devotes the greater part of his speech in trying to show that the county court clerk of Clark County did not perpetrate a fraud in preparing the ballots used in that county, and he uses at least ten thousand words in explaining his view of the Clark County fraud. Mr. Kendall says that there was nothing wrong in Clark County. He failed, however, to even convince the Democrats on the committee that there was nothing wrong in Clark County. The committee is composed of Judge DANIELS of New York, Mr. ROYSE of Indiana, Mr. COOKE of Illinois, Mr. LEONARD of Pennsylvania, Mr. MOODY of Massachusetts, Mr. LINNEY of North Carolina, all Republicans; and Mr. BARTLETT of Georgia, Mr. TURNER of Virginia, Mr. DINSMORE of Arkansas, Democrats.

All of this committee made a report in favor of Mr. Kendall retaining his seat except Mr. ROYSE and Mr. LINNEY, who reported against Mr. Kendall. The very men on the committee, both Republicans and Democrats, who were for Kendall, say in their report that J. B. Ramsay, the clerk of Clark County, perpetrated fraud in preparing the ballots for that county.

Concerning what is known as the George Gray ticket, or, in other words, the straight Republican ticket, the members of the committee who were for Kendall use this language:

> The object of framing this last ticket was to deceive illiterate persons intending to vote the Republican ticket and to lead and induce them to vote it, supposing and believing that in so doing they were voting the regular Republican ticket.
>
> And it did so deceive Republican voters, as it was intended it should deceive them.

They further say, in speaking of the 79 votes cast under the fraudulent ticket:

> These 79 persons in this manner clearly disclose their intention to vote for the Republican candidates, and were only prevented from regularly doing so by this fraudulent and unlawful act of County Clerk Ramsay.

They further say, in speaking of the ballot as prepared, that it was—

> a fraudulent and unlawful act—

And in speaking of his conduct, they say:

> The fraudulent conduct of the clerk—

And that—

> He deserves the severest censure for his fraudulent and official misconduct, and he really deserved to be punished for his crime.

They further say that the George Gray petitions were not filed according to the proof until the 22d day of September; but J. B. Ramsay, the county court clerk of Clark County, swore that the petitions were filed on the 14th day of September.

Mr. Kendall's friends on the committee, therefore, hold that Ramsay swore a lie. Why, then, should Mr. Kendall have his long speech printed, in which he undertakes to show that there was nothing wrong in Clark County, that no fraud was perpetrated there, after his own friends on the committee had stated in their report to this House that the county clerk had perpetrated fraud in preparing the ballots and that he deserved to be punished for his crime? But it is likely that Mr. Kendall will circulate his speech through the Tenth district, in the hope of deceiving and misleading voters. I hope he will distribute 50,000 of his speeches, and without delay.

As his own friends on the committee contradict him as to the Clark County fraud and the testimony relative thereto, it is entirely useless for me to follow him in all he has said as to Clark County.

Mr. Kendall certainly fails to comprehend the meaning of the Kentucky law as to the selection of devices. He uses this language in his written speech:

> The learned counsel for contestant can not deny—no Kentucky lawyer will deny—that had my certificate of nomination, which was filed before contestant's, asked for the eagle as my device, and that my name be placed under that emblem on the ballot, following the laws, the clerk would have been compelled to place my name under the eagle, and had he failed to do so he and his bondsmen would have been responsible to me in a personal action for any injury that might have resulted, unless they had hidden themselves behind section 1453, Kentucky Statutes.

Mr. Kendall fails to understand that the Republican party of Kentucky in convention assembled had selected the "eagle about to fly" as its party device, to stand at the head of its party nominees. That device legally belonged to the Republican party and its nominees. I had been nominated by a Republican convention in July, but the certificate of my nomination was not filed with the county clerk of Clark County till in October, but it was filed within the time prescribed by law. Mr. Kendall fails to distinguish between the date of selecting a device and the date of informing the clerk as to the selection. He goes on the idea that the device can not be selected until the county clerk shall have been notified of the selection.

The eagle device was selected in 1892 by the Republican party in Kentucky for all its party nominees.

The convention that nominated me ratified the selection of the eagle as a device, because I was a Republican nominee. The filing of my certificate of nomination with the county clerk of Clark County was not a selection of the eagle as a device, but it was only a notice to him that the eagle, as the device of the Republican party, was not changed by the convention which nominated me.

But had the eagle not been selected by the Republican State convention, I would have been entitled to it, because it was selected in July by the convention which nominated me, when the petitioners in Clark County did not select it until in September.

Mr. Kendall, however, seems to hold that the clerk is bound to comply with the provisions of the law in placing devices. In this he is surely correct, and that is the ground I urged in my contest as to Clark County.

The testimony shows that the clerk of Clark County did not obey the law in preparing the ballots, but that he fraudulently violated the law, with the purpose of misleading and deceiving Republican voters. The majority of the committee held that the clerk perpetrated a fraud, but that the extent of the fraud, so far as I was concerned, was the 79 votes cast under the eagle.

The minority of the committee, ROYSE, of Indiana, and LINNEY, of North Carolina, held that the extent of the fraud as to my candidacy could not be estimated, and that the 79 votes was not a fair nor reasonable estimate of the fraud.

In addition to this, they held that the Kentucky law is mandatory as to the ballot, and that a ballot must be legally prepared before it can be an official ballot. They held—and the House sustained their position by a vote of 197 to 91—that the Clark County ballots were fraudulently and unlawfully prepared, and because of this the said ballots were not official ballots, and therefore could not be used by a voter to legally express his choice, and therefore the vote of Clark County must be rejected. The testimony in this case shows J. B. Ramsay, the then county clerk of Clark County, in his testimony as a witness for Mr. Kendall, held that the Kentucky law is mandatory as to the preparation of the ballot.

He swore that he consulted J. M. Benton and E. S. Jouett, both lawyers at Winchester, Ky., as to how he should proceed, and that they advised him that he was bound under the law to give the eagle as a device to the George Gray ticket. Then Benton and Jouett, as witnesses for Mr. Kendall, swore that they so advised Mr. Ramsay. This shows that those two good lawyers, both of them Democrats, construed the law as mandatory upon the county clerk. But the mistake made by Benton and Jouett in giving legal advice was that they misconstrued the law as to the time when the devices were selected. They disregarded the selection of the eagle by the Republican party in State convention. They disregarded the fact that the convention which nominated me in July selected the eagle device.

They went on the idea that because the Gray petitions were filed in September, when the certificate of my nomination was not filed till in October, therefore the request of the Gray petitions should be complied with. They were advising the clerk to stick to the law—that he was bound to comply with its provisions—but they, in this case, were either ignorant of facts upon which to form legal opinions or they did not understand the law as to the selection of devices.

Their advice to the county clerk of Clark County, however, was on the ground that the law is mandatory, and that he was bound to comply with and obey its provisions in preparing the official ballots.

Their great mistake was in not properly understanding the law as to the selection of devices by party organizations or petitioners. If the law is mandatory on the clerk as to how he shall prepare the ballot, and if he willfully, corruptly, and fraudulently violated the law in preparing the ballot, then the ballot is not prepared according to the provisions of section 1446, Kentucky election law, and consequently can not be an official ballot, and could not be used by voters in expressing their political preferences as between Mr. Kendall and myself, and therefore they could not be counted.

Mr. Kendall, in his printed speech, which was never spoken, says that—

> Under the Australian law now in force in Kentucky a ballot is not valid unless it does have a device upon it.

This assertion shows that Kendall himself holds that the provisions of the law should be complied with by the county clerk in preparing the ballots. According to his argument, a ballot is not valid unless it has a device upon it. In my case the county clerk of Clark County stole my lawful device and gave it to a bogus and unlawful ticket, which had no right to be on the ballot, and he unlawfully gave to my ticket the picture of a raccoon as a device.

Then, if a ballot is not valid unless it have a device upon it, as Mr. Kendall says, I ask him if ballots with unlawful devices upon them, put there through fraud and corruption and to mislead and deceive voters, can be valid ballots? Mr. ROYSE and Mr. LINNEY said in their report that such ballots were not valid, and this House has sustained them in their views.

According to Mr. Kendall's own argument, I should have been seated, because the Clark County ballots were not valid.

SPECIFIC LOSS.

But it was urged that I should be required to show how many votes I lost by reason of the fraudulent, unlawful ballots, and that was the position taken by the majority of the committee, and they held that the 79 votes under the eagle was the extent of my loss.

My attorney took the ground that it was impossible to produce legal and competent testimony by which my loss could be conclusively shown, and that the character of the fraud was such that it was impossible to prove its effect upon my candidacy, and that if the Kentucky law was mandatory upon the clerk as to how the ballots were to be prepared, then it was unnecessary to prove the number of votes I lost by reason of the character of the ballots.

Those were the positions taken by my attorney.

The testimony shows that there was a conspiracy between the then county clerk of Clark County and some of the Democratic organization to place a bogus ticket on the ballot and give it the eagle, which was the Republican device; that no sample ballots were posted at any of the precincts, and that the Republicans knew nothing as to the fraudulent ballot until the polls were opened. Then there was great indignation, consternation, and hesitation among the Republicans, and word was passed among them at many precincts "not to vote." But later on the Republicans rallied and cast 1,488 votes, whilst the Democrats cast 1,844. It was contended that this was the usual Republican and Democratic vote of the county. To meet this view of the case, the testimony shows that outside of Clark County my vote in the district was 3,155 greater than the Presidential Republican vote of 1892, while Mr. Kendall received only 488 votes more than the Democratic Presidential vote of 1892.

My increased vote over the Republican vote of 1892 was as follows: Breathitt, 153; Elliott, 190; Estill, 208; Floyd, 460; Johnson, 250; Knott, 162; Lee, 116; Magoffin, 204; Martin, 103; Menifee, 62; Montgomery, 257; Morgan, 233; Pike, 445; Powell, 97; Wolfe, 215. This was a uniform gain of over 31 per cent outside of Clark County.

But when we went to Clark, Mr. Kendall fell 114 votes behind the Democratic vote of 1892, while I fell behind the Republican vote 111. Why should we both in Clark fall behind the vote cast for our respective parties in an exciting Presidential campaign? The assessor's book shows there were 4,045 voters in Clark in 1894, and more than 700 of them failed to vote for Mr. Kendall or myself. Seven hundred remained from the polls.

It was urged that Governor Bradley lost the district in 1895 by 202 majority. But I wish to say that outside of Clark I received in the district 256 more votes than Governor Bradley received, while he received 174 more votes in Clark than I received, whilst the testimony shows that 51 Republican voters were in line in Winchester when the polls closed and did not get to vote for Governor Bradley. Had I received Bradley's vote in Clark I would have received 430 votes more than he received in the district.

Mr. Kendall received only 335 more votes in the district than Bradley received, and had I received Bradley's vote in Clark I would have been 105 votes ahead of Mr. Kendall. But the testimony in this case develops the fact that the vote certified to the secretary of state from Clark shows that I received 1,488 and Kendall 1,844 votes in that county, while the present county clerk of Clark certified to the committee that my true vote in that county was 1,504, while Kendall's was only 1,810, thus showing that the returns sent to the secretary of state cheated me out of 50 votes. Add these to the 50 persons who failed to vote for Bradley in Clark, but who were at the polls ready to vote when the polls closed, and had I received the usual Republican vote in Clark County I would have defeated Mr. Kendall more than 200 votes.

But why should this Clark County fraud have been committed, had not it been thought necessary by the Democratic leaders of Clark County? Why should Mr. Kendall receive the benefit of that fraud and throw upon me the burden of proving my specific loss? Will any fair-minded man contend that under the proof my loss was only 79 in Clark?

The testimony shows that 107 registered Republicans failed to vote in Winchester, whilst 79 registered Democrats and 25 registered Independents failed to vote.

This fraud was too gigantic to be estimated. Republicans were dismayed. They thought the same trick had been worked in every county in the district. They abandoned the polls, and in several instances Republican election officers refused to serve and abandoned their places, which were promptly filled by Democrats.

Mr. Kendall was willing to accept and avail himself of the Clark County fraud and then try to hold me to prove specific loss of votes on account of the fraud.

He then in his printed speech, in substance, contends that the law prevents me from making any proof at all as to my loss of votes. He uses this language:

> The object of the Australian ballot is to protect the sacred secrecy of the voter's choice; for if he were permitted or compelled to tell how he voted, it would destroy its prime object, and the liberty and free choice of the elector in Kentucky would again be unprotected. * * * It is impossible under this law to go behind the returns, because the voter is so hedged about and protected that it is impossible to find out how he did vote, or, in fact, any material wrong whatever.
>
> Secrecy is destroyed when a voter tells how he voted, and if you can not allow even one voter to tell for whom he voted, and if no one else is permitted to see or know how he did vote, pray tell me how you would overcome my majority.

Those are Mr. Kendall's words. He first contends that the clerk of Clark County was compelled by the law to do as he did in preparing the ballots; that he committed no fraud; that the law is mandatory.

He then contends that I was not injured; and if I was, it was only to the extent of 79 votes.

I am then called upon to prove my specific loss. Mr. Kendall then says the law prevents me from proving anything, and he exclaims, "Pray tell me how you would overcome my majority!" And he further says:

> The courts of Kentucky have held that a voter can not be compelled, and ought not to be even permitted to tell, on the witness stand for whom he voted, and the reason for this is obvious and its wisdom indisputable.

Thus does Mr. Kendall undertake to shield himself behind the law which prevents me from showing how many votes I actually lost, and then he boldly proclaims that I should not be seated because I have not proved that I lost any votes by reason of the fraudulent ballot.

He further says in his printed remarks:

> All, then, this contest can amount to is to prove a few insignificant irregularities, mostly of form, that do not change a single vote.

Does he call the Clark County fraud an insignificant irregularity? The committee does not call that fraud an insignificant irregularity.

Lawyers know that a voter can not be compelled to state how he voted, nor does the law permit a person who did not vote to testify as to how he would have voted. The only way I could have proved my actual loss by reason of the fraudulent coon ballot in Clark County would have been for me to take the testimony of every legal voter who was in that county on the day of election as to how he voted or how he would have voted, and the law prevented me from making such proof. It is true that I may have introduced witnesses to show that they did not vote. I could have asked them why they did not vote. They could have replied that it was none of my business, and I now ask under what law and under what compulsory legal process such witnesses could have been forced to testify even as to why they may not have voted?

The legal obstructions surrounding and preventing an investigation of such frauds as those committed in Clark County, so far as ascertaining the actual loss sustained by an injured candidate, render it necessary that the law should be mandatory, or the burden of proof shifted to the candidate who receives the benefit of the fraud, to show that the candidate complaining suffered no loss.

CLARK COUNTY AGREEMENT.

Much has been said about what is known as the Clark County agreement, which was entered into in order to prevent the taking of testimony.

My notice of contest charged that voters who intended to vote for me were terrorized and intimidated and thereby prevented from voting for me.

This agreement was for the purpose of waiving that charge, and also to show that the election officers committed no frauds in counting or certifying the votes cast.

It was well understood between my attorney and Mr. Kendall's attorneys what the agreement then meant and what it was intended to cover.

But Mr. Kendall, and the committee for him, undertake to find in that agreement an acknowledgment on my part that I suffered no loss. But such is not a fair nor correct interpretation of the agreement, which is as follows:

> That all Republican voters in Clark County who attended the election and who desired to vote were given a fair and free opportunity to do so, and their votes were counted and certified as cast.

That means that there was no intimidation on the day of election; that those who wanted to vote had the privilege of doing so unobstructed; that the election officers committed no frauds.

But that agreement does not say that the county clerk did not commit a fraud. It does not say that he prepared and distributed a legal ballot. It does not say that voters did vote, or could have voted a legal ballot.

The truth is, that no other than an illegal, fraudulent ballot was cast in Clark County, nor did the voters have an opportunity to cast any other kind of ballot. The member from Massachusetts [Mr. MOODY], an able lawyer, who spoke for Mr. Kendall, said in his speech:

> We all agree that that ticket which was placed on the official ballot was wrongfully placed there. The eagle ticket ought not to have been on the ballot. It was a wrongful ticket, and we all agree to that. The question is, What is the result which ought to follow from that wrong on the part of the county clerk?

Mr. CONNOLLY, of Illinois, asked Mr. MOODY if there was any other ballot used in Clark County but that one.

Mr. MOODY replied:

Oh, no; that was the only ballot that any voter could use.

General GROSVENOR, of Ohio, said:

That is exactly the point that I want to ask the gentleman a question about. Now, if that be true, if the legislature prescribes the form of ballot to be used and another form is used with the intent to defraud, what remedy is there for an act like that except to treat that vote and that election as a nullity?

But Mr. MOODY failed to convince the House that his idea was the correct one, which required that I should prove specific loss by reason of the ballot. The Kentucky law says that no ballot but an official ballot shall be used, and that it shall be printed as directed; which means that unless the official ballot is printed as the law directs, it can not be used. The Clark County ballots had to be rejected because they were illegal, and the Clark County agreement, about which so much has been said, does not allude to the ballots in any way. It only meant that a fair and free opportunity was given for the purpose of voting that fraudulent, illegal ballot.

HOPKINS vs. KENDALL,

10TH DISTRICT OF KENTUCKY.

The Constitutional, Statutory Ballot should have been prepared by the County Clerk of Clark county, Kentucky, as follows:

DEMOCRATIC TICKET.
For Representative in Congress.
JOSEPH M. KENDALL.
[Unexpired Term.]
W. M. BECKNER
For Representative to the Legislature.
[Unexpired Term.]
JAMES FLANAGAN
For County Judge.
RODNEY HAGGARD
For County Attorney.
JAMES D. MITCHELL
For County Clerk.
L. S. BALDWIN
For Sheriff.
SAM K. HODGKIN
For Jailer.
BUTLER ROBINSON
For Assessor.
JAMES JEWELL
For Surveyor.
D. J. PENDLETON
For Coroner.
CLIFF CRIM
For Justice of the Peace.
B. E. WILLS
For Constable.
J. H. ODEN

REPUBLICAN TICKET.
For Representative in Congress.
N. T. HOPKINS
[Unexpired Term.]
JOHN L. BOSLEY
For Representative to the Legislature.
For County Judge.
S. E. REED
For County Attorney.
E. K. S. CLINKENBEARD.
For County Clerk.
For Sheriff.
R. E. PACE
For Jailer.
J. G. PARRISH
For Assessor.
THOMAS BUSH
For Surveyor.
A. H. HART
For Coroner.
J. H. W. SPOHN
For Justice of the Peace.
For Constable.

But the said County Clerk fraudulently and unlawfully prepared and distributed an unconstitutional and illegal ballot, which he distributed and which alone was voted. It was as follows:

DEMOCRATIC TICKET.
For Representative in Congress.
JOSEPH M. KENDALL.
[Unexpired Term.]
W. M. BECKNER
For Representative to the Legislature.
[Unexpired Term.]
JAMES FLANAGAN
For County Judge.
RODNEY HAGGARD
For County Attorney.
JAMES D. MITCHELL
For County Clerk.
L. S. BALDWIN
For Sheriff.
SAM K. HODGKIN
For Jailer.
BUTLER ROBINSON
For Assessor.
JAMES JEWELL
For Surveyor.
D. J. PENDLETON
For Coroner.
CLIFF CRIM
For Justice of the Peace.
B. E. WILLS
For Constable.
J. H. ODEN

REPUBLICAN TICKET.
For Representative in Congress.
N. T. HOPKINS
[Unexpired Term.]
JOHN L. BOSLEY
For Representative to the Legislature.
For County Judge.
S. E. REED
For County Attorney.
E. K. S. CLINKENBEARD.
For County Clerk.
For Sheriff.
R. E. PACE
For Jailer.
J. G. PARRISH
For Assessor.
THOMAS BUSH
For Surveyor.
A. H. HART
For Coroner.
J. H. W. SPOHN
For Justice of the Peace.
For Constable.

STRAIGHT REPUBLICAN.
For Representative in Congress.
For Representative to the Legislature.
For County Judge.
R. W. BARNETT
For County Attorney.
For County Clerk.
For Sheriff.
W. E. STALLARD
For Jailer.
GEORGE GRAY
For Assessor.
P. A. EMERY
For Surveyor.
For Coroner.
JAMES BERRY
For Justice of the Peace.
For Constable.

To the Clerk of the House of Representatives:

This is the ballot referred to by K. J. Hampton in his deposition and filed as an exhibit and part thereof.

J. W. POYNTER, *Notary Public.*

ADDITIONAL TESTIMONY.

During the last session, in the closing days of this House, a resolution was adopted permitting Mr. Kendall and myself to take such additional testimony as we might desire concerning the election in Clark County. That resolution was introduced by Mr. MOODY, one of the committee which had charge of this case. My attorney protested against the resolution in conversation with Mr. MOODY. We did not ask for it; nor did the committee make an order, or give to me or my attorney information as to the

character of the additional testimony desired. Additional testimony was taken in behalf of both Mr. Kendall and myself. That testimony clearly shows that the petitions filed by George Gray did not state facts sufficient to bring them within the provisions of the law. They were not legal petitions, and did not even authorize the county clerk to favorably consider them, and that is the reason the eagle ticket was illegally and fraudulently placed on the ballot; and this illegal ticket gave the county clerk an excuse to steal the eagle from the Republican ticket and put it over the illegal ticket, and to put a coon device over the Republican ticket.

The additional testimony further shows that I was cheated out of 50 votes in the certificate made to the secretary of state. It also shows the vote of each county in the Tenth Congressional district at every election for President and governor from 1884 to 1895, and between Mr. Kendall and myself. It shows the registered vote of Winchester in 1894 and 1895 and the number voting and failing to vote. From these figures it is shown to almost absolute certainty that I must have lost from 300 to 400 votes in Clark County, as I made great gains in every other county, amounting, as heretofore stated, to 3,155, while we both lost in Clark. While the law prevented me from taking the testimony of voters as to how they voted or would have voted, Mr. MOODY in his speech says:

> Everybody knows that if Republicans did not vote it could be proved, and proved easily. The House had extended the time for this contestant for the mere purpose of allowing him to prove it. He comes back without any proof whatever, and the excuse presented to the House is that the court of appeals of Kentucky has decided that a man can not be compelled to tell how he voted, and therefore for that reason it was impossible to compel a witness to testify that he did not vote and why he did not vote.

In this argument the member from Massachusetts shows himself more of a demagogue than an able lawyer, and he seems to be offering an excuse rather than an argument.

He well knows that a voter can not be compelled to state how he voted, nor can he even be permitted to say how he would have voted. That is the law.

I now say to Mr. MOODY that no voter can be compelled to say why he did not vote. The elective franchise is a privilege granted by the constitution of our State, the exercise of which is regulated by law. Neither the constitution nor the statutes compel anyone to vote. The privilege of voting can be exercised or not, at the option of the voter, and it is not in the power of any official or tribunal to compel a voter to say why he failed to exercise a constitutional privilege. I am surprised at the position taken by the member from Massachusetts. He causes me to doubt his ability as a lawyer.

The testimony shows that 700 voters failed to vote in Clark. The member from Massachusetts thinks that I should be forced to show how many of them were Republicans. If he thought I could be cajoled into trying to do so by the resolution he caused to be passed authorizing the taking of additional testimony, or by any suggestions he may have made, he is now informed that we do not walk into any such traps, however skillfully concealed.

The idea that a voter could be legally compelled, or even permitted, to say why he did not vote is absolutely ridiculous. Suppose I had shown that all of the 700 voters who failed to vote were Republicans. I guess the gentleman from Massachusetts would want me to show that they would have voted for me had it not been for that fraudulent and illegal ballot. No voter is required to vote an illegal ballot, and he does not have to say under oath anything about his failure to vote.

The ballot was illegal, and no man has the right to vote an illegal, fraudulent ballot. But the member from Massachusetts, whilst refusing to consider inferential testimony in my favor, draws on his imagination for reasons as to why the Republican vote of 1894 fell behind that of 1892 in Clark, whilst there was an increase in every other county of the district. He gives as his reason, and which is only an inference, that the colored voters were dissatisfied with an editorial which appeared in the Winchester Sun in April, 1894. He fails to remember that the colored voters were for me. Like a great many others ignorant of facts, he finds "a nigger in the wood pile" where there is neither wood pile nor nigger.

He contends that I must prove specific loss of votes in Clark County, and wants me to do so by testimony which the law prohibts. He then goes further, and wants me to show how many of those failing to vote were Republicans. Had I done so, would he have inferred that they would have voted for me? Unless he would, then it would be impossible for me to convince him, as the law will not force a voter to say why he did not vote or for whom he would have voted.

It is nobody's business why any man fails to exercise himself of a constitutional, personal privilege, and the gentleman from Massachusetts ought to so understand. If he is willing to draw reasonable inferences from competent testimony; I gave him a sufficient quantity of that testimony; but there are none so blind as those who refuse to see.

CONCLUSION.

In conclusion I wish to say that to answer in detail every charge, allegation, and inference made by Mr. Kendall in his printed remarks would make this longer than I desire. He makes some personal charges against me, my friends, and relatives which are not true. He charges that $2,000 was raised for me in a caucus at my brother-in-law's which was used in Floyd County to buy votes, etc. This I deny; and there is not a word of proof to sustain his charge. He calls me a preacher contestant, with my soul blackened and scorched. In reply to this I say to him that I remand him to the tender mercies of the voters of the Tenth district when he is again a candidate, which is likely not to be very long.

To the member from Indiana [Mr. ROYSE] and the member from North Carolina [Mr. LINNEY] I feel under great obligations for the able manner in which they presented and defended the issues, as understood by them, and sustained by this House. I wish also to express my sincere thanks to the Republican members of the Kentucky delegation [Messrs. HUNTER, LEWIS, EVANS, PUGH, and COLSON] for the active support they gave me in this House in the cause of my contest.

I naturally am gratified in having been accorded my seat, to which I believe I am entitled, and I trust that hereafter all county clerks in Kentucky will faithfully comply with our election laws in preparing the official ballots, and that the Clark County fraud will never be repeated. I was kept out of the seat to which I was legally entitled for two years. Mr. Kendall has drawn over $10,000 and public documents and seeds from the United States to which he was not entitled. He has kept me out of my seat and prevented me from having an opportunity to be of benefit to my constituents as their Representative in Congress. It is now too late for me to even prepare and introduce bills for the consideration of this Congress, as it is only two weeks to adjournment.

I believe the good people of the Tenth district of Kentucky will approve the action of this House in seating me, and it may be that in the future I may have an opportunity to show to them what I would have tried to do for them had I been given my seat earlier.

Appended is the ballot which was used and the ballot which should have been used in Clark County.

Anti-Ticket Scalping Bill.

SPEECH
OF
HON. JAMES S. SHERMAN,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 27, 1897.

The House having under consideration the bill (H. R. 10090) to amend an act entitled "An act to regulate commerce"—

Mr. SHERMAN said:

Mr. SPEAKER: I very much regret that the opponents of this bill have thought it expedient to decline to agree to a reasonable time for debate and have instead exhausted by all parliamentary tactics time that might otherwise have been consumed in debate.

Mr. Speaker, I have offered two amendments to the bill, upon which the previous question has been ordered, and with these amendments the bill reads:

> An act to amend the act entitled "An act to regulate commerce."
>
> *Be it enacted, etc.*, That it shall be the duty of every common carrier subject to the provisions of said act to regulate commerce to provide each agent who may be authorized to sell tickets or other evidences of transportation, subject to said act, of the holder's right to travel on the line of such carrier, or on any line of which such carrier's line shall form a part, with a certificate setting forth the authority of such agent to make such sales; which certificate shall be attested by the signature of such common carrier, or, whenever such common carrier is a corporation, by the signature of one of its principal officers and by its corporate seal, and shall be posted in a conspicuous place in the office or place of business of such agent in such manner as to be in full view of the purchaser of tickets.
>
> SEC. 2. That it shall be unlawful for any person not possessed of such authority, so evidenced, to sell, barter, or transfer, for any consideration whatever, the whole or any part of any ticket, pass, or other evidence of transportation, subject to said act to regulate commerce, of the holder's right to travel on any line of any common carrier subject to the provisions of said act: *Provided*, That the purchaser of a transferable ticket in good faith for personal use in the prosecution of a journey shall have the right to resell same to a person who will, in good faith, personally use it in the prosecution of a journey: *And provided further*, That nothing in this act shall prevent the properly authorized agent of any transportation company from purchasing from the properly authorized agent of any other transportation company a ticket for a passenger to whom he may sell a ticket to travel over any part of the line for which he is the properly authorized agent, so as to enable such passenger to travel to the place or junction from which his ticket shall read.
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> SEC. 3. That any person or persons violating any of the provisions of, or neglecting to comply with any of the requirements of, the preceding sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which the offense was committed, be subject for each offense to a fine not exceeding $1,000, or imprisonment for a term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 4. That every common carrier subject to the provisions of said act to regulate commerce that shall have sold any ticket or other evidence of transportation, subject to said act, of the holder's right to travel on its line, or on any line of which it forms a part, shall, if the whole of such ticket be unused, redeem the same, paying therefor the actual amount at which said ticket was sold, or if any part of such ticket be unused by the purchaser thereof, redeem the same upon presentation thereof by the purchaser at the general office of such carrier, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket of the same class between the points for which said ticket was actually used. If the point at which the purchaser of said ticket shall have terminated his journey be not the place where the general offices of the carrier selling said ticket are located, and the agent at such point, either of the carrier selling the same or of any carrier over whose line said ticket reads, shall, upon the surrender of the unused portion of said ticket within thirty days after the purchaser of said ticket terminates his journey, give to such purchaser a receipt therefor, describing said ticket and stating the point or place where the journey terminated, and said carrier selling such ticket shall, upon presentation of said receipt, pay over to said passenger, or upon his order, the amount thereupon found due: *Provided*, That all of the common carriers subject to the provisions of this act shall, if presented within thirty days after this act takes effect, redeem all valid unused tickets of their issue then lawfully in the possession of any person.

SEC. 5. That if any person shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any passage ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or transportation in imitation of, or purporting to be in imitation of, such transportation issued by a common carrier or common carriers, subject to said act, for travel over its line, or over any line of which its line shall form a part, or who shall knowingly alter any genuine ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or issue, publish, or sell, or attempt to issue, publish, or sell any such altered genuine ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or any such falsely made or counterfeited passage ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, as aforesaid, shall be deemed guilty of a felony, and shall, upon conviction, be fined not more than $3,000 for each offense, and shall be imprisoned, in the discretion of the court, for a term not exceeding two years.

Let us see what the bill is, from whence it came, who asked for its passage, and why it should be passed. Let me say at the outset, Mr. Speaker, that this bill has no application whatever to transportation from a point in a State to another point in the same State. It affects only interstate traffic. Its first section makes it the duty of every common carrier, subject to the act to regulate commerce, to provide each of its agents authorized to sell its tickets with a certificate of authority to make such sales.

The second section makes it unlawful for any person not possessed of such authority to sell railroad tickets, but provides that a traveler not using his transferable ticket may sell it to another bona fide traveler without any certificate of authority.

The third section makes it a misdemeanor to violate either of the provisions of sections 1 and 2.

The fourth section requires the railroads to redeem the whole or any part of an unused ticket which it issues, and provides the terms upon which such redemption may be made. The amendment to-day offered was to meet the objection that brokers might be left with a considerable sum invested in tickets, and that under the terms of the bill their property would be substantially confiscated. I think the terms of the bill were broad enough to meet this objection, but I include the amendment to make assurance doubly sure.

The fifth section makes it a felony to forge or counterfeit any ticket, pass, or other evidence of transportation, and provides for a fine and imprisonment in the penitentiary not exceeding two years as punishment for such offending. So much for what it is. It is here in pursuance of the oft-repeated suggestion of the Interstate Commerce Commission. By referring to the report of the Committee on Interstate and Foreign Commerce, which recommends the passage of this bill (and in passing, I might invite attention to the fact that the minority report which recommends adverse action is signed by but one of the seventeen members of that committee), you will perceive that as early as 1888 the Interstate Commerce Commission raised the question of the legality of the practices of ticket brokers and asked Congress to give the subject consideration. Subsequently, in 1890, after an exhaustive examination into the methods and practices of the ticket brokers, who are popularly known as "ticket scalpers," the Commission condemned them as wholly unnecessary, and asked Congress by appropriate legislation to relieve the railroads of their operations. From time to time since, particularly in the annual reports of the Commission for 1895 and 1896, the Commission has urged Congress to enact into legislation the principles of the measure now under consideration.

The Interstate Commerce Commission is a body composed of gentlemen of long experience in public affairs, who are well qualified to deal with the transportation question and who are expressly enjoined by law to inquire into methods and practices relating to transportation subjects, and to report to Congress their conclusions thereon. This body is amply qualified to deal with the questions committed to it. Their report ought to have the weight at least of prima facie evidence; and, assuming this, I shall not attempt to cover the matters of fact stated in the various reports of the Commission, but shall rest those features of the case upon the official statements of the Commission to Congress.

I have called attention to the fact that this recommendation is not the result of premature thought or sudden conviction. It has been considered constantly from the very existence of the Interstate Commerce Commission. Nor is it a subject new to the public. It has heretofore been discussed by the press of the land, and has been most widely commented upon since the induction of this bill in January last.

The following leading papers are among those which have either indorsed the bill editorially or given prominence in their columns to reasons why it should become a law:

Utica (N. Y.) Herald, Washington Post, New York Tribune, New York Sun, Philadelphia Ledger, New York Mail and Express, New York Times, Brooklyn Standard-Union, Chicago Chronicle, Chicago Interocean, Chicago Evening Post, Chicago Herald, Chicago Times-Herald, Chicago Tribune, Chicago Journal, Buffalo Commercial, Pittsburg Dispatch, Rochester (N. Y.) Union and Advertiser, Boston Herald, New Orleans Times-Democrat, Atlanta Journal, Atlanta Constitution, Augusta (Ga.) News, Macon (Ga.) Telegraph, Columbus (Ga.) Ledger, Savannah Press, Savannah News, Columbus (Ga.) Enquirer-Sun, St. Paul Pioneer-Press, Minneapolis Times, Minneapolis Journal, St. Paul Dispatch, Kansas City World, Dayton (Ohio) World, Little Falls (N. Y.) Journal, and a great many other journals not so widely known and which it is not necessary to catalogue.

Quite certain it is that the bill has not escaped the attention of the public. The RECORD discloses the fact that its passage is asked by the following organizations, who have petitioned Congress for its passage: National Educational Association, Young People's Society of Christian Endeavor, Young People's Baptist Union, boards of trade representing business people in the principal cities of the United States, Grand Army of the Republic, through the commander-in-chief and State commanders, New York Clearing House, New York Board of Trade, and also by the Brotherhood of Locomotive Engineers, numbering 38,000 members; Brotherhood of Locomotive Firemen, numbering 37,000 members; Brotherhood of Railway Trainmen, numbering 40,000 members; Order of Railway Conductors, numbering 42,000 members, and Order of Railway Telegraphers, numbering 25,000 members, aggregating in all upward of 180,000 members. The Order of Railway Conductors especially pray for the passage of this bill to relieve them, in many cases, of unjust suspicion.

More than 2,000 petitions, representing over 2,000,000 signers, are in the RECORD asking for the passage of this bill, and less than 100, representing less than 10,000 signers, appear in opposition. My own State (New York) alone presents over 600 petitions for the bill and less than a dozen against. The scalpers have asserted that they have been given no opportunity for a hearing, either by the House committee or the Commission. The statement is not true. The bill was reported before an application for a hearing was made to the committee. Thereafter they were officially invited by the chairman of the committee to appear before it, which invitation was declined in a written communication. The following letter from Mr. Knapp, of the Interstate Commerce Commission, is a sufficient answer to the statement so far as that Commission is concerned:

INTERSTATE COMMERCE COMMISSION,
Washington, February 16, 1897.

DEAR SIR: My attention has been called to a House document, dated February 13, 1897, containing the supplemental views on the subject of ticket brokerage of a member of the House Committee on Interstate and Foreign Commerce.

On page 6 of this document it is stated that the "Interstate Commerce Commission * * * have from their own reports clearly been guilty of the unjust and un-American course of securing all of their information from the railroad associations, and of having failed to accord a hearing to the representatives of the Ticket Brokers' Association, though they have severely criticised and stigmatized them as criminals annually in each of their reports since 1890. And this though the brokers have frequently requested to be heard."

This is a most surprising statement, and I can not conceive upon what authority it was made. So far as I have knowledge or information, the Commission has never been requested in any manner, formally or informally, directly or indirectly, to grant a hearing to any ticket brokers' association or to the representatives of any such association, or to any persons engaged in the business of ticket brokerage; nor, so far as I am aware, has any intimation come to the Commission that such a hearing was desired. I am informed by our chairman and secretary, both of whom have been continually in office since the Commission was organized in 1887, that no such hearing has ever been asked, or any suggestion made that one was desired, so far as they have knowledge or recollection.

So far as I can now recall, the Commission has received no communication on this subject from ticket brokers or their patrons, except a few letters, some of which were highly abusive, complaining of the attitude and recommendations of the Commission in this regard.

Nor has any hearing been granted to or requested by the railroads, either through their associations or otherwise, except as a few railroad officials, mostly general passenger agents, have called upon the Commission from time to time to state their views and invoke our consideration of the subject.

I believe that the opinion and recommendations of the Commission, and that is certainly true in my own case, have been based not upon information or solicitation which has come from the representatives of the carriers, but from a settled conviction that the business of ticket brokerage, even in its most favorable aspects, is plainly opposed to the provisions and purposes of the act to regulate commerce and necessarily results in discriminations which that law was designed to prevent.

Yours, very truly,

MARTIN A. KNAPP,
Commissioner.

Hon. JAMES S. SHERMAN,
House of Representatives, Washington, D. C.

And now, having analyzed the bill and considered its source and its advocates, let us look to its merits.

It is well known that passenger fares are generally less per mile for long distances and over connecting roads than for shorter distances and on single roads. Thus, for example, the fare from Washington to Omaha is less than the fare from Washington to Chicago, plus the fare from Chicago to Omaha. Generally speaking, passenger rates all over the country are adjusted in accordance with this rule, and no one questions its justice or propriety. It is this difference per mile between long journeys and short journeys that furnishes opportunity for the traffic of ticket brokers. Taking advantage of a rule designed to encourage travel and benefit the public, the scalper succeeds in giving lower rates than his patrons are entitled to receive. The whole business in all its aspects is at variance with the act to regulate commerce. The paramount and pervading purpose of that law is to secure like charges for like service in all cases without deviation or exception.

If the scalper sells original tickets that have not been used for less than the published rates for the journey represented by such tickets, the violation of law is clear beyond question. In such case the carrier must have sold its tickets in some way, directly or indirectly, at a discount from schedule charges, which is a distinct misdemeanor under the terms of the act. It does not matter whether such an unlawful result is accomplished by the allowance of commissions, by the payment of rebates to the scalper, or by any other device, the plain requirements of the law are disregarded and its penalties incurred. So far as ticket brokerage includes transactions of this character, it is so evidently unlawful as to render any argument upon that point wholly superfluous. But the principal business of the scalper is carried on in quite a different way. It consists in the purchase from the railroad company at the lawful rate of a ticket to some distant point, which is sold in the first instance to a traveler who desires to visit some intermediate place. Upon arriving at destination he sells the unused portion of his ticket to some scalper, who, in turn, sells it to another person desiring to go from the place where the first traveler ended his journey to the place to which the ticket he originally bought entitled him to go. For example, a person in Chicago, who desires to come to Washington, buys a ticket to New York City by way of Washington. The lawful rate for a ticket from Chicago to Washington is $17.50, and the rate from Washington to New York is $6.50, the two together making $24.

Now, in other words, there is a difference of $6 between a through ticket from Chicago to New York and a ticket from Chicago to Washington, plus the price of a ticket from Washington to New York. By the scheme of the scalper this $6 is divided between two passengers and two brokers. The passenger buys a ticket in Chicago and comes to Washington, where he sells the remainder of his ticket. This remainder, being the unused coupon on the orginal ticket, is sold to another passenger, who goes from Washington to New York at less than the established and lawful rate between the last named places. The same principle applies and the same methods are employed in dealing with what are known as round-trip tickets, which are sold by the carriers in accordance with their published tariffs for less than double the price of one-way passage. Substantially the same thing occurs in the manipulation of mileage books, thousand-mile tickets, excursion tickets, and the like.

This is called by the scalpers legitimate business. But it is in every sense illegitimate and indefensible. All transactions of this character are unlawful, because the scalper sells to the second passenger a ticket which does not entitle him to be carried.

When two or more roads unite in forming a through line and establish schedules or tariffs as the law requires, making a through rate for travel over the whole line, which is less than the sum of their respective local rates, the tariffs so published and filed by such connecting lines become the lawful standard of compensation, and any person is entitled to make the entire journey at and for the through rate so fixed. But that does not entitle one person to ride part of the distance over that through line and another person to ride the balance of the distance for the one through charge and on the same ticket. In such case the second carrier is not bound to carry the second passenger, but could demand from him the full published rate for the journey he actually takes. But the practical difficulty is that the second road can not prove a want of indentity between the person making the latter part of the journey and the person who bought the ticket originally and made the first part of the journey. When the conductor on a train starting out from Washington for New York finds a passenger who presents a ticket reading from Chicago to New York by way of Washington, that conductor can not assume that such passenger is not the person who rode on that ticket from Chicago to Washington. Practically he must assume that he is the same person. This must ordinarily be the case where tickets do not purport to be issued to any particular person and contain no name or description of the passenger; and even when the scheme of the scalper is sought to be prevented by naming the passenger in the ticket or requiring his signature to it, the conductor usually has no means of showing that the passenger who presents the unused coupon is a different person from the one who bought the ticket originally. And a common custom among scalpers is to give to the purchaser a printed slip, with blanks written in, stating in effect:

Your name, ——— ———.
You bought this ticket at ——— on the — day of ——, 189-, and paid therefor $———.
You came via ——— route.
Do not ask any questions of the conductor.

Now, plainly enough, this method by which two passengers travel on the same ticket, each going part of the distance covered by that ticket, effects a discrimination between passengers which the law explicitly forbids. When a ticket is used in this way by two passengers, the result is that each gets the service of the carrier for less than the lawful rates for the distance which each passenger actually travels. That is to say, each of these passengers is carried for less than other persons who make the same actual journey as either of them. If two persons desire to come from Chicago to Washington, and one buys a ticket to Washington, and the other to New York, the latter selling the unused portion of his ticket on his arrival in Washington for more than the difference between the rate from Chicago to Washington and the rate from Chicago to New York, it follows that these two persons have made the journey from Chicago to Washington at different rates or for a different sum, though they traveled together in the same train and in the same car. This is a discrimination which is at once unjust and unlawful.

Section 6 of the act to regulate commerce makes it the duty of every common carrier subject to that act to publish its tariffs and makes it "unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property or for any service in connection therewith than is specified in such published schedule of rates, fares, and charges as may at the time be in force."

Section 2 of the act also makes it unlawful for any common carrier by any device to charge or receive more or less than its published tariff rates.

Whether or not the payment of large commissions to the ticket broker is such a device as is inhibited by the law, possibly may be a debatable question; but that it is a device for evading the spirit, if not the letter, of the act is undoubted. When one line by this means sells its tickets at less than its published rates, or receives for its tickets less than its published rates, it accomplishes that by indirection which is directly prohibited by section 6 of the act. For the line whose policy it is to conform to the law, to continue to observe the law when its rival is evading the law, pays the penalty of observance of law by loss of traffic, and consequently loss of revenue. The argument, then, that the ticket scalper affords support to the so-called weak lines rests upon the statement that the weak lines should be exempted from the operation of the act to regulate commerce without Congressional sanction therefor; that the weak line in conjunction with the scalper is to determine the time and circumstances under which the act to regulate commerce shall be suspended in respect to any particular line. If this is to be done, if the act is to be suspended in its operation in respect to particular lines, then additional legislation is needed to make that lawful. If section 6 of the act is to stand, a bill embodying the principle of the one under consideration ought to be enacted into law. If that shall be deemed inexpedient, then section 6 of the act to regulate commerce ought to be repealed.

It has been said that the ticket broker is an aid to the railroads and an aid to the public, and that if this bill is to be enacted into law it would deprive the roads desiring his services of the right to employ him. This statement is not well founded. Any road desiring to employ these gentlemen is at liberty under the provisions of this bill to do so by issuing certificates of authority to sell tickets. This bill simply prohibits the doing secretly in that respect what may be done in the open. Any railroad may have as many offices in any town or city in the Union as it sees fit to maintain. The bill proposes no limitation or restriction in this respect.

At a hearing afforded the opponents of this measure by the Senate Committee on Interstate Commerce, which opponents appeared to be the scalpers only, their representative stated that their customers were limited almost wholly to those traveling between competitive points; that of the competitive travel he estimated that the scalpers sold or furnished with transportation from 20 to 25 per cent of the entire competitive travel; that those who dealt with them secured lower rates than those who purchased their tickets at the regular ticket offices of the carriers. That is to say, that 20 to 25 per cent of the public enjoyed preferential rates, while the other 75 to 80 per cent who did not have the inclination, opportunities, or facilities of securing tickets from them, or because the scalpers did not have tickets sufficient in number to

supply the other 75 or 80 per cent, that three-fourths of all the competitive travel were discriminated against. When it is remembered that the central idea of the act to regulate commerce was that of equality of treatment, when it is recalled that Mr. ELLETT states in his minority report on this bill, "No one is more in sympathy with the purposes of the interstate-commerce law than myself; its primary object was to prevent discrimination in freight and passenger rates, and, as understood, the Interstate Commerce Commission was created to enforce this as far as it lay in the power of Congress to do so," it is an extraordinary argument to urge that the scalper should be permitted to continue his unnecessary existence in order that one-quarter of the traveling public should enjoy transportation at less cost than the other three-fourths.

The right to travel upon a railroad does not spring from any contract, express or implied, between the passenger and the carrier. The railroads are an agency of the Government for discharging a public duty of the highest utility. When they establish their scale of charges, publishing and filing them as the law requires, every person becomes thereby entitled to travel at those rates, not by virtue of any contract relation between himself and the carrier, but by virtue of his common right with all others to use this means of public conveyance upon payment of the lawfully established charge therefor. A railroad ticket is not the evidence of a bargain between the passenger and the company, but is in the nature of a receipt or certificate, showing that the lawful sum has been paid which entitles the holder of that ticket to travel between the places named therein. The traveler makes his journey, not because of an agreement with the railroad to carry him, but in the enjoyment of a public privilege of which he can not be denied. When we travel upon the railroads, we do so in the exercise of a political privilege, possessed in common by every citizen. But the public right of any person to travel a given distance for a given sum does not include the right of two persons to travel the same distance in the aggregate, one beginning the journey and the other ending it. The public right is coextensive with the obligation of the carrier, and in no case any less or any greater. So, whether the ticket be regarded as the evidence of a contract, or in the nature of a receipt showing that the lawful price has been paid, in either case two persons can not lawfully use the same ticket, each making part of the journey for which that ticket is issued.

The same is true with reference to round-trip tickets. When railroads establish round-trip rates which are less than double the one-way rates, the public right inures to any person to make the round-trip journey for the round-trip price. But under such circumstances there is no public right by which one person can go in one direction on a round-trip ticket, and another person make the return journey on the same ticket. In such case the carrier is under obligation to carry one and the same person in both directions for the round-trip price, but is under no obligation after carrying one person in one direction upon that ticket to carry another person in the other direction upon the same ticket.

The error of the whole argument in favor of ticket brokerage, even in its best aspect, is the assumption that public transportation is a species of property to be bought and sold like any merchandise. But there is no rule of law or reason which supports such a contention. A railroad ticket is not a chattel nor a chose in action. It is not a legitimate subject of transfer or bargain. Least of all is it in any sense property which can be bought in large quantities at wholesale prices and sold by retail with a profit to the broker. My honored colleague, Mr. ELLETT, after devoting two or three pages of his minority report to establishing the principle that one can not be hindered in transferring property, and that, ergo, he may transfer a ticket which on its face declares it to be nontransferable, asks: "When a passenger buys a ticket, what does he buy? Surely not the paper or pasteboard. He receives nothing for his money until he has been given the service by the company which the ticket promises." No, transportation is not a commodity. It is purely and distinctly a service. The carrier furnishes the facilities for this service by virtue of its charter obligations, and the public becomes entitled to that service because of its public character. There is no natural right in the individual to engage in the business of railway conveyance, because that business can be carried on only by taking private property against the will of the owner, and that high prerogative belongs to the Government alone. To provide the necessary means of public carriage the railroad must exercise extraordinary powers, which are secured from and delegated by the State. Through these delegated powers and by virtue of this supreme authority the railroad participates in the duties of civil administration and discharges obligations which are founded in the constitution of society.

Therefore, whether we are guided by the requirements of existing laws, the essence of which is like pay for like service, passenger, freight, or by consideration of the nature and office of public transportation, we must regard every sort of discrimination between persons, and every device or agency by which such discriminations are produced, as essentially unjust and indefensible. The great purpose of all legislation upon this subject should be to secure equality of treatment in everything that pertains to public transportation; to confirm and enforce the common right of all to have the same public service for the same sum in every case and under all circumstances. To allow a traffic to go on by which a few people are carried for less than all others must pay for the same journey, even though the small number equals 25 per cent of the whole, is neither consistent with the laws already passed nor with the wholesome and beneficent principles upon which those laws are founded. Because other discriminations exist and other invasions of this common right occur is no reason why this particular and most obnoxious discrimination should remain unchecked. This bill is in perfect harmony with the theory and purpose of the act to regulate commerce, and its passage will uphold and strengthen the law in a most important particular.

Another feature of this subject is the final section of the bill relating to forging tickets, etc. It can not be possible that any honest citizen could criticize or oppose this section. The various forms of forgery, the unique and diversified methods of fraud, the volume and extent of it, are startling. Tickets are taken up unpunched by previous arrangement between a dishonest conductor and an unscrupulous scalper and sold and used again; spurious and counterfeited tickets are issued at times in very large quantities, and erasures and changes are made upon tickets properly issued in the first instance. An example in point, which is believed to be commonly practiced, was recently unearthed by a raid upon a scalper's office in New Orleans, where a number of altered tickets were recovered.

The Southern Pacific line extends from the city of New Orleans to the Pacific Ocean. Regular coupon tickets were purchased from minor points on the Illinois Central Railroad, a few miles east of New Orleans, to Morgan City and other points on the Southern Pacific, a short ride west of that city. It is impossible for railroad companies to furnish printed tickets from all of their unimportant stations to all of the unimportant stations on connecting lines. No ticket office could accommodate such a vast number of forms. To provide through transportation under such conditions a form of coupon ticket is provided which requires the selling agent to write in the name of the station to which the ticket is sold. In the cases referred to the scalper, by the use of chemicals, removed the name of Morgan City and then wrote in the name of El Paso, Tex., a station 1,000 miles west of Morgan City, La. He then had a ticket calling for transportation which would cost about $30 more than a ticket to Morgan City. As these tickets contain but one coupon for each line over which it reads, the conductor on each division of the Southern Pacific simply punches the coupon until the last station before reaching El Paso is reached, after leaving which he collects all tickets. The purchaser of this ticket, acting under instructions from the scalper, leaves the train at that point to avoid having the ticket taken up by the conductor. If taken up and turned in, the Southern Pacific auditor would call on the Illinois Central for a settlement, and then the fraud would be discovered. If the ticket is not taken up by the conductor, the Southern Pacific would possess no evidence that such a ticket had been used. Of course the Illinois Central would account for the two or three dollars for the ticket which it had sold to Morgan City, La.

It was also learned that the scalper, in order to insure a return of the ticket or to insure that the traveler would leave the train before the conductor called for final collection, would give the traveler an order on his confederate at El Paso for a sum of money sufficiently large to make it an object to the traveler to do as directed, to be paid upon turning over the unused coupon with the order. It was discovered that a very large business had been done by the scalpers in these raised tickets.

But a few months ago, through the aid of the United States postal authorities, a raid was made on one of the leading scalpers of New Orleans, and 15,000 forged transcontinental tickets were captured, which read "over the Southern Pacific Railway." Some of such tickets had been successfully used for transportation. Others had been discovered to be forgeries and the innocent passengers were ejected from the trains many hundred miles west of the point where sold, the passenger being too poor to get back to New Orleans to recover his money, if the scalper was solvent.

Another device for uttering forged and raised tickets has just been discovered. Counterfeit tickets had been emitted purporting to have been issued by the Chicago, Rock Island and Pacific Railway to various points in the country. The scalper tears off the Rock Island Company's coupon, thus preventing the issuing company from early discovering the fraud. In the ordinary course of business the coupons taken up by the roads over which such tickets are used are not presented to the issuing road for redemption for several months. So in this case hundreds if not thousands of coupon tickets were thus put out by the scalpers

before the fraud was discovered. In all instances the first coupon was torn off and never used; and the traveler would leave the train in others before the conductor called for collection of tickets, thereby absolutely preventing either the supposed issuing line or the connecting line from even knowing that the traveler had used such transportation. As the law now stands in respect to interstate travel, it is impossible to punish such offenders. Without the "fence" which the scalper's office furnishes, the stolen, raised, forged, and counterfeited tickets could not find a market. We may provide a penalty for the doing of an unlawful act, but innocence is presumed until guilt is established, and in nothing is it more difficult to produce conclusive proof of guilt than in this ticket business. The business is unlawful in whatever light, its best or its worst side, whether in permitting a discrimination, a difference in charge for like service, or in uttering spurious, altered, or once-used tickets. If the stream dries and the channel remains, it affords passage at least for the rainfall of an occasional storm. While the channel remains through which these frauds can be perpetrated, they will occur—occur, experience teaches us, at more frequent intervals and in greater volume. Block the channel, remove the means, and the fraud removes itself.

Let us look at the economic side of this question. It is the duty of every citizen, whether in public or private station, to do what he may to restore the business of the country to normal moral and financial conditions and to keep it there. It is my purpose to point out one of the numerous causes for the disturbed condition of the railroad transportation agencies of the United States, and to show that by enacting this bill a long step may be taken toward the solvency which would enable those roads to reemploy many of the 90,000 men which the abnormal conditions of the past two or three years have compelled the roads to dismiss from employment.

The transportation of passengers and freight, and the interests dependent upon their successful operation, are second in importance to no other question perhaps that can be the subject of legislation. All agricultural and manufacturing interests are so interlaced by that of transportation that each depends upon the others for its success. This is so generally accepted as true that it is unnecessary for me to dwell upon it. As an aid to a clearer understanding of the railroad problem, the Interstate Commerce Commission has for some years past published annually, as an auxiliary to their reports to Congress, a volume of statistics, of comparative tables, showing, among much other matter, the amount of railroad capital at the close of each year, the earnings and income, general expenditures, charges against income, etc., and a general balance sheet for the year.

The patient labor and learned arrangement of the volume just issued, and from which I propose to make liberal quotations, is, in my opinion, a most creditable performance. I commend to every legislator a careful perusal of its pages. The information which they impart is truly startling, and, I venture to say, will cause the revision of opinions formed in ignorance of the facts which they disclose.

On page 35 of the Statistical Report referred to you will find a comparative summary of employees by class, etc., for the years 1890 to 1895, both inclusive, which shows that the total number of railroad employees of every class in 1893 was 873,602, but in 1895 was only 785,034. Assuming that for each of the 88,000 railroad men thrown out of employment there were an average of five dependent upon each for support, you have an approximate of half a million souls without the means of livelihood, or else cast upon the other already overcrowded lines of labor.

That these men were not wantonly or capriciously thrown out of employment is demonstrated by the table published on page 45 of the Statistical Report, which shows that more than $3,475,000,000 of the railroad stocks of the United States, out of a total of $5,000,000,000, or more than 70 per cent of the aggregate amount of stock outstanding, earned not one cent of dividend during the last statistical year.

For the purpose of localizing railway statistics, the Commission has divided the United States into groups. Roughly speaking, group 1 comprises the New England States, in which more than 22 per cent of the railroad capital earned no dividends. Group 2 comprises the States of New York, Rhode Island, Pennsylvania, Delaware, and Maryland, in which more than 50 per cent of the railroad stock earned no dividends. Group 3, embracing the States of Ohio, Indiana, and Michigan, paid no dividend on more than 70 per cent of the railroad stock. Group 4, embracing the Virginias and the Carolinas, paid no dividends on 90 per cent of the railroad capital stock. In group 5, embracing the remaining Southern States lying east of the Mississippi, the roads paid no dividends on 86 per cent of their total stock. In group 6, Illinois, Iowa, Wisconsin, Minnesota, and the territory lying east and north of the Missouri River, the railroads therein paid no dividends on more than 55 per cent of their total stock. Group 7 embraces the territory west of the Missouri River, east of the Rocky Mountains, and north of a line drawn through St. Joseph, Mo., and Denver, Colo. In this group more than 66 per cent of the railroad stock paid no dividends. In group 8, embracing the territory south of group 7, west of the Mississippi River, and north of Louisiana and Texas, the railroad paid no dividends on 92 per cent of their total capital stock. In group 9, embracing the States of Louisiana and Texas and part of New Mexico, the railroads paid no dividends on 99.97 per cent of their total stock. In group 10, covering the Pacific Slope, the railroads earned no dividends on 97.54 per cent of their total stock.

It will be observed that the failure to earn dividends was not limited to any section of the country. The group which furnishes the most favorable—if any can be called favorable—showing in this respect is group 1, comprising the New England States, where more than 22 per cent of the railroad stocks earned nothing. Group 9 makes the worst showing, where the loss covers almost the entire capital stock of the railroads of Louisiana and Texas, three one-hundredths of 1 per cent alone being excepted—a condition worse than deplorable, absolutely startling.

It may be said that much of the railroad stocks represent water. Even admitting that to be true, it is hardly credible that of the railroads of Texas and Louisiana all but three one-hundredths of 1 per cent are water, or that on the Pacific Slope it is all fictitious but 2½ per cent.

In addition to this remarkable exhibit, you will find on page 48 of the report referred to a table which shows that of the funded debt of the railroads of the United States exclusive of equipment and trust obligations for the same year, $890,561,000, or 16.71 per cent of the total funded debt outstanding, paid no interest. On page 45 of the report it is said:

> In no year since the organization of this division has so large a percentage of stock passed its dividends, and in no year except the one covered by the previous report has so large a proportion of the funded debt defaulted its interest.

On page 50 may be found a table showing that of the miscellaneous indebtedness of the railroads of the United States $54,498,288, or 12.24 per cent of such indebtedness, paid no interest for the year reported.

On page 51 of the report you will find a classification of income bonds by groups. This table shows that $221,734,879, or 91.40 per cent of the entire railroad indebtedness charged on income, defaulted its interest for the same year.

When it is recalled that many of our insurance and savings companies, banks, and other institutions have large investments in railroad obligations, these tables present to your consideration information of grave consequence. But this is not all. On page 53 of the report may be found a table showing a comparative summary of passenger and freight service for a series of years. From this table it will be seen that the number of passengers carried by all the roads was, in—

1893	590,560,612
1894	540,688,199
1895	507,421,902

A decrease in the past two years of about 80,000,000 in the number of passengers carried—a numerical decrease greater than the population of the United States. The passenger revenue for the last year was $33,103,778 less than during the previous year.

On page 58 of the report cited it is said:

> The dividends declared, it will be observed, are greater than the final net income, from which it appears that the railways of the United States closed the year covered by the report with a deficit from the operations of the year of $29,845,241, which was, of course, met either by a decrease in the accumulated surplus of previous years, or in the creation of current liabilities.
>
> The deficit for the year ending June 30, 1894, was $45,851,294, showing that the railways of the United States have run behind during the two years in question $75,696,535. Should this continue, either the investments or the credits of railways must entirely disappear.

With such enormous continuing deficits as is here shown, what hope is there for the 88,000 railroad men now idle?

The pending bill affords a partial answer to my question, and in behalf of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Brotherhood of Railway Trainmen, and the Orders of Railway Conductors and Telegraphers, whose petitions are now on file in behalf of this measure, I ask the consideration of the House to this point.

On the 27th of January George M. McKenzie, heading a committee of ticket scalpers, appeared before the Senate Committee on Interstate Commerce and, among other things, stated that he was a member of two of the three national organizations maintained by the scalpers; that the two organizations of which he was a member maintained more than 680 offices; that on an average each office maintained three employees, who received from $5 per week to $1,500 per annum for their services.

If in these two associations there are engaged, principals and agents, 2,500 persons, it is a fair estimate to say that, together with the third association and those not members of any association, there are at least 4,000 persons employed in the ticket-scalping business whose support and profits are drawn from railroad earnings. It is contended by the scalpers and their friends that they

furnish their patrons transportation at less than the published rate, which is the only lawful rate; then the earnings of the roads are diminished just the difference between the lawful rate and the rate at which the scalper buys his tickets, provided he gets them legitimately. Assuming the average subsistence of these 4,000 scalpers to be $2 per day, that aggregates $8,000 per day, nearly a quarter of a million per month, and more than two and a half millions per year. In one of its annual reports the Interstate Commerce Commission has estimated the profits of the scalper to equal four times the cost of operating his office. This, then, accounts for an annual leak in railroad earnings of more than $12,000,000, which equals nearly one-half of the deficit in railroad earnings for the past year.

The average daily wages of the army of railroad men who have been thrown out of work during the last two years were less than $2 per day. The $12,000,000 of railroad earnings consumed by the 4,000 scalpers would employ nearly 20,000 idle railroad men. It is notorious that the roads have not the money with which to pay their men; that they are short-handed almost, if not quite, to the danger point. Wages of those employed have been reduced. Stop this leak and thereby enable the roads to employ 20,000 idle men. You are petitioned by labor organizations of the country to pass the bill. They want employment for their idle members and support for the thousands of women and children dependent upon their being employed. The scalper "toils not, neither does he spin." He produces nothing, he protects nothing, he adds nothing to the material prosperity of the country. Whom will you prefer, the scalper or legitimate labor? The petitions of almost every influential organization in the country, every branch of legitimate industry, appeals to you. Will you prefer the scalpers to these?

Consider this subject from a moral or economic point of view; consider it with a view to strengthening a law that has justified its passage by a decade of existence; comply with the request of labor, religious, educational, and commercial bodies, and over 2,000,000 individual petitioners all over the Union, and pass this bill.

Compromise, not Lawsuits.

SPEECH

OF

HON. THOMAS C. McRAE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1897.

The House having under consideration the bill (H. R. 10325) to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund—

Mr. McRAE said:

Mr. SPEAKER: I am surprised that this measure should be approved or supported by anyone who has regard and respect for the dignity and sovereignty of the States that constitute our Union. It appears to be an effort to belittle, humiliate, and degrade some of the Southern States whose credit was in a large measure destroyed by the war of the rebellion and the reckless partisan legislation of the reconstruction period. It is an effort to extend a questionable jurisdiction and a dangerous power to the Federal judiciary, and should be resisted at every step. Never before in the history of our Government was it seriously proposed to authorize and direct an officer of the Government to institute any kind of an action he might consider advisable against a State or its representatives. And yet we are asked to take this unusual, unjust, and unprecedented action without the judgment and opinion of the Attorney-General or the Judiciary Committee as to the constitutional power. I am aware that those who are pressing this bill contend that the Supreme Court in the North Carolina and Texas cases has decided that the United States have the power to sue a State, but there are many who dispute the correctness of what appears to be the obiter dictum of these decisions.

But, Mr. Speaker, whether we have the constitutional power or not, I want to say in all seriousness that as this Government has passed the first century of its existence and reached the first place among the nations of the world without the exercise of such a power, it ought not at this late day to invoke it, even if it has the right to do so. Think, sir, of the governor, secretary, treasurer, auditor, and other representatives of a State government being sued in the Federal court, and a judgment against the State upon these old ante bellum bonds. Is it proposed that the officers of a State are to be dragged into court as if they were the agents of a mere corporation? Does the United States propose to coerce the payment of these bonds by interfering with the functions of the State governments? It has been very properly asked how a judgment could be enforced against a State, and why obtain it if it can not be collected? The power to render judgment presupposes the power to enforce it to the extent of the property of the judgment debtor, and if we admit that the States must submit to the jurisdiction and abide the decision of the Federal courts, then may not these courts in their reach for power hold that the lands and other property, including the revenues, of a State could be seized under execution or garnishment? And if so, may they not ask for all the power of the National Government to enforce their orders? If we yield the question of jurisdiction and grant express authority, the modern Federal judge will furnish the method. Once subject the States to the jurisdiction of the Federal courts, and you need not be surprised to find the government of some poor, feeble State invaded by Federal officers, and run by injunction or by Federal receivers "in contempt of the laws of the States." Little by little the jurisdiction of the Federal courts have been extended, until now 40,000 miles of the railways of the country and thousands of other corporations are operated and controlled by them. Who has not seen county and municipal officers imprisoned for failure to obey them? One great danger that threatens the liberty of the people and rights of the States is the increasing power and enlarged jurisdiction of the Federal judiciary, and, so far as I am concerned, I will never, by my vote or otherwise, consent that the State that I have the honor in part to represent may be sued. The very suggestion of such a proposition ought to arouse the opposition of everyone who desires to perpetuate our form of government. So far as I have heard only one man in Arkansas has approved the bill and asked that it be rushed through.

If this bill passes in its present form, it will not be possible to offset the debt due from the State of Arkansas upon the bonds and interest, with the large amount of unadjusted equitable claims against the Government for lands and indemnity, for, except by agreement, land claims are not receivable upon money demands. The result would be that judgment would be rendered against the State for the amount of bonds and interest, less so much of the 5 per cent fund as has been withheld and not yet applied as a payment on the bonds. The remainder of the State's counterclaims grows out of the unadjusted land grants to the State by the United States, and the most of which is disputed by the Interior Department and can never be settled except by compromise. At any rate these land claims would not be a legal setoff against the debt due on the bonds, and the State would have to pay the amount legally due upon the bonds and take such of the lands as she might be able to get patented under the old grants heretofore made.

I am also opposed to that provision of the bill that authorizes the sale of the bonds in question, for the reason that I think it will be much better and easier for the Government to settle with these States than for private individuals or syndicates who might purchase them for speculation to do so. It is certain that if the bonds are sold that the States will lose all chance to offset them with any equitable claims they may have against the United States. This scheme to sell these bonds, if successful, I fear will make trouble and defeat what appears to me ought to be desired by all parties, an early and full settlement of all differences between the States and the Government, and a restoration of a fraternal feeling and mutual helpfulness rather than the friction and irritation that always follows litigation. That part of the bill which authorizes a compromise is objectionable because it does not permit any legal and equitable counterclaims of the States to be considered, adjusted, and settled. A compromise under it would necessarily be one-sided and unsatisfactory. It appears to me to be unreasonable and unjust to insist upon a settlement and at the same time deny the States the right to present just and honest counterclaims. There is no question as to the bonds, but the question is, Will the Government recognize the equities on the part of the States?

The committees of this and prior Congresses have recommended settlement and compromises for several of these States that ought to be and could be passed if consideration of the bills could be had. So far as Arkansas is concerned, an act was passed August 4, 1894, authorizing a compromise and full settlement of all claims and demands of whatever kind or nature, subject to the approval of Congress, and that State should, in any event, be excepted from the provisions of this bill. Arkansas does not want any suit, and she does not want her pending compromise defeated by the sale of the bonds, all of which are now owned by the United States. What she insists upon, and what she has a right to expect, is that Congress shall vote upon the question of approving the agreement made February 23, 1895, either with or without the pending amendment. The Representatives from Arkansas felt assured until this evening that recognition would be accorded for that purpose, and I regret that the Speaker has not seen fit to accord it to us rather than to the gentleman from New York for this measure. I have here an amendment in the nature of a substitute which I desire to offer, and I will now inquire of the Speaker if it is in order.

The SPEAKER. It is not under the pending motion.

Mr. McRAE. Then, Mr. Speaker, I ask that the Clerk read it as a part of my remarks, and I trust the gentleman in charge of the bill will adopt it.

The Clerk read as follows:

That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General be, and they are hereby, authorized and empowered to compromise, adjust, and finally settle with any State that now or may hereafter be in default in the payment of principal or interest on any bonds or stocks issued or guaranteed by such State, the ownership of which is vested in the United States, upon such terms and conditions as to them may seem just and equitable, and in making any such compromise they may consider all legal and equitable claims and demands that may be presented by such State as a counterclaim or set-off; and any compromise or settlement that may be made under this act shall be fully reported back to Congress, giving the basis thereof, for its future action, said compromise not to be effectual and final until approved by Congress: *Provided*, That nothing herein shall ever be construed to repeal the act of August 4, 1894, to authorize a compromise and settlement with the State of Arkansas.

Mr. McRAE. Mr. Speaker, since the

ARKANSAS COMPROMISE

has been assailed, misrepresented, and probably its consideration defeated so far as this Congress is concerned, I desire to state some facts in relation to the debt, the credits allowed the State in the agreement, and the efforts made to secure its confirmation both here and in Arkansas.

Arkansas came into the Union June 15, 1836, with a constitution that provided that the general assembly might incorporate a "banking institution, calculated to aid and promote the great agricultural interests of the country;" and the faith and credit of the State in her very infancy was pledged to raise the necessary funds to carry this dangerous banking scheme into operation. The first act of the First general assembly was one "to establish the Real Estate Bank."

The subscribers to the capital stock, which amounted to $2,600,000, were not required to pay in cash, but to secure their subscriptions by real-estate mortgages. The active cash capital of the institution was obtained by the issue of $2,000,000 State bonds. In September, 1838, $500,000 of them were sold by the bank to the Secretary of the United States Treasury for the investment of the Smithsonian fund, and $1,000,000 of them to the North American Trust and Banking Company of New York. The other $500,000 could not be sold as the law authorized, but without authority were hypothecated by the bank with the North American Trust and Banking Company for about $120,000, which was received and used by the bank. The bonds were payable to the Real Estate Bank on the 26th day of October, 1861, with interest at the rate of 6 per cent per annum, payable semiannually, until the payment of the principal.

The principal of the bonds owned by the United States amounts to $793,000, $252,000 of which will not be due until January, 1900. The principal and interest to the maturity of so many of the bonds as are past due and to date of compromise agreement on those not due is $1,611,803. If interest should be added after maturity to date of agreement, the amount due is $2,716,530.

I will ask the Clerk to read a copy of the bond.

The Clerk read as follows:

UNITED STATES OF AMERICA.—STATE OF ARKANSAS.

Ltg. 225.] No. 1 A. [Fcs. 5,600.

REAL ESTATE BANK OF THE STATE OF ARKANSAS.

SIX PER CENT STOCK.

Under an act of the general assembly of the State of Arkansas entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved Octr. 26th, 1836, and an act supplementary thereto, entitled "An act to increase the rate of interest on the bonds of the State, issued to the Real Estate Bank of the State of Arkansas," approved the 19th Decr., 1837.

Know all men by these presents that the State of Arkansas acknowledges to be indebted to the Real Estate Bank of the State of Arkansas in the sum of one thousand dollars, which sum the said State of Arkansas promises to pay, in current money of the United States, to the order of the president, directors, and company of said bank, on the 26th day of October, one thousand eight hundred and sixty-one, with interest at the rate of six per cent per annum, payable half yearly, at the place named in the endorsement hereto, on the first day of January and July, of each year, until the payment of said principal.

In testimony whereof the governor of the State of Arkansas has signed and the treasurer of the State has countersigned these presents, and caused the seal of the State to be affixed thereto, at Little Rock, this first day of Jany., in the year of our Lord one thousand eight hundred and thirty-eight.

[SEAL.] SAM C. ROANE, *Governor.*

Countersigned:

WM. E. WOODRUFF, *Treasurer.*

(On the margin:) One thousand dollars. Arkansas State bond.

Mr. McRAE. In April, 1842, the directors made an assignment of all assets of the bank to certain trustees and ceased to pay interest. The legislature afterwards divested the trustees of authority and appointed a receiver to wind up the affairs of the bank. The assets were insufficient to redeem all the bonds, the burden of which was left to be removed by taxation upon the people.

It is asserted that the credits allowed Arkansas in the compromise are not legal offsets, and for this reason the settlement should be rejected.

The first three credits, amounting to $55,116, are for cash due on public-land sales, and would be recognized in any court. It is true that the State has been allowed credits for the sum of $1,396,115 for lands which the State insists were donated and granted her by the United States, but never patented to her. It is true that the Interior Department has for years refused to allow the title to this land to pass to the State, but notwithstanding this, the claim was made in good faith, and was not trumped up, as is alleged by gentlemen who seek to prejudice the Speaker and this House against the settlement. The delay in adjusting these grants is as much the fault of the Government as the State.

When the bonds matured, the State had seceded from the Union and was engaged in an effort to sustain the Confederacy. The whole country was in a state of cruel war which, after four years, left the State peopled principally with widows and orphans, aged men, and maimed soldiers, without any organized State government, and her relations to the General Government uncertain, and at the same time a new and ignorant citizenship to deal with, and aliens as rulers. With this condition of affairs, it is unnecessary for me to say that no effort was made to pay the debt to the United States. From then until now the people have labored with all their energies to rebuild their lost fortunes, but the high taxes, hard times, floods, and droughts have made it almost impossible to do more than support the State government and maintain the free-school system. And to-day there are thousands of them without the necessaries of life and unable to pay the taxes for the present year.

I have earnestly worked and anxiously hoped for the confirmation of the pending compromise, which I believe would make it possible for Arkansas to establish her credit and in an honorable way provide for her legal and just debts, and I regret that feeling of sectional bitterness and personal pride or spite, which appears to be never ready to yield. Truly, "obstinate men make lawyers rich," when they insist upon lawsuits when fair compromises can be made.

The settlement, while liberal toward the State in allowing her to pay largely in land, the only available assets she now has, is just to the United States, for it secures the payment of $160,572 of the bonds and quiets the title to about 1,000,000 acres of land, a large part of which has been disposed of to citizens of the United States, and the remainder is desired as homes for the homeless. The people of the State of Arkansas desire all questions growing out of these old bonds and land grants settled and forever wiped out, and if this can be done the State will move forward in material prosperity as it never has before. This debt and these clouded titles have stood as a menace to capital and a blight of State progress. The compromise agreement made February 23, 1895, was promptly ratified by the State by concurrent resolution approved February 27, 1895, which is as follows:

Be it resolved by the house of representatives (the senate concurring), That the settlement of the matters of difference between the United States and this State lately concluded by the Secretary of the Treasury, the Secretary of the Interior, acting for the General Government, and the governor of this State, whereby the General Government is to surrender to this State all the bonds of this State now held, except one hundred and sixty thereof, with coupons attached, subsequent to January first, eighteen hundred and ninety-five, and the State on its part is to release and quitclaim to the United States all claims, adjusted and unadjusted, growing out of the swamp-land grant of eighteen hundred and fifty, and all other grants, with a reservation to the State of all rights as against railway companies and all other persons making claims to any lands granted to the State and in which the United States are not beneficially interested, be, and the same is hereby, in all things ratified and confirmed, and the faith of the State is hereby pledged to carry out in good faith the terms of said settlement as the same are imposed upon this State as a duty.

Resolved further, That the thanks of the people of Arkansas are hereby tendered to our delegation in Congress for the efficient services rendered by them from time to time in connection with the matters embraced in this settlement, and to the honorable Secretaries and their capable and fair-minded representatives, Messrs. Ross and Doyle, for the prompt and liberal manner in which they have dealt with the State of Arkansas.

The following paragraph in the settlement was vigorously objected to, first by Senator PEFFER and afterwards by others, in the name of settlers who had bought from the railroads:

Nothing in this settlement or agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said act approved September 28, 1850, March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grants made or claimed to have been made; the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

For this reason and for want of time the Fifty-third Congress failed to act. The same bill was introduced in the House and Senate in this Congress.

On March 30, 1896, the bill S. 502 passed the Senate without amendment, and was referred to the House Committee on Public Lands, and its consideration was substituted for a like bill, H. R. 37. On May 5 the bill was favorably reported to the House by Mr. MEIKLEJOHN with an amendment that will confirm, without the payment of anything, the title of all purchasers from the State of unconfirmed swamp lands; and also imposes upon the State a condition which she is required to accept by an act of

the general assembly, or by an instrument in writing duly executed by the governor under the authority of the legislature, to the effect that she will release to the United States all claim to all swamp lands which have been disposed of under the public-land laws, or which have been granted, confirmed, certified, or patented by the United States under any other act of Congress. This requires the State to yield such claim as she may have to lands that have been patented under railroad or other grants. The delegation from the State did not want this Meiklejohn amendment. The legislature of the State did not want it, but both the delegation and a majority of the legislature have said that rather than have this settlement fail, rather than have this old claim hanging over the State, rather than have the State sued as this bill seeks to do, we will take the amendment in order to have the matter settled. This is all the State can do, and the criticisms of the gentleman from Iowa are unjust, unfair, and not warranted by the facts. And when convinced that the Speaker and the majority party in the House would not allow consideration unless the amendment was first accepted by the State, the entire Congressional delegation united in asking its acceptance by the State, and the Arkansas general assembly now in session has passed the following resolution, which is now in the hands of the governor, who has announced by telegraph his purpose to veto it. I trust and believe it will be repassed notwithstanding his objections:

Whereas the settlement of the matters of difference between the United States and this State, as set out in the report from the Committee on Public Lands in the House of Representatives of the Congress of the United States and in the Public Lands Committee amendments on the part of the said committee upon Senate bill 502, and wherein the whole subject, with the compromise and settlement between the United States and the State of Arkansas, as agreed upon by the Secretary of the Treasury and the Secretary of the Interior and the governor of the State of Arkansas, are fully set out and discussed in said report, and it is evident that the bill providing for the settlement as it originally passed the Senate of the United States can not be passed without the adoption of said amendment; and

Whereas it is to the interests, in every way, of the State of Arkansas to adjust and settle this important matter: Therefore,

Be it resolved by the house (the senate concurring), That the settlement of the matters of difference between the United States and this State, lately concluded by the Secretary of the Treasury, the Secretary of the Interior, acting for the General Government, and the governor of this State, whereby the General Government is to surrender to this State all of the bonds of this State now held, except one hundred and sixty thereof, with coupons attached, subsequent to January 1, 1895, and the State on its part is to release and quit-claim to the United States all claims adjusted and unadjusted growing out of the swamp-land grant of 1850, and all other grants, together with the conditions contained in said Meiklejohn amendment to said bill, be, and the same is hereby, in all things ratified and confirmed, and the faith of the State of Arkansas is hereby pledged to carry out in good faith the terms of the said settlement as are imposed upon it as a duty, and we advise and request our members in Congress and the Senate to use all honorable means at their command to bring about the passage of said bill with said amendment.

The State insisted, pending the negotiations for the compromise, that as a matter of justice she was entitled to have credit for 5 per cent of all public lands entered under the homestead laws and located with military bounty land warrants and scrip, estimated at the minimum price for Government lands, $1.25 per acre, but the settlement now pending does not allow it. My apology for referring to it is to show the equities in favor of Arkansas and to show that all of her claims have not been admitted.

In 1836, when the State was admitted into the Union, there was no way of disposing of public lands except by cash sale or for warrants and scrip. The homestead law was not passed until 1862, and the State, with such a compact as it made, might very properly think it not just to her that the General Government should adopt a policy that would have the effect to diminish the fund upon which she had relied for the payment of the bonds in question. She did not borrow the money until the United States had solemnly pledged her 5 per cent of all the proceeds of the public lands within her borders for making public roads and canals. No doubt she relied upon this fund to aid her in repaying the money. The greater part of all public lands disposed of in Arkansas within the last thirty-five years have been under the homestead law, and nothing has been allowed the State for it, nor is anything allowed for this in the pending compromise.

Representing a generation of people a large part of whom had nothing to do with inaugurating the unfortunate banking scheme that so involved the State, and nothing to do with the other matters that have brought about the long delay in adjustment and the serious complication of titles, we say that she is ready and willing to pay the balance ascertained to be due under the compromise without complaint or question. Through her governor she has agreed with the representatives of the Government upon an honorable basis of settlement of these matters, and the general assembly has pledged her faith and credit to carry it out. And in behalf of the State we appeal to Congress in the name of fairness for the confirmation of the settlement. We submit that it is not manly, it is not just to deny us a vote on the bill to confirm the compromise and at the same time to indulge in abuse of the honest, progressive people of our State. We beg you to lay aside all feeling against the State and meet us upon the honorable terms proposed in the bill. Give the State a chance to rid herself of this debt, and she will reestablish her credit and honor in the financial world and will convince you that what has been said of her is unjust to the purposes of her citizenship.

Our people have undergone many trials and afflictions, but they are honest and hopeful of the future. They have hardships yet to encounter, difficulties to overcome, and many debts to pay, but we promise, if given a fair chance, they will demonstrate to the world that they do not deserve the denunciations so long heaped upon them on account of this old transaction in which she became security for a bank.

But though they suffer, they shall triumph yet,
For once again our State is free,
And energy shall soon destroy
Those gifts of dying tyranny—
Our poverty and debts; and joy
And hope, unfelt through many years,
Now nerve our hearts and calm our fears.

House Rules.

SPEECH

OF

HON. J. H. WALKER.

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 3, 1897.

Resolved, That the rules of the House be amended so as to read as follows etc.

Mr. WALKER of Massachusetts said:

Mr. SPEAKER: If a proposition by any member for amending the rules is to be regarded as a criticism and especially a condemnation of the present Speaker, it is evident that it will so prejudice the House against them that no improvement in our rules can now be had. Again, if any member attempts to use the amendments I have proposed to cloak attacks on the present Speaker, personal or official, he will surely defeat them. For obvious reasons found in the great powers of the Speaker written in their text, I have not consulted him concerning the changes proposed. The powers of the various Speakers and their necessary exercise in recent Congresses is not, in fact, increased in the proposed rules, but lessened, rather, although the text of these amendments may seem to increase them. The proposed rules simply require that the great powers necessary to the Speaker shall be exercised deliberately and in obedience to positive rule and in a prescribed and public manner, and in full view of all the Representatives, and that his proposed action shall be advertised to them in advance.

Furthermore, the necessity for the exercise of these powers will gradually lessen under the practical workings of the proposed rules instead of steadily and necessarily increasing as business increases, as under the present rules, and as has been the case in recent years.

The fathers contemplated and provided in the Constitution for the independent action of three legislative bodies in the making of law, namely, a House, a Senate, and a President. But there has grown up, because of the immense increase in the business of the House and its neglect to provide proper rules, a fourth power never dreamed of by the framers of the Constitution, which, if originally embodied in it, would probably have prevented its adoption by a single one of the original thirteen States. I can not any more clearly state the injustice to past Speakers of holding them responsible for our rules than I did in this House on February 22, following those remarks with the Speaker's own words in condemnation of our rules. Surely none will be any more ready to assist us in correcting the rules than Mr. Speaker REED.

If there is any man who has made it any more clear than the present Speaker that this House was designed to truly represent the people in enacting the legislation approved of at the polls when we were elected to our seats in it, I have not learned of it.

The members of this House betray the great trust committed to them in their election by contenting themselves with simply passing the appropriation bills, pocketing the $5,000 to $10,000 paid them, and going home. Definite orders were given to each one of us in the fierce struggle at the polls and the resulting victory, in our being commissioned to do this work, and we have no right to encumber ourselves with rules to defeat the doing of the people's will.

The doing the things promised at our election is what the people demand.

A decent regard for our promises made to those who sent us to this House should induce us to fulfill them, instead of tying our own hands with rules that could hardly be worse if deliberately designed to provide how not to obey the people. Every rule found to be an obstruction to hinder the prompt and orderly expression of the will of the majority ought to be immediately supplanted by one of opposite import.

How many more years will the people accept or endure our excuses to them that we have not the wit to devise or the power to adopt rules that will enable us to take up promptly and diligently decide for or against the great causes they have sent us here especially to decide.

We know that these needless obstructions to business are such as the fathers never contemplated when the Constitution was framed, and are wholly unnecessary for any honorable purpose.

We ought to do, or attempt, at least, to do, the business of 70,000,000 people, or in very shame resign our seats and give place to those who will.

Restrict the roll calls to those uses contemplated by the fathers; change the rules so as to throw the full responsibility for the right decision of every proposition on the members of the House rather than on the Speaker, and we shall again have genuine debate and fairly intelligent, honest, and prompt decision.

Some of the rules could not be any better contrived to prevent investigation, fair debate and amendments, and to promote jobs than they now are, for much of our legislation is now secured by debasing favor, not as of honorable right. The changes made in our rules in recent years have scarcely accomplished such a reform of them as every right-minded man approves and as is demanded by the people, to say nothing of being due to our own self-respect. How long must we cringe and beg and plead with our fellow-members as a favor for what the fathers proudly thought they had secured to each one of us as a right, and a right that could not be invaded? How little they thought we should little by little allow such a humiliating legislative condition to exist as we now have in this House.

Again, this House is something more than a legislative body, as I took occasion to say here on March 16, 1892, when I discussed this question very fully. Our fathers thought they had made this House the great committee of safety for the whole country, to expose and ward off every threatened evil to the Republic; the great grand jury of the nation, to take cognizance of every hurtful thing present or prospective; the great and general court to hear all causes, to redress every wrong affecting rich corporations or the humblest farmer, the millionaire or the beggar, he who knows the movement of the spheres or he who is too ignorant to read his mother tongue. There is no longer any excuse for our delaying reform by failure to act and to act at once in correcting our rules. Now is our time.

In the Fifty-first Congress there was a condition little short of war. Year by year the asperities of those days have worn off, until to-day there is an exceptional condition of sweet reasonableness that bids us enter on the work of this great and necessary reform. How can we longer excuse ourselves for continuing under confessedly bad rules, the reforming of which all political parties are ready for, and which all the people demand, and which are entirely without our power? A decision on the questions submitted to us is the right of the people. They demand of us to say yea or nay to the questions before us. To deny a hearing and refuse an answer to the people's demands is more exasperating to them than a disagreeable negative.

Talk, talk, talk, on irrelevant questions, for home consumption no longer commends Congressmen to their constituents. Our rules ought to discourage talk and to encourage genuine debate and freedom of amendment.

Then much bad legislation would be avoided and much more good legislation now demanded in vain would be secured. The present abuses must not be longer endured. The people demand that rules prompt us to "do business," instead of encouraging the wasting of time.

In the present rules we tie our hands in legislation and violate the spirit of the Constitution in depriving the people of each district of the right the fathers thought they had secured to them through the person of their representative in this Hall.

Of course, in no case can we do all our constituents demand of us, but this does not excuse us for deliberately fettering our movements so we do comparatively nothing.

Our constituents do not tax themselves from $6,000 to $10,000 a year that each one of us in this House may waste time. They command us to use our time wisely in settling the great questions they have submitted to us.

The useless calling of the yeas and nays is inexcusable. There is no reason for our not at once restricting roll calls to those calls contemplated by the fathers.

But the greatest and most wicked perversion of justice in the practical operation of the present rules is in refusing redress to our own citizens who, we admit, have been despoiled of their rights and despoiled of their property by their own Government and yet vainly seek that justice and relief at our hands that it is in our power and plainly our duty to give. The fathers held that a wrong to the most humble citizen was an injury to the whole community; that the clear and admitted rights of each man, in his person and in his property, should be as sacredly guarded as those of the combined 70,000,000 of citizens. They thought that that was what governments were instituted among men to do. We have reversed the maxims that lie at the very base of good government—of human liberty even. We defy God in following the multitude to do evil, and we wrest judgment from the helpless. Because all claims are not honest, because there are many rascals trying to rob the Government, we call down the vengeance of heaven on our heads in trying to excuse ourselves from sorting out the honest from the dishonest claimants and lend ourselves to the base service of robbing the honest American citizens who gave us their substance—or it was forcibly taken from them—in our day of adversity of what we know is honestly due them to-day, and all upon the ground that we have not the time that we know we have weekly wasted instead of using it in securing to the citizens the justice due them.

Thus an individual citizen is made the victim of outrageous oppression and spoliation by the perverting of the very barriers originally erected for his defense, which are now turned into citadels for the destruction of his rights and of robbing him of his substance.

Every modification of the rules in the direction of an orderly and prompt transaction of business has commended itself to every member of the House and tended to honesty and economy in legislation. The reform should be now completed. To be obliged to secure legislation by unanimous consent—to placate every dullard, every crank, every selfish and revengeful man, every man of doubtful integrity—is to debase it to the lowest plane known to civilized society.

And yet it is impracticable to directly and in terms limit in the text of the rules (Rule XIV, clause 11) the number and the character of unanimous consents, desirable as it is to do so. All know that some of the most objectionable measures are passed by unanimous consent.

It is a matter of public knowledge that for revenge or for spite a member will sometimes object to a meritorious measure and then allow a dozen bad measures to pass unquestioned. Again, in nearly every Congress there is a professional objector who must be placated before any measure can pass, and members forbear to object to a known bad measure because by doing so this patriot will then defeat measures they propose to teach them that he is master in the case of legislation to be so obtained. Thus members who know a measure to be a plain steal are hindered from objecting.

The effect of requiring five to prevent unanimous consent will be to mete out even-handed justice to all by causing legislation to proceed in regular order by the Calendars in forcing a "call" for the "regular order" instead of continuing vitiating discrimination and favoritism.

Of course, what "rights of members" that are not securely nailed down by press of business and waste of time and are still "lying around loose" we members that have served from eight to twenty years will rightfully get, and therefore we can not be expected to favor the proposed amendments.

As many old members truly say, the rules have been somewhat improved since they received the severe condemnation of the present Speaker in his quoted words; but that he then contemplated a much more radical improvement in a happy future is clearly evident in the extracts given.

In further exposition of House resolution No. 559, covering a draft of the proposed rules—

The change of Rule I to Rule II is to correct the anomaly of defining the duties of officers in a rule previous to the item providing for their election. The election of Speaker is recognized, that all the officers of the House may be included in the rule.

Rule III. Section 3 is added to this rule to secure the performance of duties prescribed in other rules.

Rule VIII. Section 3 is changed to accurately state what is now done.

Rule IX. The words are added to protect the only time set apart for the members to present the especial business of their constituents, viz, the morning hour.

Rule X, section 2. This matter is added in view of the increasing duties and responsibilities of the Committee on Rules. It is evident that more interests and more sections of the country should be represented in that committee.

Rule XI, section 33. Only a verbal change. Section 57 is

changed, as the item struck out became unnecessary in view of the Speaker's Calendar and the great powers of the Committee on Rules and of the immediately preceding remaining words. The words struck out of the last three lines are unnecessary, as the matter is fully provided for in Rule XVI, section 13.

Rule XIII. The changes in the rule are so drawn as to secure such an orderly and fair procedure in legislation as is secured in the legislatures of the various States. In order to do this, it is absolutely necessary that members should know as far as possible before the assembling of the House what business is to be entered upon on each day by consulting the Calendar for that day, perhaps received by them in the morning with the CONGRESSIONAL RECORD. While the rule provides in terms for ten calendars, it is in fact only the equivalent of requiring a classified calendar.

Clause 6 of the rule provides some opportunity for a member, in that each member may be heard especially in behalf of the rights of his constituents or of a constituent. which is now almost unknown in the House. It gives no preferences, but provides a practical way for his exercise of a right.

Clause 10 secures publicity in exercising of a very great privilege by a member. Each member not only has a right to be notified when a fellow-member is to have such a great privilege accorded him, but it is also his right and duty to assist in protecting the Government from mistakes, such as all of us have discovered later, when, not knowing a man was to have such a privilege, we could not know or examine beforehand, and thus could not give the House the information in our possession.

Section 2, page 22, provides for such a preference in position on calendars as previous action of the House or the Senate or committees indicates should be given in the action by the House on matters before it.

Rule XIV, clause 1. Although the change of the words "on being recognized" to "shall be recognized" will not materially change the present practice in the House, it certainly preserves the form of equality among members, whatever the actual facts may be. We certainly do not wish to unnecessarily advertise inequality in rights and privileges among our members that do not in fact exist.

Clause 2. The words inserted complement the words changed and added in clause 1.

Clause 3. The adoption and enforcement of this clause will certainly do more to preserve good order in the House than can be realized by one not familiar with the present bad practices and, therefore, confusion in the House. One of the fundamental maxims of parliamentary law in securing the rights of a member is that every member of the House has a right to hear, to know, and to act upon every matter taking place in it. Now the members crowd into the area in front of the Speaker or into the main aisle and discuss questions and "do business" with each other personally instead of in and before the whole House. They do it in a way that makes it impossible for more than a very few members of the House to know what is being done. Only the Official Reporters, practically, know what is going on, and when the legislation is practically done the Speaker is notified what has been done and simply states the result to the House, without the House hearing any of the facts, reasons, or arguments that induced the doing of it, and it would be singularly ungracious to object at that late hour.

If there is any longer to be any pretense of securing to the members their rights to participate in legislation by hearing what is said and knowing what is being done in the House, the adoption of some such method to prevent a few members from huddling up together to "do business" by themselves, in disregard of the rights of all other members of the House, must be devised.

Clause 4. There is another great abuse in members getting the floor for an hour to farm it out to a few other members especially known to them. There certainly ought to be such a thing as "rights" of members, and especially as to having a fair chance to participate in debate, and if so, the words added to this clause are necessary.

Clause 5. More injury has been done and more bad blood stirred up by a member of the House who, having charge of a proposition and getting the floor, then deliberately says: "I think two hours (or perhaps three, four, or six hours) enough for debate on this bill, and I hope an agreement can be reached now on the time to be allowed," etc. And then because some one, from malice or ignorance, or in fairness even, tries to secure more time, he immediately "moves the previous question," cutting off all debate on and all chance of amendment of the proposition, thus sacrificing the rights of all the members, and in contempt of his deliberately expressed opinion that debate ought to be had, and the chance to offer amendments ought to be had, and had as a right. Members certainly should at least have such opportunity on subjects before them.

Such inexcusable doings, as I have before said, stir up more bad blood and tend more to throw the House into confusion and prevent good legislation than almost any other bad practice now prevailing. This is especially the case in heated partisan times, such as in the Fifty-first, Fifty-second, and also to some extent in the Fifty-third Congresses, and as has been the case when such things were done on several occasions in this Congress. If a member having charge of a measure thought in his deliberate judgment that three or four hours, more or less, were necessary for the consideration of the measure, and was justified in the first instance in asking it, there could have been no excuse, because some one did, or proposed to do, a foolish thing or a wise thing, or a mean or an honorable thing, to abuse the whole House by violating the rights of every member of it.

Rule XV. If we are ever to adopt a mechanical device to expedite roll calls, it must be done in some such way as that proposed in this clause; that is to say, by allowing the new or the old method to be used at the discretion of the Speaker.

Rule XVI, clause 3. The added words are like many other added words in the proposed rules, only to prevent unnecessary roll calls.

In clause 8 the words added are necessary to protect the individual members in their morning hour set aside for their use. It does not meet the case to exclaim with pious surprise, "What! is not the majority of the House to rule? If the majority do not want the morning hour, is then a minority to rule all?" No; the minority is not to rule; but the majority, on the other hand, not only has the right, but it is its duty to protect the minority and to protect the private citizens of the country in their rights through their representative upon the same principle that controls in the making of every constitution of a State or country that was ever written.

We know from experience that men of long service, at the heads of the great committees, in their zeal to get the floor for their great measures, and thus by their great influence "only for this once, you know," and only for this once again and again throughout the whole session, to practically abrogate this rule deliberately, wisely, and coolly adopted by the majority in justice to the American citizen. Friday is set apart in our rules now for the consideration of private bills, but is scarcely ever so used. Its constant abrogation in the past has been little short of the equivalent found in executing rough, so-called justice to meet a supposed necessity in a new community at the expense of Christian conduct in submitting to ample law previously enacted. If we wish to do justice and love mercy in the case of our own citizens, we must in some way protect Friday with strong safeguards, which is the private citizens' only day.

Clause 10 is for the same purpose. Clause 11 has already been fully discussed. Clause 12 is to prevent an unreasonable consumption of the time of the House.

Rule XVIII, clause 1. Words are inserted to prevent useless roll calls.

Rule XXI, clause 1, is rewritten to recognize the fact that the art of printing and the use of printed documents is known to us. No one listens to the reading of a bill they have before them in printed form until it is open for amendment. There is no excuse for consuming the time of the House in reading any bill or resolve until it is open for amendment.

Rule XXIII. The change in this rule is simply putting words in the first clause in their proper place, rather than wrongly putting them in the middle of a long paragraph. Clause 4 allows bills to be perfected by the shorter methods of the Committee of the Whole House, and also cuts off useless roll calls. Clause 9 is to save the time of the House, and trenches upon the rights of no one.

Rule XXIV. Section 1 protects Friday—members' day. In sections 3, 4, 5, and 6, the words added are to protect the morning hour.

If what has already been said on this matter has not commended this object to the House, nothing I can now add will do so.

Clause 7 is inserted to give the members a knowledge not only as to what will be taken up, but when; and in some cases of what is doing, which is not now known in many cases.

Rule XXV. The words added have always been assumed to be in the rule.

Rule XXVI is still to protect the morning hour and to save the time of the House in facilitating the doing of the District of Columbia business.

Rule XXVIII relaxes somewhat the restriction on "moving a suspension of the rules" in consideration of the greater restriction made in Rule XIII, clause 10, page 21. Clauses 2 and 3.—The added words are also to save the time of the House.

Rule XXXI is to save time now utterly wasted in reading what no one listens to. The added words not only recognize, as has been before said, that the art of printing has been discovered, but that the uses of the printed page are also known.

From Surplus to Deficiency—This Congress Surpasses the "Billion-Dollar Congress."

SPEECH

OF

HON. A. M. DOCKERY,

OF MISSOURI,

IN THE SENATE OF THE UNITED STATES,

Wednesday, March 3, 1897.

The House having under consideration the conference report on the District of Columbia appropriation bill—

Mr. DOCKERY said:

Mr. SPEAKER: This Congress easily surpasses all its predecessors in wanton and lavish appropriations made or attempted. It was thought that the Fifty-first Congress (commonly known as the "Billion-dollar Congress") had touched the limit of extravagant appropriations. That Congress appropriated $1,035,680,109.94. The total appropriations of this Congress, however, including permanent appropriations, aggregate $1,043,437,018.53, being $7,756,908.59 in excess of the improvident appropriations of the Fifty-first Congress, which was the last Republican Congress. The total appropriations made at this session, including the permanent appropriations, as sent to the President, also the general deficiency bill, so far as it was agreed upon by the two Houses, amount to $530,591,823.96.

It is proper to say that I include in this statement of appropriations the sundry civil, Indian, and agricultural appropriation bills, which failed to receive the approval of President Cleveland. I also include an estimated amount on account of the general deficiency bill, which did not reach the President. In estimating its total, I add to the amount of the bill as it passed the House the items added by the Senate which were agreed to by the House on a conference report, and exclude all disputed items, making a total for the general deficiency bill of $9,488,365.82.

The last Congress (Fifty-third) appropriated $989,239,205.69. An analysis of the appropriations made by this Congress discloses an increase of liabilities along almost the whole line of Federal appropriations over the appropriations made by that Congress, which was Democratic in both Houses.

The liabilities have been notably augmented on account of fortifications, the new Navy, the postal service, and river and harbor improvements.

COMPARISON OF APPROPRIATIONS.

The bills of this Congress, which show increases as compared with the Fifty-third Congress, are as follows:

For expenses of the foreign service, $199,490; District of Columbia expenses, $796,788.72; for construction of fortifications, and armaments thereof, $12,563,467.50; legislative, executive, and judicial expenses, $12,790.24; support of the Military Academy, $58,301.70; maintenance of the Navy, $8,947,523.21; post-office expenses, $11,454,305.56; regular river and harbor bills, $1,016,870; sundry civil expenses, including river and harbor works under contract, $5,304,825.82; deficiency appropriations, $4,078,783.79; miscellaneous expenditures, $40,386.14, and permanent annual appropriations, $24,983,743.68.

Deducting from the aggregate of these increases the reductions made under the other bills, the net increase by this Congress over appropriations made by the Fifty-third Congress amounts to $54,197,812.84, or $57,197,812,84, if the Fifty-fourth Congress be charged, as is should be, with $3,000,000 estimated to be required under the indefinite appropriation made in the last river and harbor act to purchase the property of the Monongahela Improvement Company.

In the presence of this exhibit, Mr. Speaker, it seems hardly necessary to indulge in comment or criticism. The Fifty-first Congress was rebuked by the country for its riotous waste of public money. The condition of the Treasury and of business then was very much more favorable than it is now. At that time the annual current surplus in the Treasury was nearly one hundred millions of dollars, while there was a fair degree of prosperity in all the avenues of trade and commerce.

At this time the current income of the National Treasury is confessedly inadequate to meet current maturing liabilities. The excess of expenditures over receipts for eight months of this fiscal year was $48,107,716.68; the current deficiency during the last three years and eight months having been $185,919,446.14.

REPUBLICAN RESPONSIBILITY.

The Republican party can not escape the condemnation of the country for unjust and unwarranted appropriations in a time of profound commercial depression. When this Congress convened at its first session, labor was discontented because of inadequate compensation; mining industries were at a standstill; manufactories were closed or running upon limited time; while agriculture, an avocation in which one-half our people are engaged, was utterly prostrate.

Upon the reassembling of this Congress at its second session, in December last, these adverse business conditions were aggravated and intensified. The condition of the public Treasury was also still more unsatisfactory, the Secretary of the Treasury estimating a deficiency of $45,718,970.60 for the ensuing fiscal year. Every consideration of patriotism, equity, and fair dealing to all the people demanded a policy of rigid economy. Some of the Republican leaders, as I have stated on former occasions, attempted to enforce such a policy. Congress, however, has recklessly disregarded the obvious requirements of the National Treasury, and instead of making an honest effort to close the ever-increasing chasm between receipts and expenditures, has still further widened it by appropriations which, in their aggregate, are without precedent in all our history. Individual or corporate enterprises, if confronted with like conditions, would have reduced expenditures wherever possible. The dictates of sound business judgment commanded the Republican party to pursue the same policy in respect to national expenditures. It has not done so. On the contrary, the Republican party has wasted the substance of the people and squandered their revenues in prodigal appropriations.

Mr. Speaker, so much for the fiscal record of the Republican party in this Congress. The delinquencies of that party in respect to public expenditures, the proposed increase of tariff taxation, and its certain failure wisely to reform our monetary system, will, I venture to predict, vacate many seats in Congress at the next Congressional elections and restore the Democratic party to power in both House and Senate.

REVENUES INADEQUATE.

Mr. Speaker, as I have stated, the appropriations as made by this Congress are enormously in excess of the revenues of the Government, and, in my judgment, far beyond the necessities of the public service, wisely and economically administered. To meet these appropriations, taxation will have to be largely increased, thus imposing onerous additions to the already great burdens upon the people. Twelve years ago the House of Representatives changed its rules and divided the responsibility of initiating appropriations, by clothing eight different committees of the House with power to formulate and report money bills, instead of one committee, as had been the custom theretofore from the foundation of the Government. Since that time the abnormal growth in appropriations has been too apparent. That the House erred in its action at that time in making that change, events have proven, I believe, beyond a doubt. In my opinion the time has come when Congress, in response to the demands of the people, must reduce expenditures.

In addition to certain repealing legislation, the best practical method by which this can be accomplished is to change the rules again and clothe one committee with the requisite power and responsibility—be it the Committee on Appropriations, or, as was the case prior to 1865, the Committee on Ways and Means. By this method appropriations can be reduced within the revenues of the Government wisely, harmoniously, and without crippling any branch of the public service. There should be one committee organized to protect the taxpayers and the Treasury.

I conclude, Mr. Speaker, by submitting herewith an exhibit of the appropriations. They tell the story of wasteful improvidence:

Appropriations made by the Fifty-third and Fifty-fourth Congresses, fiscal years 1895 to 1898, inclusive.

	Fifty-third Congress.	Fifty-fourth Congress.
Agriculture	$6,527,373.06	$6,498,434.00
Army	46,845,492.77	46,407,747.02
Diplomatic and consular	3,138,377.52	3,337,867.52
District of Columbia	11,291,121.82	12,087,910.54
Fortification	4,381,561.50	16,895,029.00
Indian	19,422,316.40	15,060,717.68
Legislative, etc	43,197,301.37	43,210,091.61
Military Academy	870,736.74	929,098.44
Navy	54,743,572.03	63,690,895.24
Pension	282,963,140.00	282,502,460.00
Post-Office	176,782,597.41	188,236,902.97
River and harbor	11,643,180.00	12,659,550.00
Sundry civil	80,821,965.95	86,126,761.77
Deficiencies	21,636,378.88	25,715,162.67
Miscellaneous	875,623.92	[1] 916,010.06
Permanent	214,143,636.32	239,132,380.00
Total appropriations	989,239,205.69	1,043,437,018.53

[1] Estimated.

EXTRACTS FROM

REMARKS OF HON. A. M. DOCKERY,

IN THE HOUSE OF REPRESENTATIVES,

February 13, 1897.

* * * * * * *

COMPARISON OF APPROPRIATIONS.

The Forty-third Congress appropriated $653,794,991.21; the Forty-fourth Congress appropriated $595,597,832.28; the Forty-fifth Congress appropriated $704,527,405.98; the Forty-sixth Congress appropriated $727,537,684.22; the Forty-seventh Congress appropriated $777,435,948.54; the Forty-eighth Congress appropriated $655,269,402.33; the Forty-ninth Congress appropriated $746,342,495.51; the Fiftieth Congress appropriated $817,963,859.80; the Fifty-first Congress appropriated $1,035,680,109.94; the Fifty-second Congress appropriated $1,027,104,547.92; and the Fifty-third Congress appropriated $989,239,205.69.

Mr. Chairman, I desire to state that the Fifty-third Congress was Democratic in both Houses, and, under the leadership of the late Speaker, Mr. Crisp, and of the gentleman from Texas, Governor SAYERS, the appropriations were brought $37,865,342.23 below the appropriations of the Fifty-second Congress, and $46,440,904.25 under those of the "billion-dollar Congress." The appropriations at the first session of this Congress were $515,845,194.57 and the contracts authorized $75,816,480.91, making a total of $591,661,675.48. The appropriations at this session will not be less than $535,000,000. In other words, the appropriations of this Congress will reach the mighty aggregate of not less than $1,050,000,000. The Republican party must be held responsible for these riotous appropriations; but I acquit the honorable Speaker of this House of any share of that responsibility, and I hope that in so doing I shall not in any way impair his political standing with his own party. [Laughter.] He has maintained a consistent and courageous attitude of hostility to those measures which would impoverish the Treasury, and has sought to limit public expenditures to the actual demands of an economical administration. The Republican party can not escape the just censure of the people, because it controls the organization of the House, but it would seem that the Speaker, as a matter of equity, is entitled to exemption from any share of the odium.

COMPARISON OF EXPENDITURES.

Leaving the domain of appropriations, I come now to deal with expenditures, which after all furnish the best test in respect to the Treasury situation. In submitting this statement of the actual expenditures of the Government, I exclude only the amounts paid upon the principal of the public debt. The exhibit includes all other items of Federal expenditures.

I find that the total expenditures for the fourteen fiscal years from 1875 to 1888 was $4,195,920,817.79, while the average expenditure for each of those years was $299,708,629.89. I further find that the total expenditures from 1889 to 1896 were $3,410,809,950.11, the average annual expenditure being $426,351,243.76, an average annual increase during the last eight fiscal years over each of the fourteen years preceding of $126,642,613.87.

It is also shown by official reports that the actual increase of expenditures during the last eight fiscal years over and above the fourteen prior fiscal years was $785,110,867.68.

Mr. Chairman, I now submit another comparative exhibit, illustrative and instructive. The total expenditures for the fiscal year of 1886 were only $293,487,882.30; the total expenditures for the fiscal year of 1896 were $443,112,115.58, the increase being $149,624,233.28; that is to say, it cost $149,624,233.28 more in actual expenditure to conduct the operations of the Government in 1896 than it did in 1886.

The items of this increase may be briefly summarized. The postal increase of 1896 over that of 1886 is $39,927,925.70. The civil and miscellaneous increase is $13,049,304.77. The War Department increase is $16,506,768.15. Of course, gentlemen will understand that Congress has made no increase in the standing Army, although an effort in that direction has been made, but the increase in the expenditures of the War Department results from putting the river and harbor bill upon a war footing in time of peace [laughter] and from the increased expenditures for fortifications. The Navy Department expenses have increased $13,239,844.64, and the cost of the Indian service has increased $6,066,370.11. For pensions the increase of expenditures is $76,029,136.95, making a total increase of expenditures for 1896 over those for 1886 of $164,819,350.32. Deducting from this total the only item of decrease, the interest on the public debt of $15,195,117.04, we have the result as heretofore stated of $149,624,233.28 increase in the expenditures of the Government in a single decade.

Again, Mr. Chairman, let us try this question of the ever-increasing ratio of expenditures by another test. The average expenditure per capita in 1886 was only $5.11. In 1896 the average was $6.21, or exactly $1.10 more for the cost of government for each one of our population. There has been no expansion in the volume of internal and foreign commerce, in the necessities of government, or the growth of our country to justify this startling and abnormal increase.

M'KINLEY BILL INADEQUATE.

This, then, Mr. Chairman, is the situation: Dwindling revenues, enormous and increasing expenditures. It challenges our attention not simply from a partisan standpoint, for, although we differ upon many questions, upon this issue of public expenditure, a matter affecting all the people, we ought to find common ground upon which to meet.

Mr. Chairman, what is proposed by the legislation pending or contemplated? The Republican party decline to reduce expenditures, but invoke the aid of a tariff bill in course of preparation which seeks to increase the national income so that it will be adequate to meet the existing and increasing schedule of liabilities. Upon this issue, gentlemen, we differ. Upon this side of the Chamber we would accomplish the result of balancing receipts and expenditures by reducing taxation where it can be safely done, and also by cutting down Federal expenditures.

Now, then, if the Dingley tariff bill is to be constructed on the theory announced by the distinguished gentleman from Maine [Mr. DINGLEY] at the outset of this session—that every item of each schedule must illustrate the doctrine of "protection for protection's sake;" that protection must be the chief corner stone of the bill—tell me, Mr. Chairman, how the Treasury can secure sufficient income to meet the actual expenditures of the Government during the coming year, amounting, as they probably will, to $500,000,000? The McKinley law did not provide sufficient revenue.

The current surplus revenue in the Treasury amounted to $85,040,271.97 at the end of the fiscal year ending June 30, 1890, the year immediately preceding the enactment of the McKinley law, which went into effect October 6, 1890. Upon examination of the official reports at the close of the fiscal year ending June 30, 1891, that law having been in operation but eight months of the fiscal year, it appears that the current surplus had dropped to $26,838,541.96. The current surplus for the next fiscal year, ending June 30, 1892, was still further reduced to $9,914,453.66, while the current surplus at the close of the fiscal year 1893 had dwindled to $2,341,674.29.

Indeed, Mr. Chairman, during the last four months of President Harrison's Administration the revenues under the McKinley law were inadequate by $4,094,021.38 to furnish income sufficient to meet the ordinary liabilities of the Government, and for the fiscal year ending June 30, 1894, the actual deficiency was $69,803,260.58.

Secretary Foster, in his testimony before the Ways and Means Committee, February 25, 1893, insisted that if he was to have the management of the Treasury he would ask an annual increase of $50,000,000 of revenue.

Mr. HOPKINS. Right there, when the gentleman speaks of the revenue-producing qualities of the McKinley Act, I desire to correct him.

Mr. DOCKERY. I have not time to yield to the gentleman for a speech. I have but two minutes remaining.

Mr. HOPKINS. One moment. The gentleman can have more time. I want to correct him on the statement he has made. I undertake to say that during the period that the Republican party was in power, and while the country supposed that its policy was to be the policy of the Government, the revenues every month exceeded by millions of dollars the expenditures.

Mr. DOCKERY. I desire to say, Mr. Chairman, that the figures I have given as to the current surplus revenues for each one of the years immediately succeeding the passage of the McKinley law are absolutely correct.

Mr. HOPKINS. But the revenues never fell——

Mr. DOCKERY. Mr. Chairman, I decline to yield; my time is so limited.

Mr. HOPKINS. But I want the gentleman's statement to be corrected.

Mr. DOCKERY. I hope this interruption will not come out of my time. Mr. Chairman, I have stated the facts correctly; and I challenge the gentleman from Illinois or anyone else to disprove them by the official statements.

Mr. Chairman, let me say that the surplus of $2,341,674.29 at the close of the fiscal year ending June 30, 1893, was apparent rather than real, notwithstanding the trust funds belonging to the holders of national-bank notes had been covered into the Treasury, the disbursing officers' balances reduced $24,000,000, and default made in the payment of bonds maturing September 1, 1891. At that time there were also $104,074,092.07 of outstanding obligations of the Government unsatisfied. So that the McKinley law was inadequate to furnish revenue to support and maintain the Government. I do not know whether the Dingley bill will supply ample revenue or not. I do not believe, however, that it can do so if framed along the rigid lines of the protective policy. If so fashioned, it must check importations and thus diminish revenue. I may say, however, that if any gentleman on the other side

can frame a protective bill that will replenish the wasted and depleted streams of customs revenue it is the able chairman of the Committee on Ways and Means, Governor DINGLEY.

Mr. Chairman, in conclusion, I may be pardoned for the expression of the conviction that pronounced aggressive and continuous prosperity will not return to this country and abide with our people if the Republican party increases taxation and restricts the volume of our circulating medium. The Democratic party believes that prosperity will return only upon the terms of an ample volume of good, safe, sound money, of gold, silver, and paper, with taxation reduced to the lowest point consistent with a wise, frugal administration of the Government. [Loud applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Appropriations.

SPEECH

OF

HON. JOSEPH G. CANNON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 4, 1897.

The House having under consideration the subject of appropriations—

Mr. CANNON of Illinois said:

Mr. SPEAKER: The total of appropriations made at this session of Congress and as sent to the Executive for approval, including the permanent annual appropriations, amounts to $518,103,458.14.

In addition to this sum a general deficiency bill was passed by the House appropriating $8,442,027.85, which the Senate increased to $11,393,940.16 by the addition of many old claims, some of them of questionable and doubtful character. The conference committee of the two Houses, after a protracted session, were able, however, to reach an agreement upon certain of the items added by the Senate in the nature of additional deficiencies in current appropriations for the support of the Government, to pay final judgments of the courts, and to pay audited claims allowed by the accounting officers of the Treasury and certified to Congress after the passage of the bill by the House. And if the Senate could have been prevailed upon to recede from its other amendments to the bill, embodying the claims before mentioned, the bill could have been sent to the Executive carrying appropriations in the aggregate of $9,488,365.82.

THE OFFICIAL ESTIMATES.

The estimates submitted to Congress by the Executive in December last, and from time to time during the session, including $17,529,053.16 to meet contracts on account of rivers and harbors, set forth in the Book of Estimates, but not extended in the totals of that volume, amounted to $552,975,100.44, or $25,383,276.48 in excess of the total of the appropriation bills as sent to the Executive, including the general deficiency bill in all of its items as agreed upon by the two Houses.

APPROPRIATIONS, FIRST SESSION.

The appropriations of the first session of this Congress amounted to $515,845,194.57, or $11,746,629.39 less than the apparent appropriations, including the deficiency bill, of the second session now closing. This excess of appropriations by this session over those of the first session is accounted for by the increases, required and given at this session, of $2,139,253 for fortifications, $2,565,573.34 for the new Navy, $2,211,507 for river and harbor works and contracts authorized therefor, $1,733,620 to continue construction of public buildings, and $3,093,774 on account of the postal service.

APPROPRIATIONS, BOTH SESSIONS.

The total appropriations of the two sessions of this Congress aggregate $1,043,437,018.53. The appropriations of the Fifty-third Congress, which was Democratic in both branches, with a Democratic Executive as now, amounted, according to the official tables, to $989,239,205.69. To this sum, however, should be added $4,400,000 on account of interest and sinking-fund charges for bonds issued by the Democratic Administration and not included in the estimates of permanent appropriations submitted to Congress and stated in the tables; which brings the sum total of appropriations for all objects by the Fifty-third Congress up to $993,639,205.69, or $49,797,812.84 less than the appropriations, including deficiencies, made by the present Congress.

ITEMS OF INCREASE.

In explanation of this apparent excess of appropriations by the Fifty-fourth Congress over those of the Fifty-third Congress, it should be stated that the Fifty-fourth Congress made increases over its immediate predecessor on account of fortifications in the sum of $12,563,467; on account of river and harbor works, including contracts therefor, in the sum of $3,476,506; on account of the construction of public buildings, none of which were authorized by the Fifty-fourth Congress, in the sum of $2,343,394; for the postal service in the sum of $11,454,305; for the naval establishment in the sum of $8,947,523, and on account of permanent appropriations, mainly to meet interest and sinking-fund charges for the bonds issued by the Administration just leaving power, $24,983,744; or a total of $62,768,939.

In the light of the severe criticism which has been passed upon this Congress on account of the appropriations it has made for the improvement of the great waterways and harbors of the country, it is remarkable to note, now that the balances can be ascertained, that after all, these appropriations made by this Congress at both its sessions exceed those made by the last Congress by less than $2,500,000, and this notwithstanding the fact that thirty-seven of the great works of national importance were placed under the continuing-contract system by this Congress as against only eighteen so treated by all of the previous Congresses.

THE SUNDRY CIVIL BILL.

The sundry civil appropriation bill, as agreed upon by the two Houses and submitted to the Executive, amounts to $53,030,051.58. The estimates submitted by the Executive, including $17,529,053.16 to meet contracts under law for the prosecution of river and harbor works, amounted to $58,805,812.81, or $5,775,761.23 more than the bill appropriates. Included in the bill are no items which have not, according to the estimates submitted to Congress, received the approval and recommendation of the Administration, with the possible exception of $150,000 for the Nicaragua Canal survey, inserted as an amendment, and insisted upon, by the Senate.

In the estimates submitted for the support of the National Home for Disabled Volunteer Soldiers there were for additional barracks and other buildings at the several Branches items amounting to about $150,000. After full hearing and expression of judgment from the Board of Managers of the Home, the Committee on Appropriations determined that it would be wiser to provide for the establishment of another Branch Home than to enlarge those Branches already in existence by the addition of new barracks; and, with the concurring judgment of the Committee on Military Affairs, the committee recommended, and Congress has provided, accordingly.

THE AGRICULTURAL BILL.

The Agricultural appropriation bill as sent to the Executive on the 25th day of February carried the usual appropriation for the purchase and distribution of seeds. At the last session of Congress the President withheld his approval from the Agricultural bill of that session and permitted the bill to become a law by limitation under the Constitution. It should be added here that during the Fifty-third Congress, at both its sessions, he approved the Agricultural bills carrying exactly similar appropriations.

BILLS PROMPTLY PRESENTED.

Mr. Speaker, there has been some criticism at this session as to the lateness of the presentation of appropriation bills to the House for consideration. Apropos, I will append to my remarks a statement showing, for the short sessions of the Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, and the present Congress—the Fifty-fourth—the dates when the bills were passed by the House and by the Senate, and when approved by the Executive. This table, made up from the journals of the two Houses, shows that at this session six of the regular appropriation bills reached the Executive in time to receive his consideration and approval from two months to two days before the 3d day of March. In contrast with this showing, at the last session of the Fifty-third Congress only three of the bills reached the Executive in time for approval before the final day of the session, and at the short session of the Fifty-second Congress only five of the bills were approved before the final day of adjournment; and likewise only four of the bills at the last session of the Fifty-first Congress, four of the bills at the last session of the Fiftieth Congress, and four of the bills at the last session of the Forty-ninth Congress, at which latter session two of the regular bills—the fortification and the general deficiency—failed of enactment and were not submitted to the Executive for consideration.

ILL-CONSIDERED ESTIMATES.

Mr. Speaker, the appropriations are, in my judgment, in excess of the legitimate demands of the public service. But this fact, while greatly to be deplored, is not, in my opinion, properly chargeable to the action of either of the great political parties of the country. It is the result of conditions accruing out of the rules of the House and out of the rules, practices, and so-called courtesies of the Senate, together with the irresponsible manner in which the Executive submits to Congress estimates to meet expenditures for the conduct of the Government. If the appropriations made by Congress have been extravagant and beyond

the revenues of the Government, how much more so have been the estimates of the Executive! The record shows that in no instance during many years past have the appropriations made by Congress measured up to the full amounts recommended and asked for by the Administration.

It is said, Mr. Speaker, that ours is the only Government in the civilized world wherein the administrative branch apparently assumes no degree of responsibility to the taxpayers for its demands for the expenditure of public money, and that ours is the only Government wherein the legislative branch alone exercises the function or duty of check upon public expenditures without any considerable degree of cooperation on the part of the Executive. It is hoped, and I believe, that the incoming President, with his long experience as a distinguished member of the legislative branch of this Government, will exact of his Cabinet counselors some degree of wholesome effort in the direction of intelligent recommendation of public expenditures, to the end that Congress may not have to strive unaided and alone toward bringing our public expenditures within the sum of our public revenues.

DELINQUENCY OF THIS ADMINISTRATION.

The present Secretary of the Treasury, in his last annual report to Congress on the state of the finances, after stating the appalling fact that the estimated expenditures exclusive of the sinking fund requirements are likely to exceed our estimated revenues by $45,718,970, says:

The foregoing estimates of receipts and expenditures for the fiscal year 1898 are made upon the assumption that there will be no substantial change in existing business conditions, and that the present scale of public expenditures will not be reduced.

It was not always thus, under other Administrations. When a similar condition confronted the country in 1878, Mr. Sherman, then Secretary of the Treasury, in his annual report for the fiscal year 1877, said:

Assuming that Congress will not increase the aggregate national taxation at a time when all industries are oppressed by the weight of local taxation, the Secretary recommends that the aggregate appropriations for the fiscal year ending June 30, 1879, exclusive of interest and sinking fund, should not exceed $140,000,000. This will require the appropriations to be reduced at least $11,000,000 below the estimates submitted above—a reduction that, in the opinion of the Secretary, can be made without crippling any branch of the public service.

Mr. Cleveland, in submitting the annual budget of expenditures to this Congress in December last, through the Secretary of the Treasury, assumed, in the language first quoted—

that the present scale of public expenditures will not be reduced.

Is it, I beg to ask, because the estimates whereon that scale of public expenditures was based have been reduced more than $25,000,000 by the action of this Congress that some of the great money bills for the support of the Government are not to receive the approval of the outgoing President?

METHODS OF THE SENATE.

The practice of the Senate in recent years of amending appropriation bills, notably the general deficiency bill, by incorporating provisions to pay claims of every kind and character outstanding against the Government—claims that have no status in many cases other than perfunctory reports from committees, mere findings of the Court of Claims based on ex parte testimony, or recommendations and requests from bureau officers and other officials of the Government—has grown with astonishing and intolerable rapidity, until the general deficiency bill, in recent sessions, as it leaves the House providing for legitimate deficiencies in current appropriations for the support of the Government, is transformed into a mere vehicle wherein the Senate loads up and carries through every sort of claims that should have no consideration by either branch of Congress except as independent bills reported from competent committees.

A REMEDY SUGGESTED.

The remedy for this evil is for the great committees of the House and Senate on the Judiciary, Claims, and War Claims to formulate an intelligent measure that will provide a tribunal of final jurisdiction whither these claims may be sent for full and intelligent consideration. By such a measure those who have honest and legitimate claims against the Government can be paid; and that some of the claims above referred to are just and should be paid there is no doubt. But claims that are based upon fraud can be stigmatized as fraudulent by such a tribunal, and Congress, once for all, can be relieved of the annual importunity for their consideration.

DISTRIBUTION OF BILLS.

In the year 1885 the House of Representatives changed its rules and took from the Committee on Appropriations the jurisdiction over one-half of the regular annual appropriation bills, giving to eight different committees of the House the right to report and control such bills. It was contended at the time that the change would bring about earlier and more intelligent consideration of the appropriation bills. I do not believe now that the most ardent advocate of that proposition then would contend for one moment that the beneficial results claimed and anticipated have been in any degree realized. Committees, each with jurisdiction over but one bill, have frequently been the last to bring their measures into the House for consideration. Great confusion has been experienced in the closing hours of Congress in determining the condition and status of the various appropriation bills, and the per capita of appropriations—the crucial test of economy in the premises—has increased, exclusive of appropriations for pensions, from $29.26 during the twelve years when all of the bills were controlled by one committee to $34.67 during the succeeding twelve years, ending in 1896, when eight different committees controlled the appropriation bills—an equivalent of nearly $320,000,000 increase in appropriations for the latter period over the former.

TOO MANY DIFFERENT BILLS.

There are too many appropriation bills. Instead of fourteen there ought not to be more than ten. The Agricultural bill ought to be made, as it was prior to 1881, a part of the legislative, executive, and judicial appropriation bill, which provides for the official staff and expenses of the several Executive Departments, except the Agricultural Department. The Army, fortification, Military Academy, and naval appropriation bills ought to be consolidated into one. By such consolidation, much time now wasted in irrelevant general debate and formal proceedings would be saved to the House, and greater latitude and opportunity could be afforded for the full consideration of the real merits of appropriations carried by the several bills.

For the information of the House I will submit herewith a table, showing the chronological history of the appropriation bills in the House and Senate during the session just closing:

Dates of passage of appropriation bills in House and Senate and approval by the President at the short sessions of the Forty-ninth to the Fifty-fourth Congresses, inclusive.

Title.	Forty-ninth Congress, second session. Fiscal year 1888.			Fiftieth Congress, second session. Fiscal year 1890.			Fifty-first Congress, second session. Fiscal year 1892.			Fifty-second Congress, second session. Fiscal year 1894.			Fifty-third Congress, third session. Fiscal year 1896.			Fifty-fourth Congress, second session. Fiscal year 1898.		
	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved
Agricultural	Jan. 31	Feb. 26	Mar. 3	Feb. 8	Feb. 22	Mar. 2	Feb. 25	Mar. 2	Mar. 3	Feb. 20	Feb. 28	Mar. 3	Feb. 4	Feb. 18	Mar. 2	Jan. 30	Feb. 10	(*)
Army	Dec. 22	Jan. 17	Feb. 9	Feb. 8	Feb. 26	Mar. 2	Jan. 14	Jan. 31	Feb. 24	Dec. 14	Feb. 1	Feb. 27	Dec. 17	Jan. 18	Feb. 12	Dec. 17	Jan. 18	Mar. 2
Diplomatic and consular	Feb. 18	Feb. 26	Mar. 3	Jan. 12	Jan. 31	Feb. 26	Feb. 4	Feb. 17	Mar. 3	Feb. 4	Feb. 23	Mar. 1	Jan. 9	Feb. 9	Mar. 2	Feb. 2	Feb. 11	Feb. 20
District of Columbia	Jan. 29	Feb. 22	Mar. 3	Dec. 10	Jan. 25	Mar. 2	Jan. 22	Feb. 12	Mar. 3	Jan. 9	Feb. 2	Mar. 3	Jan. 10	Feb. 5	Mar. 2	Feb. 6	Mar. 1	.....
Fortification	.....	.....	.....	Jan. 19	Feb. 9	Mar. 2	Dec. 11	Feb. 4	Feb. 24	Jan. 5	Feb. 1	Feb. 18	Dec. 13	Jan. 21	Mar. 2	Feb. 11	Mar. 2	.....
Indian	Jan. 5	Feb. 5	Mar. 2	Feb. 27	Mar. 2	Mar. 2	Feb. 18	Feb. 28	Mar. 3	Feb. 27	Mar. 2	Mar. 3	Jan. 22	Feb. 23	Mar. 2	Jan. 28	Feb. 26	.....
Legislative, etc	Mar. 1	Mar. 3	Mar. 3	Dec. 18	Feb. 8	Feb. 26	Feb. 13	Feb. 27	Mar. 3	Feb. 9	Feb. 25	Mar. 3	Feb. 12	Feb. 28	Mar. 2	Dec. 22	Jan. 20	Feb. 19
Military Academy	Jan. 5	Feb. 23	Mar. 1	Jan. 12	Jan. 25	Feb. 12	Jan. 31	Feb. 4	Mar. 2	Feb. 4	Feb. 23	Mar. 1	Dec. 13	Jan. 4	Jan. 16	Jan. 11	Jan. 27	Feb. 10
Naval	Feb. 26	Mar. 2	Mar. 3	Feb. 2	Feb. 12	Mar. 2	Jan. 26	Feb. 11	Mar. 3	Feb. 20	Feb. 28	Mar. 3	Feb. 20	Mar. 2	Mar. 2	Feb. 23	Mar. 1	.....
Pension	Jan. 6	Jan. 17	Mar. 1	Dec. 19	Feb. 8	Mar. 1	Dec. 6	Feb. 5	Mar. 3	Feb. 17	Feb. 27	Mar. 1	Dec. 14	Jan. 17	Mar. 2	Dec. 8	Dec. 16	Dec. 23
Post-Office	Jan. 29	Feb. 12	Mar. 3	Feb. 21	Feb. 29	Mar. 2	Feb. 23	Mar. 2	Mar. 3	Feb. 22	Mar. 2	Mar. 3	Jan. 9	Feb. 15	Feb. 28	Feb. 12	Feb. 27	.....
River and harbor	Jan. 27	Feb. 21	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sundry civil	Dec. 17	Feb. 2	Mar. 3	Jan. 29	Feb. 22	Mar. 2	Feb. 9	Feb. 26	Mar. 3	Feb. 2	Feb. 22	Mar. 3	Jan. 25	Feb. 28	Mar. 2	Feb. 15	Feb. 27	.....
Deficiency	Mar. 1	Mar. 3	.....	Feb. 26	Mar. 1	Mar. 2	Feb. 26	Mar. 3	Mar. 3	Feb. 3	Mar. 2	Mar. 3	Feb. 25	Mar. 1	Mar. 2	Feb. 22	Mar. 2	.....
	Session closed Mar. 3, 1887.			Session closed Mar. 2, 1889.			Session closed Mar. 3, 1891.			Session closed Mar. 3, 1893.			Session closed Mar. 2, 1895.			Session closed Mar 3, 1897.		

* Delivered to the President February 25.

Chronological history of appropriation bills, second session of the Fifty-fourth Congress; estimates and appropriations for the fiscal year 1897-98; and appropriations for the fiscal year 1896-97.

Title.	Estimates, 1898.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.		Law, 1897-98.		Law, 1896-97.
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Amount.
Agriculture	a$2,385,742.00	1897. Jan. 13	$3,152,752.00	1897. Jan. 30	$3,155,702.00	1897. Feb. 9	$3,212,902.00	1897. Feb. 10	$3,217,902.00	1897.	$3,182,902.00	$3,255,532.00
Army	23,892,307.05	1896. Dec. 14	23,126,344.30	1896. Dec. 17	23,126,344.30	Jan. 14	23,129,344.30	Jan. 18	23,129,344.30		23,129,344.80	23,278,402.73
Diplomatic and consular	2,082,728.76	1897. Jan. 28	1,675,908.76	1897. Feb. 2	1,672,708.76	Feb. 6	1,695,308.76	Feb. 11	1,695,308.76	Feb. 20	1,695,308.76	1,642,538.76
District of Columbia	b 8,686,616.38	Jan. 28	5,780,811.06	Feb. 6	5,788,811.06	Feb. 17	6,993,677.44	Mar. 1	7,447,727.44		6,187,591.06	5,900,319.48
Fortification	15,815,256.00	Feb. 10	9,178,325.00	Feb. 11	9,253,325.00	Feb. 26	9,717,141.00	Mar. 2	9,817,141.00		9,517,141.00	7,377,888.00
Indian	7,279,325.87	Jan. 14	7,525,691.67	Jan. 28	7,424,609.00	Feb. 12	7,672,438.89	Feb. 26	7,740,080.89		7,690,230.89	7,390,496.79
Legislative, etc	22,767,150.80	1896. Dec. 15	21,642,369.80	1896. Dec. 22	21,641,369.80	Jan. 18	21,702,254.80	Jan. 20	21,712,516.90	Feb. 19	21,690,766.90	21,519,324.71
Military Academy	521,812.83	Dec. 17	489,572.83	1897. Jan. 11	474,572.83	Jan. 18	479,572.83	Jan. 27	494,572.83	Feb. 10	479,572.83	449,525.61
Navy	34,215,936.19	1897. Feb. 20	32,165,234.19	Feb. 23	32,165,234.19	Feb. 27	35,728,234.20	Mar. 1	33,228,234.29		33,128,234.29	30,562,660.95
Pension	141,328,580.00	1896. Dec. 7	141,263,880.00	1896. Dec. 8	141,263,880.00	1896. Dec. 15	141,263,880.00	1896. Dec. 16	141,263,880.00	1896. Dec. 22	141,263,880.00	141,328,580.00
Post Office	c 97,515,411.15	1897. Feb. 10	95,611,714.22	1897. Feb. 12	95,535,338.75	1897. Feb. 24	95,835,338.75	1897. Feb. 27	95,785,338.75	1897.	95,665,338.75	92,571,564.22
River and harbor	d 100,000.00										(e)	f 12,659,550.00
Sundry civil	g 58,805,812.81	Feb. 11	50,664,743.92	Feb. 15	50,664,743.92	Feb. 25	51,827,727.84	Feb. 27	52,703,827.84		h 53,030,051.58	i 33,096,710.19
Total	415,396,880.44		392,277,347.75		392,166,639.70		399,257,818.90		398,236,475.00		396,640,352.36	381,033,113.14
Urgent deficiency, Navy, etc		1896. Dec. 19	881,862.71	1896. Dec. 19	881,862.71	1896. Dec. 22	884,895.78	1896. Dec. 22	884,895.78	1896. Dec. 22	884,895.78	15,341,911.07
Deficiency, 1897 and prior years	j 15,500,000.00	1897. Feb. 18	8,441,029.43	1897. Feb. 22	8,442,027.85	1897. Mar. 1	10,334,939.20	1897. Mar. 2	11,393,940.16		(k)	
Total	430,896,880.44		401,600,239.89		401,490,530.26		410,477,653.88		410,515,300.94		397,525,238.14	396,375,024.51
Miscellaneous	j 2,000,000.00										j 500,000.00	416,010.06
Total, regular annual appropriations	432,896,880.44										398,025,238.14	396,791,034.57
Permanent annual appropriations	120,078,220.00										120,078,220.00	l 119,054,160.00
Grand total, regular and permanent annual appropriations	552,975,100.44										518,103,458.14	m 515,845,194.57

Amount of estimated revenues for fiscal year 1898	$325,000,000.00
Amount of estimated postal revenues for fiscal year 1898	96,227,076.68
Total estimated revenues for fiscal year 1898	421,227,076.68

a No amounts are included in the estimates for 1898 for the Agricultural Department for agricultural experiment stations in the several States authorized by the act of March 2, 1887, or for the purchase and distribution of valuable seeds. The amounts appropriated, respectively, for these purposes for 1897 are $720,000 and $150,000.

b One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1898 at $190,829), which are payable from the revenues of the water department.

c Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

d This amount is for "examinations, surveys, and contingencies of rivers and harbors" for 1898. In addition thereto, the sum of $5,249,000, required to meet contracts authorized by law for river and harbor improvements, is included in the sundry civil estimates, and the sum of $17,529,053.16 in detail is submitted in the Book of Estimates for 1898, page 204, under "Statement of amounts required for materials and work for improvement of rivers and harbors, for which Congress, by acts of September 19, 1890, July 13, 1892, and June 3, 1896, authorized contracts to be entered into under direction of the Secretary of War, to be paid for as appropriations may from time to time be made by law," making the total amount required for rivers and harbors for 1898, $22,878,053.16.

e No river and harbor bill passed for 1898, but the sum of $17,922,654.91 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1898 and $378,000 for other river and harbor items.

f In addition to this amount the sum of $3,284,597 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1897, and the sum of $300,000 is appropriated in the urgent deficiency act to carry out such contracts for 1896, making in all for rivers and harbors $16,244,147.

g Includes $17,529,053.16 submitted but not carried into the total in Book of Estimates for 1898, under "Statement of amounts required for materials and work for improvement of rivers and harbors, for which Congress, by acts of September 19, 1890, July 13, 1892, and June 3, 1896, authorized contracts to be entered into under direction of the Secretary of War to be paid for as appropriations may from time to time be made by law."

h This amount includes $17,922,654.91 to carry out contracts authorized by law for river and harbor improvements for 1898, and $378,000 for other river and harbor items.

i This amount includes $3,284,597 to carry out contracts authorized by law for river and harbor improvements for 1897.

j This amount is approximated.

k The general deficiency bill failed of final agreement between the two Houses. So far as agreed upon by the conference report which was adopted, it appropriated $9,488,365.82.

l This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1897, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

m In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By District of Columbia act, $124,000; by fortification act, $4,195,076; by naval act, $10,900,000 in excess of estimated appropriation for increase of the Navy; by river and harbor act, $50,616,404.91, and by sundry civil act, $981,000; in all, $75,816,480.91.

Naval Appropriation Bill—Dry Docks.

SPEECH

OF

HON. ADOLPH MEYER,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 23, 1897.

The House being in the Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898—

Mr. MEYER said:

Mr. CHAIRMAN: I have listened with deep interest to this discussion, and especially to the remarks of the gentleman from Massachusetts [Mr. BARRETT], and of the honorable chairman of the Naval Committee. I suppose that every member who gives any thought to the question of the Navy must be aware that it is not more important to build and maintain ships of war than it is to provide adequate facilities for their repair. The cleaning of the bottoms of ships fouled after long exposure to the sea, and the repair of ships after injury done in battle, tempest, or by other casualty, can only be promptly and efficiently performed by means of dry docks. The number and location of these docks must be proportioned to the number of our war vessels and to the needs of this or that portion of our long coast line. As a general rule, the navy-yard should be supplemented, when the draft of water is sufficient, by one or more dry docks. But these questions are largely technical questions upon which we must bow to the judgment of the naval experts. I have not the remotest idea that their opinions and recommendations will be warped by political manipulation or influence.

The dry dock at Port Royal, S. C., was built after careful examination by a board of eminent naval officers appointed by the Secretary of the Navy pursuant to the act of Congress approved

September 7, 1888, with directions to examine the whole subject of the location of navy-yards and dry docks on the Gulf coast and the South Atlantic coast. The instructions given to this board by Secretary Whitney on January 28, 1889, were of the most wise, suggestive, and comprehensive character, and they reflect the highest credit upon the Department. Pursuant to this law and these instructions, this board made an exhaustive examination in person of both these portions of our coast. The board made an emphatic recommendation, with reasons that can not be answered, in favor of Port Royal as the true point on the South Atlantic coast for a navy-yard and dry dock. Fortunately, this recommendation was acted upon favorably, and the result is, as stated by the chairman of the Naval Committee, that the *Indiana*, one of our largest battle ships, has been docked there within a year past. Suppose that dry dock had not been built, where, I will ask, could that great war vessel have been taken for examination and repairs?

Sir, we have also a dry dock at New York, soon to be completed, which will accommodate the largest vessels in our Navy now in process of construction or that have been constructed. Does any man question or arraign the wisdom, I may say the necessity, of this location? You have there the greatest city of the Union, one of the greatest emporiums of commerce in the world, enormous wealth, a channel having a depth of water 30 feet to the sea, a magnificent system of railroad and water communication, everything that can point it out as the central point on the North Atlantic coast for one or more dry docks for our vessels of war.

We come next to Norfolk, Va., where, at the navy-yard, the Secretary proposes to build a dry dock of sufficient size to take in the largest, widest, and deepest-draft ships, the dock to be built of concrete. I regard this recommendation, which I assume to be based on the reports of competent officers of our Navy and experts, as one eminently proper. There is not an entrance on our whole coast more clearly indicated by nature itself for a grand naval depot than the waters of Hampton Roads. We have an easy entrance both in summer and winter for the largest ships, a great natural harbor and anchorage, a large depth of water up to Norfolk, a channel easily and cheaply maintained, and a position easily defended and already fairly protected.

There is no place on our whole coast more clearly marked out by nature for a naval depot, a great navy-yard, a dry dock, or a number of dry docks, when our Navy shall be much larger than now, than the waters of Hampton Roads and Norfolk. Besides the excellent water communications, two great trunk lines and also other railroads come to this point, and both connect with the great Mississippi Valley and the leading cities of the Union. A government that should fail to make adequate provision for our Navy at this point of our coast would disregard all the teachings of the past and would justly expose itself to contempt. Not even a second-rate government in Europe would neglect such an obvious duty. No naval officer fit to command a ship would advise us to neglect the waters of the Chesapeake Bay, Hampton Roads, Norfolk. It is known to most of us here that private enterprise has already selected these waters for a great dry dock, and you have at Newport News now a private establishment second to none in the country. But we can not, in peace or in war, for such purposes as the repair of war vessels, rely on private dock yards. We need a Government dock, with naval officers in control, and all the appliances and workmen that a well-equipped navy-yard can supply.

For kindred reasons I have favored as a wise policy of Government the construction of the Government dry dock on the waters of Puget Sound. As the gentleman from Maine [Mr. BOUTELLE] has stated, that dock was constructed upon the recommendation of two commissions appointed by the Navy Department. That authority ought to be sufficient to shape our judgment as to the question of location. The long line of American coast on the Pacific has, I believe, only three great natural harbors, one at San Diego, one in the waters of San Francisco Bay, and a third in the magnificent estuary of Puget Sound. The great country around and tributary to Puget Sound is being rapidly developed. It is undoubtedly menaced by the great military and naval preparations of Great Britain—a preparation and armament which can be meant only for the United States, and which contains a very suggestive comment upon the sincerity of the recent treaty of arbitration.

A State and country thus exposed and menaced by the nation with which we have had two bloody and devastating wars is entitled to our sympathy and the protecting arm of the Government. The sea is stormy between Puget Sound and San Francisco Bay, and the shore is generally inhospitable. A dry dock and navy-yard, therefore, at Puget Sound is a wise act of government. We must legislate not only for the present, but for the future. I agree, therefore, with the policy which seeks to create a dry dock on Puget Sound, and I also echo the opinion expressed by the chairman of the Naval Committee for such an enlargement of the dry dock at Mare Island, California, as will enable it to take in and repair the largest of our great war vessels which may be built on the Pacific Coast or ordered there from other stations. The fact that this portion of our country is new, that it is only sparsely populated as yet, in my opinion only strengthens the argument for military and naval defense. The splendid, expensive, and elaborate armament and naval preparation at Esquimalt ought to open our eyes to the possibilities of the future and our obvious duty. No mere shedding of ink, no specious words of peace, no ingenious formulas of arbitration will avail to protect the Pacific Coast against the power whose heavy hand we have already felt in the past.

I do not, by anything I have said, intend an implication that New England should be excluded from the scheme of public defense. I agree with the gentleman from Massachusetts [Mr. BARRETT] in the opinion that in case of a war with England or any great foreign power the New England coast would be much exposed. I do not believe that the great fortifications, the great military and naval equipment at Halifax, was for the empty purpose of show or merely to spend money. It is a weapon pointed at our breast by our cousins who love us so dearly. New England is the first in the line of attack. There are probably good reasons why a large dry dock should be built at some point on the New England coast. The proper point for this construction I regard as a question for competent naval experts to determine after a suitable examination of the whole coast from Cape Cod to the eastern extremity of Maine. It may be that the waters of Casco Bay, near Portland, afford the best site. In the absence of such investigation and finding I must hold my judgment in suspense; but whenever the Navy Department shall favor such a construction and designate a locality, I shall be glad to vote for the necessary appropriation. I have no feeling which would prompt me to withhold my vote from an adequate defense of any portion of the Union or an adequate preparation for the needs of the Navy.

In this connection, Mr. Chairman, I desire to submit some observations which were presented to the Committee on Naval Affairs by the Chief Constructor of the Navy, Commodore Hichborn, who is certainly fully versed in all the details pertaining to the construction and maintenance of the material of the Navy, which I would ask the Clerk to read in his usual clear style.

Mr. BARRETT. I suggest, in regard to this document, the gentleman content himself with having it printed in the RECORD instead of being read in full.

Mr. MEYER. That will be entirely satisfactory to me.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. MEYER] has expired.

Mr. DAYTON. I hope that the Committee of the Whole will grant the gentleman from Louisiana leave to finish his remarks. As a member of the Naval Committee, this consideration should be accorded him.

The CHAIRMAN. Unanimous consent is asked that the document from which the Clerk has just been reading be printed in full in the RECORD, and that the gentleman from Louisiana have time in which to conclude his remarks. Is there objection? The Chair hears none.

Mr. MEYER. I thank the committee for its courtesy, and shall endeavor to be brief. I shall have the statement of the Chief Constructor printed as a supplement to my remarks, and now only quote from his last report, dated October 1, 1896. He says:

> The constant and increasing necessity for dry docks forces itself upon the attention of the Department with every new ship put into commission. With the policy hitherto pursued of building steel ships without sheathing, this demand is much greater than it might otherwise have been. During the past year the new dry docks at Port Royal and Puget Sound have been completed and tested, and the new dock in the New York Navy-Yard is at last approaching completion. The Portsmouth Navy-Yard has practically no docking facilities at all. The stone dock at the Boston Navy-Yard is available for the smaller class of vessels only. The New York Navy-Yard will soon have in service three dry docks, which will be barely sufficient for its present needs. It frequently happens that one or more docks at a station are occupied for extended periods by vessels needing extensive repairs to the bottom, just as the dock at Norfolk has been recently by the *Texas*, and the ships that need only cleaning and painting must wait. The Bureau has heretofore recommended the construction of additional docks, and it takes occasion to renew this recommendation.

The gentleman from Massachusetts [Mr. BARRETT] has made some observations which impress me as worthy of careful consideration. He informs us that Great Britain has 43 dry docks, 18 of which are at the harbor of Portsmouth, and that France has 34 dry docks, while the United States has only one on each coast large enough to hold its largest ships. Again, he states that the best naval authorities in Great Britain, discussing the question of war with France, admit that, although the coast of France is only 150 miles away from that of Great Britain, it would be impossible to keep in actual service on the coast of France more than two out of three of the British war vessels supposed to be in actual service. In other words, even in a very narrow range of naval operations, one vessel out of every three must be constantly in the docks for repair.

Let us, Mr. Chairman, compare this with the fact that when the Norfolk and New York dry docks shall be in perfect condition, we shall have only three Government dry docks on the whole Atlantic coast, and they hundreds of miles apart.

A DOCK NEEDED ON THE GULF COAST.

On the Gulf coast we are so far absolutely without any means of docking and repairing a ship of war. True, we have taken some steps in this direction, but there we have halted, and I insist that it is now the duty of the Government to go forward and complete its work. I wish briefly to review what has been done in the premises. Enough, I admit, has been done to define clearly the policy of the Government not only for a dry dock on the Gulf coast, but a selection of the proper location has been made, and a purchase made of the land needed for the site, in addition to the land we had already available for this purpose.

The importance of defending our Gulf coast was most strongly suggested by the great naval and military expedition directed against Louisiana by Great Britain in the war of 1812–1815. That invasion was foiled by the valor of our troops from the South and West led by a matchless general, and the British were finally driven, as Jackson predicted they would be, from the soil of Louisiana. The British fleet, however, lay off our shores and were far too strong to be assailed. It was a lucky escape for us. Although a treaty of peace had previously been signed at Ghent, it may be doubted whether Great Britain would willingly have surrendered the mouth of the Mississippi if she had once obtained possession of southern Louisiana, with her ample fleet and means of reenforcement. The world's history shows how strong powers are apt to act in such situations. This struggle, to say nothing of other considerations, has made the defense of the Gulf coast a favorite subject for study by our most eminent naval officers. I doubt if it has ever been lost sight of by the best naval men from the time when it was discussed by that great man, Lieut. M. F. Maury, down to the present time. For many years the subject of a Government dry dock somewhere on the Gulf coast has engaged public attention. Very naturally there were several competing points and the claims of each one have been well presented and duly weighed by our naval authorities.

Under these circumstances, with all our naval authorities and experts backed by a strong public opinion in favor of a Government dry dock somewhere on the Gulf coast, it was wisely determined by Congress to enter upon this policy. In the naval appropriation bill approved September 7, 1888, the sum of $15,000 was appropriated—

For the expenses of a commission of three officers, to be appointed by the Secretary of the Navy, to report as to the most desirable location on or near the coast of the Gulf of Mexico and the South Atlantic coast for navy-yards and dry docks, and for the expenses of sounding and surveying and estimating expenses.

This commission was appointed by Secretary Whitney on January 21, 1889, and after organizing received their instructions, bearing date January 28, 1889. These instructions for their information and guidance are of the most comprehensive character and evince a profound study of the considerations which ought to enter into a selection of a site for this navy-yard and dry dock. The object stated was to be—

An establishment for the repair and construction of naval vessels, to be duly provided with adequate docking resources, and to be the important naval arsenal and depot of our naval forces cruising and operating in or near the Gulf of Mexico, the West Indies, and the Caribbean Sea.

The Department further remarks:

The Department wishes you to consider the general and strategical requirements of such a naval station in this part of the United States, especially its bearing as a naval base for operations for guarding the mouths of the Mississippi and its water-borne trade, for the defense of the ports, coasts, and waters of the Gulf of Mexico, and for the protection of our trade and interests in the Caribbean Sea. The direct routes to the Central American Isthmus, and its probable ship canal from the eastern coasts of the United States, it must be borne in mind, pass through the channels that lead out of or near by the Gulf of Mexico.

The consideration of this phase of the question should also include the relative positions of the various fortified naval ports of strong European powers now existing or to be established in the West Indies, toward the location to be selected, these ports being points from which hostile operations can be based against our trade and coasts.

The special requirements for a navy-yard were also set forth. Among these were—

A situation upon a good harbor, of sufficient size, depth, and accessibility for vessels of the largest size and heaviest draft;

A favorable position with respect to the principal lines of defense;

A local security from water attack, due to position and natural surroundings;

Ample water frontage of sufficient depth;

A favorable position with reference to the lines of interior communication by rail and otherwise with the principal sources of supplies;

The character of the ground to be suitable for excavated docks and for heavy structures; and

Proximity to centers of labor and supplies of material, healthfulness of climate, and an ample supply of good potable water.

The commission as finally constituted consisted of Commodore W. P. McCann, Capt. Robert Boyd, and Lieut. Willard H. Brownson.

On the Gulf coast this commission carefully examined Key West, Fla.; Tampa Bay, Florida; Pensacola Bay, Florida; Mobile Bay, Alabama; Mount Vernon, Ala.; Biloxi, Miss., and Algiers, a point in Louisiana, on the Mississippi, directly opposite the city of New Orleans, where the Government, as at other points, had already acquired a body of land for naval purposes.

The report of the commission to the Department, dated November 19, 1889, is elaborate and exhaustive. The relative advantages and disadvantages of each point suggested for a navy and dock yard are set forth in detail with great care, and with an entire freedom from bias and an ability which render it impossible to resist their conclusions.

ALGIERS, LA. (NEW ORLEANS), THE MOST SUITABLE SITE.

The commission report in favor of New Orleans, or rather Algiers, on the other side of the river, as the best location. They say:

New Orleans is the terminus of six trunk lines of railroads. The communications by water with the vast extent of territory embraced in the valley of the Mississippi is unsurpassed. It is the principal commercial port of the Gulf States, and possesses great facilities for obtaining every class of building material, skilled and unskilled labor, and supplies; coal is abundant and cheap. The amount of commerce that passes in and out of the Gulf of Mexico is a very large portion of the total commerce of the United States. The amount of exports from New Orleans coming from the whole Mississippi basin and much of the great West will demand protection at any cost, and consequently, whether the navy-yard be located at New Orleans or elsewhere, the passes and all the approaches to the city will have to be defended as thoroughly as military and naval skill can effect it. Such being the case, and since there is no other point in the Gulf of equal importance, or the closing of which would do as much injury to so large a district or to so many people, no other place will have or begin to have the same protection and care, unless the Government establishes elsewhere a navy-yard, and it is absolutely necessary to protect it in order to retain the command of the Gulf.

Upon the vital question of an adequate depth of water this board reports, in 1889, a channel of 26 feet, a central depth of over 30 feet, and they quote the Mississippi River Commission for the opinion that—

The channel at the South Pass jetties is permanent in the sense that it will be possible to maintain a channel there of at least 26 feet at low water in the river so long as the jetties are maintained to deep water and the damages from storms are repaired.

In conclusion, the board says:

After carefully weighing all the advantages and disadvantages of Algiers as a site for a naval station, the Commission is of the opinion that, while the spot is not an ideal one, no other place on the Gulf compares with it in the advantages offered, and that the advantages are so many and so great, and outweigh the disadvantages to such an extent, that the Commission has no hesitation in recommending the location of a navy-yard and dry docks at the present Government reservation at Algiers, La.

The report of this Commission, which did its work so thoroughly, would be sufficient to convince any reasonable man of the propriety of locating a naval establishment at this point as a part of our system of defense of the Gulf Coast and of the outlet provided by nature for the great Mississippi Valley. But it does not stand alone and unsupported. We have the report of another scientific commission on the same subject, which substantially adopts the same conclusion as the Commission already cited. In the act making appropriations for the naval service approved June 30, 1890, it was enacted as follows:

And the President be, and he is hereby, required to appoint a commission composed of two competent naval officers, one competent Army officer, and two competent persons from civil life, whose duty it shall be to select a suitable site, having due regard to commercial and naval interests, for a dry dock at some point on the shores of the Gulf of Mexico or the waters connected therewith; and having settled such site, shall, if upon private lands, estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and of their proceedings and action make full and detailed report to the President, and the President shall transmit such report with his recommendations to Congress.

The President performed his duty under this law by appointing on November 22, 1890, a commission composed as follows: Capt. F. M. Bunce, United States Navy, president; Col. C. B. Comstock, Corps of Engineers, United States Army; Sidney Perham, of Maine; David T. Littler, of Illinois; Lieut. R. M. G. Brown, United States Navy.

The commission met at the Navy Department December 5, 1890, and organized. Shortly afterwards, by the direction of the President, Colonel Comstock was relieved of this duty and Maj. H. C. Hasbrouck, United States Army, substituted in his stead.

This commission made a careful study of the question, and its report (Ex. Doc. H. R., Fifty-second Congress, first session) is of great value not only for the mass of facts and suggestions which it contains, but for its interesting references to the studies and reports of eminent Army and Navy officers who, through a series of years, have discussed the matter of a naval defense of our commercial interests in the Gulf of Mexico. The commission report that—

The requisites for the proposed dry dock are a clear channel to the sea of a depth of at least 24 feet, stability of foundation to support a load of 15,000 tons, and protection by a distance of 12 miles or by an intervening elevation of the ground from gun fire from the sea.

The commission proceeded to make a personal inspection of all the places on the Gulf suggested as a site. They thus visited Key West, Tampa, Pensacola, Mobile, Port Eads, New Orleans, Galveston, and Aransas Pass. The merits and demerits of each point are given in the report. Their conclusion is that—

The South Pass of the Mississippi affords the only entrance 26 feet deep to a port or harbor on the Gulf of Mexico, or the waters connected therewith, far enough from the sea to be safe from gun fire.

They further report as follows:

The Mississippi River Commission, through its president, Gen. C. B. Comstock, colonel of engineers, United States Army, states that—

"The channel at the South Pass Jetties is permanent in the sense that it will be possible to maintain a channel there of at least 26 feet depth at low water in the river as long as the jetties are maintained to deep water and the damages from storms repaired."

An opinion in which this commission, after a careful examination, concurs.

New Orleans, about 100 miles up the river, is the largest city of the Gulf States. From the entrance of the South Pass to this city a depth of more than 26 feet can be carried at all times. The soil of the river banks in its vicinity, at the surface light, is from 2 to 4 feet below the surface of clay, or clay and sand, increasing in density and solidity with the depth of the boring or excavation made, insuring a foundation amply sufficient to support a load of 15,000 tons in the dock by the employment of the usual methods in its construction.

The three primary requisites of a site for a dry dock are here found, and New Orleans is the only port on the Gulf of Mexico or the waters connected therewith where this is the case.

This port has other and great advantages as the site. The greatest center of population of the Gulf States, labor, skilled or otherwise, can be obtained at short notice. Its foreign commerce is greater than that of all the other Gulf ports together, last year reaching 2,054,072 tons, all others 1,907,892 tons. A fresh-water harbor, its water communication with the interior by the Mississippi and its tributaries is nowhere in the world equaled, and this is supplemented by six great railroad lines, which, with their connections, reach every part of the country. Defense of these by the whole power of the nation is assured; it is a military necessity. Fresh water for all uses is supplied by filtering the river water, the rainfall, and by artesian wells. Epidemic diseases of foreign origin are prevented by a strict system of quarantine regulations, and the general health of the city is as good as that of any Gulf port. A supply of iron, coal, or other material required can always be had at short notice and at cheap rates.

I need not quote further from this cogent and unanswerable report in favor of New Orleans as the true site for a dry dock on the Gulf coast. The Board was unanimous in its finding and conclusion.

This conclusion in favor of New Orleans was emphatically approved by the then Secretary of the Navy, the Hon. B. F. Tracy, and on the 19th of January, 1892, the report was transmitted to Congress by President Harrison.

In the annual report of Secretary Tracy, dated November 26, 1890, he says, referring to this commission:

In the annual report of last year the Department dwelt upon the extreme necessity of a navy-yard or dry dock on the Northwest coast, and also upon the Gulf. This necessity remains as great as ever.

Shortly after the report of the first commission I have referred to, Secretary Tracy appeared before the Committee on Naval Affairs and recommended that a dry dock be established at Algiers. The opinion of this eminent Secretary of the Navy, as well as Secretary Herbert and all the experts of the Navy Department, has been in favor of selecting New Orleans as the site for a Government dry dock.

The report of the Hon. Mr. Herbert from the Committee on Naval Affairs of the House of Representatives, dated March 10, 1892 (Report No. 621, House of Representatives, Fifty-second Congress, first session), says:

A navy-yard upon the Gulf of Mexico or waters connected therewith has always been deemed a necessity.

The repairs of government ships in all countries able to build and maintain navies are done in government shops. It is impracticable, if not impossible, to have such work done by contract, first, because of the difficulty of finding shops having the necessary plant; and, secondly, and indeed principally, because of the impossibility of estimating beforehand the value of and contracting for such work at fair prices.

It is expensive and tedious to bring ships belonging to the Gulf Squadron to the navy-yards on the Atlantic coast for repairs. The navy-yard at Pensacola is not in condition to do such work, and the question has been for a long time open as to the point upon or contiguous to the Gulf of Mexico at which a yard should be fitted up for doing such work. Naval authorities have for many years past opposed the refitting of the Pensacola yard, for the reason that it was so much exposed to the fire of a modern fleet.

Two commissions have been appointed, one after another, to visit points upon the Gulf and report the most advantageous site for a dock and ship yard. Both these commissions, one after another, recommended the Government reservation at Algiers, opposite the city of New Orleans.

Since the beginning of our new Navy the Government has fitted up the navy-yards at Norfolk and Brooklyn with extensive plants, not only for repairs but for the building of ships of war. A similar plant has been established on the Pacific Coast at Mare Island, and if at any time it is contemplated to fit out a yard upon the Gulf of Mexico, it has seemed to your committee that the work ought to be begun now. They have therefore reported a provision authorizing the erection of a dock at Algiers, and have recommended an appropriation of $250,000 toward the construction of such dock and the purchase of additional land contiguous to this reservation.

In addition to this report, I beg leave to cite the report of Mr. CUMMINGS, from the Committee on Naval Affairs, favoring the construction of this dry dock (Report No. 251, House of Representatives, Fifty-second Congress, first session), and also the report of Mr. CAMERON, from the Senate Committee on Naval Affairs, dated May 23, 1890 (Senate Report No. 1115, Fifty-first Congress, first session). The experience of these gentlemen and their long acquaintance with this branch of the public affairs entitle their opinions to high consideration.

CONGRESS ADOPTS REPORT AND ESTABLISHES THE SITE.

The general and emphatic approval of this scheme by the naval authorities and the committees of the two Houses have exercised a natural influence upon Congress, Secretary Tracy having indicated in his communication, forwarding to Congress the report of the second commission to Congress, that the existing naval reservation at Algiers, La., was too limited in extent for the proper location and use of the dry dock, and that it would be "necessary to purchase additional lands adjoining." Congress responded to this recommendation by inserting the following appropriation in the act making appropriations for the naval service approved March 3, 1893:

DRY DOCK, ALGIERS, LA.

Toward the establishment of a dry dock on the Government reservation near Algiers, La.: For plans and specifications and for the acquisition of such additional land as may be necessary, in the discretion of the Secretary of the Navy, in accordance with the recommendations of two commissions appointed by the President under the provisions of an act approved September 7, 1888, and the act approved June 30, 1890, respectively, $25,000.

Here you have in clear and unmistakable language an adoption by the law-making power of the recommendations of those two commissions and of all the naval experts, both as to the policy of construction upon the Gulf coast of a dry dock upon a scale commensurate with the size of our largest war vessels and of the site specifically named and recommended. Nothing is left to inference. The investigation was complete. The findings were unanimous and positive in favor of New Orleans, and Congress proceeded to take the initial step by an appropriation to buy the additional land needed.

In the act making appropriations for the naval service approved July 26, 1894, Congress proceeded to make an additional appropriation for this object, in the following words:

DRY DOCK AT ALGIERS, LA.

For the purpose of completing the purchase of additional lands necessary for the establishment of a dry dock at Algiers, La., cost of advertising, plans and specifications for said dry dock, and expenses of judicial proceedings instituted for the condemnation of such additional lands, $23,025.08.

All that now remains is for Congress to make an adequate appropriation to commence the construction of this dry dock. All the initial or preparatory steps have been taken wisely and considerately. This House made an appropriation of $100,000 for this purpose of construction in the naval appropriation bill for the service of the year ending June 30, 1896, but it was disagreed to by the Senate mainly upon the plea of economy and the condition of our revenues. It was, however, expressly stated by the Senator in charge of the measure that this action was taken by the Naval Committee without prejudice to the merits of the measure. The opinion of the Senate upon it was clearly indicated at a prior session, namely, the 15th of February, 1892, when a bill providing for this construction passed that body unanimously. Thus it will be seen that each body, though not acting concurrently, has declared itself for commencing the construction of this dock at Algiers, opposite the city of New Orleans.

APPROPRIATION SHALL BE PRESSED BEFORE THE NEXT CONGRESS.

And now, Mr. Chairman, while I recognize the fact that nothing in this line can be accomplished at this session of Congress, I beg to say that in view of the public interests and necessities, as demonstrated by the highest naval authorities, from whom I have quoted, I shall deem it my duty at the next legislative session to press this question and to urge upon Congress the making of an adequate appropriation to begin this great work. It will not do to say that a nation with 70,000,000 people and such great wealth and resources can not undertake this work, and that some two or three dry docks upon the Atlantic coast are to limit our naval preparation for war and for peace. The officers of our Navy tell you that they are wholly insufficient. If war should come, and war almost always comes unexpectedly, it would find us imperfectly prepared to meet its exigencies even on the Atlantic coast, and wholly unprepared on the Gulf coast to repair our ships. Is this not criminal negligence? Would not the disasters that would follow as a natural consequence of such neglect be a shame and a reproach to the Congress that had turned a deaf ear to the appeals of your highest naval authorities? They have given you the actual situation and pointed out the danger time and time again. Can you afford to neglect their warning?

I can not believe, sir, that any man will be so blind as to imagine that, in case of war, naval operations and conflicts would not occur in the Gulf of Mexico. If you invite attack, then, by your neglect, it will surely come. Surely there is no man so ill informed as to dream that vessels crippled in action or which from any cause in war or peace are needing repairs can be safely and economically dispatched on a long and hazardous voyage by way of the Florida coast to some dock upon the Atlantic coast for the needed docking and repairs. The mere delay incident to such a voyage and in making repairs might determine a naval engagement upon

the Gulf of Mexico and determine it in favor of the foreign flag against our own.

ENTIRE MISSISSIPPI VALLEY AFFECTED.

And here let me say that this question covers the entire Mississippi Valley. It may be thought by some inconsiderate persons that in case of a war the upper part of this great valley would not be exposed to invasion, and therefore would regard the protection of the mouth of the Mississippi and the Gulf coast as of secondary consequence. But the people of the upper portion of the valley entertain no such narrow, shallow, and unpatriotic views. With them the security of the mouth of the Mississippi and the freedom of its commerce has been a darling object for over a century. It has engaged the attention of their ablest statesmen. The occupation of Louisiana by a foreign nation in 1815 would have been as odious to Ohio, Indiana, Illinois, and Missouri as it was to Louisiana and Mississippi. In the recent civil war one of the strongest considerations that impelled the States of the Northwest to put forth their energies to maintain the Union was the fear of seeing the southern outlet of the Mississippi Valley pass out of their hands and fall under the control of a different political power. They held that the control of this outlet was important for their security and essential to their trade and maritime interests.

The external trade of the Mississippi Valley has more than one outlet by rail, but it has two grand outlets in which rail and water communications combine to secure the cheapest and best transportation for a vast production. These are, first, the route by way of the Great Northern Lakes, and, second, the outlet by way of the Mississippi and tributaries. Both have certain marked advantages, but the latter has the grandest system of water communication in the world, all lying in our own territory, while by the former route trade must either seek a transit by the river St. Lawrence, in a foreign soil, or else be forced to complete its journey by the artificial and more expensive methods of canal and rail transportation. A jealous, wise care for both routes is the imperative duty of the Government.

The relations of the Mississippi River and its many tributaries to the vast and fertile region extending from the Alleghany to the Rocky Mountains were most forcibly pointed out by Mr. Calhoun in his celebrated address at the Memphis convention of November 13, 1845, an epoch over fifty years ago. His great powers rarely had a nobler theme than this.

Well did Mr. Calhoun speak of this region as a "magnificent valley." He said, after specifying its then great subdivisions:

> The vast region comprehending these three divisions may be justly called the great agricultural portion of our Union. Its climate is so various, its extent so vast, its soil so fertile, that it is capable of yielding all the products of that zone in the greatest perfection and abundance. Already much has been done to develop its great resources. Already all the leading articles of food and raiment are produced in sufficient abundance, not only for its own wants and for those of other portions of the United States, but to require the demands of the markets of the world to consume. In addition, it produces the articles of tobacco, lead, tar, turpentine, and lumber far beyond the home consumption, and in a short time the fertile valleys and extensive prairies of the northern portions of this great valley will add to the list of exports the important articles of hemp and wool, and the Southern plains, when Texas is annexed, will add that of sugar.

The great resources of this valley were not overstated by Mr. Calhoun. It is the greatest valley in the world suitable for the uses of civilized man. Its growth has surpassed all prophecy. It is already the controlling section of the Union, and is bound to be even more so in the immediate future, for the reason that its fertility is so great and its resources are so vast that its present population is a mere trifle compared with what its future will be, even if there should be nothing added by human invention to the uses and capacities of man—thus rendering possible a far greater population on the same territory. But with his great practical mind Mr. Calhoun passed on to the duty of that hour and of to-day. Said he:

> I approach now, gentlemen, the important question, How shall we, who inhabit this vast region, develop its great resources? For this purpose there is one thing needful, and only one, and that is that we shall get a fair remunerating price for all that we may produce. If we can obtain such a price, this vast region, under the active industry of its intelligent and enterprising inhabitants, will become the garden of the world. How is this to be effected? There is but one mode by which it can be, and that is to enlarge our markets in proportion to the increase of our production. This, again, can be obtained in only one way, and that is by free and ready transit for persons and merchandise between the various portions of this vast region and between it and other portions of the Union and the rest of the world.

Addressing himself to this question, Mr. Calhoun dwelt strongly upon the improvement of the Mississippi River and its various great tributaries. This river "with all its great tributaries" Mr. Calhoun forcibly and rightly denominated "an inland sea," and said that, regarding it as such, he was prepared to place it on the same footing as the Gulf and Atlantic coasts, the Chesapeake and Delaware bays, and the lakes, in reference to the superintendence of the General Government over its navigation. Mr. Calhoun even then predicted that this great valley of the Mississippi would ultimately become the center of the commerce of the world. Who is there now prepared to dispute this prophecy? Its fulfillment seems already near at hand.

A predecessor of mine upon this floor, the lamented Randall L. Gibson, said in one of his speeches that the Mississippi River from Cairo down was not a river in the ordinary sense of the word.

It is—

He said—

> a series of lakes, winding for eleven hundred miles through the alluvial region formed by it from Cairo to Port Eads, while the straight line from point to point is only 500 miles, equal to the whole Atlantic seaboard from Quoddy Head, Maine, to Cape Sable, Florida.
>
> Into this vast basin—

Said Mr. Gibson—

> the valley stretching from the Alleghany to the Rocky Mountains empties its rainfall by forty-three mighty rivers, 50,000 miles of boatable streams, and on its bosom is borne a commerce twice as great as the whole foreign commerce of the country.

VALUE OF WATERWAYS AND THEIR IMPROVEMENT.

This is the great country, ours by the conquests of valor, heroism, industry, skill, and sacrifice, which asks Congress to develop, improve, and maintain its natural highways of transportation already provided by the beneficence of the Almighty. The communication provided so liberally in railroads by the energy and power of capital are worthy of all praise and admiration, but they have only supplemented what nature has provided. Both are necessary to give due effect to the industry of our people. The grand system of railroads, while conferring untold benefits, is liable, as we have seen, to absorb an undue share of the earnings of production in order to swell the profits of the capital employed in transportation. This never happens in water transportation. There the law of competition keeps down freight charges, and besides checking overcharges on the water routes, corrects and restrains in a great measure the overcharges of the other forms of transporting the products of human industry.

Looking at the subject in this light, I turn with contempt from the carping criticism to which our great system of river and harbor improvement has been subjected. It belongs to the lowest plane of demagogism, the narrowest school of a "penny wise and pound foolish" policy, and is in effect, if not in purpose, an assault upon the grand operations of commerce, to which we owe so much of happiness and progress in all ages of human history. This system of improvement of rivers and harbors did not originate with us. Based upon the plainest necessities of man and the dictates of common sense, it has come to us with the sanction of great nations and wise governments beyond the sea. Every great minister of Germany, France, Italy, England, and Holland has lent his approval and aid to such enterprises, and they are to-day the glory of Europe and the enduring monuments of progress and a broad statesmanship. We have followed in their pathway with only unequal footsteps. Where we have spent one dollar they have spent four or five dollars for like objects. We have an immensely greater area and longer coast line, a far larger system of rivers and harbors to promote and improve, and we can look forward to a commercial development far exceeding anything now existing or hereafter to exist in Europe. Our internal commerce exceeds by over 30 to 1 our entire foreign commerce.

In the light of these and other facts, how pitiful and short-sighted is the opposition to an annual expenditure of some $16,000,000 per annum for river and harbor improvement. Are the few millions that have been devoted to the improvement of the Mississippi River and the opening of its mouth, and the improvement of the Ohio, Missouri, Tennessee, Cumberland, and other great tributaries, or the system of the Great Lakes, to be weighed for one moment against the great and manifold advantages that have accrued therefrom to the body of our people? What sum of public money has wrought more good for the people or done more to put bread in the poor man's mouth? What political boss of all our many bosses, living or dead, has levied his toll for party or personal ends on these expenditures, and what body of the workmen thus employed has been marched by a master to the polls to support this or that candidate for office? I know of none; nobody can name such a case. Sir, these empty tirades against the river and harbor bill have not convinced the public judgment. The great body of our best people in every walk of life sustain the measure, and the river and harbor bill is more popular to-day than it ever was, and for the reason that it more adequately and economically provides for the wants of commerce. For a people who are to-day meeting an annual expenditure of $500,000,000, it is eminently proper to devote the sum of $16,000,000 to river and harbor improvement. Double that sum would not be an excessive expenditure.

EADS'S JETTIES AT THE MOUTH OF THE MISSISSIPPI RIVER.

The problem of improving the navigation of the Mississippi River, and especially of opening the mouth of the Mississippi, which was practically closed to deep-draft vessels for a series of years, has engaged the attention of the greatest scientific intellects of the Union. Different theories and methods of treatment of the river were honestly presented and most ably advocated. Avoiding any reference to these controversies in detail, I am within bounds in saying that one of the grandest engineering conceptions or plans by which mankind has been benefited is to be

found in the adoption of the Eads system of jetties at the mouth of the Mississippi River. This scheme was formulated and propounded by James B. Eads in May, 1873.

By the act of March 3, 1875, Captain Eads' proposition to execute this work was accepted in its leading features. By the amendatory act of Congress approved March 3, 1879, it was required of Captain Eads that he should obtain a channel 30 feet deep without regard to width, and also a channel 26 feet deep and 200 feet wide, with the central depth of 30 feet, as already stated. Upon the procurement and maintenance of these depths and measurements the payments to Captain Eads were made to depend. The changes made by this law to the original scheme were sanctioned by a board of United States engineers which met in 1876. The depth of 26 feet in an inland channel was then regarded as sufficient for the demands of commerce. The construction of vessels of greater size and deeper draft was not then regarded as a necessity. Now they are used wherever practicable for the transportation of bulky products and are an agency of competition which all commercial men readily appreciate and eagerly employ.

The success speedily attained by Captain Eads in opening to commerce the mouth of the Mississippi at the South Pass which was named in the act of Congress is known to all intelligent men. In a few months after the passage of the law results began to be secured, and on the 12th of May, 1876, the success of his theory was demonstrated by the passage through the pass of an iron steamship 280 feet in length, with a tonnage of 1,872 tons and a draft at the time of 14 feet and 7 inches. The depths then secured were speedily increased until they met all the then existing wants of commerce. Had the South Pass been selected, as Captain Eads proposed and warmly urged, there can not be a reasonable doubt that a much greater result could have been secured for the commerce of the great Mississippi Valley.

We have the authority of the Mississippi River Commission for the assertion that the depths secured by the South Pass jetties are permanent, but I believe the day is not distant when the wisdom of the National Congress and the executive department will select for improvement the Southwest Pass, which nature seems to have intended as the chief outlet for the waters of this great river and as the artery or exit for its vast water-borne commerce. In either case, I can not believe that Congress will neglect its duty of maintaining a permanent system of channel improvement both for the lower river and the upper river, with the numerous tributaries of each.

JOHN C. CALHOUN'S ADVOCACY OF THE GULF'S COMMERCE AND FOR A NAVAL STATION.

In the address in 1845 of Mr. Calhoun to the Southwestern Convention at Memphis, to which I have already referred, he assumed, as a matter of course, that we would take all the needful steps for the protection of the commerce of the Gulf. He said of the great valley:

> Nothing more is necessary to secure cheap, speedy, certain, and safe transit between all its ports but the improvement of its navigation and that of its various great tributaries. That done, a free and safe communication may be had between every portion. To secure a like communication between it and the Southern Atlantic cities, the first and great point is to adopt such measures as shall keep open at all times, in peace and war, a communication through the coasting trade between the Gulf of Mexico and the Atlantic Ocean. This is the great thoroughfare which, if interrupted, would as certainly produce a revolution in the commercial system as the stoppage of one of the great arteries of the body would in the human. To guard against such effects in the event of war it is indispensable to establish at Pensacola or some other place on the Gulf a naval station of the first class, with all the means of building and repairing vessels of war, with a portion of our Navy permanently attached. But this of itself will not be sufficient. It is indispensable to fortify impregnably the Tortugas, which lie midway between Florida Point and Cuba, and command the passes between the Gulf of Mexico and the Atlantic coast. And to this must be added a naval force of steamers or other vessels, which will habitually command our own coast against any foe. It will also be necessary that the bar at the Balize shall be kept at all times open, so far as it can be effected, cost what it may.

There is, Mr. Chairman, a wonderful correspondence between the admonitions in this address, made over fifty years ago, and the lessons taught us to-day by our naval officers and experts and the developments of science and trade. Mr. Calhoun called for "a naval station of the first class" on the Gulf, with all the means of building and repairing vessels of war, and our naval officers and Secretaries of to-day insist upon the same thing as a necessity to protect the Gulf Coast and our commerce in contiguous States—a first-class naval station not only to build but to repair ships. This great man, who bore so eminent a part in the war of 1812 with Great Britain, and who organized the present admirable system by which the War Department to-day is governed, with his careful studies of national defenses, did not need to be told that in case of war the easy and prompt repairing of our war vessels would become a matter of necessity, and without a proper dock we know this can not be done. Sir, we can not do anything to diminish the hazards and delays even of steamers of the long and dangerous voyage around the Florida capes, but we can counteract the difficulties thus created by nature by building a "first-class naval station" on the Gulf coast, at a point safe from modern gun fire, easily defended, with adequate depth of water and every facility that nature and art can give in order to create or repair the great war vessels of our modern Navy. That point is New Orleans.

COMMERCE AND MANUFACTURES OF NEW ORLEANS.

I shall not weary the committee with commercial statistics. The export trade of New Orleans last year was $80,986,791, but it has gone as high as $131,000,000 in late years, and undoubtedly in the near future, when the Southwest Pass shall be improved to its full capacity and a great sea channel secured, the export trade of New Orleans, now second only to New York and Boston, will be swollen to very large proportions. It now largely exceeds Baltimore, Philadelphia, San Francisco, Galveston, Mobile, and all other points. There are indications that New Orleans is about to become a great shipping point for the grain of the Mississippi Valley, and in the future it may equal or exceed the largest grain-shipping points on the Atlantic coast.

The manufactures of New Orleans are already considerable and varied, but they are only in their infancy. With cheap food from the Northwest in abundance, cheap and abundant coal, convenient supplies of iron, and being, above all, the natural depot of the finest cotton region in the civilized world, it can not be doubted that New Orleans is destined to become a great manufacturing center. Its advantages for a great cotton manufacture are remarkable. Its climate is genial and it is favorable to work all the year round. Its grand system of rail and water transportation facilitate the reception of cheap food for labor and of the raw material employed in manufactures, and also secure the distribution of all products, whether domestic or imported, throughout the great Mississippi Valley at the lowest cost.

A recent paper by Mr. E. L. Corthell, the able assistant of Captain Eads in the construction of the jetties, and who, like his great chief, has been a prominent actor and by his genius an ornament in the material progress of the Southwest, supplies some valuable data, which I can only use in part to illustrate what is going on at New Orleans to-day. I quote from him these facts:

The average tonnage of vessels at New Orleans, which in 1876 was 732, has steadily increased, till it is now 1,511 tons. The draft of vessels has increased from 17½ feet to over 26 feet, and steamships have largely displaced sailing vessels. New Orleans trades with nearly every port in the world. In 1895 it traded with 29 countries, and last year there were vessels there from 178 ports. The larger proportion of steamships now belongs to regular lines, not "tramps," as formerly. Twenty-five regular lines, many of them running a large number of steamships, do a regular business at this port, sailing at regular intervals and at stated times.

In 1870 there were only four regular foreign lines. Examining the list of steamers, there will be found many of 4,000 tons and upward, there being now 13 of over this tonnage; there are 2 of over 5,000 and under 6,000 tons, and 8 of over 8,000 tons, and there are 10 of over 4,000 tons not belonging to regular lines, but which do a regular business at New Orleans. Some of these steamers can not load to more than three-quarters of their capacity and require a larger channel to the sea than the 26-foot channel now in use.

There is no reason why New Orleans should not have an ample channel way of over 30 feet to the sea. It is a simple engineering problem and would involve a small expense compared with the great gain resulting in the access of the largest ships and the consequent reduction of freights. The last river and harbor act contemplates an increase of depth at Baltimore to 30 feet, 30 feet at Galveston, 35 feet at New York from the narrows to the sea, and 30 feet at Philadelphia and Boston. Thirty feet has been secured at the mouth of the Columbia River in Oregon.

There has been a great development of rail transportation to New Orleans. In 1880 there were only two main lines of railroad into New Orleans. There are now six. These lines run to or connect with the railroad lines running to the far East, to the head of the valley, and to the Pacific Ocean. In 1876 the total rail commerce was 731,514 tons; in 1894, 4,014,072 tons—an increase of 463 per cent over 1876. The total commerce of New Orleans, ocean, rail, and river, has increased from 5,427,827 tons in 1876 to 10,397,493 tons in 1895.

An important commercial development at New Orleans has been the connection of the Southern Pacific Railroad from San Francisco with the Morgan Line of steamships to New York. This is a half-water route between the two coasts of the Union. The tonnage of the vessels employed has increased until, with the Cuban and Texas lines, it is 50,000 tons. The usual time of transit of goods from San Francisco to New York by all rail used to be sixty-five days. It is reduced by this half-water route to sixteen days, and has thus compelled a great reduction in time for those who ship by the transcontinental railroads.

The Illinois Central Railroad is now bringing to New Orleans an immese tonnage of cotton and grain for shipment to Europe. Mr. Corthell justly observes that commerce demands the very

largest steamships to take advantage of all the favorable conditions. With an adequate channel to the sea, Mr. Corthell rightly says there would be an early construction of 10,000-ton freight carriers to run between New Orleans and western Europe.

Mr. Chairman, this is a great question, both for the growers of grain in the Upper Mississippi Valley—in Iowa, Nebraska, Kansas, Minnesota, the Dakotas—and the consumers of such products in the Eastern States and in Europe. There are practically no limits that can be placed to this trade in New Orleans, provided we can rise to a conception of our opportunities and realize the duty we owe to ourselves and to humanity at large. I should count it indeed a great and crowning honor if any words of mine shall help to bring about such a result.

THE GULF COAST AND MISSISSIPPI VALLEY ALL INVOLVED.

In pleading for the proper treatment of the Mississippi River, I speak for the whole valley and not for New Orleans alone. Geography may make us keener to observe the opportunity of the hour, but the dwellers on the prairies, the toiling farmers all through the Northwest, have an interest in the matter hardly second to our own. It is their interest and their right to demand the improvement of this outlet that nature has given them and us. And so, too, in speaking for the proposed naval station at New Orleans for construction and repairs of our ships, I wish to suggest the obvious thought that this step is not merely the defense of New Orleans and the Lower Mississippi, but also of Galveston, Mobile, and the whole Gulf coast. The fleet which can be assembled, refitted, and armed at New Orleans is a security against the rapine and violence of a foreign foe, no matter at what point on the Gulf coast he may strike at our commerce, property, and soil, and just in proportion as this station and dock is made fit to serve the purposes of war and peace will its benefits be felt throughout the Gulf coast and in every city of its borders. In respect to both questions there is a unity of interest for the whole Gulf coast and every part of the Mississippi Valley. [Applause.]

SUPPLEMENT.

VIEWS OF CHIEF CONSTRUCTOR PHILLIP HICHBORN ON SUBJECT OF DRY DOCKS.

The Chief Constructor of the Navy has repeatedly called attention to the absolute necessity for increased docking facilities commensurate with the requirements of our new Navy.

In his annual report dated October 1, 1894, to the honorable Secretary of the Navy, he says:

In considering the improvements in the navy-yard plants necessary for efficiency of work under the cognisance of this Bureau, it is necessary to bring to the attention of the Department the absolute necessity for greater docking facilities. In the event of sudden war this country would be in a deplorable condition on account of the limited number and lack of capacity of its Government docks, and, unlike Great Britain, it has comparatively few private docks which could be pressed into service in an emergency.

Steel ships require frequent docking under the ordinary conditions of peace, and the casualties of war would undoubtedly largely augment the demand for these indispensable adjuncts of a dockyard. Even now it is only under the most favorable conditions of tide that some of our largest vessels can be docked at all, and in war this might involve the practical fighting and cruising efficiency of some of our most valuable ships.

The Bureau is so impressed with our present weakness in this respect that it desires to call the especial attention of the Department to so vital a matter.

In his report dated October 1, 1895, he states:

Modern steel ships, with their extreme subdivision and elaborate systems of ventilation, drainage, and mechanical auxiliaries of all kinds, require much greater care, both when in commission and in ordinary, than was formerly the case with the old wooden ships; neglect is followed by much more serious and far-reaching deterioration, and it is absolutely essential that the most careful supervision should be exercised at all times and remedies promptly applied in order that the efficiency of the vessels as men-of-war may be properly maintained.

* * * * * * *

In 1885 there were in commission or fitting out at navy-yards 32 wooden vessels, of a displacement of 66,000 tons, and 7 iron ships, of 6,900 tons, making a total of 29 ships, with a displacement of 72,900 tons.

On July 1, 1895, there were in commission or fitting out 11 wooden vessels, of 18,300 tons displacement, and 32 steel or iron vessels, of 104,500 tons displacement, or a grand total of 43 vessels, of 122,800 tons displacement. The above figures are exclusive of torpedo boats, tugs, and receiving ships. We thus see that the total displacement of vessels in commission or fitting out at the present time is nearly double what it was in 1885.

In the same report for the year 1895 he states:

Any consideration of the additions necessary to improve navy-yard plants would be incomplete without some reference to the increasing necessity for dry docks. Although their design and construction do not come under this Bureau, their use is confined almost exclusively to the Bureau of Construction and Repair, and it is therefore considered not inappropriate that some reference should be made to the needs of the service in this direction.

* * * * * * *

Of the docks already built, several have sufficient depth of water over the sills to dock our largest vessels, but the narrowness of their entrances is such as to preclude the entrance of vessels such as the *Indiana* and class.

In the original designs of the *Indiana* bilge keels were proposed, but on account of the narrow entrances of the dock then in course of construction these bilge keels were subsequently omitted, thus sensibly reducing the steadiness of the vessel in a sea way and diminishing in consequence their efficiency as a platform. Bilge keels have been omitted in subsequent designs for the same reason; but it is more than probable that this defect will have to be remedied as soon as we have docks which can easily admit vessels of great beam fitted with such appendages.

Aside from the impossibility of docking our largest vessels in the docks now ready for service, the Department is sometimes put to great inconvenience in providing docking facilities for our smaller vessels. From past experience it is fully realized that steel ships must be frequently docked, in order that their bottom plating may be preserved from deterioration and that the rapid fouling of the bottom may not entail a wasteful expenditure of coal to maintain a moderate rate of speed. But on account of docking being occupied for a long time by vessels under repair, it is sometimes impracticable to dock our cruising vessels as promptly as experience has shown to be advisable.

If such a condition confronts the Department in time of peace, it is easily realized how serious a defect it would prove in time of war, when the casualties of battle and necessity for keeping the bottoms of vessels in such condition that they might develop their hightest speed would largely increase the demands on our docking facilities.

The navy-yard at Portsmouth, N. H., is especially lacking in docking facilities, and at the present time is the only Government shipbuilding or repair establishment which is not provided with a properly equipped dry dock. In the opinion of this Bureau this is a serious deficiency, and should be rectified at an early date. The balanced floating dock at this station has been in service for nearly half a century, and is now not only obsolete, but in such a condition as to make it inadvisable to use it in docking a vessel of even moderate displacement.

There are unusual natural advantages of location at this yard which would greatly reduce the cost of construction of a dock, and the machinery plant in the construction and repair department has been enlarged and modernized so that all ordinary repairs of steel vessels can now be satisfactorily executed.

The climatic advantages of this station deserve serious consideration in fitting out or repairing vessels which have had a long tour of duty in southern or tropical waters, and constitute another argument for the proper equipment of this yard for making all the ordinary repairs due to the wear and tear and casualties of cruising.

For the above reasons the attention of the Department is respectfully invited to the necessity of providing adequate docking facilities at the Portsmouth (N. H.) Navy-Yard.

Although some of the Government shipbuilding and repair yards are provided with at least one dry dock, they are hardly equal to the present necessities of the service, and must surely prove inadequate to meet the rapidly increasing demands of the fleet, taking account of the vessels in reserve as well as those in active service.

The Bureau is much impressed with the needs of the service in this most important element in the efficiency of our Navy, and begs to urge upon the Department the necessity for immediate action.

* * * * * * *

The naval constructor at the Mare Island Navy-Yard urgently recommends the building of an additional dry dock at that station, and comments as follows on the present insufficiency of the docking facilities:

* * * There is now but one dock, and it frequently occurs that it must be occupied for extended periods in repairing or building ships. Should it become necessary to dock another ship while the dock is thus occupied, it could only be done at great additional expense by temporarily floating out the ship then in dock and afterwards redocking her. In time of war this state of affairs would undoubtedly cause great embarrassment. It is suggested that a wooden dock be built on the site of the old sectional dock basin of ample size for the largest ships we may build and divided into two parts by a central caisson to reduce the expense in docking small ships, the outer caisson to be of sufficient breadth and stability to enable the railway running along the water front to be carried across it.

In the present stone dock the lower broad altar necessitates the bilge block ways being fitted at an angle such that there is much danger in docking new ships, and it is necessary to suspend pumping and send down a diver to insure the blocks passing clear of the bilge keels.

ADDITIONAL DOCKS.

Experience gained so far in time of peace with our new Navy demonstrates that more docks are needed. Iron and steel ships are required by the Navy Regulations to be docked and painted once in six months if practicable, and taking into consideration the fact that some vessels must at times remain some time in dock for other work than cleaning and painting, it is often difficult to provide for this routine work.

In time of war, however, additional docks would be absolutely necessary. In the late war it was early discovered that our docks were insufficient in number, although at that time we possessed nearly as many as at present, and although there was little damage resulting from actual fighting requiring docking; but the docking necessary to repair wear and tear and accidental damage could not all be done in the docks then possessed by the navy-yards, and private docks had to be resorted to at exorbitant prices and resulting in interference with other work. In the present day, after an action, the ships that survive would certainly have to be docked, as is shown by the experience in the recent war between Japan and China, where after a fleet action a large portion of the surviving ships made at once for the nearest dock.

Owing to the physical conditions of our coast it is difficult to build docks large enough to take the heaviest vessels, and none of the private docks of the country are capable of accommodating our large ships.

The cost of a dock is only about 10 per cent of that of a single battle ship, and it would appear only ordinary business policy to provide a sufficient number of docks to insure that our ships can be kept in order in time of peace, and made ready for service again with the least possible delay in time of war.

A modern fleet without adequate docks will be crippled for a long time after a fight. Foreign nations have not been slow to recognize that fact. We find France, with her comparatively short coast line, provided with thirty-four docks, located in six ports. Although her coast line is small indeed compared with that of the United States, England has now forty-three Government

docks in seven home ports and thirty-three other Government docks located all over the world in her various colonies and dependencies. But England recognizes to-day, as she always has recognized, the necessity of an increase of docks to keep pace with increase of the fleet. Although at the great naval station, Portsmouth, there are now completed eighteen docks of various sizes, from 200 to 650 feet in length, and capable, some of them, of accommodating ships drawing as much as 40 feet of water—which is a possible contingency after damage in action—we find that she has now under construction two more docks of the largest size at Portsmouth, and three docks in other parts of the country.

To quote again from the Chief Constructor, who by virtue of his position and experience is the most competent judge as to the needs of the service as to docking facilities:

Nothing has been more clearly brought out by our experience with the new naval vessels than the fact that ample docking facilities are absolutely necessary if the ships are to be kept in efficient condition. The docks we now possess at the navy-yards and stations are barely adequate to the peace needs of our present Navy. In time of war we should be very seriously embarrassed.

Appropriations.

REMARKS
OF
HON. JOSEPH WHEELER,
OF ALABAMA,
IN THE HOUSE OF REPRESENTATIVES,
Monday, February 22, 1897.

The House having under consideration the subject of appropriations—

Mr. WHEELER said:

Mr. SPEAKER: In order to show to the House and to the country the enormous increase in our appropriations, I have prepared a table showing the appropriations for each Department of the Government during the last thirty-four years from 1865 down to and including the appropriations for the year ending June 30, 1898, upon which we have just acted.

Appropriations, fiscal year ending June 30, 1866, to year ending June 30, 1898, inclusive.

For year ending June 30—	Congress.	Agriculture.	Army.	Diplomatic and consular.	District of Columbia.	Fortifications.	Indian.	Legislative, etc.	Military Academy.	Navy.
1866	38th, 2d sess. (R.)	----------	$598,079,527.70	$1,384,250.00	----------	$7,953,000.00	$2,590,415.41	$15,057,886.16	$257,404.00	$111,587,528.95
1867	39th, 1st sess. (R.)	----------	88,004,241.83	1,405,494.00	----------	1,540,000.00	3,810,772.83	25,438,371.89	146,617.00	18,904,667.50
1868	39th, 2d sess. (R.)	----------	23,874,454.00	1,425,454.00	----------	----------	3,042,003.86	23,400,191.89	308,913.00	16,288,244.01
1869	40th, 2d sess. (R.)	----------	33,082,093.00	1,212,494.00	----------	----------	3,847,528.45	17,906,317.09	276,512.00	17,856,350.00
1870	40th, 3d sess. (R.)	----------	33,350,893.20	1,110,734.00	----------	----------	----------	20,354,774.76	274,488.88	15,832,246.00
1870	41st, 1st sess. (R.)	----------	----------	----------	----------	----------	6,121,004.81	----------	----------	----------
1871	41st, 2d sess. (R.)	----------	29,321,367.22	1,041,347.00	----------	1,811,500.00	6,324,164.16	18,949,258.40	314,889.20	19,250,290.29
1872	41st, 3d sess. (R.)	----------	27,719,580.00	1,466,134.00	----------	1,627,500.00	5,448,540.96	19,518,229.24	316,269.50	19,832,317.35
1873	42d, 2d sess. (R.)	----------	28,683,615.32	1,219,659.00	----------	2,037,000.00	6,349,462.04	18,671,785.74	328,101.32	18,296,733.95
1874	42d, 3d sess. (R.)	----------	31,796,008.81	1,311,359.00	----------	1,899,000.00	5,541,418.90	17,120,496.60	344,317.56	22,276,257.65
1875	43d, 1st sess. (R.)	----------	27,788,500.00	3,404,804.00	----------	904,000.00	5,080,651.96	20,783,900.80	339,835.00	20,813,946.20
1876	43d, 2d sess. (R.)	----------	27,933,330.00	1,374,985.00	----------	850,000.00	5,360,554.55	18,902,236.99	364,740.00	17,001,006.40
1877	44th, 1st sess. (D.)	----------	27,621,867.90	1,187,197.50	----------	315,000.00	4,572,762.01	15,417,933.33	290,065.00	12,742,155.40
1878	44th, 2d sess. (D.)	----------	25,812,500.00	1,138,374.50	----------	275,000.00	4,829,865.69	15,450,345.30	286,604.00	13,541,024.40
1879	45th, 1st sess. (D.)	----------	25,593,496.01	1,077,635.00	----------	275,000.00	4,746,275.70	15,271,251.30	292,805.00	14,152,003.70
1880	45th, 2d sess. (D.)	----------	26,797,300.00	1,087,535.00	----------	275,000.00	4,713,478.53	16,287,457.73	319,547.33	14,029,968.95
1881	46th, 1st sess. (D.)	$253,900.00	24,425,800.00	1,180,336.00	$3,425,997.35	550,000.00	4,657,262.72	16,274,023.59	316,234.28	14,405,797.90
1882	46th, 2d sess. (D.)	335,500.00	26,887,800.00	1,192,435.00	3,878,617.44	575,000.00	4,587,806.80	17,678,506.99	322,435.37	14,566,037.56
1883	47th, 1st sess. (R.)	427,280.00	27,258,000.00	1,256,655.00	3,496,060.47	375,000.00	5,229,374.01	20,056,000.65	335,557.04	14,819,976.80
1884	47th, 2d sess. (R.)	405,640.00	24,681,250.00	1,298,755.00	3,507,247.96	670,000.00	5,358,655.91	20,454,246.22	318,657.50	15,894,434.23
1885	48th, 1st sess. (D.)	480,190.00	24,454,450.00	1,219,390.00	3,559,835.54	700,000.00	5,859,402.91	21,303,141.85	314,563.50	14,980,472.59
1886	48th, 2d sess. (D.)	585,790.00	24,014,052.50	1,242,925.00	3,622,683.20	725,000.00	5,762,512.70	21,376,708.70	310,021.64	15,070,837.95
1887	49th, 1st sess. (D.)	654,715.00	23,753,057.21	1,364,065.00	3,721,050.99	----------	5,546,262.84	20,654,346.37	297,805.00	16,489,907.20
1888	49th, 2d sess. (D.)	1,028,730.00	23,724,718.69	1,429,942.44	4,284,590.66	----------	5,226,997.66	20,745,023.67	419,996.93	25,767,348.19
1889	50th, 1st sess. (D.)	1,716,010.00	24,471,300.00	1,428,465.00	5,046,410.32	3,972,000.00	8,268,700.79	20,758,178.07	315,043.81	19,942,885.35
1890	50th, 2d sess. (D.)	1,669,770.00	24,316,615.73	1,980,025.00	5,682,409.91	1,233,594.00	8,077,453.39	20,843,615.81	902,766.69	21,692,510.27
1891	51st, 1st sess. (R.)	1,799,100.00	24,206,471.79	1,710,815.00	5,769,544.15	4,232,935.00	7,263,016.02	21,030,752.75	435,236.11	24,196,085.53
1892	51st, 2d sess. (R.)	3,028,153.50	24,613,529.19	1,656,925.00	5,597,125.17	3,774,803.00	10,386,284.86	22,027,674.75	402,064.64	31,541,654.78
1893	52d, 1st sess. (D.)	3,232,985.50	24,308,499.82	1,604,045.00	5,317,973.27	2,734,276.00	7,964,047.84	21,900,132.97	428,917.33	23,543,385.00
1894	52d, 2d sess. (D.)	3,323,500.00	24,225,639.78	1,557,445.00	5,413,223.91	2,810,055.00	7,854,240.38	21,865,802.81	432,556.12	22,104,061.38
1895	53d, 2d sess. (D.)	3,223,623.06	23,592,384.68	1,563,918.76	5,545,678.57	2,427,004.00	10,059,565.16	21,305,583.29	406,535.08	25,327,128.27
1896	53d, 3d sess. (D.)	3,303,750.00	23,252,608.09	1,574,458.76	5,745,443.25	1,904,557.50	8,762,751.24	21,891,718.08	464,261.66	29,416,245.31
1897	54th, 1st sess. (R.)	3,255,532.00	23,278,402.73	1,642,558.76	5,900,319.48	7,977,888.00	7,390,496.79	21,519,324.71	449,525.61	30,562,660.95
1898	54th, 2d sess. (R.)	3,182,902.00	23,129,344.30	1,695,808.76	6,187,591.06	9,517,141.00	7,070,220.89	21,690,766.90	479,572.83	33,128,284.29

For year ending June 30—	Congress.	Pension.	Post-Office.	River and harbor.	Sundry civil.	Deficiencies.	Miscellaneous.	Total regular annual appropriations.	Permanent annual appropriations.	Total appropriations.
1866	38th, 2d sess. (R.)	$11,230,000.00	$14,098,500.00	----------	$4,094,967.61	$3,964,277.70	$1,333,894.15	$381,631,691.68	$154,487,577.04	$836,119,068.72
1867	39th, 1st sess. (R.)	15,440,000.00	20,166,025.00	$3,696,047.91	7,119,985.16	11,579,214.62	8,578,877.15	155,862,314.86	180,010,198.84	338,842,513.72
1868	39th, 2d sess. (R.)	33,280,000.00	19,133,000.00	----------	5,307,191.33	11,629,392.67	9,339,697.08	147,088,541.89	170,906,608.69	317,995,145.58
1869	40th, 2d sess. (R.)	30,350,000.00	21,069,000.00	----------	8,174,979.66	17,002,222.85	10,274,448.80	160,551,885.85	170,224,120.46	330,776,006.31
1870	40th, 3d sess. (R.)	19,250,000.00	30,279,153.00	----------	9,976,228.81	20,763,270.98	527,968.31	151,719,777.94	180,082,214.72	331,801,992.66
1870	41st, 1st sess. (R.)	----------	----------	2,000,000.00	----------	2,913,738.62	31,200.00	11,065,943.43	----------	11,065,943.43
1871	41st, 2d sess. (R.)	30,000,000.00	26,288,993.00	3,945,900.00	13,447,721.70	6,421,766.48	4,916,645.72	161,533,823.15	166,684,318.52	328,218,141.61
1872	41st, 3d sess. (R.)	29,050,000.00	26,032,898.00	----------	24,161,773.36	14,023,131.04	1,261,208.80	174,865,082.65	148,370,481.56	323,235,564.21
1873	42d, 2d sess. (R.)	30,480,000.00	28,519,341.84	5,558,000.00	20,148,413.90	6,045,259.96	7,129,642.48	173,495,015.55	143,882,105.22	316,377,120.20
1874	42d, 3d sess. (R.)	30,480,000.00	32,529,167.00	6,102,900.00	32,186,129.09	12,978,418.60	2,565,740.31	197,220,297.33	129,230,207.82	327,150,505.20
1875	43d, 1st sess. (R.)	29,980,000.00	35,756,091.00	5,218,000.00	27,009,744.81	4,083,914.26	1,921,614.13	183,685,002.16	141,981,789.73	325,666,791.89
1876	43d, 2d sess. (R.)	30,000,000.00	37,524,361.00	6,643,517.50	26,644,350.09	4,708,699.18	1,862,929.19	179,166,209.90	148,961,989.42	328,128,199.32
1877	44th, 1st sess. (D.)	29,533,500.00	34,585,701.00	5,015,000.00	16,351,474.58	2,908,177.09	4,012,805.84	154,553,639.65	145,037,498.42	299,591,138.07
1878	44th, 2d sess. (D.)	28,533,000.00	33,584,143.00	----------	17,133,750.06	2,745,480.97	1,262,061.31	144,592,149.23	151,414,544.98	296,006,694.21
1879	45th, 1st sess. (D.)	29,371,574.00	33,256,373.00	8,201,700.00	26,004,409.23	14,138,742.29	2,049,698.61	174,431,493.87	157,976,282.81	332,407,775.68
1880	45th, 2d sess. (D.)	56,233,200.00	36,121,400.00	7,846,600.00	21,656,340.06	5,163,297.15	1,928,020.36	190,457,445.06	181,662,184.24	372,019,629.30
1881	46th, 1st sess. (D.)	41,644,000.00	39,093,420.00	8,951,500.00	22,515,428.91	4,207,226.44	5,618,865.23	189,519,191.21	172,053,013.18	361,672,204.39
1882	46th, 2d sess. (D.)	68,282,308.68	40,957,432.00	11,441,300.00	21,984,194.13	5,002,138.92	1,072,933.64	218,154,506.51	147,810,973.33	365,965,479.53
1883	47th, 1st sess. (R.)	116,000,000.00	44,643,900.00	18,738,875.00	25,589,358.06	12,992,025.16	6,111,540.10	297,311,602.29	124,826,471.02	422,137,073.31
1884	47th, 2d sess. (R.)	86,575,000.00	44,489,520.00	----------	23,679,575.44	2,749,941.49	1,912,723.88	231,993,647.63	123,304,227.60	354,297,875.23
1885	48th, 1st sess. (D.)	20,810,000.00	49,040,400.00	13,949,200.00	22,209,434.30	7,057,509.00	9,592,508.40	195,710,588.09	123,118,901.04	318,829,489.13
1886	48th, 2d sess. (D.)	60,000,000.00	53,700,990.00	----------	26,079,257.49	4,926,855.80	2,177,648.20	219,595,283.18	116,844,630.02	336,439,918.20
1887	49th, 1st sess. (D.)	82,075,200.00	54,365,863.25	14,473,900.00	22,663,810.58	7,866,719.62	9,989,410.19	263,914,613.25	123,416,358.74	387,330,971.99
1888	49th, 2d sess. (D.)	83,152,500.00	55,094,650.15	----------	22,386,540.96	----------	4,811,991.49	248,672,870.84	110,338,652.68	359,011,523.53
1889	50th, 1st sess. (D.)	85,258,700.00	60,860,233.74	22,397,616.90	26,320,804.84	16,063,383.26	10,170,862.55	306,985,544.63	115,640,796.90	422,626,343.53
1890	50th, 2d sess. (D.)	89,758,700.00	66,606,344.28	----------	25,297,341.65	8,330,518.30	10,255,795.29	286,646,460.32	108,691,055.96	395,337,516.28
1891	51st, 1st sess. (R.)	123,759,398.35	72,226,698.99	25,136,295.00	29,738,282.22	13,295,541.61	7,010,905.27	361,770,057.79	101,628,453.00	463,398,510.77
1892	51st, 2d sess. (R.)	164,550,883.34	77,907,222.61	----------	37,410,363.99	9,364,148.62	4,271,531.10	402,531,864.55	122,486,808.00	525,018,672.59
1893	52d, 1st sess. (D.)	146,737,350.00	80,331,276.73	21,154,218.00	27,665,076.93	15,905,191.50	3,208,922.82	365,736,308.71	121,863,880.00	507,600,188.75
1894	52d, 2d sess. (D.)	166,731,350.00	84,004,314.23	----------	41,716,311.15	22,277,086.36	520,499.18	404,036,085.29	115,468,273.92	519,504,359.21
1895	53d, 2d sess. (D.)	151,581,570.00	87,236,599.55	11,643,180.00	34,253,775.55	11,811,004.06	577,956.55	331,156,005.08	101,074,680.00	432,230,685.08
1896	53d, 3d sess. (D.)	141,381,570.00	89,545,997.86	----------	46,568,160.40	9,825,374.28	297,667.37	383,934,564.34	113,073,956.32	497,008,520.66
1897	54th, 1st sess. (R.)	141,328,580.00	92,571,564.23	12,659,550.00	33,096,710.19	15,341,911.07	416,010.06	896,791,034.57	119,064,160.00	515,845,194.57
1898	54th, 2d sess. (R.)	141,263,880.00	95,665,338.75	----------	53,103,827.84	12,278,825.94	290,000.00	404,691,671.57	120,078,220.00	529,287,408.30

NOTE.—The sundry civil bill, the agricultural bill, and the Indian bill have not yet been signed by the President. I have given the deficiency bill as it passed the Senate, as the amendments which were incorporated in it by the Senate have not yet been concurred in by the House. The $290,000 for miscellaneous is estimated.

We must not forget that under the Constitution all appropriation bills must originate in the House of Representatives, and therefore this body is primarily responsible for the character of appropriations which are authorized by Congress.

In the above table I have placed the letter "R" opposite each session of Congress where the House of Representatives was under the control of Republicans, and the letter "D" opposite each session of Congress where it was controlled by Democrats.

It will be seen that the Republican party had full control of the House of Representatives up to and including the Forty-third Congress. The Democratic party controlled the House of Representatives for six years, during the Forty-fourth, Forty-fifth, and Forty-sixth Congresses. The Republican party then controlled for two years, during the Forty-seventh Congress. The Democratic party then controlled for six years, during the Forty-eighth, Forty-ninth, and Fiftieth Congresses. The Republican party then controlled during the Fifty-first, called the "Reed Congress." The Democratic party then controlled for four years, during the Fifty-second and Fifty-third Congresses. The Republican party then controlled during the two years of the Fifty-fourth Congress.

The table contains the appropriations during the last thirty-four years, and I think proves very conclusively that the Democratic party have always exercised most commendable economy in appropriating money drawn by taxation from the people, and it also shows most lavish expenditures by the Republican party:

These figures show that during the five years immediately preceding the Forty-fourth Congress the average regular annual appropriations by Republicans were	$181,826,321.52
The Democrats then came into control of the House of Representatives and immediately reduced the regular annual appropriations to	149,572,894.44
Thus making an annual saving of	32,253,427.08
The Republicans again came into control of all branches of the Government in the Forty-seventh Congress, and they immediately increased the annual average appropriations to	264,652,624.96
This was an annual average increase by Republicans in excess of Democratic appropriations of $86,034,554.04.	
In the Forty-eighth Congress the Democrats again had control of the House, and they immediately reduced the annual average appropriations to	212,652,935.63
Thus making an annual saving to the people of	51,999,689.33
During the six years of Democratic rule in the House of Representatives following the Forty-seventh Congress the average annual appropriations were	253,587,560.05
The Republicans then obtained control in the Fifty-first, commonly called the "Reed Congress," and immediately increased the average annual appropriations to	382,150,961.17
Which was an increase above the average annual appropriations during the preceding six years, when the House was controlled by Democrats, of	128,563,401.12
In addition to these excessive appropriations, the Reed Congress enacted the dependent pension bill, which gave pensions to men who never heard a gun fired during the war. This law compelled the Fifty-second—which was a Democratic Congress—to appropriate, at one session, the enormous sum for pensions of	166,731,350.00
Notwithstanding this, the average appropriations during the four years of the Fifty-second and Fifty-third Congresses were only	388,453,603.39
The Republicans then got control of the Fifty-fourth Congress, the existence of which is about to expire, and notwithstanding the efforts of Speaker REED to hold his party in check, they appropriated, for the first session	515,845,194.57
For the second session	529,287,408.30
An average of	$522,566,301.43
I will also call attention that the annual average appropriations of the Republican Congress now about to expire exceed those of the last Democratic Congress	27,946,698.59
The total appropriations of this Congress exceeding those of the last Democratic Congress by	55,893,397.18
The expenditures of our State and local governments during the census year of 1890 were reported at	569,252,634.00
And it is estimated that they now exceed	700,000,000.00
Add to this the appropriations of the present session for governmental expenses, and we find we are expending for United States, State, and local governments	1,229,287,408.30
An average for every working day in the year of	4,000,000.00

No other government on earth approximates such expenditures.

I will read some figures which I have prepared upon this subject:

The greatest amount of Government expenditures, next to those of the United States, are those of Russia, which amounted last year to $885,005,996. The expenses of France during the year 1893 were $690,184,119; of Great Britain in 1895, $469,592,105. Next comes Italy, whose governmental expenses in the year 1895–96 were $337,868,552. Then comes the German Empire, whose expenses in 1895–96 were $297,240,240; Spain, in 1894–95, $154,727,145.20; the Netherlands, 1894, 131,491,882 guilders; Belgium, 1893, $78,905,800; Portugal, 1892–93, $51,854,191; Sweden, 1896, $27,144,180; Denmark, 1895, $16,576,741; Switzerland, $15,918,000.

It is true that those governments have other expenditures which do not appear in the figures which I have given. I refer to the expense in the other various local organizations, such as counties, departments, and cantons, etc. The expenditures of the subordinate governments in the German Empire are probably larger than any other, but I am safe in saying that the most expensive European governments are much less extravagant than ours.

It is true that the greater part of the post-office appropriation is reimbursed, but the same is true with regard to other governments.

Let us awaken to the situation by which we are confronted. We are expending to-day in our Federal, State, city, and other local governments nearly ten times as much as was spent in the prosperous period preceding 1861. We are expending a sum about equal to the entire value of our cotton, wheat, corn, oat, and tobacco crops all put together. We are actually expending—most of which is paid out to Government officials—a sum which approximates the value of the products of the toil of all the farmers of the United States.

To present this startling fact as clearly as possible, I have prepared a table showing the total production of these staple articles for the year 1895, their total value, and also the total value of that portion which was exported.

The table is as follows:

Article.	Quantity.	Value.	Value of that part which was exported.
Cotton ..... bales..	7,157,346	$222,334,437	$193,987,846
Wheat..... bushels..	467,120,947	237,938,998	43,805,663
Corn ..... do....	2,151,138,580	544,985,534	14,650,767
Tobacco..... pounds..	491,544,000	35,574,220	25,798,968
Oats ..... bushels..	824,443,587	163,655,068	200,703
Total.....	.....	1,274,488,257	278,443,037

These amounts show that the total value of all these products for the year 1895 was $1,274,488,257, about the same as the entire expense of running this Government, but as most of these productions, especially corn, wheat, and oats, were consumed in the immediate vicinity where they were produced they contributed very little if any of the fund used by the Government.

These totals also show that the value of that portion of these articles which was exported was only $278,443,037, which is about one-fifth of the expenditures.

Do not these facts admonish the lawmaking power that retrenchment in Government expenditures is absolutely essential to the prosperity and well being of the people.