APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL · RECORD.

Let Federal Courts Discharge Bankrupts, but State Courts Administer Their Estates.

SPEECH

OF

HON. GEORGE E. SENEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 9, 1886,

On the bills (H. R. 1119) and (H. R. 5369) to establish a uniform system of bankruptcy throughout the United States.

Mr. SENEY said:

Mr. SPEAKER: Two bills proposing to establish a uniform system of bankruptcy are upon our calendar. One (H.R. 1119) was introduced by the honorable gentleman from Massachusetts [Mr. COLLINS]; the other (H. R. 5369) by myself. Both bills were referred to the Committee on the Judiciary. A favorable report was made on the former, and an adverse report on the latter. Regarding the bill which I had the honor to introduce as the best measure, I shall, at the proper time, offer it to the House as a substitute for the bill introduced by my friend from Massachusetts.

We have had three bankrupt laws. The first one was enacted in 1800, the second in 1841, and the third in 1867.

The reasons for enacting the first law are given by Mr. Hildreth in his United States history, in these words:

> The numerous insolvencies produced by the rage of land speculation, and by the uncertainties of commerce, aggravated as they had been by the conduct of the belligerents, had made evident the necessity of laws for the discharge of insolvent debtors.

The bankrupt law of 1841 was passed to relieve those whom the hard times, from 1836 to 1841, had made hopelessly insolvent. Four years of war among our own people made necessary the bankrupt law of 1867. It is to be remarked that each one of these laws was short-lived. The law of 1800 was in force three years; the law of 1841 two years, and the law of 1867 eleven years. There was an interval between the first and second law of thirty-eight years, and between the second and third law of twenty-four years, and it is now eight years since the repeal of the last law. Thus, it will be seen that during the past eighty-five years a bankrupt law has been in force sixteen years. In other words, near one-fifth of the entire time since the Government began we have had a bankrupt law.

These facts show plainly that our lawmakers in the past believed in a bankrupt law only as a periodical necessity. The three laws they made, it will be noticed, followed immediately after periods of great financial distress. They were repealed as soon as it became apparent that the country was financially prosperous. Three times enacting and three times repealing bankrupt laws within a period of less than eighty years ought to leave no one in doubt as to the legislative policy respecting the subject of bankruptcies. Heretofore the friends of a bankruptcy system were content with a temporary law. Now they demand the passage of a permanent law.

OUGHT WE TO PASS A BANKRUPT LAW?

The country is reasonably prosperous. A bankrupt law, such as we have had, will not better its condition, or the condition of the people.

When the late bankrupt law was repealed the country enjoyed a very high degree of prosperity, unequaled, perhaps, in its history. Since the repeal of that law nothing has occurred to make a similar law a necessity. Every State has its own insolvent laws under which both debtor and creditor find relief. While a debtor can not be discharged from his debts by State law, yet, in every other respect it is believed that State laws do for debtors and their creditors better than can be done by Congress in any law it can enact.

As far as my information extends, no debtor asks Congress to establish a bankruptcy system modeled after either of the systems heretofore in force. The appeals for such a system come from the creditor class. In the last Congress the creditor class clamored for this system. The same class importune this Congress to re-enact, substantially, the system established by the law of 1867. No one believes this is done for the benefit of debtors. Far from it. Creditors are taking care of themselves, or at least they so believe. Boards of trade, chambers of commerce, and other organizations which look after the interests of the creditor class first, and those of the debtor class second, favor this system. They tell us that a system of bankruptcy such as the bill offered by the gentleman from Massachusetts proposes, which, in many respects, is like the law of 1867, is one of the country's greatest needs.

The creditor class say they want protection against the acts of dishonest debtors; against assignments with preferences, and also against all acts of an insolvent debtor which give an advantage to one creditor over another; the creditor class demand legislation. In other, if not in better, words, creditors ask for legislation that will secure equality among the creditors of an insolvent debtor. Surely if it be the right or the duty of Congress to so legislate it can be done without re-enacting, substantially, the bankrupt law of 1867. By many it is thought that the only way to have equality among the creditors of a common debtor is by means of a bankruptcy system. For some reason they are wedded to this plan, and appear unfriendly to all others.

The truth is, that creditors, as a rule, have little to expect from a bankrupt's estate upon its seizure in bankruptcy, and seldom are they disappointed. Eleven years of experience under the bankrupt law of 1867 teaches that after the registers, marshals, assignees, clerks, lawyers, and all the other comers and goers get their tolls, there is little if any grist left for the creditors. Why creditors favor such a bankrupt law I am unable to understand. A proceeding in bankruptcy, voluntary or involuntary, under the law of 1867, was a very expensive affair. All creditors understand this, and understand, too, that all the costs and expenses of administering a bankrupt's estate were paid out of the estate. Creditors received nothing upon their debts except what remained of the estate after satisfying all costs and expenses of administration. There were 104,695 cases in bankruptcy under the law of 1867. The number of cases under the law of 1841, or of 1800, can not now be stated.

Did we know the value of the estates, the amount of the debts, and the cost of administration a safe estimate might be made of the many million dollars creditors paid in costs and expenses from 1867 to 1878 to free their debtors from debt. Within the range of my observation the dividends received hardly compensated for the time lost and the attention required. There is no doubt that legislation respecting a debtor's estate which will secure perfect equality among creditors would be highly advantageous to the creditor class, and at the same time would work no disadvantage to those who are in debt. But ought we to enact a bankrupt law containing twenty thousand words for no other purpose than to prevent insolvent debtors from favoring creditors? This is what we are asked to do by the friends of the bill introduced by the gentleman from Massachusetts.

THE RIGHTS OF BOTH DEBTOR AND CREDITOR SHOULD BE RESPECTED.

In considering a bankruptcy system we must regard the rights of the debtor as well as the rights of the creditor. In one sense it is a matter of little concern to a debtor, when insolvent, whether his creditors

share equally or unequally in his estate, provided he is released from the payment of what he then owes. The debtor's interest in a bankrupt law is the discharge for which it provides. His estate passes from his hands into the hands of others for administration and distribution. Ordinarily, upon its seizure, all further connection with it upon his part ceases forever. The law proposed by the bill urged by my distinguished friend has one hundred and two sections.

Will any one tell me what real interest the debtor has in any of these sections except the two or three which relate to a discharge? Is there no way by which an insolvent debtor can be discharged from his debts except by an act of Congress which can not be read inside of three hours, and which when read is not understood until learned lawyers discuss it and learned judges declare its meaning? To me it seems that a law authorizing a debtor's discharge ought to be put in a few words and upon less than a printed page.

Consider for a moment the interest of creditors in the estate of their bankrupt debtors. If they have any other interest than to have the debtor's assets converted into money, at the earliest moment and at the least possible cost, it has not occurred to me in my reflections upon this subject. What need is there for a law covering seventy-four printed pages to work out of an insolvent debtor's estate equal dividends to his creditors? Why legislate with so much particularity and minuteness upon so simple a subject? Is it said that frequently bankruptcy proceedings give rise to difficult questions of law and of fact? Yes, this is true. The same kind or class of questions arise every day in every county court where common-law jurisdiction is exercised.

The administration of the estate of an insolvent debtor is nothing more or less than the administration of the estate of a person in life; not so difficult, by half, as the administration of the estate of a person deceased. The States, as has been observed, have satisfactory insolvent laws, under which insolvent debtors' estates are administered. They have laws, too, under which the estates of deceased persons are speedily and satisfactorily settled. Laws for the administration of the estates of the imbecile, insane, minors, and others under legal disability will be found in all the States.

Under these laws it is no uncommon thing for contentions to arise, and when they do, generally, theorder of a single judge settles the controversy. Tribunals nearest the homes of the people are the best in which to settle the ordinary disputes which arise between creditors respecting the property of a common debtor. Courts which are far away from the place where disputes arise, and from the place where the parties and witnesses reside, ought not to be clothed with the power to hear and determine such controversies. Time, convenience, and expense forbid.

If we must have a bankruptcy system, permanent or otherwise, in the interest of both debtor and creditor it ought to be different from the one recently in force. That part of the system which relates to the discharge of a bankrupt must of necessity remain where the Constitution places it—in the courts of the United States. But that part of a bankruptcy system which relates to the administration of a bankrupt's estate ought, for many reasons, to be kept out of the Federal courts. Enact a law authorizing the United States courts in a given case, upon the petition of a debtor, and with notice to his creditors, to discharge a debtor, and all constitutional obligation to the debtor class respecting a bankruptcy system will be best fulfilled. For the creditor class the constitutional provision as to bankruptcy is well enforced when the estate of the bankrupt is authorized to be held for their benefit.

A bankrupt law providing for the debtor and for the creditor in the manner suggested would be, in my opinion, in perfect accord with the Constitution, and would in every respect promote the highest and best interests of both debtor and creditor. Give such a law a trial for one year, or two, and it is believed that the public judgment will secure for it a permanent place among our laws.

A bill to establish a uniform system of bankruptcy throughout the United States, drawn in the light of these suggestions, I had the honor to introduce into the House on the 8th day of February last.

The Clerk will oblige me by reading the bill at his desk.

The Clerk read as follows:

Be it enacted, &c., That every debtor who assigns, in writing, all of his property of every kind and description, in trust for the equal benefit of his creditors, and delivers the said writing to the trustee, or trustees, named therein within ten days after the making thereof, and the same operates to vest the right and title in and to the property assigned in the said trustee, or trustees, for the equal benefit of the creditors of such debtor, may, at any time within one year after making the said assignment, file his petition in the district court of the United States for the district in which he resides, or if he be a resident of the District of Columbia, then in the supreme court of the said District, alleging therein that he did make and deliver an assignment of the tenor and effect aforementioned, and describing therein the property assigned, and stating the value thereof, also the names of his creditors, their places of residence, and the amount of each of their debts, and praying therein that the court adjudge that he be discharged from the payment of the said debts. The creditors of such debtor shall be made parties defendant to the petition, and shall have at least thirty days' notice of the filing thereof, and thirty days thereafter in which to answer the same. Upon the hearing of the petition the court, if satisfied that such debtor did make and deliver an assignment in manner and form and of the effect aforementioned, and that for six months prior thereto no creditor of such debtor had been preferred, and during said time no other act was done, or suffered to be done, by such debtor respecting his business or estate to prevent an equal distribution of his estate among his creditors, or to give to one creditor an advantage over a co-creditor, shall order and adjudge that such debtor be forever discharged from the payment of the debts mentioned and set forth in the petition; and such order and adjudication shall be a full, complete, and final discharge of such debtor from the payment of the said debts.

To the debtor class the bill just read by the Clerk is believed to be fair and just. Where a debtor surrenders all of his property to his creditors, and for six months previous has shown no preference between them, his right to a discharge stands upon the highest possible ground. It is doubtful whether a stronger case for a discharge can be made. Why not, then, provide for such a case and provide for none other? A bankrupt law, such as I have indicated, would offer the strongest possible inducement to debtors to treat each and every creditor alike. Against such a law who, except creditors, would have a legal right to complain? With all of the debtor's property held in trust for the creditor's benefit upon what ground could they base a complaint? More than this they could not have under any system of bankruptcy that can be established.

If the debtor complies with the law there can be no legal objection to his discharge. The interest of the creditors in the debtor's estate the trustees will convert into money without unnecessary delay, and at the least possible cost; close to the place where the debtor resides, possibly, close to the place where he did business, or where his property is situated, is the county court, clothed with full and ample power to administer upon the estate of an insolvent debtor, and to determine with learning and ability every question of fact and of law that may arise.

As a rule, the convenience of creditors would be promoted, time, labor, and expense saved, dividends increased, and in many other ways the interests of every one connected with a case in bankruptcy would be greatly subserved if State courts were opened for the administration of a bankrupt's estate.

THE BILL IS FREE FROM CONSTITUTIONAL OBJECTIONS.

Will it be said that the system proposed by my bill is not uniform, and is, therefore, repugnant to the Constitution? So far as it concerns the debtor, it is thought to be free from objection. As to him the principle of the bill is that an unconditional surrender of all property for the equal benefit of creditors merits all that it is possible for a bankrupt law to do for a debtor. In this respect the bill, if a law, would operate the same in one State as in another, and the same in each of the Territories and in the District of Columbia.

But it may be said that the bill does not propose a uniform system, because it contemplates that the estate of the bankrupt shall be administered under State laws and in State courts. This objection proceeds upon the ground that State laws differ, and owing to these differences the bill if a law would not operate uniformly. We all know that there is a wide difference in the laws of the States upon the questions which usually have the attention of a bankrupt's court. Questions relating to the title of real and personal property, to the existence and validity of liens, in the marshaling of liens and arranging their priorities, in proving debts, in converting assets, in their distribution, and at the final settlement of the estate, depend for their solution, largely, if not altogether, upon State laws.

To illustrate: In one State title deeds deposited operate as a mortgage, while in another State they do not. In one State a vendor's lien is good, while in another State it is not. A valid mortgage in one State may be invalid in another State. No two States have the same statutory liens, or the same liens at the common law. Liens by judgment, by execution, and by attachment differ as do the laws of the States which create and regulate them. In all legal procedure there is more or less difference between the laws of the States, and consequently the rights of persons and of property in some particulars vary.

The estate of a bankrupt, as a rule, is administered upon according to the law of the State where it is situated. This can not be otherwise. As the States provide the law which determines most, if not all, of the disputes that arise in bankruptcy proceedings as well may the States provide the forum in which to adjudicate them. Such disputes as may depend upon the laws of another State or upon the laws of the United States can be satisfactorily settled in the State court administering the estate. A law for the administration of a bankrupt's estate uniform in all respects is simply impossible. The laws we have had, in several particulars, were directly the opposite of uniform.

The law of 1867, it will be remembered, secured to a bankrupt the property which by the laws of his State was exempt from seizure and sale for his debts. These exemptions varied in value. The lowest, perhaps, $500, and the highest not exceeding $3,000. In this very important particular the law of 1867 was not perhaps strictly uniform in its effect and operation, yet we have seen it was in force eleven years, and 104,695 debtors had its benefits. No one thought the law repugnant to the Constitution because a debtor in one State got a larger exemption than a debtor in another State. The difference in State laws respecting exemptions did not stand in the way of the execution of the law of 1867.

In other respects, material and immaterial, State laws affecting a bankrupt's estate differed, but notwithstanding these differences the law of 1867 was supposed to be a constitutional enactment. It is en-

tirely safe to say that if the bankrupt law of 1867 was a uniform law that none the less uniform is the law proposed by the bill just read at the Clerk's desk. In enacting a bankrupt law, if provision be made for administering the estate, it is competent for Congress to say whether the administration shall be in the courts of the United States, or in the courts of the States having common-law jurisdiction. The power of Congress with respect to a bankruptcy system is derived from that part of the Constitution which is in these words:

The Congress shall have power to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

As early as 1802 the Congress, in execution of that part of this clause which relates to naturalization, enacted that aliens might be admitted to citizenship in the courts of the United States, or in the courts of records in the States. This law has been in force for eighty-four years. Its validity no one questions. If, under this clause, Congress may confer jurisdiction in naturalization cases upon the courts of a State, it is clear that it may authorize the same courts to exercise all the power necessary for the proper administration of a bankrupt's estate. Indeed, there is no reason why Congress may not, in providing a bankruptcy system, confer concurrent jurisdiction respecting the administration of the estate upon the State and Federal courts.

Keeping in mind that a leading purpose of a system of bankruptcy is to release debtors from their obligations to their creditors, can it be doubted for a moment that a law which provides for nothing else save and except such a release is constitutional both in letter and spirit? The constitutional provision upon this subject, according to my understanding, means that the debtor's property shall be received by his creditors as payment in full of all that he owes. Any law which gives effect to this interpretation of the Constitution is a valid enactment. For every purpose, save and except a discharge, each State may establish its own bankruptcy system. No State can enact a law which will discharge a debtor. Such a law Congress alone can enact.

THE ADMINISTRATION OF THE BANKRUPT'S ESTATE.

The system of bankruptcy Congress is authorized to establish may provide for a debtor's discharge, either with or without providing for administering the debtor's estate. To provide for a discharge, and to provide, also, for administering the estate in the Federal courts, is to establish a system of bankruptcy inconvenient, expensive and intricate, and wholly unsatisfactory to the true business interests of the country.

Whatsoever law we enact we must not forget that it is our duty to secure for the creditors of a bankrupt all of the estate of which the bankrupt is seized or possessed. A bankrupt law which takes from the creditors a large portion of the bankrupt's estate to pay the costs and expenses of administration is not the law which the creditor class ought to ask Congress to pass. This was one of the offensive features of the law of 1867. Still more offensive in this particular is the law proposed by the bill urged by my friend from Massachusetts. Under his bill the costs and expenses of administration would be greatly increased. It provides more sinecures for more placemen and mere hangers-on than the law of 1867.

All of these are to be paid. The pay of some is to come from the public treasury, while the others are paid directly from the bankrupt's estate, but indirectly from the creditors' pockets. Under the bill read by the Clerk the discharge of a debtor will not take a penny from the public treasury or a penny from the debtor's estate. It will not add one name to the salaried roll, or make a single place for a court favorite to fill. It contemplates a plain and simple proceeding for the discharge of a debtor, at his own request, and at his own costs, which can not, as a rule, exceed the fee prescribed for the marshal and clerk for similar services rendered in other cases.

A bankrupt law occupying less than a printed page, giving to the district courts of the United States the power to discharge debtors upon their showing that they have given their property equally to their creditors, would be, in my judgment, better as a system of bankruptcy than either of the three we have had. Infinitely better would it be than the intricate and long and many-sectioned and long and many-paged system proposed by the bill introduced by the gentleman from Massachusetts.

Such a law the Constitution authorizes Congress to make. Under such a law every honest debtor, whether a citizen of Maine or Missouri, of Ohio or Oregon, or of an organized Territory, or of the District of Columbia, can, upon a surrender of his property, be discharged from his debts. If aside from our right it is our duty to provide by law for the discharge of a debtor, the right is best exercised and the duty best performed by enacting a law which will enable a debtor to procure his own discharge in a direct proceeding instituted by himself for that purpose.

Such a proceeding we may authorize without enacting a tedious, complicated, and expensive system providing for the administration of a debtor's estate. From debts or obligations wrongfully, fraudulently, or criminally contracted it may be debtors ought not to be released. If so, my bill may need amendment; and possibly it ought to be amended in other respects, so that it may better execute its purpose to have bankrupts discharged by the Federal courts and their estates administered in State courts, under State laws, instead of in United States courts under laws enacted by Congress.

THE INTERESTS OF CREDITORS.

Let no creditor of a bankrupt believe that he would be a loser under the bankruptcy system proposed by my bill. Before a debtor is entitled to a discharge he must have assigned in writing all of his property in trust for the equal benefit of his creditors. The assignment must operate to vest the debtor's right and title in and to all of his property in trustees, and it must appear that for six months preceding the assignment the debtor has given no preference to any person to whom he was indebted or with whom he had dealings.

With all of the property of the debtor in the hands of trustees for the creditors' benefit the condition of the creditors is as good as it is possible to make it under any system of bankruptcy that can be devised. The condition is better than it was under the law of 1867. That law, it will be remembered, allowed a debtor to hold whatever property the law of his State exempted from seizure and sale for the payment of debt. My bill contemplates that all of the property of the debtor, of whatsoever kind or description, or wheresoever situated, shall pass by the assignment and vest in the trustees for the benefit of creditors. No provision is made for executing the assignment, and none is thought to be necessary.

The laws of the State in which the debtor resides will, if they provide for the execution of assignments in trust, speedily and at a reasonable cost convert the property into money and give to each creditor his rightful share. The estate of the debtor can be administered by a trustee under an assignment as well as by an assignee in bankruptcy. Jurisdiction in all controverted matters would be as safely and correctly exercised in the courts of a State as in the courts of the United States. Administration in the Federal courts is expensive and discounts largely a creditor's claim. In the State courts cost-bills and allowances of every sort are kept within reasonable bounds.

The bankruptcy bill of my honorable friend provides for the help of trustees, arbitrators, stenographers, receivers, &c.—all to administer a bankrupt estate. For the services of all these place-men the creditors pay. My bill contemplates a far more economical administration of a debtor's estate. Aside from the compensation of a trustee and the costs of administration, taxed under home laws and by home courts, the estate is subject to no charge which will lessen a creditor's dividend.

In the absence of State statutes providing for the execution of an assignment in trust it may be executed in every particular like all other trusts, according to the course of the common law. To this law the trustee is amenable. This law is supposed to be the same in one State as in another, and the same in the State courts as in the United States courts. So that whether such a trust be executed according to the common law, or the statutory laws of a State, in the Federal or in the State courts, the rights of creditors in the estates of their debtors are precisely the same.

In the same manner the debtor held his estate at the time of the assignment will it be held by his trustee subsequently. All liens, charges, and incumbrances thereon, or upon any part, made by the debtor six months prior to the assignment may be enforced against the trustee. The rights of no creditor, whether secured or unsecured, are in any wise affected by administering the estate in State courts, under State laws, instead of in Federal courts under Federal laws. Where business has been done in a State under its laws the right of both debtor and creditor become fixed by those laws, and no assignment or other act of the debtor can alter them.

My bill violates no right either of the debtor or creditor, but respects each and enforces all. Aiming as it does to discharge a debtor from the payment of his debts upon satisfactory proof that he has dealt honestly with his creditors, and has assigned to them for their equal benefit all of his property; aiming also to secure to the creditors of a bankrupt a speedy and economical administration of a bankrupt's estate by home courts and under home laws, what tenable objection, in conscience, in morals, or in law, can be urged against its adoption as an equitable, just, and permanent system of bankruptcy?

Make my bill a law and the creditors of a bankrupt will realize more and sooner and with less inconvenience, care, trouble, and expense from his estate than they did under either of the three systems hitherto in force. If any of the States are without laws providing for the execution of assignments in trust for the equal benefit of all creditors, it is believed that they will enact them so that their people may have the full benefit of such a system of bankruptcy in case it should be established.

But it will be said that my bill will not do because of the want of uniformity in the laws of the States respecting assignments by insolvent debtors. I am aware, sir, that in one State, possibly in more than one, assignments in trust for the equal benefit of creditors are void. In more than one State an assignment with preferences is valid—while in other States such an assignment inures to the benefit of all creditors. That the business interests of the country need an uniform rule upon

this subject no one will dispute. In establishing a system of bankruptcy undoubtedly Congress has power to declare the legal effect of assignments made by insolvent debtors.

If all of the creditors of a bankrupt ought to share pro rata in the distribution of his estate, then assignments in trust for the equal benefit of all creditors ought for bankruptcy purposes, if for none other, to be valid, and all others different in intent or effect ought to be invalid.

I repeat what was said in another connection, that an insolvent debtor can do no act respecting his estate more consistent with fair and honorable dealing than to surrender it, without reserve, for the equal benefit of all to whom he is indebted. Unquestionably, then, the rule for us to adopt is that which will best secure to each and every creditor of a bankrupt a pro rata share of the bankrupt's estate. To this the friends of the bill which my friend from Massachusetts advocates ought not to object, for they urge us to pass their measure for the purpose, among others, of securing equality among the creditors of insolvent debtors.

INVOLUNTARY BANKRUPTCY.

The bill which my honorable friend introduced provides for involuntary bankruptcy. The bill read but a moment ago has no such provision. Involuntary bankruptcy is wrong. It has ruined many a solvent debtor honest in all of his dealings. At best it is no legitimate part of a sound system of bankruptcy. It is nothing more and nothing less than a hard, unscrupulous, and exacting method for the collection of debts. Both in theory and in practice it is unfair, unjust, and oppressive to the debtor class; and for these, among other reasons, it ought not to be a part of any bankruptcy system Congress may establish.

TAX ON PROCEEDINGS IN BANKRUPTCY.

One of the sections (16) of the bill proposed by my honorable friend imposes a tax of $60 in every bankruptcy case, and requires its payment by the debtor or the creditor at the time proceedings are commenced; and also imposes a tax of 1 per cent. on the amount of money realized from the bankrupt's assets in excess of $500; and if the debtor makes a settlement with his creditors he is required to pay a tax of one-half of 1 per cent. upon the amount he agrees to pay them. In these respects the bill appears to be more of a revenue measure than a part of a system of bankruptcy.

During the war period every suit or proceeding in a court of record was taxed 50 cents. Small as was this tax and great as was the necessity for imposing it, our people rejoiced when the law authorizing it was repealed. Better that we have no bankruptcy system than one requiring suitors in bankruptcy cases to pay in advance any sum, large or small, for admission into our courts. To raise revenue by such a tax may be justified as a necessity in war, but in peace its imposition would be a reproach to our people. The courts of our country ought to be open to every citizen, however poor, humble, or unfortunate, and right and justice done him without money or price, and without denial or delay.

It is true that the bill, if a law, will put into the Treasury yearly more money than it will take out; but I insist if the Government needs more revenue, it ought to be raised in some other way than by imposing an odious and burdensome tax upon insolvent debtors and their unfortunate creditors; and if a system of bankruptcy ought to be established it can be done without subjecting the parties interested to any costs except those incident to every legal proceeding.

All of the costs and expenses of proceedings in bankruptcy ought to be paid by the parties immediately interested. This is the rule in all legal proceedings. There ought to be no exception to this rule. No part of the costs and expenses incident to a debtor's discharge, or of administering his estate, ought to be taken from the people by taxation. Against the payment of such demands the doors of the Treasury ought to be closed.

A bankruptcy proceeding interests no one save the debtor and his creditors, and therefore they, and not the public Treasury, ought to meet every cost and expense. Under my bill the cost of procuring a discharge the debtor must pay, and the expenses of administering his estate are paid from what the trustees hold for his creditors.

The other bill, in case it becomes a law, will require, as we shall see presently, large yearly appropriations from the public revenues to meet the expenses for which it provides.

THE BILL IS OPEN TO OTHER MATERIAL OBJECTIONS.

It is said to be, substantially, the same bill which passed the Senate in the last Congress. For some reason the bill is known to the country as the Lowell bill. It contains 102 sections and covers, with the index, 74 printed pages. The average reader will not read the bill in less time than three hours, and without skilled help will never understand it. While some business and trade associations favor this measure there are others who oppose it. Apparently the legal profession divide upon the bill. It is to be remarked that lawyers who live where United States courts are held, as a rule, favor it, while lawyers who live a day or a half a day's journey away, oppose it.

The friends of the bill say that it is intended for a permanent law. Let us consider it for a few moments. The bill does not confer upon the United States courts in the States or the Territories or in the District of Columbia a bankruptcy jurisdiction to be exercised by the judges of these courts. On the contrary, the several district courts of the United States and the supreme courts in the Territories and in the District of Columbia are by the bill constituted courts of bankruptcy within their territorial limits; but the bankruptcy jurisdiction provided is to be exercised by officers appointed for that purpose called commissioners in bankruptcy. A commissioner in bankruptcy is to be appointed in each of the eight organized Territories and one in the District of Columbia. In the States, the number of commissioners may be any number not exceeding the number of members of Congress to which a State is entitled.

The same provisions are found in the bankrupt law of 1867. When that law was passed there were 243 Congressional districts, and a register in bankruptcy (commissioner in bankruptcy) was appointed in each district. It is entirely safe to say that should this bill become a law the number of commissioners will not be less than the number of registers under the law of 1867. We have now 325 Congressional districts, and if a commissioner should be appointed, which is not improbable, in each district, one in each of the eight organized Territories, and one in the District of Columbia, 334 would be added to the number now drawing judicial salaries from the public Treasury. One hundred and fourteen names are now on this roll. Pass this bill and the number is increased to 448.

The Senate, at the last session, passed a bill to increase from $3,500 to $5,000 per year the salaries of the judges of the United States district courts, and this bill is now on our Calendar and before the close of the session the House will be urged to make it a law. To-day we are asked to give to these same judges 334 helpers and assistants and to pay them liberally and quarterly at the Treasury.

The commissioner's salary the bill fixes at $1,000 per year with an allowance of $15 for each case, both payable quarterly at the United States Treasury. The office of commissioner in bankruptcy, it will be seen, will be as lucrative as the average county office in eight out of ten of the Congressional districts of the Union. This bill will make an annual draft upon the Treasury of $500,000.

The judicial salaries for the past year amount to $478,500. With this bill a law they will foot up nearly $1,000,000. The office of commissioner, the bill says, no person not a practicing lawyer shall fill. Ought such a measure to have the support of the Democratic side of this House? If we vote for this bill it will pass the House, and if it passes this body its passage in the Senate is reasonably certain. Whom will the country hold responsible if this Congress creates 334 new offices in the Judicial Department of the Government? Will it be the party in power, or the party out of power?

But more than this. The bill proposes to create a large number of positions in the public service. These positions are both lucrative and permanent. A commissioner in bankruptcy will exercise judicial power. In bankruptcy cases he will be, practically, a judge. His adjudications may be reviewed in the higher courts, but unless they are, they are final and binding. By whom, then, ought these judges in fact, if not in name, to be appointed? My mind unhesitatingly says by the President of the United States. The President appoints all officers of the Government except those for which the Constitution otherwise provides, and except those which are strictly inferior in character. All judges of the United States courts are appointed by the President; why, then, ought he not to appoint all officers, by whatsoever name they are called, who are to exercise the powers of a judge, or of a court, in the legal and equitable controversies that arise in bankruptcy cases?

The bill provides that the commissioners shall be appointed by the United States circuit courts. In other words, the appointing power in the nine judges of the circuit courts and the fifty-six judges of the district courts.

Under the bankrupt law of 1867 the commissioners (registers) were appointed by the district courts upon the nomination of the Chief-Justice of the Supreme Court of the United States (Chase). My information is that all of these registers voted the Republican ticket. We all know that under the rule of the Republican party no Democrat was allowed to hold any office, civil or military, if it could be prevented. Of the fifty-six district court judges but four are Democrats and of the nine circuit court judges eight are Republicans. Judge ye, therefore, whether Democrats or Republicans would get these places from the appointing court. This feature of this bill cannot be otherwise than offensive to the majority in this House.

The highest court of the country stands, politically, eight Republicans to one Democrat. In three of the subordinate courts, composed of nine, six, and five judges, respectively, the Democratic party has but one representative, while the district court judges, we have seen, are divided, politically, fifty-two Republicans and four Democrats. Unsatisfactory as the judicial situation is to the majority of American voters, because of its uneven division in politics, it must be endured, for no change at this time appears to be possible. But, speaking for myself only, I am free to say that no bill creating another judicial office for a Republican to fill shall have my vote.

Duties on Tobacco.

SPEECH
OF
HON. JOHN R. BUCK,
OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

Monday, December 20, 1886,

On the bill (H. R. 4434) relating to duties on tobacco.

Mr. BUCK said:

Mr. SPEAKER: This bill corrects the phraseology of the law of 1883 relating to importations of leaf-tobacco. The amount of duty is not changed. The duty under the present law is 75 cents per pound for unstemmed tobacco and $1 per pound for stemmed tobacco. This bill preserves the same rates of duty, but changes the wording of the law so as to prevent evasions.

The law of 1883 has been persistently evaded by the importers of what is known as Sumatran tobacco leaf, an attractive-colored, suspicious-tasting, cheap tobacco, raised on the island of Sumatra, and imported into the United States by way of Holland, the trade being controlled by a few merchants at Amsterdam.

The present law is as follows:

Leaf-tobacco, of which 85 per cent. is of the requisite size and of the necessary fineness of texture to be suitable for wrappers, and of which more than one hundred leaves are required to weigh a pound, if not stemmed, 75 cents per pound; if stemmed, $1 per pound.

It will be seen that this law makes the imposition of the duty depend upon two conditions. First, 85 per cent. of it must be suitable for wrappers. Second, it must take more than one hundred leaves of it to weigh a pound.

Unless these two conditions can be shown, the tobacco comes in at 35 cents per pound, under the provisions of another clause of the act, which reads as follows:

All other tobacco in leaf, unmanufactured and not stemmed, 35 cents per pound.

The importers of this tobacco have not been slow to discover the weak points in this law, and to take advantage of them to enrich themselves, deprive the Government of its revenue, and the American farmers of the protection which the law meant to give them.

The evasions thus far have been carried on mainly under the 85 per cent. provision.

The tobacco is imported in bales or packages, and the wrapper-leaf is packed with other kinds of tobacco in the same bale or package, the two kinds being separated from each other by strips of paper or cloth. In this way the bale or package is made to contain less than 85 per cent. of wrapper-leaf, and accordingly is entered at the custom-house as being liable only to a duty of 35 cents per pound.

The Government, it is true, disputes this claim of the importers, and has instituted suit to recover the full duty of 75 cents per pound upon tobacco packed in this way. The decision was adverse to the Government in the first instance, but the court afterwards reversed its own decision and rendered judgment for the Government. The case is still pending, having gone up on appeal.

For many years a duty of 35 cents per pound has been collected on leaf-tobacco. That amount has been considered sufficient to protect the grower from foreign competition. When that duty was imposed Sumatra tobacco was unknown. Prior to 1880 this tobacco has appeared in our markets at irregular intervals. In that year 38 pounds were entered for duty at the custom-house; and since that time the importations have rapidly increased. In 1883 3,818,931 pounds were imported. From that time to the beginning of the fiscal year ending June 30, 1885, the amounts were somewhat less, but in that year they reached the number of 2,189,847 pounds, not entered as wrappers, although used as such, and 28,070 pounds entered as being suitable for wrappers, making a total of 2,217,917 pounds for that one year.

The following six months, ending December 30, 1885, showed an extraordinary increase over prior importations. During this period 3,472,300 pounds were entered at the custom-house, valued at $2,932,841, of which only 224 pounds were entered as "suitable for wrappers," although every pound of it, except the 15 per cent. which came in the bales packed as I have stated before, was suitable for wrappers. It thus appears that the amount imported during this period of only six months exceeds the entire importation of the fiscal year 1885, and nearly reaches that of 1883.

The amount imported in the fiscal year ending June 30, 1886, not entered as "suitable for wrappers" was 3,979,503 pounds. Sumatran tobacco has a greater wrapping capacity per pound than the American seed-leaf. The leaf of the former is shaped somewhat like the human hand. It has a small stem running through the middle of it, and while it has branching fibrous stems connected with the central stem, they are scarcely perceptible, so that when it is made into cigar-wrappers the leaf can be used by cutting right across it, thus utilizing all of the leaf. The American leaf is long and tapers to a point, with a large stem in the middle of it with branching stems, making it necessary to cut the wrapper from the two sides of the central stem instead of across it. This causes waste, and it is said that for this reason 1 pound of Sumatran tobacco is equal to from 3½ to 4 pounds of the domestic production.

If, as I have stated, 1 pound of Sumatran tobacco is equal to 4 pounds of our tobacco in wrapping capacity, the importation of 1886 will be equal to 15,918,012 pounds of American seed-leaf, and will, of course, displace in the American market that number of pounds.

According to the census of 1880 the United States raised 91,797,722 pounds of seed-leaf tobacco in 1879. Bradstreet reports 101,592,060 pounds as the amount which we raised in 1885, of which it is stated by those engaged in the business that about 60 per cent. is suitable for wrappers. This would make our crop of wrapper leaf in 1885 60,955,200 pounds. The importations of Sumatran tobacco last year being equal to 15,918,012 pounds of American tobacco, it seems that about 26 per cent. of our wrapper-leaf crop of 1885 has been displaced.

In consequence of the rulings of the Secretary of the Treasury, made early in 1886, that Sumatran tobacco, packed or "nested" to evade the 85-per-cent. clause, as I have described, should notwithstanding pay the 75-cent duty, the importation of that tobacco fell off in the last half of the year, so that for the six months ending June 30, 1886, only 507,203 pounds, valued at $444,030, of this kind of tobacco was entered at our custom-houses. But the wily importers were only preparing for an evasion of the law under the one-hundred-leaf clause, which by dishonest packing would still enable them to import it subject to the low duty of 35 cents per pound. The result is that from July 1, 1886, to October 31, 1886, the importations of Sumatran tobacco reached the large amount of 2,170,775 pounds, which, in wrapping capacity, is equal to 8,683,100 pounds of our American leaf-tobacco, valued at $1,819,547, not entered as suitable for wrappers, not a pound of which paid over 35 cents duty, and every pound of which went into our American market and was used for wrappers.

I will ask to have printed in the RECORD certain official tables, which will sustain these statements.

Considering the extraordinary character of this tobacco, the large quantities of it, its wrapping capacity, and the small cost of its production, the duty imposed by the act of 1883 is little enough for the protection of the growers. In fact it is no increase of the old duty of 35 cents when we consider the nature of this product.

The testimony taken by the Ways and Means Committee shows that the price of this tobacco in Holland in 84½ cents per pound. If this be correct the duty authorized by the law of 1883, 75 cents per pound, is at the rate of about 90 per cent.

The peculiar character of this tobacco must, however, always be kept in mind when we are judging of the reasonableness of the rate imposed. These peculiarities I have already mentioned.

The pending bill applies to all leaf tobacco alike. This is the only correct method in dealing with this question. No matter where these importations come from they should all be treated the same. The trouble with the old wording was that it sought to discriminate in favor of one kind of tobacco as against others.

Some of the objectors to this bill do so because they think it may include what are known as Havana wrappers. But most of the tobacco which takes the name of "Havana tobacco" comes in as "fillers." We have large importations of Havana "fillers" and but few of Havana "wrappers."

It will be seen by the table which I have here, and which I will have inserted in the RECORD, that during the fiscal year ending June 30, 1884, the importation of tobacco from the island of Cuba, which includes about all of what is commercially known as "Havana tobacco," and which was entered as "suitable for wrappers," amounted to 6,225 pounds, and was worth $2,665, and all the rest of the tobacco which came from that country, and which may be classed as "fillers," amounted to 11,697,168 pounds, and was worth $5,235,569.

Of the importation from the same source in 1885 none is entered as "suitable for wrappers," while all other kinds, mostly "fillers," amount to 9,754,099 pounds, and was worth $3,930,580. For the six months ending December 31, 1885, the importation from this country was 5,434,479 pounds, worth $2,055,615, and none of it is entered as being "suitable for wrappers."

It will be seen, therefore, that by making the law apply alike to all very little tobacco known as "Havana wrappers" will be affected, and we shall have a plain law.

Holland has objected to the wording of the present law as discriminating against her merchants who are engaged in this tobacco trade, and has taken some initiatory steps by way of retaliation.

In February last I introduced the following resolution, which on March 7 was passed by this House:

Resolved, That the Secretary of State be requested to communicate to the House of Representatives, if not incompatible with the public interest, copies of the recent correspondence and dispatches between the Secretary of State and the minister of the United States at The Hague, touching the subject of taxation on petroleum in Holland and in the Dutch colonies, and that of the export therefrom of leaf-tobacco to the United States.

In response to this resolution, the President has sent to the House, the correspondence which has taken place on this subject between the State Department and our minister at The Hague.

With the permission of the House, I will have printed in the RECORD the letter of Mr. Bayard of date December 8, 1885, and the two letters of Mr. Bell, dated December 16 and December 22, 1885. They will show the claim of our Government and the position of Holland on this question.

Mr. Bayard to Mr. Bell.

DEPARTMENT OF STATE, *Washington, December 8, 1885.*

SIR: The attention of the Department has been called to a measure now before the States General of Holland, which will, if adopted, increase the duty upon refined petroleum imported into the Dutch colonies from 5d. to 1s. 6d. a case. Such a measure can not but be prejudicial to the commercial interests of the United States, and in an even greater degree to those of the colonies of the Netherlands, for it threatens the existence of a commerce now highly advantageous to both parties to the exchange.

The proposed duties would, under existing conditions of trade, prove almost a prohibition upon the commodity taxed, and, by depriving the inhabitants of the colonies of an illuminating oil of high quality and low price, would impose a heavy burden upon them.

You are therefore instructed to make the strongest possible representations against the proposed change in duties, which, under all the circumstances, can not be regarded as friendly to the United States.

The importance of this trade in petroleum between the United States and the Dutch colonies may be seen from the following facts:

During the fiscal year ending June 30, 1885, the value of the total exports of domestic merchandise from the United States to the Dutch East Indies was $2,103,066, and to this total petroleum contributed $2,024,732.

The entire export trade of the United States to these colonies may thus be said to rest upon this one article. The importance of this commodity in the trade with the Netherlands and the other colonial possessions of that country is somewhat less, but still of no mean proportions. Of the total export trade to the Netherlands of $16,634,137, petroleum forms nearly one-eighth ($2,047,597); in that to the Dutch West Indies it figures with only $9,859 out of a total of $653,853—the comparative insignificance of which is attributed to natural causes—and in that to Dutch Guiana it contributes $13,928 out of $296,667. To impose a duty which is even a moderate increase on that now assessed would inflict a loss that can only be counted by millions.

The prejudice arising from the proposed change in duties would not be confined to the trade between the United States and the Dutch colonies, but would also affect injuriously the commercial relations between the United States and the mother country. This injury would not apply to petroleum alone, but to general commerce, where the interests at stake are far greater. To level a blow at so important an article of export as petroleum is to the United States must create a prejudice against the nation that struck the blow. It is hardly necessary to show why retaliatory duties are to be condemned; but the feeling created in this country by the restrictions and prohibitions upon meat and meat products of the United States by European nations gave accession to a movement in favor of such duties which can not but be strengthened by such a policy as this proposed increase of duty embodies. In the fiscal year 1885 the total imports from the Netherlands and her colonies into the United States amounted to $9,566,427, and the total exports from the United States to these countries amounted to $19,687,723. To strike at petroleum would threaten a direct loss in that commodity of upwards of $4,000,000, and involve an indirect loss of an unknown extent upon the import and export trade under discussion which, without petroleum, amounts to more than $25,000,000 annually.

The proposed duty can not be levied for revenue purposes, as it virtually amounts to a prohibition upon the importation of petroleum; neither can it be regarded as a measure of protection, as there is no native product in either colonies or mother country that needs protection or that is able to supply the place of petroleum. Nor is there any country on either continent apart from the United States that can furnish an illuminating oil of such a quality as is now imported into the Dutch colonies. It is not, therefore, straining a point to regard the proposed duty as one leveled directly against trade interests of the United States.

There are other considerations which enforce the position of the United States in this matter. In the year 1885 the total imports into the United States from the Netherlands and her colonies amounted in value to $9,566,427. Of this total, $5,414,599, or more than half, was subject to no duties whatever under the tariff of the United States. The showing is even more striking when the trade of the colonies alone is considered.

Of a total import trade from the Dutch West Indies of $3,261,671, more than 91 per cent., or $2,991,490, was admitted free of duties. In the trade with the Dutch East Indies the imports not subject to duty were more than seven times as large as those on which duties were assessed. And in the trade with Dutch Guiana only one-fifth of the imports paid duties at our custom-houses. Few countries of Europe are so little affected by the tariff of the United States as the Netherlands.

The United States in 1883 removed all duties from spices, which form, next to sugar, the chief article of export from the Dutch colonies, and this repeal resulted in conferring substantial advantages upon these colonies by throwing open to their products an extensive and rapidly increasing market.

From the English colonies alone are the imports of spices greater than from the Dutch, so that the highest advantage to be obtained from the repeal was received by these two nations.

The repeal of this and other duties should be taken as an earnest of a wish on the part of the United States to remove restrictions upon trade and to invite and encourage freer commercial relations between this country and other nations. The proposed increase in the duty on petroleum imported into the Dutch colonies can only be regarded as a measure of a contrary tendency, and calculated not only to impede but to destroy an extensive commercial interest which can exist only through the mutual advantage accruing through it to both parties to the exchange.

I am, &c.,

T. F. BAYARD.

Mr. Bell to Mr. Bayard.

No. 84.] LEGATION OF THE UNITED STATES,
The Hague, December 16, 1885. (Received December 29.)

SIR: Referring to my No. 82 of the 14th instant, I have the honor to report that yesterday I attended an official dinner at the residence of the minister for foreign affairs. During a conversation after dinner his excellency said to me, "I am very sorry, but I am afraid that I shall have to take some retaliatory measures against your Government on account of their discrimination against Sumatra tobacco." To my inquiry as to what the discrimination was, he replied that it arose from a duty based on the dimensions of the leaf, which made the law applicable only to Sumatra tobacco, and that numerous applications had been made to him by shippers here to take some action in the matter.

The minister further added that he found that large quantities of Maryland tobacco were imported here, and that he would have to find some measures which would operate against its entrance into the Netherlands on as advantageous terms as other tobacco unless our restrictions against Sumatra tobacco were removed.

He distinctly intimated that he wished me to report this conversation to my Government, and that he hoped that matters might be arranged without any retaliatory measures being adopted.

I asked him if he had come to any conclusion as yet how such views could be carried out, to which he replied that he had not, but that he expected in a few days to discuss the matter with the minister of finance.

I told him that when the matter had been discussed I would gladly come and see him informally and get his views. He replied that he would be very happy to have me do so and would send for me after his interview, so that I might make a full report of the matter to my Government.

I may state in this connection that in my No. 8 of June 18 I asked for certain copies of the United States Statutes which were missing at this legation, and that the volume containing the text of this law concerning the duty on tobacco is among them, so that my knowledge of the reading of it is very imperfect.

I would respectfully request that the Department furnish me with the volumes already referred to.

I am fully aware that this question, as presented to me by the minister of foreign affairs, involves the construction of the treaties in force between this country and the United States, as well as the laws of the United States, so I have no intention, in the absence of instructions from the Department, to engage in an official discussion of those questions.

I shall at all times, however, endeavor to learn the views of the minister of foreign affairs in order to communicate them to you, and I have distinctly informed him that I have no instructions from the Department on the subject.

I have, &c..

ISAAC BELL, JR.

Mr. Bell to Mr. Bayard.

[Extract.]

No. 88.] LEGATION OF THE UNITED STATES,
The Hague, Netherlands, December 22, 1885.
(Received January 4, 1886.)

SIR: I have the honor to acknowledge the receipt of your No. 30, of December 8, saying that "the attention of the Department has been called to a measure now before the States General of Holland, which, if adopted, will increase the duty on refined petroleum imported into the Dutch colonies from 5*d.* to 1*s.* 6*d.* per case."

* * * * * * *

Immediately upon the receipt of your dispatch I addressed a note to the minister of foreign affairs (copy of which is inclosed), and in order to secure prompt attention, brought it to him myself.

In delivering it I called particular attention to the various points it contained. He at once replied emphatically that the projected measure was by no means intended to discriminate against American petroleum, and, in fact, that it would distress the Government of the Netherlands to a greater extent even than the Government of the United States if any measures should be adopted which would in the slightest degree detract from the shipments of petroleum. He added that such a result would utterly defeat the purpose of the law, as it was entirely based upon a desire to increase the revenue of the colonies and must be regarded as a fiscal measure and not as a desire to restrict commerce.

His excellency then referred to the deficit in the colonial budget and the distress existing among the planters. With a view to afford some relief to the latter, he stated there was a project to reduce the export tax on coffee, tea, and sugar, by which act the deficit in the budget would be still further increased.

In order to provide for this deficiency, it was necessary to tax some article which would yield a revenue and the burden of which would at the same time be generally distributed.

I then informed him that the project of such a duty produced upon my Government the impression of an unfriendly act, in view of the liberal concession which they had made in favor of Indian produce, and more especially so as petroleum was exported principally, and I might say only, from the United States.

His excellency then remarked that the bill regulating this tax had not yet been distinctly formulated, and that he would have a further consultation with his colleague, the minister of finance, and that it might be so arranged as to collect the equivalent revenue by means of an excise law which would equally answer their purpose. I replied that whilst such a method might be preferable to a direct tax on imports, it did not meet all the features of the case, as possibly there were other articles procurable in the colonies, which, owing to the increased price in petroleum, might enter into competition with it, and that at all events the increased price would tend to decrease the consumption. He assured me that there was neither any article in the colonies nor any article under the proposed tariff capable of importation into the colonies which could in any manner compete with petroleum in its most ordinary use, and that in fact it was an actual necessity.

His excellency then alluded to the question of Sumatra tobacco, and said, "On this point I expect soon to have a conversation with you of quite a different nature, as other principles are involved."

Recalling our previous conversation, he added that he understood that it was contemplated to place duties on tobacco in the United States which would directly discriminate against Sumatra tobacco, and that it would be done in order to protect certain agricultural interests.

I replied that I knew nothing of the matter beyond what he himself had told me, but that the constantly increasing figures of export would seem to indicate a profitable industry, and, moreover, that I had seen it mentioned in the Rotterdam papers that some of the Sumatra tobacco companies had declared annual dividends of over 100 per cent., which suggested that it was not a commerce which required material protection from the Government.

To this he answered that the Government derived no direct benefit from it, as the tobacco industry in Sumatra was entirely a private enterprise, and not, as the coffee culture in Java, a Government monopoly.

On taking my leave he again expressed his desire that I should inform my Government that he trusted that nothing could possibly occur which would detract from the commerce in petroleum, and that he would shortly send me a written answer to my communication.

The press of this country are devoting considerable space and time to the discussion of the Sumatra tobacco question, and especially to rights of this Government to invoke the aid of the "favored nation clause" of the treaty of 1782 in case of an attempt on the part of the United States to levy further duties on tobacco which may or may not discriminate against the Sumatra article.

From the official correspondence of Mr. Fish with the Dutch minister at Washington (Foreign Relations, 1873) it seems that the Government of the United States have for some time maintained that "the venerable document" known as the treaty of 1782 with the United Provinces is not in force.

The newspapers of this country claim that this view has recently been concurred in by you through the columns of a tobacco journal of the United States.

I should feel obliged, in case you have examined into the question, for an expression of your views as to whether the treaty in question is still in force, and for any other or further advice you may have to impart in connection with this Sumatra tobacco agitation.

I have, &c.,

ISAAC BELL, JR.

It will be seen that the Dutch Government soon complained of the discriminations of the act of 1883. It is well enough to remember, however, that while that government has complained, its citizens have done a thriving business by evading that act, and have flooded this country

with inferior tobacco. This bill makes no discrimination, and by placing it on our statute-book, we shall remove all cause of complaint on the part of the Holland Government, and at the same time prevent the Holland syndicate from evading the law. Mr. Speaker, it has surprised me that even a small number of cigar-manufacturers residing in New York, Philadelphia, and Chicago have endeavored to prevent the passage of this bill. Some of them appeared before the committee.

Cigars, cigarettes, and cheroots of all kinds have a protective duty of $2.50 per pound and 25 per centum ad valorem. It would seem that while the cigar manufacturers have ample protection for their own product they are unwilling to allow the tobacco growers an even chance by way of a protective duty on their product.

The share which the farmer gets is small enough at best. Assuming that he receives on an average 12 cents per pound for his tobacco, and that the average price of cigars is $25 per thousand, about 25 pounds of tobacco being required to make 1,000 cigars, and the farmer would receive $3 for the tobacco, the Government tax would be $3, and the cigar-maker averages about $7 per thousand, leaving $12 for the manufacturer's profits and expenses. The farmer certainly don't get the lion's share in this case.

This bill is in legal effect similar to the tobacco clause of the administration bill introduced by the gentleman from New York [Mr. HEWITT] and reported by the Ways and Means Committee, except that what is called the "hundred-leaf clause" is left out.

This clause is in the present law. We believe that it will enable importers to continue this evasion of the law which heretofore has been principally confined to the 85 per cent. clause. It takes of this tobacco from ninety-five to one hundred and four or one hundred and five leaves to weigh a pound. If the clause is left in, all of this tobacco of which it takes less than one hundred leaves to weigh a pound will come in at 35 cents per pound, and all above that weight at 75 cents. It will cost about 2 cents per pound to sort this tobacco, so that large portions would come in at the lower rate of duty. The same ingenuity displayed in the evasion of the 85 per cent. clause by way of "nesting," as I have already stated, will be able to increase the weight of these leaves to the small extent required to make the article subject to the lower duty.

A law which depends for its application upon the weight of a leaf, and fluctuates between 35 and 75 cents per pound, according to its changing weight, is easy to be evaded, hard to be enforced, and of doubtful expediency.

Let there be no misunderstanding as to the law; let us make it plain, so that honest men will be protected by it and sharp men be unable to dodge it. We are not now asking that the duty be increased; we ask that the present duty be collected.

I ask to have printed in the RECORD certain tables furnished by the Chief of the Bureau of Statistics, showing the importation of tobacco from 1876 to October 31, 1886, and the value of it.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., December 2, 1886.

DEAR SIR: Referring to your letter of — ultimo, I have the honor to forward to you a statement showing the quantity and value of leaf-tobacco imported into the United States from January to June 30, 1886, and from July to October last, respectively. The latter is the latest date for which I have the complete data.

Tobacco reported as coming from the Netherlands is mainly Sumatra tobacco No tobacco is imported directly into the country from that island.

Very respectfully,

WM. F. SWITZLER,
Chief of Bureau.

Hon. JOHN R. BUCK, M. C.,
Hartford, Conn.

Statement showing the imports of Tobacco-leaf into the United States from January 1, 1886, to June 30, 1886, and from July 1, 1886, to October 31, 1886.

Countries from which imported.	Tobacco, leaf.				Countries from which imported.	Tobacco, leaf.			
	Suitable for wrappers.		All other.			Suitable for wrappers.		All other.	
	Quantity.	Value.	Quantity.	Value.		Quantity.	Value.	Quantity.	Value.
Germany:	*Pounds.*		*Pounds.*		Spain:	*Pounds.*		*Pounds.*	
From Jan. 1, 1886, to June 30, 1886	112	$78	50,310	$22,490	From Jan. 1, 1886, to June 30, 1886	.....	.....	5,489	$2,965
From July 1, 1886, to Oct. 31, 1886	2,731	2,018	265,429	187,133	From July 1, 1886, to Oct. 31, 1886	.....	.....	8,162	4,295
England:					Cuba:				
From Jan. 1, 1886, to June 30, 1886	15	16	57,669	35,610	From Jan. 1, 1886, to June 30, 1886	.....	.....	5,254,616	1,945,579
From July 1, 1886, to Oct. 31, 1886	.....	.....	19,548	3,234	From July 1, 1886, to Oct. 31, 1886	.....	.....	2,736,450	1,078,109
Quebec, Ontario, Manitoba, and the Northwest Territory:					Turkey in Europe:				
From Jan. 1, 1886, to June 30, 1886	.....	.....	191,465	89,979	From Jan. 1, 1886, to June 30, 1886	.....	.....	18,229	4,450
From July 1, 1886, to Oct. 31, 1886	.....	.....	213,174	108,405	From July 1, 1886, to Oct. 31, 1886	.....	.....	8,959	2,340
British West Indies:					All other countries:				
From Jan. 1, 1886, to June 30, 1886	.....	.....	20,288	5,903	From Jan. 1, 1886, to June 30, 1886	1,453	$803	7,229	5,991
From July 1, 1886, to Oct. 31, 1886	.....	.....	47,918	15,598	From July 1, 1886, to Oct. 31, 1886	25	15	18,264	9,934
Mexico:									
From Jan. 1, 1886, to June 30, 1886	.....	.....	672	218	Total from Jan. 1, 1886, to June 30, 1886	22,372	17,960	6,113,170	2,557,215
From July 1, 1886, to Oct. 31, 1886	.....	.....	16,072	7,884	Total from July 1, 1886, to Oct. 31, 1886	9,883	7,650	5,504,751	3,236,479
Netherlands:									
From Jan. 1, 1886, to June 30, 1886	20,792	17,063	507,203	444,030	Total for the ten months ending Oct. 31, 1886	32,255	25,610	11,617,921	5,793,694
From July 1, 1886, to Oct. 31, 1886	7,127	5,617	2,170,775	1,819,547					

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *December 2, 1886.*

WM. F. SWITZLER, *Chief of Bureau.*

Statement showing the imports of Tobacco-leaf into the United States for the six months ending December 31, 1885.

Countries.	Suitable for wrappers.		All other.		Countries.	Suitable for wrappers.		All other.	
	Pounds.		*Pounds.*			*Pounds.*		*Pounds.*	
Belgium	.....	.....	.....	.....	Netherlands	224	$212	3,472,300	$2,932,841
China	.....	.....	.....	.....	Cuba	.....	.....	5,434,479	2,055,615
Germany	.....	.....	103,446	$55,926	All other countries	865	656	239,030	43,973
England	.....	.....	50,687	14,664					
Dominion of Canada	24,730	$18,347	201,205	76,814	Total	25,819	19,215	9,512,638	5,184,289
Mexico	.....	.....	8,491	3,456					

TREASURY DEPARTMENT, BUREAU of STATISTICS, *January 25, 1886.*

J. N. WHITNEY, *Acting Chief of Bureau.*

Statement showing the imports of Tobacco-leaf into the United States during the years ending June 30, from 1876 to 1885, inclusive.

Countries.	1876.		1877.		1878.		1879.		1880.		1881.	
	Pounds.		*Pounds.*		*Pounds.*		*Pounds.*		*Pounds.*		*Pounds.*	
Belgium	.....	.....	.....	.....	.....	.....	.....	.....	1,174	$759	2,027	$1,524
China	.....	.....	204	$147	.....	.....	.....	.....	160	66	71	37
Germany	74,426	$30,948	32,157	18,202	87,251	$18,587	321,614	$197,681	119,884	73,114	106,321	61,762
England	30,520	24,927	63,105	46,014	57,393	36,349	37,442	29,288	39,251	12,633	40,860	16,541
Dominion of Canada	7,053	1,574	26,358	11,727	19,923	8,163	43,295	10,691	59,010	24,184	109,494	46,229
Mexico	10,083	2,862	3,638	649	21,393	4,209	20,510	4,046	60,245	15,219	54,563	22,314
Netherlands	.....	.....	868	674	.....	.....	1,013	858	38	15	200,602	140,665
Cuba	7,209,218	3,641,102	7,319,106	3,640,521	7,769,955	4,020,981	6,101,593	3,288,596	9,299,637	4,742,701	6,895,505	3,596,511
All other countries	51,674	9,077	106,147	10,685	24,421	4,493	67,999	14,355	179,956	42,400	59,221	12,397
Total	7,382,974	3,710,490	7,551,583	3,728,619	7,980,836	4,102,782	6,593,466	3,545,515	9,759,355	4,911,086	7,468,664	3,897,980

Statement showing the imports of Tobacco-leaf into the United States.—Continued.

Countries.	1882.		1883.		1884.				1885.			
					Suitable for wrappers.		All other.		Suitable for wrappers.		All other.	
	Pounds.		*Pounds.*		*Pounds.*		*Pounds.*		*Pounds.*		*Pounds.*	
Belgium	19,034	$10,161	5,765	$2,567	.....	.....	5,933	$3,803	.....	.....	12,306	$10,472
China	15,347	8,437	106,680	90,068								
Germany	318,952	154,451	591,606	345,621	68	$42	321,266	115,375	1,899	$1,686	239,204	202,372
England	107,370	23,896	71,820	41,370	.....	.....	25,819	6,838	101	52	136,282	81,961
Dominion of Canada	172,525	82,978	158,464	66,366	.....	.....	222,164	94,247	1,341	1,341	467,611	136,543
Mexico	52,820	31,150	31,309	20,651	.....	.....	15,369	6,000	.....	.....	35,010	9,506
Netherlands	782,763	487,127	3,818,931	2,942,148	34,318	27,148	509,218	453,554	28,070	24,235	2,189,847	1,857,259
Cuba	10,377,360	5,415,121	10,017,635	5,012,178	6,225	2,665	11,697,168	5,235,569	.....	.....	9,754,099	3,930,589
All other countries	43,651	17,544	90,921	28,030	*150	145	57,819	16,777	.....	.....	58,495	15,961
Total	11,889,823	6,230,865	14,893,131	8,548,999	40,761	30,000	12,914,256	5,932,163	31,411	27,314	12,892,854	6,274,674

*French West Indies.

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 29, 1886. J. N. WHITNEY, *Acting Chief of Bureau.*

Improvement of the Erie and Oswego Canals.

SPEECH

OF

HON. JAMES D. BRADY,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 7, 1887,

On the bill (H. R. 1577) for the permanent improvement of the Erie and Oswego Canals, and to secure the freedom of the same to the commerce of the United States.

Mr. BRADY said:

Mr. CHAIRMAN: I can not hope to add to the able and exhaustive remarks made upon the pending bill by the gentleman from New York [Mr. WEBER], and by other members representing the East and the West; but I desire to heartily indorse the underlying principles of the measure.

It is not difficult to understand the concern of the representatives of the great West and Northwest in the proper maintenance and improvement of the Erie and Oswego Canals, for they are the vital arteries through which flow the products of their grain-fields on the way to the seaboard. The marvelous progress of those sections, reflected as it is upon every part of this country, is primarily due to these works, and its further advancement hinges largely upon the continuance of the system and the ability to keep pace with the rapid forward strides of the transportation problem.

The injustice which insists upon a free water way for the nation to be provided by the State of New York can only result in the development of a desire and determination to cast off the burden, and the West may well view with grave apprehension the growth of this sentiment.

But, sir, coming from the State of Virginia, a State some distance removed from the sections which may be considered particularly and locally interested, I can impartially stand upon ground far above the criticisms which will be leveled against those whose localities are especially interested. I stand here as a Virginian to advocate the principles of this bill, because I believe that my people desire their Representative to legislate for the whole country, and not to be restricted to the circumscribed lines of a Congressional district or a State. I am deeply impressed with the importance of a measure which in its scope assumes a character unquestionably national and far-reaching. In it is involved the prosperity of a great and growing section of this nation. It means to a certain extent the natural, irresistible regulation and control of interstate commerce without legislative enactments. It means wise assistance toward meeting the rapid, growing competition of the grain-fields of India and the East. It means a prudent help to continue the balance of trade in our favor. It means prosperity to the agricultural interests of the land, upon which our strength is founded. It means the advancement of the material wealth of the whole country, and therefore I welcome the pending measure with cordial sincerity as a step in the right direction, and hope that the seed sown here to-day may blossom and bear fruit in the interest and for the benefit of the American people.

But, Mr. Chairman, availing myself of the privilege under the rules of the House, I will not occupy the time allowed me in further discussion of the bill under consideration. I desire to submit some views upon public matters affecting the people of Virginia and the South, and I trust that I shall be able to show Southern men who will cast away prejudice and permit reason instead of hate to assert itself that the policy and practices of the Democratic party are really injurious to the South, and are destructive of the best interests of the Southern people. From an experience of more than a quarter of a century I know that nothing rallies so often or dies so hard as intolerance.

The South has too long heeded appeals to prejudice and passion. Too long indeed for the peace, happiness, and prosperity of my State and my section have the brave, noble, and generous sons of Virginia and the South blindly followed Democratic politicians in their impassionate appeals to the woeful recollections of the "lost cause," and in their never-ceasing abuse and misrepresentation of Republicans and the principles of the national Republican party.

"THE NEW SOUTH."

Mr. Chairman, the signs indicate that we are to soon have a new South, not in name, but in reality. Virginia has heroically burst the chains that bound her to free-trade Democracy, and has declared in emphatic terms for protection to American industry in all its branches. She has repudiated the cardinal doctrine of Democratic party faith, "taxation for revenue only."

In effect, the most renowned of the Southern States has recently said that war, pestilence, and famine could not damage her half so much as this absurd political economy. It is the people's doings, not the work of the politicians. The majority of the thinking, intelligent people of Virginia have declared in favor of the great manufacturing interests of the country, and they now realize that, to make their State wealthy and prosperous, manufacturing establishments should be scattered through her domain. Once again Virginia is for the doctrines of Washington, Marshall, Hamilton, Webster, and Clay; and, pursuing that policy, she will in due time be restored to her pristine position of honor and commanding influence in the nation.

"DEMOCRATIC RECORD."

Mr. Chairman, I expect to be able to show, by the record of the Democratic majority in the present and in the Forty-eighth Congress, that all important measures affecting the material welfare of Virginia and the South, have been shamefully neglected, and Democratic representatives from the South who were in favor of legislation of benefit to their section have been, and are, without the power or influence to secure its adoption. The present House of Representatives has forty-one Democratic majority, and in the Forty-eighth Congress the Democratic majority was seventy-seven, so that the Democratic party is responsible for the political sins of omission and commission by the House of Representatives. Now, 108 of the 184 Democratic members of the present House are from the South.

The Speaker, who appoints the committees, is from the South; the organization of the House is in the hands of Southern men, and thirty chairmen of the forty-seven standing committees are from the South. Surely, Mr. Chairman, with this immense power vested in Southern Representatives there must be something radically wrong somewhere if needful legislation affecting the interest of the South can not be secured from Congress.

THE BLAIR EDUCATIONAL BILL.

Mr. Chairman, early during the first session of the present Congress I introduced a bill (H. R. 2572) "to aid in the establishment and temporary support of common schools," known as the Blair educational bill, which was referred to the Committee on Education, where it was promptly smothered. This beneficent measure was approved by the formal action of the Virginia General Assembly, as will appear by the following resolution, a copy of which I received from the clerk of the house of delegates.

Resolved (the house of delegates concurring). That the Senators from Virginia be instructed and the Representatives in Congress requested to vote for what is commonly known as the Blair educational bill, or for some other better measure having for its objects to secure to the people of this State (in common with the other States) an appropriation for the benefit of the public free-school system

from the surplus revenues of the Federal Government, and that a copy of this resolution be forwarded to the Senators and Representatives in Congress from Virginia.

OFFICE OF CLERK OF HOUSE OF DELEGATES
AND KEEPER OF THE ROLLS OF VIRGINIA,
December 10, 1885.

The foregoing resolution was agreed to by General Assembly of Virginia on December 7, 1885.

J. BELL BIGGER,
C. H. D. and K. of R. of Va.

Mr. Chairman, the Blair educational bill passed the Republican Senate at the first session of this Congress, and a like bill was also passed by the Republican Senate of the Forty-eighth Congress, but the measure during the Forty-eighth Congress in the House of Representatives with 77 Democratic majority was not even considered; it remained on the Democratic Speaker's table smothered for nearly three months after the bill had been sent from the Senate. It has not been acted upon during this Congress, and will not be passed, because the Democratic leaders and the Democratic majority in the House are opposed to it, and the people of Virginia, and those Southern States favorable to the measure, should know the fact.

Here is a bill which appropriates out of the rich and overflowing Treasury of the United States over $76,000,000 to be distributed to the various States and Territories according to their educational necessities, and of the amount the South would receive more than $58,000,000; Virginia's share of the fund would be over $5,000,000, and be it known that notwithstanding the impoverished condition of the Southern country, and the inability of many of her people to educate their children, the Democratic majorities in the Forty-eighth and Forty-ninth Congresses have failed to pass the bill.

ILLITERACY IN VIRGINIA.

The illiteracy of the South is actually appalling. Why, Mr. Chairman, in the State of Virginia in 1880, from the report of Senator BUTLER, made to the Forty-eighth Congress, there were 71,004 whites and 214,340 colored over twenty-one years of age, and 114,692 whites and 315,660 colored over ten years of age, who could not read and write; and according to this same report the school population in Virginia was 555,807, of which 220,736 were enrolled, with an average attendance of only 128,409, and it was estimated at that time there were in the State over 250,000 children without any education. The people of Virginia are sadly in need of aid, which this educational bill would grant. For years we have had, and there still exists, a general depression in trade and commerce.

The New England, the Middle, and Western States, and even the Territories, are all more wealthy and prosperous than our section. The valuation per capita, according to the census of 1880, was, New England States, $611; Middle States, $473; Western States, $334; Territories, $211; and the Southern States only $155. While our population, from 1870 to 1880 increased 4,000,000 (2,500,000 whites and 1,500,000 colored), the aggregate values of our section during the same period have decreased to an alarming extent.

Times are hard in Virginia. Cotton does not pay and tobacco hardly brings the expense of raising. Western corn and wheat can be purchased cheaper at Richmond than the Virginia farmer's crop of the same, and money never during the darkest days of the worse panic was harder to get for commercial and agricultural purposes, although our banks seem to have it in abundance.

SOUTHERN REPRESENTATIVES POWERLESS.

Mr. Chairman, I admit that a number of our Democratic Representatives from the South are in favor of the passage of the Blair educational bill, and I know that they have done all they could to overcome the opposition of their party associates to the measure. But the Southern Democratic friends of the bill are powerless, because the national Democratic party and the Democratic leaders in Congress are bitterly opposed to the proposed legislation. The friends of national aid to public education in the South should remember all this, and they must not forget that the Democratic party, at its last national convention, declared against the measure in its platform, as follows:

> We are opposed to all propositions which upon any pretext would convert the General Government into a machine for collecting taxes to be distributed among the States or the citizens thereof.

Let us contrast this with the declaration of the national Republican party at its last national convention upon the same subject, viz:

> We favor a wise and judicious system of general education by adequate appropriation from the national revenue wherever the same is needed.

Mr. Chairman, the friends and the opponents of this measure were disclosed when the vote was taken in the House on the 29th day of March, 1886, upon the question of reference to another committee than that on Education, and thereupon 83 Democrats, in effect, voted against the bill, and only 66 Democrats of the 184 Democratic members of the House voted for the bill; and the record further shows that of the 55 Northern Democrats voting upon the proposition 48 declared themselves against the bill and only 7 for it, and that the bill is favored by a majority of Republicans and opposed by a majority of Democrats. It is a well-known fact that the Democratic Committee on Education of the present Congress have manifested such hostility to the measure that its friends abandoned all hope of securing any action upon the bill which passed the Republican Senate last session, and which, under the rules, was referred to this committee.

It is a Republican measure. It has the approval of the national Republican party, its most earnest and able advocates are the leaders of the Republican party, its author is a Republican Senator, and the Republicans of the North—those who make up the bulk of the intelligence, wealth, and respectability of that section—favor the passage of the bill, and if there was a Republican majority in this House and a Republican administration in power the measure would be enacted and the schools established.

INTERNAL-REVENUE TAXES.

Mr. Chairman, another important question to the people of Virginia and other Southern States is the repeal of the internal-revenue system of taxation, and upon which the attitude of the Democratic party, its leaders and its majority in this Congress, is that of open and most determined opposition. During the month of January last, in performance of pledges I had made to my constituents, and with the desire to serve and promote the best interest of the people of my State, I introduced in the House three internal-revenue bills. The first (H. R. 2575) "to repeal all laws imposing internal-revenue taxes upon brandy and wine manufactured from fruits;" the second (H. R. 2576) "to repeal all laws imposing internal-revenue taxes upon smoking and manufactured tobacco, snuff, cigars, cheroots, and cigarettes;" and the third (H. R. 2577) "to repeal all internal-revenue laws imposing special taxes;" all of which were duly referred to the Committee on Ways and Means.

The General Assembly of Virginia passed, and I received from the clerk of the house of delegates the following joint resolution:

> *Resolved by the house of delegates (the senate concurring)*, That the Virginia Senators and Representatives in the Congress of the United States are requested to exert themselves earnestly for the passage of a law repealing all existing laws imposing internal-revenue taxes by the Federal Government.

OFFICE OF THE CLERK OF HOUSE OF DELEGATES
AND KEEPER, OF THE ROLLS OF VIRGINIA, *January* 9, 1886.

The foregoing resolution was agreed to by the General Assembly of Virginia on January 9, 1886.

J. BELL BIGGER,
C. H. D. and K. of R. of Virginia.

HOSTILITY OF DEMOCRATIC MAJORITY.

Mr. Chairman, responding to the foregoing resolution, I here and now inform the people of Virginia that I have exerted myself earnestly for the passage of a law repealing internal-revenue taxes, but that the efforts of Southern Representatives who desire the repeal of these obnoxious laws have been unavailing, because of the active and open hostility of the Democratic Committee on Ways and Means, and the Democratic majority in the present Congress; and I make bold to assert that there will be no repeal of the internal-revenue laws during the continuance in power of the present Democratic administration, and of a Democratic majority in Congress.

The distinguished gentleman who so ably and impartially presides over the House was, with his pronounced views upon these important questions, unanimously nominated for Speaker by the Democratic caucus, not long since in a published interview declared that there never will be a reduction of internal-revenue taxes until the tariff is reduced. This is evidently conclusive as to his position upon this question, and therefore from Mr. Speaker CARLISLE and his Democratic followers in Congress the people of Virginia and the South may depend upon continued opposition to all efforts which may be made to get rid of internal-revenue taxes. What hope have the people of Virginia and the South from the Democratic party?

The last national Democratic convention not only refused to consider the resolution of the delegate from Georgia "that the system of direct taxation known as the internal revenue is a war tax and should be abolished," but it adopted and made part of its platform the declarations in favor of the retention of the odious system of taxation, and that the money derived therefrom should be applied to the payment of pensions. In other words, the Democratic party would have the tobacco of the poor Virginia farmer taxed to pay the pensions of Union soldiers disabled during the late war. Let every Virginian ponder upon this fact, and let him read carefully and consider the reports Nos. 3209 and 3210, first session, Forty-ninth Congress, made by the Democratic Committee on Ways and Means, and then seriously consider the great injury to his State and section caused by the retention in power of the Democratic party.

TAX UPON TOBACCO.

Mr. Chairman, with reference to the internal-revenue tax upon tobacco, I expect to be able to show by the record that the Democratic majority in Congress is responsible for the retention of this tax which is so injurious to the tobacco-growers of the country. The States mainly engaged in the production of tobacco are Virginia, North Carolina, Kentucky, and Missouri. During the year 1885 the number of tobacco facto-

ries in operation, the quantity of leaf-tobacco used by manufacturers, and the amount of internal-revenue taxes collected in the thirteen leading States engaged in that business appears in the following table, prepared from records furnished by the honorable Commissioner of Internal Revenue:

States.	Number of factories operated.	Leaf-tobacco used by tobacco manufacturers.	Internal-revenue tax collected.
		Pounds.	
Virginia	180	42,754,806	$2,409,243 32
North Carolina	205	13,294,676	976,418 51
Kentucky	77	11,269,023	1,051,503 60
Missouri	67	22,633,675	2,068,263 18
Tennessee	44	1,024,725	73,948 37
Louisiana	42	2,337,957	129,771 75
Maryland	14	4,845,311	490,234 32
	638	98,160,173	7,199,382 47
New York	96	13,950,425	1,205,501 36
Ohio	42	8,598,393	809,204 98
Pennsylvania	37	3,249,300	245,675 19
Illinois	28	6,785,339	728,460 54
Massachusetts	8	461,582	39,226 00
New Jersey	13	19,535,154	1,789,579 44
	224	52,580,193	4,817,647 49
All other States	64	12,121,897	1,340,127 45
Total in United States	926	162,862,263	13,357,157 41

From the foregoing statement it is ascertained that during the year 1885 the seven Southern States operated six hundred and thirty-eight of the nine hundred and twenty-six tobacco factories in the United States; that these seven States used 98,160,173 pounds of the 162,862,263 pounds of leaf-tobacco used by all the tobacco manufacturers, and that they paid $7,199,382.47 of the $13,357,157.14, the total internal-revenue tax collected upon manufactured tobacco.

CULTURE OF TOBACCO RESTRAINED.

Mr. Chairman, it is a fact that the culture of tobacco is to-day restrained in the South by the fear which the people entertain for the internal-revenue officials, with their spies, informers, and the un-American control of private enterprise. The poor, hard-working, honest Virginia farmer who grows tobacco, and from his orchard gathers sufficient fruit to enable him to distill a small package of brandy has too long and too often been imposed upon by the Democratic politician seeking his vote.

Year after year he has been told that the "radicals" were responsible for the retention of the "infernal" revenue laws, which imposed such an unjust and heavy burden upon the product of his farm. Now, to his dismay, he realizes that these same laws are enforced against him with far more severity and cruelty under Democratic than under Republican rule. Hence his love for Democracy is on the wane. He is learning that the responsibility for the retention of these taxes belongs to the Democratic majority in Congress and the Democratic administration, and if he examines the record he will find that the House in the Forty-eighth Congress, with its seventy-seven Democratic majority, voted against Mr. KELLEY'S (Republican) proposition to reduce internal-revenue taxes, and that every effort of another prominent Republican, Mr. HISCOCK, in the same direction was voted down; the yea-and-nay vote disclosing the fact that one hundred and fifteen Republicans voted for reduction of these taxes and seventy-four Democrats against it.

The tobacco-growers of Virginia and the South should know tha the Republican leaders, KELLEY and HISCOCK, and a majority of the Republican members of Congress favored the repeal of the internal-revenue tax upon tobacco, but the Democrats then, as now, controlled the House, and all of the leaders of that party, with the exception of Mr. RANDALL, are opposed to the abolition of the tax.

OPPOSITION FROM THE COMMITTEE ON WAYS AND MEANS.

The Committee on Ways and Means, representing the majority in the present Congress, say (Reports Nos. 3209 and 3210):

Attempts to remove the tobacco and other internal taxes are usually justified by asserting these to be war taxes, and in apparent forgetfulness of the fact that so far as relates to its money obligations the war is not half over, and will not be over until we have paid $4,000,000,000 yet to be collected in taxes from the people.

* * * * * * *

This tax should not be removed.

* * * * * * *

The removal of the tobacco tax will furnish no new employment. Neither its smoke nor its juices will turn a wheel, shaft, or spindle.

* * * * * * *

It is a war tax, and the financial war is not yet ended, and will not be until the last dollar of our war debt is paid and the last pension is fully in.

* * * * * * *

For these and other reasons we believe that it is expedient to maintain taxes both upon domestic production and foreign import of tobacco.

And so, with a Democratic majority in Congress, and under a Democratic administration, the tax upon tobacco is not to be removed "until the last dollar of our war debt is paid and the last pension is fully in."

During the first session of the present Congress, Mr. FINDLAY, the able Democratic member from Maryland, introduced the following joint resolution (H. Res. 164):

Whereas the tax on tobacco is a heavy burden upon the large and important agricultural interest engaged in its cultivation, and is, besides, a special and unusual exaction, originally laid for the purpose of raising the necessary revenue to carry on the recent war; and

Whereas the system devised for the assessment and collection of this tax operates disadvantageously upon manufacturers with limited capital, and by the requirement of bonds, licenses, and other vexatious regulations deprives many industrious and deserving persons of a means of livelihood heretofore open to them, and has a strong tendency to concentrate in a few hands the monopoly of manufacturing both cigars and tobacco; now, as a consequence of this system, chiefly carried on in the large cities, from which sales are made by sample and otherwise, to the great prejudice and damage to the country trade:

* * * * * * *

Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all taxes of whatever description upon tobacco, special or otherwise, and upon the manufacture or sale thereof, in any form or under any name, including cigars, cheroots, cigarettes, and snuff, be, and the same are hereby, abolished; and all acts or parts of acts inconsistent with this resolution are hereby repealed.

Which, having been referred to the Committee on Ways and Means, was by Mr. BRECKINRIDGE, of the committee, forwarded to the honorable Commissioner of Internal Revenue for his opinion thereon.

Mr. Miller, in his position as Commissioner of Internal Revenue, speaks for and represents the Treasury Department and the Democratic administration in this matter of so much interest and importance to the farmers of the South raising tobacco, and what does he say, responding to said resolution (see his letter, May 12, 1886, to Hon. W. C. P. BRECKINRIDGE):

I am unable to see that anything would be gained, either by the Government or by the manufacturers, by the passage of the joint resolution that you inclosed.

Contrast all this with what the Hon. W. D. Kelley, the great protectionist, says with regard to the internal-revenue system. Every Southern man who really desires the repeal of these taxes should read his great speech giving his reasons for their abolition, delivered in the House, March 25, 1884. I quote therefrom:

The service requires an army of over 4,000 men, whose principal employment is, as I shall abundantly prove, the persecution of small farmers and fruit-growers of the South. The direct annual expenditure required to maintain this army is over $5,000,000, and the indirect expenditure is said, and I believe truly, to amount to largely more than two and a half millions in addition. These are but some items of the cost of maintaining a system of taxation in support of private monopolies which Thomas Jefferson denounced as an infernal system that should never have been admitted into the Constitution.

TAX UPON FRUIT BRANDY.

Mr. Chairman, the small but numerous distillers of brandy from fruit in the States of Virginia and North Carolina and other Southern States were assured by those authorized to speak for the Democratic party that in the event of an election of a Democratic President that this unjust tax would be promptly repealed. The truth is, not only is the tax retained, and its collection rigidly enforced by Democratic internal-revenue officials, but the Democratic majority in the present House, carrying out the recommendation of the Democratic Commissioner of Internal Revenue, have, instead of repealing the law, passed a bill (H. R. 4833) imposing an additional hardship upon these fruit distillers by taxing a fractional part of a gallon of spirits. When the bill was under consideration, February 24, 1886, I submitted some remarks, showing the great injury this law would inflict, and I now repeat them for the benefit of our Virginia fruit distillers.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits—

Mr. BRADY said:

Mr. CHAIRMAN: * * * With regard to fruit distillers, and I speak especially with reference to the fruit-distilling interests in the State of Virginia, which I have the honor in part to represent on this floor, and in North Carolina, Kentucky, and Georgia, under the operation of the proposed bill, should it pass, the interests of the fruit distillers of the country will be most injuriously affected.

On the 9th instant, when the bill was under consideration, I gave notice that I would propose to amend it as follows:

"'*Provided*, That the provisions of this act shall not apply to brandy and wine manufactured from fruit, nor shall any such tax upon the fractional part of a gallon be assessed against any distiller engaged in the manufacture of brandy and wine from fruit.'"

Let us see about the operations of the present internal-revenue laws concerning fruit distillers.

From the report of the Commissioner of Internal Revenue for the year ending June 30, 1885, it will be seen that the total receipts for that year from spirits distilled from apples, grapes, or peaches was $1,321,897.58. The total number of fruit distilleries in operation during said year was 4,245, and the tax collected from them would average $311+ each. The four States operating the greatest number of fruit distilleries were Georgia, Kentucky, North Carolina, and Virginia; and upon this point I invite attention to the following statement from the Commissioner of Internal Revenue:

Number of fruit distilleries operated, the quantities of fruit brandy produced,

and the amount of revenue derived therefrom during the last fiscal year in Georgia, Kentucky, North Carolina, and Virginia:

States.	Distilleries.	Production.	Tax collected.
	Number.	*Gallons.*	*Dollars.*
Georgia	291	43,894	39,504 64
Kentucky	360	142,533	128,279 84
North Carolina	1,214	85,062	76,555 38
Virginia	1,071	138,103	124,292 92
Total	2,936	409,592	368,632 78

Respectfully,

JOS. S. MILLER,
Commissioner.

In these four States, 2,936 fruit distilleries were operated, and the average tax collected from them during the last fiscal year was $125+. Only 1,309 fruit distilleries were operated in all other States.

Mr. Chairman, the cost of collecting this tax during the last fiscal year in the said four States is shown from the following information kindly furnished me by the Commissioner of Internal Revenue:

In Georgia ten gaugers were on this duty at an expense of	$2,368
In Kentucky nineteen gaugers and six special deputies were employed; cost	8,929
In North Carolina fifty-eight gaugers and ten special deputies, expending	26,990
In Virginia forty-five gaugers and twelve special deputies, costing	23,134
	61,421
The total number of regular internal-revenue deputies and clerks on duty in said States was two hundred and sixty, and allowances for their pay and expenses $330,556. I am sure that 3 per cent. of this expenditure is a low estimate of the amount thereof properly chargeable to the operations of fruit distillers	9,916
The total amount expended for discovery and punishment of violations of internal-revenue laws during said year was $34,387.29, and I am certain that it is a low estimate to charge said four States under this account	$3,000
For court expenses, arrest, trial, examination of witnesses, fees, &c., for these violations of law, in the four States, I estimate the small amount of	5,000
Thus the total expenses to the Government connected with the collection of said tax and enforcement of the law in said four States, as to fruit distillers, amounts to	$79,337

The average tax paid by said 2,936 fruit distillers in the four States named was $125+, and it cost the Government an average of $27+ each to collect it.

Mr. Chairman, the total collections from all sources in the United States from internal revenue during the last fiscal year were $112,421,000, and the total cost of collecting the same was $4,455,430.27, or 3.9 per cent.

The total receipts from fruit distillers in the States of Georgia, Kentucky, North Carolina, and Virginia, as shown by the tabular statement of the Commissioner of Internal Revenue, was $368,632.78, and the cost of collecting this tax, according to the figures herein given, was $79,337, or 21.5 per cent.

These figures from official records, and estimates far below the actual expenditures for the purposes named, speak for themselves, and clearly demonstrate the great injustice of the tax. It is a heavy burden upon the poor farmers engaged in making a barrel or two of brandy from the fruit, and as a matter of economy the Government should abolish the tax altogether. To impose the additional burden upon the hard-working tillers of the soil, as will be done under the present bill, is indeed a great wrong.

Let us examine the effect of the enforcement of the law as the present bill proposes; and in order to do this I will endeavor to illustrate the practical operations of assessments against fruit distillers. The distiller registers his still for use; it has a producing capacity under the survey of 96 gallons per day, or 4 gallons per hour. July 1 he operates the same 13 hours, producing 52 gallons. He is for this 13 hours charged 24 hours and for 96 gallons of spirits. July 15 and 16 he again operates his still and for 25 hours, really producing 100 gallons of spirits; he is again charged for two whole days, 48 hours, and taxed with 192 gallons of brandy and spirits. July 30 he again operates his still, and for only 10 hours, producing only 40 gallons of spirits, yet he is charged for 24 hours' operation, or 96 gallons of spirits. Thus he has operated his still 48 hours, producing actually 192 gallons, the tax on which would be $162.80; yet he will be charged with 96 hours, or 384 gallons, the tax on which is $325.60, just a difference of $162.80, which latter amount is assessed against him and he has to pay.

Now, as to operation of the assessment feature under the proposed bill.

The production of fruit brandy by the distilleries in the four States named, last fiscal year, was 409,592 gallons, or an average of 139 gallons—say four packages (the usual size) each.

If one thousand of these small distillers on each package of brandy produced by them have an excess of one-half gallon, we will have one thousand assessments against them of two gallons each, or $1.80 tax each, and I undertake to say that it will cost the Government in many cases twenty times the amount of the assessment to collect it, not to mention the vexation and injustice frequently done the fruit distillers.

In many instances, as I know from my own personal experience, the assessments made have been wrong, yet it has been with great difficulty, and very seldom, that the distillers have succeeded in getting relief from the internal-revenue department; in fact, under the law and the decisions there is nothing else for the collector to do but to insist upon the payment of the assessments as made by the internal-revenue office. I know of many cases where poor fruit distillers have had assessments against them of about $8 or $10 deficiency, where judgment has been obtained in the courts and where it has sometimes cost the Government over $150 to collect the small judgment upon these assessments. I wish to say that this bill, unless it is amended, will work great injury and great wrong to the fruit-distilling interests, not only in the States that I have named, but in every part of the country where fruit distilleries are in operation.

Mr. Chairman, I have given the record of the Democratic leaders and majority in Congress, and shown the attitude of the present Democratic administration, upon the question of internal-revenue taxation, and from the facts presented it is manifest that until we have a change of parties the internal-revenue tax upon tobacco and fruit brandy will remain. Upon the questions of protection, the Blair educational bill, the repeal of the internal-revenue system, liberal appropriations for judicious internal improvements, indeed, upon every subject relating to the prosperity and general welfare of the South, the Democratic majority in Congress occupy an antagonistic position. The Southern people have no interest in common with the present Democratic party, and if left to their own free will, and permitted to exercise their own unbiased judgment, I believe that they would vote so as to restore the Republican party to the control of all branches of the Government.

PROTECTION IN VIRGINIA AND THE SOUTH.

Mr. Chairman, protection to American industry in all its branches against free trade is to-day the most important question before the people of this country. The National Republican party should stand fairly and squarely for protection as the National Democratic party does for free trade. With that issue clearly defined you can safely put Virginia in 1888, with a free ballot and a fair count, in the Republican column. Upon that issue, and that issue only, the Republican party can carry the country in the next Presidential election. Democratic politicians can not much longer humbug and hoodwink the people of the South.

Unfortunately, in Virginia and the South, since the end of the war, none of the great economic questions, upon which other sections of the country divide, have been properly presented or fairly considered; neither the tariff or the labor question, national aid to public education or civil-service reform; monopoly or hard times, have been the issue. The Democratic politicians have kept themselves in office and deluded the people by the old, but senseless, cry of "nigger," "nigger," and "Radical," "Radical." The workingmen of Virginia are learning that the present hard times is mainly attributable to the free-trade heresy of the Democratic party, and they begin to realize that it is of more importance to themselves and their families to bend their energies in developing the great manufacturing power of their State than it is to blindly vote the Democratic ticket.

VIRGINIA SHOULD BE FOR PROTECTION.

Mr. Chairman, Virginia should be more interested in protection than any State in the Union. Under the wise protective policy of the Republican party she will take her place as the great manufacturing State of the nation. The descendants of the secession, free-trade Virginians, those haughty, aristocratic, "better than thou" gentlemen, who live, and would die, by the resolutions of '98, and who have ruled Virginia before and since the war, are rapidly passing away. Peace to their ashes.

Not very long ago Mr. Fitzhugh, of Virginia, denounced the "poor whites" as ignorant, criminal and degraded, "little better than the Indians;" and he said, "two hundred years of liberty have made the white laborers a pauper banditti. Liberty for the few, slavery in every form for the masses."

Thanks be to God, the worthy sons of farmers, mechanics, and laborers are now honored and respected in Virginia. It looks like the dawn of better days for the mother of States and statesmen. New men and new ideas—practical, honest, industrious men, thrifty and enterprising, with brains and muscle—are surely forcing their way to the front, and before long they will govern the old commonwealth and make her a safe and sure protection State.

Mr. Chairman, it is English, you know, to be a free-trader, and the baneful influence of the Cobden Club is felt in Virginia, as it is in other sections of the country. The protectionists of Virginia have been bitterly assailed, their motives misjudged, and their actions denounced; and old prejudices, hatred, and intolerance have to be fought and overcome in the struggle for supremacy.

I shall not stop to show by official reports and statistics how our country has prospered under the operation of the system of protection. Our unparalleled success amazes the world. Said Bismarck, May, 1882:

The success of the United States in national development is the most illustrious of modern times. The American nation has not only successfully borne and suppressed the most gigantic and expensive war of all history, but immediately afterward found employment for all its soldiers and marines, paid off most of the debts, gave labor and homes to all the unemployed of Europe as fast as they could arrive within its territory, and still by a system of taxation so indirect as not to be perceived, much less felt.

All this before the Democratic majority in Congress had demonstrated its power to cripple the great industries of the country. Times were easy, our workingmen were employed, the people were contented and happy, and our future prospects were bright until the Democratic party began its warfare upon protection; and since that evil day the farmer has not found a remunerative market for his products, mechanics and laborers by the tens of thousands have been idle, and there has been much distress in the land. Were it not for the pluck and energy of our manufacturers, who, in the face of constant threats of legislation by Congress destructive of their business, have boldly ventured much and given employment to so many, universal poverty would prevail. The effect of free trade is to cheapen and degrade labor; most certainly this result has followed the track of free trade in England.

The honorable WILLIAM D. KELLEY, of Pennsylvania, with his daughter traveled two years ago in that country, and I beg to invite the attention of the mechanics and laborers of the South to some of their observations as given by Mr. KELLEY in the speech delivered in the House of Representatives April 15, 1884. He said:

A dissenting clergyman, the eloquent and devoted pastor of Bloomsbury Chapel, which stands but a few hundred feet from Bloomsbury Square and the

solid middle-class mansions around it, said to his congregation that he had found but a short distance from the pulpit from which he spoke a family of nine, including father, mother, sons, and daughters, who occupied a cellar not larger than the space marked by six of the pews his hearers occupied. "This was not," he said, "a peculiar case, but one of many thousands."

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* * * in one of the most aristocratic quarters of London, in a cellar without a window, one member of which, a girl of full age, had just died, but whose flesh had been largely consumed by vermin before death came to her relief. These are said to be familiar chapters in the lives of tens of thousands who, though able and willing to work, can find no place among the wage-earners of free-trade England, whom our Democratic friends present as a national exemplar from whom they would have us accept as indisputable truths dogmas the prevalence of which has produced in that country these terrible results.

"Yes," I think I hear some of you reply to me, "you studied the poverty of London, which is, we are ready to admit, unparalleled." No; I spent ten days, unknown to everybody but my daughter, who was my companion, in Birmingham, and in visiting the manufacturing towns around that rich and beautiful city. We visited so much of the overcrowded precincts of the city itself as a lady might ride into, and in charge of a policeman I went beyond these limits. Our visits embraced Halesowen, Lye, Lye-Waste, and Cradley, where we found women making nails, trace-chains, heavy fire-bricks, and galvanizing hollow-ware. I observe among those who do me the honor to be present, my friend from Kentucky [Mr. TURNER], who comes to each succeeding Congress on the doctrine of free trace-chains, a bill to transfer which article to the free-list he never fails to introduce. The introduction of the bill does nobody any harm, and I shall continue to welcome him as long as I shall be returned and a Democrat comes from that district.

Mr. TURNER, of Kentucky. I never weary in well doing, and I hope that after awhile you will grant us that reasonable request.

Mr. KELLEY. Oh, yes; you ought to have free trace-chains, for we learned that the women who make them, if they are quick and good hands, can realize 25 cents a day. [Applause on the Republican side.] And all they have to pay out of their weekly wages of 6s. is 1s. 6d. for the forge and fuel, and another 6d. for having the rods out of which to make the chains brought to the forge. Free trace-chains! God forbid that any Kentucky girl or woman should ever work at such unwomanly employment for such starvation wages, even though it be to furnish free trace-chains to my friend and his constituents. [Applause.]

In one of the smallest and dingiest of the forges of Halesowen we found two men at work making light nails, such as girls are put to making when at fourteen years of age the British law will allow them to leave school and enter upon their lives of unwomanly toil. One of these men was a cripple, and the other was evidently suffering from pulmonary disease. One of them by expending his force for full time could earn 3s. per week and the other 4s., from each of which sums are deducted weekly 1s. for fuel and furnace rent, so that at the close of the week they had as a net result of their joint toil $1.25. In the villages I have named, all of which are appendages of Birmingham, we also saw English girls and matrons making large fire-bricks; one carrying against her breast or stomach heavy lumps of wet clay, out of which her co-worker, it may be her sister or mother, molded the immense bricks which she who had brought the clay carried to a heated space near to where she was to pick up her next load of wet clay. Why, you ask, do these girls engage in such work? The answer is a simple one; they prefer to make bricks because they can make 6s., or $1.50 net, per week, while their sisters who make nails or chains can not assuredly earn so much, and are, as I have said, subject to a charge of 1s. 6d. per week for fuel and rent of forge.

The chief specialties of Cradley are chains and hollow-ware. There we saw girls galvanizing stew-pans, boilers, bath-tubs, and other articles of like nature. The desperate struggle for life imposed on British toilers by cheap goods and low wages is well illustrated at Cradley. The assured receipt of $1.50 a week will tempt women from the nail or chain-maker's forge to the brick-shed. The pay of a galvanizer is $1.75 per week; and for this additional shilling girls will pass the forge and the brick-shed to engage in a galvanizing room, although the strongest of them knows that in less than six months the gases generated by the process will vitally impair her health.

In this connection I submit a brief extract from one of Miss Kelley's published letters:

"It is characteristic of the neighborhood of Birmingham that each village has one industry; thus nailers and chainmakers are as thoroughly separated as though their work differed radically and separation were needed. But the difference between Lye-Waste and Cradley is slight. There are the same forges, the same hovels, the same dusty roads, and the same industrious people. To tell the story of the chainmakers whom we watched at their forges, is merely to repeat the picture of Stocking Lane, and this I have no wish to do. Here and there, however, the forges are interspersed with factories and 'works,' and the facts as to these works illustrate some of the ills to which the nailers eagerly fly in their efforts to escape from their peculiar slavery.

"In one establishment we were shown young women at work on galvanizing pails, and our guide (who had come over from Lye-Waste for a benefit) observed privately concerning them, 'They'm flyin' from nailin', and they thinks it's a fine thing to get 7s. a week. But they gets poorly, and then they gets sick, and then their parents has to keep 'em, and they don't earn nothin' for a long time till they'm well again.' This we are prepared to believe, for we found difficulty in breathing in the first room to which an intelligent foreman showed us. This was a large, dusty room with a high ceiling and arrangements for ventilation with which we could find no fault. But in the middle of the room stood a seething caldron of a steaming fluid. Back of this stood a man dipping pails in the caldron and handing them to young girls, who swiftly rolled each pail in a heap of sawdust, then deftly brushed the fluid over the metal surface, assuring an equal coating to every part. A few moments of breathing the fumes from the caldron made our retreat to the sultry out-door air very refreshing, and sufficed to convince us of the unwholesome nature of this work, even before we noticed long rows of carboys of vitriol which furnish one ingredient of the galvanizing fluid. 'The inspection is severe,' observed the foreman. 'The works are closely watched, and if a girl works a half-hour over time we're brought up roundly. It's very unwholesome work.'"

This brief extract will convince you that I do not speak of things which I have merely read. No, gentlemen, I speak of incidents that I saw and of people with whom and whose employers I conversed. Sir, I do not want American goods to become so cheap that, as my distinguished friend, the chairman of the Committee on Ways and Means [Mr. MORRISON] said, we can sell to other people. God forbid that American labor shall ever be embodied in any production that shall be cheap enough to be sold at Halesowen, Lye, Lye-Waste, Cradley, and other manufacturing villages that surround Birmingham. [Applause.]

As further proof of the wretched condition of the unprotected labor in free-trade England, I beg to submit and to ask attention to extracts from the report of the parliamentary commission made in 1884.

TERRIBLE CONDITION OF THE ENGLISH COAL MINER.

In the Lancashire coal fields, lying to the north and west of Manchester, females are regularly employed in underground labor, and the brutal conduct of the men and the abasement of the women are well described by some of the witnesses examined by them.

Peter Garkel, collier, testified that he "prefers woman to boys as drawers; they are better to manage and keep time better; they will fight and shriek and do everything but let anybody pass them."

Betty Harris, aged thirty-seven, a drawer in a coal pit, testified:

"I have a belt around my waist and a chain between my legs to the truck, and I go on my hands and feet; the road is very steep, and we have to hold by a rope, and when there is no rope by anything we can catch hold of. There are six women and about six boys or girls in the pit I work in; it is very wet, and the water comes over our clog-tops always, and I have seen it up to my thighs; my clothes are always wet."

Patience Kershaw, aged seventeen, testified:

"I work in the clothes I now have on (trousers and ragged jacket); the bald place upon my head is made by thrusting the cones; the getters I work for are naked, except their caps; they pull off their clothes; all the men are naked."

Margaret Hibbs, aged eighteen, testified:

"My employment after reaching the wall-face is to fill my bagie, or stype, with two and a half or three hundred-weight of coal; I then hook it onto my chain and drag it through the seam—which is from 26 to 28 inches high—till I get to the main road, a good distance—probably 200 to 400 yards; the pavement I drag over is wet, and I am obliged at all times to crawl on my hands and feet, with my bagie hung to the chain and ropes. It is sad, sweating, sore, and fatiguing work, and frequently maims the women."

R. Bald, government coal viewer, testified:

"In surveying the workings of an extensive colliery under ground a married woman came forward, groaning under an excessive weight of coals, trembling in every nerve, and almost unable to keep her knees from sinking under her. On coming up she said, in a plaintive and melancholy voice, 'Oh, sir, this is sore, sore, sore work.'"

Said a subcommissioner:

"It is almost incredible that human beings can submit to such employment—crawling on hands and knees, harnessed like horses, over soft, slushy floors, more difficult than dragging the same weight through our lowest sewers."

POLITICAL DISABILITIES.

Mr. Chairman, with the desire of removing the only remaining cause of irritation in the South, on January the 6th last I introduced a bill (H. R. 2571) "For the removal of all disabilities imposed by the fourteenth amendment to the Constitution of the United States," which was duly referred to the Committee on the Judiciary, where it has ever since slumbered. The distinguished chairman of that committee is a well known and influential Southern Democrat, and I assume that his failure to report this, or a similar bill, is because of the opposition of Northern Democrats in the House to the measure.

I am sure the bill will not lack for support on this side. The people of the country remember that General Grant, in his message to Congress, December, 1873, recommended amnesty, and that it was eloquently advocated upon this floor more than ten years ago by many of the leading Republicans.

I remember with great pleasure the able and eloquent speech of the present father of the House, Mr. KELLEY, on that subject, delivered January 10, 1876; and, voting with those who supported measures in Congress removing political disabilities, I find the names of such conspicuous Republicans as Conkling, WILSON, EDMUNDS, Morton, Harlan, Howe, MORRILL, and BLAIR. In fact political disabilities have invariably been removed without objection. I am not, Mr. Speaker, unmindful of the objection which was made, and which now may be urged, to Jefferson Davis being embraced in the proposed measure of relief, and upon that point I shall quote for the purpose of my argument from the speeches of General Garfield and Mr. Blaine. In the House of Representatives, January 12, 1876, General Garfield said, during the debate upon amnesty:

I do not object to Jefferson Davis because he was a conspicuous leader. Whatever we may believe theologically, I do not believe in the doctrine of vicarious atonement in politics. Jefferson Davis was no more guilty for taking up arms than any other man who went into the rebellion with equal intelligence.

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Our enemies were as gallant a people as ever drew the sword.

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Toward those men who gallantly fought us on the field I cherish the kindest feeling. I feel a sincere reverence for the soldierly qualities they displayed on many a well-fought battle-field. I hope the day will come when their swords and ours will be crossed over many a doorway of our children, who will remember the glory of their ancestors with pride. The high qualities displayed in that conflict now belong to the whole nation. Let them be consecrated to the Union and its future peace and glory. I shall hail that consecration as a pledge and symbol of our perpetuity.

And, on the day following, January 13, 1876, Mr. Blaine said:

No man on this side has ever intimated that Jefferson Davis should be refused pardon on account of any political crimes; it is too late for that.

I do not believe that Jefferson Davis was responsible for the atrocities at Andersonville, and I think a careful examination of all the evidence submitted will force the conviction upon impartial minds that he is innocent of the serious charges which have been made against him in this connection, and, in the language of General Garfield, "he is no more guilty for taking up arms than any other man of equal intelligence."

The Lees and Longstreet, Gordon and Mosby, the Reagans and Tuckers, and nearly all ex-confederates, civil and military, have had, without objection, their political disabilities promptly removed.

Leading ex-confederates, under Republican and Democratic administrations, have filled the high and responsible positions of Cabinet ministers. The ex-confederate to-day is the trusted guardian of the nation's honor and interest at most of the courts of foreign countries. Under the judicial branch of our Government he expounds our laws, and here in Congress for many years he has been of the most numerous and influential class of our lawmakers, and yet, more than twenty

years after the end of the war, a Democratic House of Representatives, apparently, has not the courage to pass a general law removing political disabilities incurred by participation in the rebellion from the few remaining ex-confederates now affected by this useless Constitutional prohibition.

DEMOCRATIC PLEDGES AND DEMOCRATIC PRACTICE.

Mr. Chairman, the Democratic party came into power upon the plea that the Republican party had been extravagant in its management of the Government, and the promise was made that we should have a more economical administration. The record shows that since March, 1885, more new places have been created than during the same period since the end of the war. A larger outlay of the public money has been made by this Congress than at any time during the history of the Government in time of peace. The appropriations for expenditures for the present fiscal year exceed $383,000,000, while the Democratic Secretary of the Treasury estimates the revenue will not exceed $362,000,000. Our coast defenses, our Navy, and public improvements have not received that consideration in the appropriations which the interests of the country demand.

As to the national interest-bearing debt, contrast the record of the Democratic and Republican administrations. Under the Democratic, from March 5, 1885, to June 30, 1886, sixteen months, this debt has been reduced only $50,143,900, while for the preceding sixteen months, under Republican, the reduction was $116,297,000.

MEXICAN PENSION BILL.

Mr. Chairman, the Democratic majority have also failed to pass the Mexican pension bill, another measure in which the South is more interested than any other section of the country, because the soldiers from the South outnumbered all other soldiers in that war, and to their patriotism, conspicuous bravery, and skill is mainly due the great success of our Army in that conquest, by which our Government gained such a vast and wealthy territory. In the performance of my duty as a member of the Committee on Pensions, and having among my constituents a number of these gallant veterans, who, unfortunately, are now in reduced circumstances, I have, with other Southern Representatives, made special efforts to secure the passage of this bill, but the opposition thereto on the part of leading Democrats, the known friends of the administration, has been too powerful to overcome; the policy evidently being to kill any proper bill granting pensions to the deserving veterans of the Mexican war.

NORFOLK NAVY-YARD.

Mr. Chairman, any person who will examine the proceedings of Congress since the Democratic party secured control of the House of Representatives ten years ago can not fail to be struck with the persistent and determined opposition on the part of the Northern Democrats to every measure of interest and benefit to Virginia and the other Southern States. I have given a number of examples of that opposition during the present Congress, and I ask attention to another.

During the consideration of the naval bill in the House, on July 21 last, I offered an amendment to the fifth section of the bill providing that one of the vessels be built at the Norfolk navy-yard, and it was voted down by the Democratic majority. I was assured by a number of Southern Democrats that my amendment was right and should be adopted, but that they could not vote against the action of their own committee, nor oppose the administration, as it was authoritatively announced that the Secretary of the Navy desired the passage of the bill in the shape it came from the committee, and thus, in the interest of Democratic policy, our great Southern navy-yard was neglected. In presenting this matter to the House I said:

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It is a well known fact that the navy-yard at Norfolk is superior in many respects to any navy-yard in this country, if not in the world. Admiral Decatur, Rear-Admiral Smith, successive boards of naval officers, and successive Secretaries of the Navy have, in their reports, all agreed that it is, or should be made, the great navy-yard of the country. Its climate is unsurpassed, its harbor is open all seasons of the year, mechanics can work at Norfolk out of doors all the year around—indeed, it is the only great naval establishment on the whole Atlantic coast.

Now, as to the plant necessary for the construction of these vessels, a very considerable portion of it is already on hand at the Norfolk navy-yard. We also have the facilities in order to establish all the requisite plant to do the work. Millions of dollars of Northern capital have been invested in our States to develop our valuable iron and coal resources, and we can more readily than many other sections of the country furnish all the iron and steel needed for the complete construction of all these vessels. As to skilled mechanics and laborers, I assert that we have at Norfolk men who are equal in that respect to any elsewhere.

These mechanics and laborers are now and have been for months unemployed; idleness reigns supreme at this magnificent naval establishment, and our people, when Virginia pays the United States millions of dollars yearly of internal-revenue taxes, are sadly in need of work.

Under the provisions of the section as embodied in the bill, and without the amendment I have submitted, the discretion as to the construction and completion of these vessels is left with the Secretary of the Navy. I am not in favor, in consideration of the treatment by the present Democratic administration of the Norfolk navy-yard, of permitting that discretion to remain in his hands. I have no fault to find with him; but I do claim that he is under the influence of New York. We have a New York President and a New York Secretary of the Treasury, and a New York Secretary of the Navy; and, sir, unless the amendment I propose is adopted, in my judgment, this work will go to New York and to the other navy-yards in the North, and the Norfolk navy-yard will be left out and our section of the country will not receive the consideration it deserves in the distribution of the work authorized under the bill.

I am not here, Mr. Chairman, making an appeal for my own party, because it is a fact well known that we have had under the present administration a clean sweep in the Norfolk navy-yard, and the question of politics, therefore, has nothing to do with it, so far as I am concerned. I am for justice to all sections; and I believe that the Norfolk navy-yard, with all its facilities, can do this work equally as good, if not better, than any other navy-yard in the country. It can be demonstrated to every fair-minded man that in many respects our Virginia navy-yard is the best in the United States, and as a matter of justice and fair-dealing we should have at least one of these vessels to build.

THE CONGRESSIONAL ELECTION IN VIRGINIA AND CIVIL SERVICE.

Mr. Chairman, the recent election in Virginia has demonstrated that the masses of the people of that State are indifferent as to the particular class of her citizens who hold the Federal offices. Under the present "reform" administration civil service in our section has been completely ignored; and as to Virginia it may be truthfully said that the civil service of the Democratic administration is "a delusion, a mockery, and a snare."

When the Republican party went out of power the Federal offices in Virginia were filled by old, experienced, capable officials, who had made a record for honesty and faithful performance of duty unsurpassed. With but few exceptions they were Virginians, and the people having business relations with them did not seek or desire their displacement. The Democratic politicians did, and the President, disregarding his pledges as to civil service, yielded to their demands and made a clean sweep.

The Staunton Vindicator, a Democratic organ, has recently stated:

The administration has given Virginia the United States minister to Italy, Mr. Kiely; United States minister to Spain, Dr. Curry; United States consul-general to China, Colonel Withers; United States minister to Colombia, D. H. Maury; United States minister to Costa Rica, Mr. Wingfield; United States Commissioner of Railroads, General Johnston; United States Solicitor-General, Mr. Goode; appointed Democratic collectors of internal revenue, Democratic district attorneys, democratic United States marshals—a clean sweep. It has put every post-office worth having in the State in the hands of Democrats—a clean sweep. It has put every custom-house in the State in the hands of Democrats—a clean sweep. It has appointed scores of Virginia Democrats to various offices in Washington and the Territories.

RECENT ELECTION IN VIRGINIA.

Mr. Chairman, the result of the recent election in Virginia was a great surprise to the Republicans. The politicians are entitled to no credit for the victory. It is the people's work. They, without being harrassed by the politicians of one side, and in disregard of the wishes of the leaders on the other side, and caring little for Federal patronage, have pronounced for protection, for national aid to public education, for the abolition of the internal-revenue system of taxation, and for liberal appropriations by Congress for necessary public improvements, and they—the protectionists of new Virginia—will take no step backwards.

Interstate Commerce.

SPEECH
OF
NELSON W. ALDRICH,
OF RHODE ISLAND,
IN THE SENATE OF THE UNITED STATES,

Friday, January 14, 1887.

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. ALDRICH said:

Mr. PRESIDENT: I do not intend to enter upon a discussion of the general features of this bill. The provisions which authorize the appointment of a commission, which enforce the publicity of rates, which prohibit the exaction of unreasonable charges, and which seek to shield the public from undue and unjust discriminations, have my hearty approval. I shall confine my remarks to a criticism of the fourth section, and I am led to claim the attention of the Senate for this purpose because I desire to express my emphatic dissent from the interpretation sought to be placed on its terms by the Senator from Illinois [Mr. CULLOM], the chairman of the conference committee, and from a profound conviction that if the provisions of this section are enacted into law the result must be disastrous to great interests.

I believe this section to be revolutionary in its character and in violation of the sound principles which should govern transportation charges, and that the rigid enforcement of its provisions would demoralize business, change the channels of trade, destroy values through vast areas, and cripple both internal and external commerce.

The magnitude of the interests involved in the construction of the section are by no means measured by the value of the railroad property in the United States, or even by the extent of our internal commerce. Home and foreign competition have made cheap transportation a necessity to a large portion of our people, and anything which tends to restrict the movement or to increase the cost of the transportation of the great agricultural and manufactured products of the country affects injuriously the welfare of every individual and the prosperity of every community.

This bill is here in obedience to the general desire that Congress should exercise its unquestioned power over interstate commerce and endeavor to cure by appropriate legislation some of the evils which have

accompanied our rapid and phenomenal railway development, a class of evils which seem to be incident to the management of all great enterprises.

Preliminary to the examination of the specific terms of the fourth section, it may be profitable to consider, briefly, the results which the advocates of long and short haul legislation seek to accomplish. Attracted by the difference between through and local rates, they have assumed that the rates imposed at non-competitive points are unjust and excessive, and that to reduce these to reasonable proportions a process of equalization is necessary. This was clearly stated by the Senator from Illinois in the report of the select committee.

In that report he said:

> The purpose to be accomplished by prohibiting greater charges for shorter than for longer hauls is to equalize the existing differences between through and local rates. It is intended for the protection of those most in need of protection—the shippers at interior non-competitive points, &c.

The Senator from Tennessee [Mr. HARRIS], a member of the conference committee, stated in the debate a few days since that he had "insisted upon a short-haul provision to give a shipper from non-competitive points some protection against unreasonable and unjust exaction."

I might quote the chairman of the conferees on the part of the House, Judge REAGAN, to the same effect, but the statements which I have read fairly represent the conferees' understanding of the nature of the evils complained of and the manner in which the remedy should be applied. These explicit declarations, by the responsible authors of the section, of the purpose they had in view, should be constantly borne in mind in our efforts to construe the meaning of the language used.

The fourth section, omitting the proviso, reads as follows:

> That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance.

In its application to the transportation of merchandise the rule laid down by the section may be otherwise stated as follows:

That the aggregate sum received in each case, by any and every common carrier operating an interstate railroad, for the transportation of property over the whole or any portion of its own line, fixes a rigid maximum or minimum limit on the charges it may make for the carriage of a like kind of property under similar circumstances between any other stations on its road, and in all other cases.

That the prohibition in the section against unlawful charges applies, and can be made to apply only, to each individual common carrier seems too clear to be disputed.

The use of the singular number would seem to preclude any other construction were it not for the contention of the chairman of the conference that "any common carrier" also means any combination of common carriers, and that when the language applies to a number of carriers it has a different significance than when applied to one.

The words "any common carrier subject to the provisions of this act" are used in almost every section of the bill, always with the same meaning and never in such manner as to admit of an inference that the words might signify a combination of two or more.

The language used in the fifth section seems to be conclusive of this. This section reads:

> That it shall be unlawful for any common carrier subject to the provisions of this act—

The same words used in the fourth section—

> to enter into any contract, agreement, or combination with any other common carrier, &c.

If the words "common carrier" can be understood as meaning also a combination of common carriers the fifth section is devoid of sense.

The contention that the aggregate compensation received by any common carrier as its proportion of a through rate obviously fixes a maximum limit for all aggregate charges between stations on the same line is strenuously objected to by the chairman of the conference committee, who says:

> But when two or more companies unite in making joint rates over their respective roads, they become in the eye of this bill one line, and this section says that the short-haul principle must be observed in making rates over that line, the two or more roads composing it being, within the meaning of the section, the same line so far as such joint rates are concerned. The word "railroad" is used throughout the bill and the word "line" is used only in this section. The courts will be bound to assume that the word "line" means something different from the word "railroad," or it would not have been used in this one instance when the word "railroad" would naturally have been used if something different had not been intended. The word "line" means a railroad or a combination of railroads. It means a route.
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> The joint through rates which are made by two or more railroad companies, between points upon their respective roads, are made over an entirely different and distinct line from that over which any one of the companies individually makes rates. And they are also made under different "circumstances and conditions" from those which govern and determine rates made over a single railroad.
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> The two transactions are separate and distinct, neither being necessarily governed by the other. Furthermore, the making of joint through rates is specifically recognized by the bill in the section requiring publicity of rates, and nowhere in the bill can anything be found in relation to the division of a joint rate by connecting roads. I am satisfied, therefore, that the only construction that is warranted by the language of the section is the one I have given it, and that, instead of requiring rates to be measured by the percentage of a through rate which a road accepts, or of requiring through rates over connecting roads to be an aggregation of the local rates over each road, as some have claimed, the section as it stands simply requires that each railroad company shall observe the short-haul principle as to its own rates, and that the same principle shall also be observed by a combination of railroads as to the joint through rates between points upon their respective roads agreed upon by such a combination.

It will be observed that in this argument the Senator from Illinois rests his claim for a construction which is obviously unnatural, solely on the special significance which he says should be given to the word "line," but it is apparent upon examination that the word as used in this section has no such meaning as that attributed to it by the honorable Senator.

In making the statement that the word "line" is used nowhere else in the bill, and it therefore must mean something different from the word "railroad," the chairman displays a surprising lack of knowledge of the terms of his own bill.

The third section provides:

> Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines.

The sixth section provides:

> And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes, &c.

Notwithstanding the clumsy construction of the sentence, the words "their respective lines" in the third section evidently refer distinctly to the railroad or railroads of a single common carrier, and the words have the same significance in the sixth, and by analogy as well as by all rules of construction in the fourth section.

The word "line" as used in the fourth section can have but one meaning and that is, the physical structure, the track over which property is transported.

To transform this mass of rails, ties, and sidings, over which freight is hauled, into a living, responsible being which can make contracts and be subjected to penalties, is beyond the power of human effort. The Senator from Illinois evidently confuses the material structure with the person or corporation which owns and controls it.

If the same line means a definite combination of roads which can fix rates independent of every other combination, the rates so fixed not affecting the local rates on any of the separate roads, then many of the evils complained of by these gentlemen will not be remedied, for we might have, as I suggested the other day, ten different rates along any extended route, the rates from all interior points at short distance being greater than those over longer distances. The rate, for instance, from Buffalo, Cleveland, or Chicago to New York might be much greater than the rate from Saint Paul or Bismarck to that point. The Rock Island road might charge twice as much for a car-load of corn from Council Bluffs to New York as the Union Pacific charged for a car-load the longer distance from Omaha to New York. A short road, five miles long, might be constructed or purchased of other companies running through Chicago, which as a separate corporation might act as a sort of transportation clearing-house, and make contracts for all east and west bound freight at any rates it pleased, and these rates would not affect local or through rates on any other road.

If the honorable Senator should be correct in the assumption that the limitations of the section apply to a combination of carriers as well as to single carriers the penal provisions of the bill could not be enforced against the combination, as it has no responsible officers, no corporate or other existence.

It is true that the sixth section authorizes the use of a joint tariff. It will be noticed, however, that while each common carrier is compelled by the bill to prepare and publish schedules of the charges over its own line, the preparation and publication of joint tariffs is not mandatory, but is merely permitted. When such joint tariffs are used, however, the section further provides that—

> No common carrier party to any such joint tariff shall be liable for the failure of any other common carrier party thereto to observe and adhere to the rates, fares, or charges thus made and published.

This fixes a responsibility upon each carrier only for the proportion it may receive of the joint rates, and the language used is clearly, it seems to me, in confirmation of the construction I am contending for.

In further explanation of the construction placed by him on the section the chairman of the conference makes the statement:

> Suppose there are four roads coming to Albany, and each one of them does business with the Albany and Boston road. At the other end of its line, if you please, each one of them has its arrangements of through rates, by which, from Kansas City, the Wabash, for instance, carries freight to Albany, and on to Boston on that line; another road from Chicago carries freight from Chicago to Albany and on to Boston on that line; another one from Detroit carries freight to Albany and on to Boston on that line.
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> Each one of these different roads makes its own combination, its own arrangements, with the Boston and Albany by which grain or other products are transported over its line from Albany to Boston; and the charge that the Albany and Boston road makes, or the agreement that it makes, if you please, with these different separate lines has nothing to do with what it charges one or the other of them, and it has nothing to do with its own local rates from Albany to Boston.

This opinion seems to be in direct conflict with that held by Judge REAGAN, whose testimony on this point may be considered pertinent and valuable. He was asked by Mr. Stahlman, at a hearing before a

House committee, "whether the Chicago, Milwaukee and Saint Paul road, after having accepted 14 cents per hundred pounds for transportation between Chicago and Omaha on a shipment from Boston to San Francisco, would be limited to that charge on all shipments of like freight over its line, no matter where it originated?" The provisions of the fourth section of the Reagan bill which was under consideration were substantially the same as the fourth section of this bill.

The answer was:

The Chicago, Milwaukee and Saint Paul road is not obliged to take this freight at 14 cents, or any other sum less than its local rate; but if it does it will have no right to charge more to points on its line for a shorter distance.

Let us examine the statement of the honorable Senator from Illinois closely. The Boston and Albany road takes up in its freight yard on the same day and hauls from Albany to Boston, with the same locomotive on the same train, four car-loads of corn of equal weight belonging to the same shipper and destined to the same consignee in Boston but representing shipments originally made from widely different points. The service rendered by the Boston and Albany road in connection with each car and all transportation circumstances and conditions are identical, and notwithstanding the fact stated by the honorable Senator that "nowhere in the bill can anything be found in relation to the division of a joint rate by connecting roads," it is safe to assume that the Boston and Albany corporation, a "common carrier subject to the provisions of this act," will at some time and in some manner receive an aggregate sum for the transportation of each one of these cars to Boston, and it is very difficult to understand the process of reasoning by which it can be said that the aggregate sum so received does not limit by the plain terms of the fourth section all other charges for similar transportation for shorter distances over the same line, *i. e.*, the road from Albany to Boston. If the different routes by which the property reaches Albany may be taken into consideration in fixing rates outside the requirements of law, how would it be if the four car-loads had all been shipped originally from Buffalo by the same person, at same rate of freight on a through bill of lading, the corn having all been taken from the same elevator? Could the shipper claim different rates, or the road claim exemption from the provisions of the section, because the corn had been previously transported to Buffalo from different States, over different routes, or had been produced on different farms? Could any coloring be given to the word "line" which would cover these cases?

Mr. DAWES. I should like to ask my friend what force he gives to the word "aggregate?"

Mr. ALDRICH. The "aggregate" compensation I understand to be the total sum received by any common carrier for any given service in the transportation of passengers or property. When the bill was before the Senate originally for discussion the Senator from Connecticut [Mr. PLATT] said that it was intended to embrace terminal and other charges as well as compensation for the transportation of merchandise; but the term "transportation," as defined in the bill, includes "all instrumentalities of shipment and carriage." So it makes no difference in the amount of the charge whether the word "aggregate" is used or not, as the charge for all terminal and other services, it seems to me, must be included in the charge for transportation.

Mr. SEWELL. Taking the word "aggregate" in that sense, $10 would be the charge for the transportation of a hundred barrels of flour——

Mr. ALDRICH. Yes, it means, I repeat, the total sum received by any railroad company for a particular service rendered by it.

Mr. DAWES. I suppose, if I do not interrupt the Senator, that the word "aggregate" put in would prevent inequality of rates in a particular case by terminal charges.

Mr. ALDRICH. The Senator from Connecticut [Mr. PLATT] suggests it means the total sum received for taking a given quantity of freight from one point to another. It means the sum of every conceivable charge which can be made for service from one station to another.

Mr. ALLISON. On the same line.

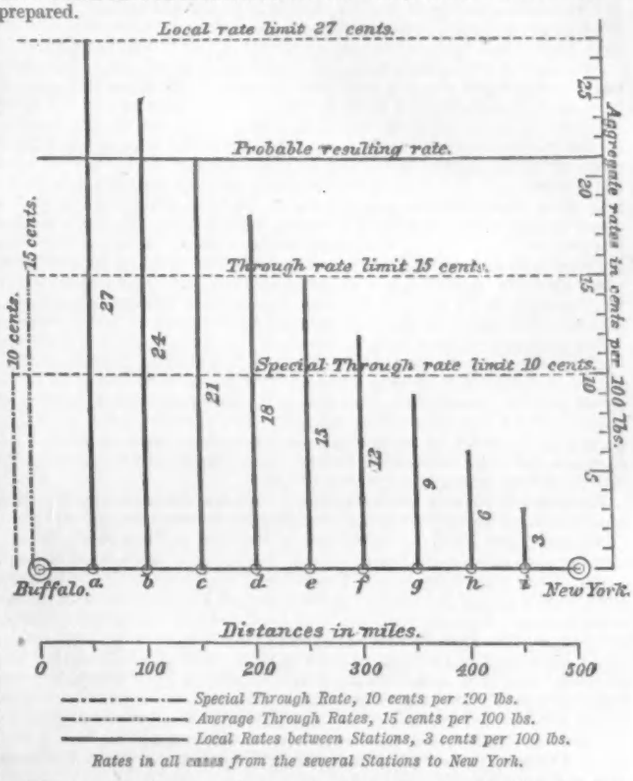
Mr. ALDRICH. Yes, on the same line; and I repeat again that the aggregate sum so received is the inexorable measure by which all the other business of the line, through or local, must be limited.

If the requirements of the section had not been limited by the words "in the aggregate," its provisions would have obliged every common carrier to charge a uniform rate per ton per mile for the transportation of like property.

With this limitation in the section, however, the ultimate effect will be to establish on all interstate roads charges which will approximate equal mileage rates.

The variation in "aggregate" sums received will not be determined by the difference in the number of miles freight is moved, but by the difference in the number of stations between the points of shipment and arrival on any given road.

Instead of taking an exact and invariable unit of distance for measurement, one is taken which is conspicuously inexact. Take for illustration a road 100 miles long with one hundred stations; the aggregate rate in each case would be the same as if computed on a mileage basis. If a road of equal length were taken, with a less number of stations, the extent of the variation from an equal mileage rate would depend upon the number of stations on the road. If there should be but three the rate to the intermediate station might be nearly twice as great per ton per mile as that between the termini. The rate imposed by the terms of the section as it stands would not be a certain rate per ton or per 100 pounds per mile, but an aggregate sum per ton or per 100 pounds per station; the rate, in both cases, however, being determined by the distance hauled, but by different methods. To illustrate my understanding of the effect which the provisions of the section if they become operative would have on the actual traffic of a road, I have had this diagram prepared.



Rates in all cases from the several Stations to New York.

I have taken for convenience of computation a road 500 miles long, with local stations, *a*, *b*, *c*, *d*, *e*, *f*, *g*, *h*, *i*, 50 miles apart, and have supposed it to be an interstate road running from Buffalo to New York. In the preparation of the diagram aggregate sums in cents per 100 pounds have been fixed for the charge in each case from the various stations t New York. The local rates are fixed at what may fairly be taken as an average rate on roads doing a heavy business, namely, 1.20 cents per ton per mile, or 3 cents per 100 pounds from one local station to another. The through rate is fixed on a basis of 0.60 cent per ton per mile, or 15 cents per 100 pounds for the haul from Buffalo to New York. The rates I have taken are the average rates shown by the following table for a series of ten years on the only road whose reports are available to show for a considerable period the comparative rates on through and local freight.

Comparative statement of the freight traffic rates of the Cleveland, Columbus, Cincinnati and Indianapolis Railroad, as per annual reports from 1875 *to* 1884, *inclusive.*

Year.	Average receipts per ton per mile.	
	Through traffic.	Local traffic.
	Cents.	*Cents.*
1875	.778	1.622
1876	.650	1.429
1877	.716	1.538
1878	.613	1.303
1879	.565	1.215
1880	.681	1.110
1881	.532	1.146
1882	.591	1.176
1883	.652	1.079
1884	.525	1.018
Ten years	.618	1.234

The average rates of the table have been adopted because it is believed that they fairly represent the average variation between through and local rates. The freight charges on the Chicago, Milwaukee and Saint Paul road in 1885 were 0.84 cent per ton per mile for through and 1.34 cents per ton per mile for local traffic. It will be observed that it makes no difference what rates are used in the construction of the diagram so long as the proper relative proportion between through and local charges is preserved.

I have also shown the effect of a special through rate of 0.40 cent per ton per mile, or 10 cents per 100 pounds from Buffalo to New York. If the Senate conferees' understanding of the section is correct this special-rate limit would not be effective, but the other limitations would apply.

The figures used show, and the length of perpendicular lines indicate the aggregate charges, local and through, in cents per 100 pounds, from each station to New York for the transportation of any like kind of property (say a car-load of flour in every case), the freight moving in the same direction in all cases. The horizontal dotted lines show some of the maximum and minimum limitations fixed by the terms of the section. It will be evident, however, on examination of the problem, that the limitations marked on the diagram are but a few of the great variety which the traffic between different combinations of stations would produce, as the aggregate sum charged between any two stations fixes a minimum limit for the sum to be charged between any other stations located a greater distance apart, and a maximum limit for the sum to be charged between any stations which are nearer together. For instance, the sum charged from station *a* to New York, being the greatest local rate, 27 cents per 100 pounds, fixes a limit for the lowest sum to be charged for through freight from Buffalo to New York. While the sum charged from Buffalo to New York, 10 or 15 cents per 100 pounds, being the lowest through rate, fixes a maximum limit for the rate from stations *a*, *b*, *c*, *d*, *e*, &c., to New York. It is evident that in order to reconcile these limitations an equalization of through and local rates is necessary. This equalizing process can only be effected by advancing through rates.

The rates to or from local stations *a*, *b*, *c*, *d*, *e*, &c., are now fixed by conditions and necessities entirely independent of the through rate from Buffalo to New York. The amount of business done at each station, the character of competition, if any, with other lines, and, more important than all, the necessities of the railroad company to obtain income with which to pay charges and expenses of all kinds, interest on its indebtedness, and possible dividends on capital stock, are elements which have been taken into consideration in the establishment of local rates, and these conditions will all remain in vital force after this section becomes a law. The new local rates will be gauged by distance, but the total sum to be received from local traffic can not be greatly diminished, so that the general range of local rates must remain substantially at present. This will certainly be true on all Eastern roads where the local traffic forms in earnings 75 to 90 per cent. of the business of the companies.

I am reminded by the Senator from Massachusetts [Mr. HOAR] that on the Providence and Worcester road local traffic furnishes 93 per cent. of the receipts.

In the interior of the country, in Ohio and Illinois, the relative percentages are 70 for local and 30 for through business. On some roads in the extreme West the percentage of through business is much greater. In Iowa in 1883 about 80 per cent. of the business was through and about 20 per cent. local. It must be evident from a consideration of these figures that it is essential in order to secure the continued operation of the roads, especially those in the East, that the income from local rates shall be substantially preserved. To refer again to the diagram. It would not be possible, for many reasons, to cut all local rates down to the unbroken level of 15 cents per 100 pounds fixed by the through rate. It would be prevented by the trade conditions and the necessities to which I have already alluded, and the rates fixed would probably be found in conflict with the terms of the second section of the bill, which requires that all rates shall be reasonable, as the rates from stations *a*, *b*, *c*, and *d* would probably be unreasonably low, and from stations *f*, *g*, *h*, and *i* unreasonably high. Several Senators have stated that this section would permit as great a charge for one hundred as for one thousand miles, and that the rate might, for example, be the same from Denver, Omaha, Chicago, or Cleveland to New York, as from San Francisco to that city. The section would undoubtedly prevent a greater charge from any of the intermediate points than from San Francisco; but this prohibition would have no practical effect, as the rate from San Francisco, if reasonable, would be so far above the rate from Cleveland that the limitation would be valueless. The rates from Cleveland could never be as great as the rate from San Francisco or the rates from Cleveland, Chicago, &c., to New York would be fixed by other conditions, limitations, and comparisons, without reference to the rate from San Francisco. To illustrate by the diagram, the rate from *i* to New York could never be greater than the rate from Buffalo to New York, but the comparison is one which never would be made in an actual transaction. The rate from *i* to New York would be in the first instance compared with and must not be greater than the rate from *h* to New York, and the rate from *h* is compared with *g*, and so on through a long series of gradually increasing rates.

As the financial needs of railroad companies will not admit of any considerable reduction in the income from local traffic, nothing is left but to advance through rates; but this would not always be possible. To refer to the diagram again, the through rates from Buffalo to New York are fixed in competition with water carriage by the Erie and Welland Canals and with a carrier whose railroad, entirely within the boundaries of a State, is expressly exempted from the rule laid down in this bill. To advance rates from Buffalo, materially, means loss of through business and a necessary advance of local rates to recoup the loss of receipts thus sustained. Where, then, would be the limit and what would be the average rate after the equalizing process was completed? I believe that it would not be less than the average rate received for transporting freight on all the railroads in the United States, namely, 1.06 cents per ton per mile. The approximate resulting rate limit on the diagram is placed at 0.84 cent per ton per mile, which is about the average rate for all traffic on the trunk lines in recent years.

To avoid the necessary inference that through rates must be advanced if rates are to be equalized as required by the section, some of the advocates of the bill have intimated rather than asserted that the qualifying words "under substantially similar circumstances and conditions" may be construed to authorize carriers to charge more from non-competitive short-haul points than from competitive points where a longer haul is necessary.

The chairman of the conference committee, in his explanation of the meaning of the words, said:

> They mean just what they say, that you shall not charge more for the shorter than for the longer distance on the same line in the same direction under substantially similar circumstances and conditions, and those conditions and circumstances may be, if you please, the fact that one place is a competing point and that another place is not, the fact that one place furnishes a large amount of business and the way-station does not furnish perhaps more than a car-load, and that it incurs additional expense and all that sort of thing.

The words referred to were, I think, inserted in the section at my suggestion, and it was my purpose, by the insertion, to limit as far as possible the disastrous effects which would follow the adoption of the rigid rule laid down in the section, but I could not hope that any such significance as that now suggested could be given them. If the proportion of a through rate, which a carrier receives, places no limit on local charges, and if there is such dissimilarity of circumstance and condition between points where there is competition and those where there is none, as would allow higher rates for a shorter haul to or from the latter, then what is the purpose of the section, and what becomes of the protection to be afforded shippers at non-competitive points?

If this interpretation can be given the section those gentlemen who believe that a long and short haul provision furnishes a panacea for all railroad troubles will sooner or later find out that this bill is a delusion and a sham, and the country may as well understand that it is an empty menace to great interests, made to answer the clamor of the ignorant and the unreasoning.

It is an open secret that this bill does not represent the deliberate judgment of the Senate. Many Senators will vote for it with the hope rather than the belief that the courts will construe the fourth section to be meaningless, but we should remember that the courts may not be impressed with the necessity of explaining away the fatal defects of the measure, and that they will be bound only to give an interpretation to the words which are used in the section, and to give to these their usual significance. Senators will be constrained to admit that if this bill becomes a law and the section under consideration should not be construed to be purposeless, that to save their own constituency from ruin, its monstrous provisions must be evaded or ignored by the railroads and the commission. To legislate on a subject of serious import in this manner is not worthy the Senate or creditable to the representatives of the American people.

I do not see how the words "under substantially similar circumstances and conditions" can be held to apply to any but transportation conditions and circumstances, and if so construed they would have no application to the great volume of through or competitive freight.

Along the great freight routes of the country there is an incessant flow of traffic, like in kind and moved under substantially similar circumstances and conditions. A large portion of east-bound freight is made up of the great products of the West—grain, flour, and provisions in various forms—moved in car-load lots to the seaboard, while the bulk of the westward shipments consists largely of domestic and foreign manufactured articles, similar in character. Between the South and the East and West there is a constant interchange of products moving in the same channels and under similar conditions.

This traffic between sections makes up a considerable portion of the internal commerce of the country.

I believe, therefore, that these qualifying words can not be understood as relieving common carriers from the obligation of equalizing their rates on the basis of distance in the manner I have stated, and the inexorable conditions of railroad traffic are such that the result of this equalization must be to advance the low rates now prevailing for long hauls to a point where they will be prohibitive in many cases.

Before calling your attention to the serious consequences which will surely follow any considerable advance in through rates, I will ask you to consider some of the obvious reasons why Congress should not adopt

the policy embodied in the fourth section. First, it is unwise to attempt to fix rates by legislation.

This seems to have been well understood by the select committee, of which the Senator from Illinois is chairman, at the time their report was made. They say in that report (p. 194):

When all these considerations have been given due weight the conclusion seems irresistible that a very considerable disparity in charges upon different railroads is inevitable, and that it would be inexpedient and impracticable to attempt to adjust existing inequalities by any system of rates established by legislation, as many witnesses have suggested.

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In either case it would be impossible to avoid taking into account the considerations which absolutely enforce inequalities in rates, and the inevitable result of any attempt to establish rates by legislation would be, as it always has been, the adoption of tariffs arranged upon the same general principles as those now in use, and perpetuating the system of differential rates now in force.

Nor has it been made to appear that the establishing of a minimum rate would be of advantage, while consideration has made it clear that the difficulties attending the adjustment of such a rate would be no less formidable than those encountered in establishing complete schedules for every interstate road, and that the only effect of a minimum rate would be to increase the charges for long-distance transportation.

It is difficult to understand how a Senator who could enunciate sound principles with such force and clearness could support the provisions of this section as reported from the conference committee.

Second, it is clear from the most casual examination of the transportation problem that distance does not furnish a correct or practicable basis for transportation charges.

The provision that no more shall be charged for a shorter than for a longer haul must be based on the theory that distance furnishes a proper measure of the value of transportation. Against this theory it may be conclusively urged that it rejects all the elements of cost or value except that of the length of the haul, and upon this, which is by no means the most important element—often-times it is the least important—it proposes to base all traffic charges. It does not take into consideration the difference in the cost of construction or maintenance of the line, the difference in the actual cost of carriage, or the difference in the value of terminal or other services rendered. It ignores the natural advantages of locality, and disregards competition by river, lake, and ocean carriage. It fails to notice the most important fact of all, that a considerable portion of the business of railroads must be done, if done at all, at a rate which the traffic will bear, and that it is constantly necessary to fix rates for this kind of business much lower than those charged for the regular business of the line.

The objections to long and short haul legislation were also forcibly stated in the report of the select committee (page 195), as follows:

And when the effect of the proposed prohibition principle—*i. e.*, that no greater charge should be made for shorter than for a longer distance—is considered with reference to the whole internal commerce of the United States, and especially with reference to the necessity of preserving the prevailing cheap rates for long-distance transportation, there is reason to fear that the result of rigidly enforcing the proposed regulations would be to stifle competition in numberless cases where it now exists, and is to the general public interest, and perhaps to deprive the country of the benefits of the low through rates now and for years given to and from tide-water, without practical or appreciable advantage to intervening points.

Third. The adoption of a distance basis in the manner now proposed is an untried experiment in railroad legislation.

The necessity for making lower rates on competitive than on local traffic is recognized in railway management in every country in the world. The Senator from Vermont has alluded to the legislation of England and some of the continental countries. Neither England nor any of the European countries has any legislation analogous to that contemplated by this act in regard to the long and short haul. In England, Germany, and France the subject has been exhaustively investigated by commissions and elaborate reports have been made, and the practice of making lower charges for long hauls in particular cases fully justified.

The so-called long and short-haul laws of Massachusetts, Connecticut, and other States are similar to this only in name. The use of the words "from the original point of departure" in the statutes of those States restricts their operation to very narrow limits, and the natural advantages of competitive points are effectually preserved.

Fourth. The fourth section does not establish an equitable rule which applies with equal force to the freight traffic of all roads. Difference in the length of the roads which different carriers operate would necessitate differences in rates for similar and contemporaneous service between competing cities and sections. The traffic of an interstate road is placed at the mercy of a competitor whose line is entirely within the boundaries of a State.

A carrier with but one line between great trade centres could not compete with a rival controling two lines, one of which could be used for local and the other for through business.

Fifth. If we are to legislate upon a matter of this importance the rights and obligations of the public and the railroad companies should be clearly defined and understood; and yet if this bill is adopted by the Senate and the fourth section is retained, three-fourths of the Senators who vote for it will do so with an understanding that it has one meaning, and the other quarter on the understanding that it has an opposite meaning.

If the section has the significance given to it by a large majority of its supporters, its adoption will result in the reversal of the policy which has been pursued by the railroad managers of the country with the acquiescence and approval of the people. We have heretofore sought, by means of vast expenditures and valuable grants from the public domain, to rapidly extend our railroad system that competition might be increased and rates reduced. We now propose by law to restrict competition and to increase rates.

New roads have been constructed across barren plains and over mountain ranges in answer to an imperative public demand. Our rapid railroad extension, which had no warrant in the experience of other nations, has borne fruit beyond the wildest hopes of the most sanguine. Wherever the railroad has penetrated, thriving communities have sprung up as if by magic. The prosperity and development of the fertile trans-Mississippi States have been rendered possible by the fact that modern transportation methods allowed lower rates for a long haul. The wonderful effects which have resulted from this policy, and the evil effects which must result from its reversal, have never been more clearly, cogently, and eloquently described than by a gentleman now a member of this body, the Senator from Iowa [Mr. WILSON].

In an address which was made before the Committee on Commerce of the House of Representatives January 20, 1880, he said:

This section has a knife in it. Its blade is sharp and long. It cuts clear through the railroad corporations and reaches the people, especially those remote from the great market centers. It is hurtful both to the railroad companies and their patrons. It is impracticable, unphilosophical, opposed to the best interests of the country, and strikes the West a fearfully discriminating blow.

* * * * * * *

Another has well said that the unit of profit in railroad management is a car-wheel in motion, and that the unit of loss is a car-wheel at rest.

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The wheel which carries freight 1,000 miles has more steady employment than the one that traverses 10 miles. Therefore it can afford to work for a lower rate of wages.

This means a low rate for a long haul and a higher rate for a short haul. This is the whole story. It discloses the principle that develops regions remote from market and converts waste places into gardens.

The principle of the low rate for the long haul is the true one. It is the only one through which the advantages of railroad transportation can be equitably distributed. The equitable distribution has made the West what it is, in spite of frequent violations of the principle involved. It has encouraged emigration, opened farms, built towns, created cities, developed States, equalized the values of property, made business for the roads, opened markets for manufacturers, and brought prosperity to the people. It is this that makes the Eastern Iowa farm substantially equal in value to that of the Central and Western Illinois farm, and enables the Western Iowa farmer to count the returns from his crops almost equal to those of the one in the eastern section of the State, and still gives him but little advantage over the cultivators of Nebraska fields. It tends to equalize the values of real estate throughout the State, enhances the price of all products sent East to market, and reduces the cost of all articles carried West for use and consumption. It assures good prices for all Western products, and consequently enhances the prices of the farms from which they are derived. Whatever advantage the West gets from railroad transportation comes through the low rate for the long haul.

It was stated before this committee the other day that flour is carried from Saint Paul, Minn., to New York for $1.15 per barrel, and that in the recent past it cost $1.20 per barrel to transport it from Buffalo to the same destination. This is the low rate for the long haul. What has it done for Minnesota? Or, rather, what has it not done? See how that State has grown into one of the great wheat-producing sections of the Union! Her merchant mills are equal to any in the world, and are the pride of her people. The flour which they manufacture places the best of bread upon the tables of Europe and South America. The State has been covered with farms, beautified with towns and cities, and filled with population. As it is in that State so it is in all the West.

* * * * * * *

Who has been wronged by the application of the low rate to the long haul? Has harm come to the East by it? Why, the millions of people of the Western States, who depend upon the practice of this rule to get their vast products to the world's markets, are most generous contributors to the prosperity of the East. They are liberal consumers of everything which the East manufactures. The low rate for a long haul of the manufactured articles of the East promotes consumption in the West. This keeps the Eastern spindles in motion, and they consume the cotton of the South. It keeps the looms in action, and they use the wool of all sections of the country. It fills the furnaces and forges and rolling-mills with orders. It deepens and extends the mines and creates a market for the product. It fills manufacturing localities with dense populations, and thus secures to the Eastern agriculturist a home market and good prices for all of the products of his farm. In every way it benefits the East. Does it harm the country at large? Look at the balance of trade against Europe in our favor. What would it have been but for the enormous crops of the West and the low rate for the long haul which carries them to market? This it was that brought the cattle, sheep, hogs, wheat, flour, corn, and other products from the remote West, and sent them abroad to feed the people of the Old World. This it was that largely made up for our balance of trade, and brought home your bonds and gave us the coin of Europe. No such results would have been realized but for the wondrous development of the West, and that development could not have occurred under the fourth section of this bill.

* * * * * * *

If section 4 should be given the force of law and received the construction which I have, with others who have addressed the committee given to it, it may be asked: "Will the railroad companies be so unwise as to destroy the great business from and to the West?" Certainly not, so far as they have any election in the premises by which they can foster that business. But they could do but little in the way of aiding the West. They will do the best they can. But that best must be oppressive and depressive in the West. The people are there and they must stay. They will go on planting and harvesting and sending to market, but the cost of transportation will eat out their substance. A check will be put upon the development of that section, now going on so rapidly and satisfactorily. Prices of both land and products must recede. What high rents are to the people of Ireland, the rates under section 4 will be to the people of the Western States. Low rates of transportation are like low rents. Those who pay them can prosper. High rates of transportation, like high rents, foster discontent and distress. This will be the mission of section 4 should Congress give it the force of law. Its enactment certainly is another of the things that ought not to be done concerning commerce between the States.

That there may be no misapprehension as to the provisions of the

section to which the Senator from Iowa was then alluding, I will read the fourth section of the Reagan bill, then pending in the House:

That it shall be unlawful for any person or persons engaged in the transportation of property, as provided in the first section of this act, to charge or receive any greater compensation per car-load of similar property for carrying, receiving, storing, forwarding, or handling the same for a shorter than for a longer distance in one continuous carriage.

It is not alone the farmers of Iowa and the West who are interested in maintaining a low rate for the long haul. The cattle growers, the producers of sheep and wool in Colorado, Montana, and Missouri, the cotton planters of Arkansas, Mississippi, and Texas, the men who are struggling so manfully to build up the new South in Georgia, South Carolina, Alabama, and Tennessee, and the operatives, artisans, and mechanics of the East have all felt the beneficial effects of this wise policy, and their prosperity is largely dependent upon its continuance.

To change this beneficent policy by enforcing any considerable advance in through rates on cotton, grain, and provisions, would not only restrict traffic so as to impair the income of existing roads, but the reduction in volume of business would have a decided tendency to check the building of new roads. Such an advance would embarrass if not paralyze our foreign commerce. It would exclude from the markets of the world the agricultural products of the great States west of the Mississippi and Missouri Rivers.

The prices of cotton and wheat are fixed in Liverpool and not in Memphis, Minneapolis, or Chicago. The price of wheat is fixed in competition with India, Russia, and South America. Great Britian has manifested in many ways her anxiety to develop the wheat-producing capacity of her colonies, that they might be able to furnish the large annual deficiency in her food supply.

She has expended about $800,000,000 in building up the railway system of India. She has succeeded in effecting such a reduction in the transportation rates of that country that wheat is now carried over long hauls at half a cent per ton per mile.

We now propose to do for India, Manitoba, and Australasia what Great Britian could never do for them. We propose to enchain the too vigorous forces which have given to American enterprise the undisputed lead in British markets.

The time selected for this radical change of policy is inopportune, as we have to meet reduced rates of freight and improved transportation facilities all over the world. No other nation has in contemplation the stupendous folly of attempting to fix rates or to restrain their downward tendency by legislation.

The amount to be received by an American producer for a bushel of wheat is not determined by the cost of production in Minnesota or Illinois, it is the price in Liverpool minus the freight from Minnesota or Illinois.

To show the close relation of prices of wheat in this country with the British prices, I submit the following table, showing the price of No. 2 spring wheat for a series of years, from 1873 to 1885, in Chicago, the average (Gazette) price in Great Britain, and the average rate of freight from Chicago to Liverpool. This shows that in 1873 the average price in Chicago was $1.19, the freight to Liverpool 48 cents; price in Great Britain, $1.78. There was a constant decline in price until in 1885 the price of wheat in Chicago was 84 cents; the rate of freight was 16 cents from Chicago to Liverpool and the price in Great Britain was a dollar. The decline in English prices from 1873 to 1885 has been 78 cents a bushel, while the decline in prices at Chicago has been but 35 cents per bushel, the decline in the rates of freight from 1873 to 1885 being from 48 cents a bushel to 16 cents in 1885:

Year.	Average price in Chicago.	Average rate of freight Chicago to Liverpool.	Average price in Great Britain.
1873	$1 19	$0 48	$1 78
1874	1 09	35	1 69
1875	1 02	31	1 37
1876	1 03	28	1 40
1877	1 27	30	1 73
1878	97	27	1 41
1879	99	26	1 33
1880	1 05	27	1 35
1881	1 03	19	1 38
1882	1 16	19	1 37
1883	1 01	21	1 26
1884	83	17	1 09
1885	84	16	1 00

This table shows conclusively that the American farmer has received the full benefit of the great decline in transportation charges.

To illustrate the effect which an advance in through rates would have on the price of some of our staple agricultural products, I will say, and I desire to call the attention of the Senator from Iowa [Mr. ALLISON], who now favors me with his attention, to this particular feature of the case, that if the charge for transporting corn were advanced to 1 cent per ton per mile, which is, as I have stated, the average rate on all roads in the United States, it would cost to transport a bushel of corn from Council Bluffs to New York 45 cents, a sum about equal to its present value in New York. At 1.20 cents per ton per mile, the rate which I have taken as the average local rate, it would cost to carry a bushel of corn from Council Bluffs to New York 54 cents, 9 cents more than the price in New York. At the rate of 1 cent per ton per mile it would cost to transport a bale of cotton from Waco, Texas, to a New England mill $4.50 per bale, or about four times the present rate. If rates should be restored to the average charges on the trunk lines in 1860—3.07 cents per ton per mile—the cost of carrying a bushel of wheat or corn from Chicago to New York would be 92 cents per bushel, a sum equal to the present value of the wheat and twice as great as that of corn.

Now let us look at the effect of an advance in wheat rates. If the rate for transporting wheat from Dakota to New York were 1 cent per ton per mile, the average to which I have alluded, the cost of the carriage would be 60 cents a bushel, and allowing 10 cents per bushel for carting to station, the farmers of Dakota would receive 20 cents a bushel for their wheat on a basis of 90 cents in New York. If the cost of transportation were 1.20 cents per ton per mile it would cost 72 cents from Dakota to New York, leaving 8 cents to the farmer for his wheat in Dakota. If 1½ cents per ton per mile were the rate, it would cost more than the value of the wheat in New York to transport it from Dakota. An advance of $\frac{1}{10}$ of a cent per ton per mile on the rate of freight on wheat means a reduction of 6 cents per bushel to the farmers of the Northwest in the price which they will receive.

It is well known to Senators that the great competition which the wheat-growers of the United States are now subjected to, is from India. Wheat is now transported from the principal ports of India, Bombay, and Kurrachee, to Liverpool at 16 cents a bushel, which is the exact price now charged from Chicago to Liverpool, and this wheat is carried over the Indian railways from the interior grain centers of India to the seaboard at prices as low in the aggregate as are now charged the farmers of Dakota and Minnesota to Chicago. In other words, so far as the question of transportation is concerned, the farmers of India are to-day in a state of absolute equality with the farmers of the Northwest in competing for the English market. If through freights are to be advanced how can the farmers of Minnesota and Dakota hope to compete with the ryots of India in wheat-producing, when wages for agricultural laborers in the latter country are from 3 to 6 cents per day?

Mr. CONGER. Will the Senator allow me to ask a question?

Mr. ALDRICH. Certainly.

Mr. CONGER. If Dakota, Kansas, and the extreme Western States can not compete with the Indian wheat and with labor in India at a transportation rate of 20 cents a bushel, how can the farmers of Michigan and Ohio and Pennsylvania live and raise wheat and compete with the same wheat grown in India at a transportation rate of 40 cents a bushel, a higher rate on the shorter route?

Mr. ALDRICH. I know of no railroad company—and I have had occasion to give considerable study to railroad tariffs—that charges the farmers of Michigan and of Ohio and of Illinois more for transporting a bushel of wheat than they do the farmers of Minnesota and Dakota.

Mr. CONGER. Then what objection is there, if they do not do it in fact, to having it in the bill that they shall not do it?

Mr. ALDRICH. There would be no objection if you stopped there, but at the same time you fix a rate for Ohio and Indiana and Illinois; you fix an inflexible rate at every railroad station in the United States without regard to conditions. If you will put into this bill, in definite terms, that no greater charge shall be made for carrying wheat from Michigan, Indiana, or Illinois to New York than is charged for transportation from Dakota to New York I will vote for it. If that was all there was in the fourth section it would have my hearty support; but it means a great deal more. What I find fault with is that in order to cure evils which are apparent to the farmers of Illinois or Michigan, you propose to demoralize the whole commerce of the country; you propose to establish an arbitrary, unjust, unreasonable, impracticable rule, which, while it will do what you say, will do much more.

The evils you complain of can be cured in a great many other ways.

Mr. CONGER. Does the Senator believe in any event, and does his argument lead justly to such a conclusion, that it is proper to charge the wheat-grower of Michigan any greater sum for carrying his wheat to the markets of the world—say at New York—over the same road, 500 miles less distance, than is charged the farmer of Minnesota? That is a plain question, which the common people of the United States will inquire into, no matter what the argument may be.

Mr. ALDRICH. I do not believe it was ever true that the farmers of Minnesota and Dakota could ship their wheat to New York at a less rate per bushel than was charged from Michigan and Indiana and Illinois. If it is true, as I say, it can be cured in some other way than by this drastic and far-reaching remedy.

I can conceive of circumstances and conditions under which it might be necessary in carrying the wheat from points of shipment in Michigan to charge the greater sum for the shorter haul, perhaps under some circumstances a much shorter haul, but they do not exist except in very rare cases and at very long intervals.

The Senator from Massachusetts [Mr. HOAR] reminds me that I have

not alluded to the fact in answer to the Senator from Michigan that a portion of the wheat to which he alludes may be destined to a foreign market, where the price is absolutely and irrevocably fixed by influences beyond our control. I do not believe that the Senator from Michigan can point to a single instance where a bushel of wheat was charged more from any point in his State than it was from Minnesota or Dakota.

Mr. CONGER. Will the Senator allow me to interject a remark here?

Mr. ALDRICH. Yes, sir.

Mr. CONGER. It is a notorious matter that at points between Chicago and New York where there is water-power used——

Mr. ALDRICH. Water competition?

Mr. CONGER. No, not water competition, but water power. At points 60, 70, 100, 113, and 123 miles east of Chicago, which I know, where power is furnished to change wheat into flour, the people of Michigan have availed themselves of it, and they have for years paid to have the barrel of flour transported from those 60, 70, and over 100 miles at way rates to Chicago, because there they could get transportation over the same road for their same product to the New York market at through rates. The farmers had to pay this back transportation to Chicago. Instead of paying the actual price charged from Chicago to New York, which they were willing to do, they had to transport their wheat from their mills 70 or 100 miles back to Chicago, and there pay for it over the same road the through rate, and they made money by taking it back.

Mr. ALDRICH. One of two answers might be given to the proposition now made by the Senator from Michigan.

Mr. CONGER. If the Senator can give one answer to satisfy the common people of my State that they are wrong in their suppositions and that he is right, let him try it.

Mr. ALDRICH. In the first place, the second section of this bill, requiring that all rates should be reasonable, will effectually cure the evil he complains of. In the next place, if the stations and localities to which the Senator has alluded are of such a character that from the amount of business transacted or other conditions the rule of reasonableness does not apply, then it is right that a higher rate should be charged. I do not understand the Senator to say that a bushel of wheat should be transported from some interior inaccessible point on a local road to New York at the same rate which it charged from Chicago to that city.

I know the Senator does not mean to say that. I have here a statement of the average rates per ton per mile charged on all the roads in Michigan in 1883. The rates vary from the through rate of 0.42 cent per ton per mile on the Lake Shore road, which carried 9,194,988 tons of freight, to 5.93 cents per ton per mile on the Michigan Air Line, which carried 24,841 tons in the same year, the rate being fourteen times as great in one case as the other. The circumstances are certainly dissimilar between these roads.

Mr. CONGER. The case to which I referred was not on a little road, but on the Central road, a road known wherever railroads are known, one of the best roads in the United States, one of the best managed, a through route. It is on that road and on the direct line, not on any little road in the upper peninsula, that what I mentioned occurred. But the Senator does not answer my proposition at all, by repeating his statement, that it is not just to make intermediate stations pay for the passage back to Chicago at a much higher price than is charged for carrying the same product the longer distance.

Mr. ALDRICH. Under similar circumstances it would certainly not be just, and this bill would cure that evil whether the fourth section is retained or not.

American transportation interests would suffer indirectly as well as directly by the passage of this bill, for a large portion of the business along our northern frontier would be diverted to Canadian roads which can not be made to feel the restrictive power of our legislation. The Canadian Pacific, now engaged in building short branches as feeders into all the border States, would thrive upon our misfortunes.

But it is said by Senators even if the construction which we put upon the fourth section is correct, the commission have a right to suspend its operation. This is too vast and dangerous a power to be placed in the hands of any men. An anxiety is often expressed in regard to the dominating influence of great corporations in politics. But you propose without hesitation to put into the hands of five men, a majority of whom shall belong to one political party, and selected partly on that account, the power, to be exercised without appeal, to make or unmake States, to build up or destroy communities, and to increase or extinguish the earnings of railroad companies.

You propose to give this commission an autocratic, imperial power, which is greater than that exercised by any sovereign in the world. I do not say that they would abuse the power thus unwisely conferred, but no more effective instrument could be found to perpetuate an administration or to continue a party in control of the Government. The duties you assign this commission it would be physically impossible for them to discharge. They could not listen to the statement of the numberless exemptions which would be claimed under the fourth section, much less could they undertake to give an intelligent, and equitable decision in each case.

For the purpose of showing the growth of the transportation interests of the country and the great reduction which has taken place in rates during the past twenty years I submit a table showing aggregate tonnage on principal railroads in 1865, 1875, and 1885, and the rates per ton, per mile, in each of these years, as follows:

Year.	Aggregate tonnage moved.	Rate charged per ton per mile on trunk lines.	Rate per mile on principal Western roads.
	Tons.	*Cents.*	*Cents.*
1865	15,183,867	2.900	3.642
1875	45,619,423	1.161	1.979
1885	100,869,837	.636	1.200

If the rate of 1865 had been charged on the tonnage of 1885 the cost of transportation by railroad to the people of the country in the latter year would have been $410,255,829 greater than the sum paid.

Also, a statement showing the rate per ton, per mile, charged on the principal trunk lines and on several of the principal Western roads in each year from 1865 to 1885:

Year.	Rate charged per ton per mile on trunk lines.	Rate charged per ton per mile on principal Western roads.	Year.	Rate charged per ton per mile on trunk lines.	Rate charged per ton per mile on principal Western roads.
	Cents.	*Cents.*		*Cents.*	*Cents.*
1865	2.900	3.642	1876	.983	1.877
1866	2.546	3.459	1877	.971	1.664
1867	2.306	3.175	1878	.807	1.476
1868	1.951	3.154	1879	.725	1.280
1869	1.715	3.026	1880	.840	1.266
1870	1.585	2.423	1881	.759	1.420
1871	1.478	2.509	1882	.665	1.364
1872	1.475	2.582	1883	.842	1.308
1873	1.470	2.188	1884	.740	1.251
1874	1.342	2.160	1885	.636	1.200
1875	1.161	1.979			

The railroad mileage of this country is nearly equal to that of all the rest of the world combined. The rates for carrying freight charged by our transportation companies, with all the evils of which gentlemen have complained, are lower to-day than they are in any other country of the world. We have a country vast in area. Great Britain, Belgium, Germany, and France have compact little communities with a dense population; and with all these advantages and influences in their favor the cost of transportation in this country is less than in any of them, the average on all roads in the United States being, as I have stated, 1.06 cents per ton per mile, while the rate in Belgium is 1.30 cents, in Germany about 1.35, and in Austria and France about 1.50 cents. The rate in Great Britian is estimated at 2 cents per ton per mile, and while the decrease in rates on trunk-lines in this country in twenty years has been from 2.90 to 0.64 cents per ton per mile, the estimated reduction in English rates during the same period has been from 2.75 to 2 cents per ton per mile.

Public Building at Charleston, S. C.

SPEECH

OF

HON. WILLIAM P. HEPBURN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 8, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 10051) for the construction of a public building at Charleston, S. C.—

Mr. HEPBURN said:

Mr. CHAIRMAN: I have no captious opposition to make to this bill; but it seems to me exceedingly unwise for the Government, at this time, to indulge in an expenditure of half-a-million of dollars for the erection of a public building in the city of Charleston. We know that, through no fault of the people there, that city has been, within a very few months, the seat of terrible calamities, of such a character as to show, in my judgment, that it is unwise to engage in the erection at that place of this character of buildings. I am told by those who are

familiar with the subject, and I believe it to be true from illustrations which the gentleman from South Carolina has shown me, that there is to-day in that city no structure designed to be of a permanent character which has not been seriously injured, if not well-nigh destroyed. We know that the vibrations from which that city has suffered are still continuing, and, in the face of this fact, it seems to me we ought not now to try to erect a building there at a cost of $500,000.

But I am opposed to this proposition on other grounds. In my judgment, the expenditure is entirely disproportionate to the demands of the Government at that place. We have already a building in that city, which I understand from the gentleman from South Carolina has cost more than $2,000,000. Here is a proposition to invest another half million, and I make the statement that all the receipts of the Government, the net receipts of the Government of all classes of revenue in the city of Charleston, would not pay the interest on the expenditure made in that city and vicinity for buildings, defenses, and harbor improvements at one and a half per cent. per annum, all of them.

The President of the United States saw fit to interpose his constitutional objection to the erection of a building in Sioux City. I invite the gentleman from South Carolina to institute a comparison between the business demands of these two cities for a public building. The one is a thrifty, growing city with a magnificent future before it. The other is a city in decadence, actually losing its business. While there is seen a seeming growth of population, but a slow one, yet, so far as commercial advantages are concerned, the growth is not of a population indicating advance in commercial power. The number of white persons in the city is but little greater to-day than it was twenty-six years ago. Its comparative importance in the commerce of the country has been retrograding constantly since that period, and it is not, in my judgment, wise to attempt to resuscitate its waning fortunes by the expenditure of this great sum of money.

In the building we have there are ample accommodations for all of the public offices of the Government. The spacious building that is now occupied by the customs department affords ample room, with slight modifications, for the courts, and for the post-office, and for other governmental uses. So that we ought not, for this reason, engage in this expenditure.

Before this Congress is over there will be asked a large appropriation for the repair of the buildings already constructed in that city, repair undoubtedly necessary because of the disturbance of last August.

I reserve the balance of my time.

The CHAIRMAN. The gentleman has two minutes of his time left.

Tuesday, January 11, 1884.

Mr. HEPBURN. I move to strike out the word "four," in line 18, and insert the word "two;" so it will read:

And no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sums of $100,000 for the site and $200,000 for the building.

Mr. Chairman, I am fully persuaded that the sum named in the bill is entirely disproportioned to the importance of this site. I had occasion to say on a previous occasion that this city of Charleston, S. C., is in decadence. I have certain facts which will sustain me in that opinion. The population of the county of Charleston, at least the white population, between 1860 and 1880 has increased only 1,700. The population of the city of Charleston from 1870 to 1880, the entire population, increased only 1,053.

In 1860 there was collected at the port of Charleston customs duties amounting to $379,873, producing a net revenue of nearly $350,000; while in the last fiscal year there was collected at that port only a little over $30,000 of net revenue, showing a loss of $320,000 in the annual net revenue at that port.

The business done in the courts, the district and circuit courts of the United States at Charleston, is comparatively insignificant. The whole number of suits begun in the Federal courts in South Carolina for the year ending June 30, 1885, in which the United States was not a party is as follows: Admiralty, 18; all other suits, 68; or a total of 86.

The number terminated during that year was 51. The number pending July 1, 1885, was as follows: Admiralty, 5; all other suits 94. The amount of judgments rendered during the fiscal year 1885 in favor of the United States in civil suits was $1,962.67, of which there was collected $267. The amount of fines and penalties imposed during that period was $10,705, of which there was collected $5.

There has been already expended in Charleston prior to 1882 the sum of $2,986,472 on public buildings, and a considerable amount since that time. For light-houses there has been expended prior to the time named $280,000. On forts and arsenals, exclusive of sums expended during the war, $2,200,000; and on Charleston Harbor, $894,007, or a a total of public expenditures in or immediately about that city prior to 1882 of $6,359,174. The whole sum realized from the postal department, the total receipts for the last fiscal year, amounted to $63,799. The net result was thirty-eight thousand and some odd dollars.

Now, Mr. Chairman, the President refused to approve a bill for the erection of a public building in the city of Sioux City, where the net postal revenue is $20,000. That bill provided for an expenditure of but $100,000; this bill for $500,000. The court business of the city of Sioux City is very nearly equal to that transacted at Charleston, and there is but little difference to-day in the amount of public business transacted in the two places. In my judgment, long before ten years shall have elapsed the public business transacted in Sioux City will be far more important, and result much more favorably to the country, as far as revenues are concerned, than that of Charleston. The President was unwilling that there should be a public building in Sioux City, however, and I think his friends ought not to embarrass him with this question and compel him to thwart their views and wishes for the extraordinary and extravagant amount they are attempting to appropriate, which he must and doubtless will do in order to preserve his consistency.

[Here the hammer fell.]

Interstate Commerce.

SPEECH

OF

HON. LEWIS HANBACK,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887.

The House being in Committee of the Whole, and having under consideration the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce—

Mr. HANBACK said:

Mr. CHAIRMAN: Twenty-two years ago I went to Kansas a young man. The State was then in its infancy, having only 35 miles of railroad. From that time on I have seen my State develop almost alone by and through the influence of railways. We have now nearly 5,000 miles of railway built by men who have invested their money because they believed success would attend their efforts.

Undoubtedly wrongs have been committed by the great transportation lines through my State. I remember well when the Kansas Pacific was simply two lines of rust; when the cars that ran on these lines of rust were linked together as they were in the days of our fathers, and I remember well, also, the time when a great man who has been greatly abused by some people within my State came there and put the Kansas Pacific into such condition that from 12 miles an hour the speed was increased to 30 miles. Through his endeavor the lines of railway and telegraphic dispatch through my district were made safe; so much so that any man who traveled need not take out a life-insurance policy if he desired to go 10 or 15 miles or more.

This man was one of the developers of my State. In the hour of its adversity, without solicitation (when the question was a doubtful one as to whether the part of the State where I live would be a success or not), he gave thousands where others gave dollars, and by his confident action he gave faith and hope to the men who were striving for their existence under most adverse circumstances; but that day has passed, and that part of the State that he assisted and where I lived is independent, so far as the future is concerned. I have said this much preliminary to what I desire to say in support of my decision upon the vote I would give if I was not paired with my distinguished friend from West Virginia.

My judgment, composed by years of experience, leads me to believe that the legislation proposed by the bill in question will be fatal to the best interests of my State, as well as to the whole country. The men who in their early manhood made it great came there from all the States in the Union. They brought with them their wives and children; they endured the calamities belonging to a new country. The storm of winter or the hot and parching summer sky made no difference to them. They had a determined will, and out of that will the State has grown magnificently.

Where I live, sixteen years ago, the buffalo and the Indian controlled the land. Through the enterprise of men through the eastern portion of this great country railroads were built in my State and will be built there. We all know that capital is timid, providing as it does for the support of men and women in my country. The people who labor are well paid; I desire that they shall continue to be as well paid in the future as they have in the past.

This is one of the main reasons why I oppose the bill in question. I admit the power, but deny the remedy. I have grave doubts as to the right of the Government to interfere in affairs of this kind; and I say this as a Republican. As I said before, my State has been built up by the railroads, and I have no desire to vote for legislation the tendency of which will be to defeat competition.

I am as well satisfied as I can possibly be on any question that my State will be greatly injured by the passage of this bill. We are interested in the long haul. We are in the center of the United States,

and we raise corn, wheat, cattle, horses, and hogs. Like the men of the State, all these products are of the best degree. Situated as I have said, we can feed the North, the South, the West, and the East, but the natural line of our communication is to New York and Boston. Wool to Boston and corn and wheat to New York, thence to Liverpool, at this time the great terminal point of the world.

I think it is safe to say, and upon that opinion I stand, that these great lines of industry, the product of capital and the employer of labor, ought not to be interfered with, as they will be by the provisions of this bill. I admit that wrongs have been committed in the past, but am well satisfied that the future will settle the balance in favor of the people through competitive forces, and so relying upon the future, I give my vote against this bill.

Public Building at Charleston, S. C.

SPEECH

OF

HON. SAMUEL DIBBLE,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 11, 1887.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10051) for the erection of a public building at Charleston, S. C.—

Mr. DIBBLE said:

Mr. CHAIRMAN: The importance of the city of Charleston and its business prosperity have been placed by the gentleman from Iowa upon a basis of comparison, which I submit is not a fair and proper criterion by which to judge of the prosperity or decadence of any place. The gentleman will remember, for he well knows, that in the period intervening between 1860, from which he dates his comparison, and the year 1880 or 1882, Charleston passed through all the misfortunes of a four years' war; that her population were refugees in the interior, and that in 1865, when the war was over, the grass was growing in her streets. I propose to submit to this committee the statistics of the last twenty years to show that the people of that city came together within her borders, accepting the situation as it was, becoming once again loyal citizens to this Union in spirit as well as in name, and laid their hands, their heads, and their hearts together to revive her fallen fortunes. The bare figures of those years will be sufficient answer to the argument of the gentleman from Iowa [Mr. HEPBURN].

I will present to the committee what I have carefully prepared from official data, being a comparative statement of the business of the city of Charleston in her leading industries and commercial interests for the last twenty years. I have the figures in my hand, and to them I ask the careful attention of the committee.

Take, Mr. Chairman, the item of cotton receipts, and make the comparison. The cotton receipts of Charleston for the ten years from 1866 to 1875, inclusive, were 2,857,993 bales, while the receipts for the ten years from 1876 to 1885, inclusive, were 4,781,511 bales, an increase in the last decade over the previous decade of 67 per cent. Take the rice receipts. Rice receipts in the first ten years of the last twenty were 339,276 tierces, and in the last ten years 453,744 tierces; showing an increase of 33 per cent. in that branch of the business of the city of Charleston.

Mr. HEPBURN. Would it interrupt the gentleman from South Carolina to ask him to give the statistics of the ten years between 1850 and 1860?

Mr. DIBBLE. I am not prepared to give the statistics between 1850 and 1860, and submit that they have nothing whatever to do with the question under consideration. We are not dealing with the question of the past—the dead past—but with the present, the living present.

Perusing this table further, we find in the matter of naval stores—turpentine and rosin—the receipts for the period covered by the ten years from 1866 to 1875 amounted 1,334,574 barrels, while in the ten years from 1876 to 1885, they reached 3,036,284 barrels, being an increase of 127 per cent. in naval stores. The lumber business for the same period shows receipts for the first ten years of 157,680,822 feet, while for the succeeding ten years they had reached 213,105,719 feet, indicating an increase of 35 per cent. in that branch of Charleston's commerce.

But it is well known, Mr. Chairman, that Charleston is enlarging the scope of her industries, and that one of her prime enterprises to-day is the phosphate business. As was stated in 1883, by the secretary of the National Fertilizer Association of this country, the State of South Carolina, owing to its natural deposits of phosphates, is the second State in the manufacture of commercial fertilizers in this Union, Maryland being the first. One-third of the entire quantity of commercial fertilizers manufactured in the United States is made in the State of South Carolina, and of that supply two-thirds is from the city of Charleston and its vicinity, and more than two-thirds is the result of Charleston capital and Charleston business enterprise.

Let us look at the phosphate trade and see how it has grown. It is an industry only of the last fifteen years; and I have placed the statistics in periods of five years. The crude phosphate shipped in the five years from 1876 to 1880 was 480,549 tons. The shipments of crude phosphate for the five years from 1881 to 1885 were 842,318 tons; an increase of 75 per cent. in five years.

[Here the hammer fell; but, having obtained leave so to do, Mr. DIBBLE extended his remarks, as follows:]

But the rapid growth of the "crude-phosphate" trade will be still further realized when we find that in 1875 the shipments were only 71,173 tons, and in 1885 they amounted to 189,096 tons; an increase of 166 per cent. in ten years.

In addition to crude phosphates shipped to foreign and domestic markets, a large manufacturing industry has been established in the production of the commercial fertilizers, which have taken the place of the Peruvian guano, once so heavily imported from South America to our shores. Millions of Charleston capital have been invested in the preparation of prepared phosphates from the crude rock of which I have spoken; and a comparative statement shows the following results. The amount of these fertilizers manufactured in and around Charleston—"within sight of St. Michael's steeple," as is said in one of the annual reports of this business—is as follows: In five years, from 1871 to 1875, inclusive, 209,770 tons; in five years, from 1876 to 1880, inclusive, 280,147 tons; and in five years, from 1881 to 1885, inclusive, 626,926 tons, or, in other words, an increase to three times as great a production in ten years. These indications of business growth and prosperity are supplemented by minor enterprises showing similar conditions, such as the shipments of early fruits and vegetables, reaching a value of $1,000,000 annually during each of the years 1883, 1884, and 1885. And these results have been achieved by the Charlestonians under drawbacks such as few communities have ever endured in times of peace. There were ten years of misrule and extravagance of municipal administration after the war was over, and their consequent burdens of taxation upon an impoverished people, while those who paid the taxes had no part in the administration of the city government, and the public credit became impaired, though now restored under the good government of the last few years.

And to-day, in spite of the devastation of war, and the decade of misgovernment thereafter, in spite of the conflagration which swept through the heart of the city, from Cooper River to Ashley River, in 1863, and the cyclone of 1885, which shattered her docks and wharves, and the more terrible and destructive earthquake of 1886, which, in a single moment, destroyed values exceeding five millions of dollars, her waste places have been rebuilt, her wharves were ready for commerce in thirty days after the cyclone, and her citizens are now restoring the buildings damaged or destroyed by earthquake, and the Charleston of to-day is a city full of enterprise and hopeful of continued prosperity. The great sympathy which her recent misfortune has called forth from every part of our common country, has encouraged a people who have learned heretofore how to rise above adversity, and who do not succumb to this greater calamity.

Another item of statistics, Mr. Chairman, which we may properly consider, relates to population. According to the United States census of 1880, the city of Charleston contained 49,984 inhabitants, and by the census of 1885, taken under authority of the city council, the population was 60,145, being an increase of over 20 per cent. in five years. Of this, the increase of white inhabitants in five years was over 21 per cent., while the increase of colored inhabitants was about 19 per cent. I have made this comparison between white and colored inhabitants because the gentleman from Iowa [Mr. HEPBURN] has seen fit to base one of his comparisons on the statistics of the white population, and this is in answer to his statement.

The gentleman from Iowa [Mr. HEPBURN] takes the ground that Charleston should not have a post-office building, because it is likely to be destroyed by another earthquake. In opposition to this theory we have the unanimous opinion of scientific men familiar with the history of past seismic disturbances, to the effect that it is not usual for an earthquake shock such as the one felt at Charleston to be succeeded by another of similar severity, though slight disturbances are likely to occur for several months; and the experience of the last four months corroborates their views. And the solid business men of Charleston are restoring their shattered buildings with their own means, for the funds contributed by the generosity of our friends elsewhere were devoted exclusively to assisting those, who were not able to rebuild and repair without such aid. And I submit that where business men are willing to invest their money in rebuilding an American city, the Government ought not to discourage them, by hesitating to provide for its own business at that city in like manner. Besides, Mr. Chairman, the finest models of architectural skill that the world has known are the public edifices of ancient Greece, a country ever subject to earthquakes; and those structures have endured for ages.

And on this subject I can appropriately refer to the opinion of the Supervising Architect, who states that with the sum proposed in this

bill he can erect a building which will provide the necessary accommodations for the public business and will be strong enough to withstand an earthquake shock of greater severity than that of the 31st of August last.

The gentleman from Iowa has taken the pains to collect with great care the expenditures made by the Government in the past for various public purposes in and about Charleston, from the adoption of the Constitution to the present time, embracing about a century. He has made up an account, including as charges against us the sums expended for light-houses to guide the mariners in their voyages over the trackless waves of the Atlantic Ocean at night, and the cost of forts and arsenals built for the common defense.

I confess my inability, Mr. Chairman, to see the pertinence of these antiquarian researches to the matter now in issue. The single question is the need of the Government for a public building at Charleston to replace two such buildings rendered unfit for use by the earthquake. That is the issue; and when we have the fact before us that the post-office building is only made fit for temporary use by being propped up with timbers and braces, inside and outside, and that the old club-house building is a complete wreck, and that both of these buildings are injured so that they can not be repaired for permanent use—and such is the report of the Government expert who was sent down by the Treasury Department to inspect these buildings—then the business-like way to do, is to provide for the erection of one substantial building to take the place of the two which have been damaged beyond repair.

I have dwelt thus at length on this subject simply because the gentleman from Iowa, from lack of information concerning the resources and prospects of the section and the people I have the honor to represent, has done an injustice to a community which, I am proud to say, has retrieved disaster in the past and will do so in the future, asking only, while rebuilding our shattered homes and school-houses and churches, that in the time of our calamity we may find the Federal Government willing to give us facilities at least equal to those we have enjoyed in the past for the transaction of the public business in our midst.

I append the statements I have made in tabular form:

COMPARATIVE STATEMENT OF POPULATION AND BUSINESS OF CHARLESTON, S. C

Cotton receipts for ten years, 1866 to 1875	bales...	2,857,993
Cotton receipts for ten years, 1876 to 1885	do.....	4,781,511
Increase in ten years, 67 per cent.		
Rice receipts for ten years, 1866 to 1875	tierces...	339,276
Rice receipts for ten years, 1876 to 1885	do.....	453,744
Increase in ten years, 33 per cent.		
Naval stores (turpentine and rosin) ten years, 1866 to 1875	barrels...	1,334,574
Naval stores (turpentine and rosin) ten years, 1876 to 1885	do.....	3,036,284
Increase in ten years, 127 per cent.		
Lumber for ten years, 1866 to 1875	feet...	157,680,822
Lumber for ten years, 1876 to 1885	do.....	213,105,719
Increase in ten years, 35 per cent.		
Crude phosphates for five years, 1876 to 1880	tons...	480,549
Crude phosphates for five years, 1881 to 1885	do.....	842,318
Increase in five years, 75 per cent.		
In 1875, only 71,173 tons of crude phosphates.		
In 1885, 186,096 tons of crude phosphates.		
Increase in ten years, 166 per cent.		
Manufactured fertilizers for five years, 1871 to 1875	tons...	209,770
Manufactured fertilizers for five years, 1876 to 1880	do.....	280,147
Manufactured fertilizers for five years, 1881 to 1885	do.....	626,926
Increase of 3 times in ten years.		
Population by United States census of 1880		49,984
Population by city census of 1885		60,145
Increase of population in five years, over 20 per cent.		
Increase of whites in five years, over 21 per cent.		
Increase of colored in five years, 19 per cent.		

Agricultural Department.

SPEECH

OF

HON. DAVID B. CULBERSON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 11, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture and Labor—

Mr. CULBERSON said:

Mr. CHAIRMAN: There are some important and startling facts presented by a comparison of the rates of increase in the value of farms and live stock as shown by the censuses of 1850, 1860, 1870, and 1880. The figures from which these rates are taken may be found in the compendium of the last census on page —.

The value of all the farms in the United States, as shown by the census of 1850, was $3,271,575,426. In 1860 the value was $6,645,045,107. In 1870 the value was returned at $9,268,803,861, and in 1880 the value was estimated at $10,127,096,776.

It follows from these figures that during the decade from 1850 to 1860 the rate of increase in the value of farms was more than 100 per cent.

From 1860 to 1870 the rate of increase was less than 40 per cent.; and from 1870 to 1880 the rate of increase in value was less than 9 per cent.

It further appears from the tables to which I have referred that the value of all the live-stock in the United States in 1850 was $544,180,586. In 1860 the value was $1,089,329,915. In 1870 the value was $1,525,276,547.

In 1880 the value was returned at $1,500,464,609.

The rate of increase from 1850 to 1860 was over 100 per cent.

From 1860 to 1870 less than 40 per cent., and from 1870 to 1880 instead of an increase in the rate the total value declined more than $25,000,000.

I take the rates of increase from the statement made by Mr. J. Q. Smith before the Committee on Ways and Means of the House, and I have verified them by the actual figures.

There are no official figures by which to ascertain the rate of increase or decrease in the value of the farms and live-stock in the United States during the last six years.

But, Mr. Speaker, our observation and knowledge of the condition of our farmers, the reduced value of agricultural lands except in favored localities, the enormous indebtedness of this class of our population, the usurious interest everywhere exacted of them for advances, the immense cost and expense of railway transportation of agricultural products to market, the scarcity of money in circulation, the onerous burden of taxation, direct and indirect, imposed by law upon all, but which by its operation affects more oppressively those who are engaged in agricultural pursuits than any other class of our population, the cruel and unjust taxation of some of the products of the soil, must convince every one that there has been no improvement in agricultural values. If a similar blight and decay had fallen upon other great industries it might be difficult to ascertain the true cause of the decline; but such is not the case.

I make the following quotation from the statement of Mr. Smith, to which I have already referred:

> Without wearying you with further figures, do not all these statistics point strongly, if not conclusively, to the fact that, from some cause or causes, there has been, since 1860, a great arrest in the prosperity of the country, and especially of those engaged in agriculture? Are not the statistical figures I have given such as to demand at the hands of your committee a careful and disinterested inquiry into the subject? There seems every reason to believe that between 1850 and 1860 there was a very rapid increase in wealth. In the general prosperity of the country the great farming community appears to have fully participated. Then, as now, it comprised about half of all our people. Starting in 1850 with less than $4,000,000,000, they increased their wealth by more than an equal amount in ten years. But since 1860, with far more than twice as much capital, and added millions of persons employed, they have scarcely been able even by the highest estimates the census officers could possibly make, to add as much to their wealth in twenty years as they did in the preceding ten. In 1860 farmers owned half of the wealth of the country. In 1880 they owned but a quarter. By the census estimates the other half of the community between 1860 and 1880 increased their wealth by more than $23,000,000,000; but farmers, starting with an equal capital, increased their wealth during the same time only a little more than $4,000,000,000.

The remarkable decline in the prosperity of those engaged in agricultural pursuits is peculiar, significant, and appalling.

No other great industry presents such evidence of decay. On the contrary, all other industries show remarkable growth during the two last census decades. Indeed, it appears that as the prosperity of those engaged in agricultural pursuits has waned and declined other industries have prospered with unparalleled rapidity.

In view of the fact that more than one-half of our population is engaged and employed in agricultural pursuits; that this great industry produces more than ten billion dollars' worth of products annually with which to feed and clothe the people of the world; that 80 per cent. of all the exports from the United States consist of agricultural products—and especially in view of the fact, conceded on all sides, that enlightened and prosperous agriculture is the basis of all individual and national wealth, and that no genuine, general prosperity can exist while farms decay—it would seem to be the very highest duty of all legislators to explore the whole field of inquiry to ascertain the cause of the decline of agricultural prosperity and to promote by all lawful means the interests of this great and all-important industry.

If the individual exertions of the legislator are inadequate to this great task, there should be do hesitation to employ every necessary lawful auxiliary to aid in the noble work. It is our duty to do so.

The distressed condition of agriculture and labor is not the result of accident or chance, nor can it be justly attributed to any want of energy, industry, and economy on the part of the tillers of the soil.

The same friendly skies and sunshine and season that blessed the farmers of the earlier decades to which I have referred still remain to cheer and encourage the husbandman.

The same pluck, industry, and frugality that characterized our farmers during the periods of agricultural prosperity continue to characterize their conduct in the gloom of agricultural adversity.

Yet, Mr. Speaker, despite the abundant yield of the soil, and the industry and frugality of our farmers, year by year a deeper gloom and decay are spreading over farms and stock, and the farmer grows poorer as the years go by.

I believe that the cause of the decline of prosperity among those engaged in agricultural pursuits in the main is due to the evils of class legislation, State and national.

The laboring population, those who in the farm or workshop, or wherever else brain and muscle toil for a living, have been the victims of legislation designed to promote the interests of corporations and classes. For more than a quarter of a century there have been constant and exhaustive exactions, under the forms and color of law, upon the profits of agriculture and the wages of labor to build up special classes and favored industries. The limit of exactions is fixed by the ability of agriculture and labor to comply with them.

In the great battle of life for comfort and competency the farmer has had an unequal chance of success with those engaged in other pursuits. This fact the census tables abundantly show.

I can only refer now, within the time allowed, to a few instances of class legislation which have been destructive of agricultural profits.

We all know, Mr. Speaker, that no people, however frugal and industrious, can prosper who are denied the advantage and convenience of a volume of circulation sufficient to meet and accommodate all the requirements of business. Whenever such condition exists, certain results, to the disadvantage of those engaged in agricultural pursuits especially, are inevitable. The value of agricultural lands, houses, live-stock, and all other agricultural products decline in value, and the fortunate possessors of money or fixed securities increase their fortunes rapidly. The flow of circulation to the great stock-jobbing and commercial centers increases, and agricultural districts struggle with hard times.

The prophetic wisdom of the framers of the Constitution, apparent in every article of that wonderful product of statesmanship, is no where more clearly exhibited than in that provision which vests in Congress the exclusive authority to coin money and regulate its value. Who but the representatives of the people should possess and exercise the power of determining how much money should constitute the volume of circulation?

In a matter of such vital importance none but disinterested representatives of the people, inspired as they are supposed to be by an earnest and patriotic desire to serve the best interests of all the people, should be allowed to set a limit upon the volume of circulation. Yet, more than two decades ago, Congress surrendered substantially this great and vital function of government to private corporations.

More than two thousand banking corporations, organized under the laws of Congress, united by a bond of common interest, and inspired by the spirit of a common greed to make money, virtually control the volume of circulation. The value of farms, live-stock, and other agricultural products are at the mercy of these private corporations. Armed with power to make money scarce or plentiful, they regulate the volume of circulation as their interests dictate.

Although under the wise provisions of laws enacted since 1877, under the auspices of the Democratic party, our volume of authorized money, consisting of gold and silver and their representatives, gold and silver certificates, legal-tender greenbacks and bank notes, has grown from nine hundred and fifty millions of dollars to more than one billion six hundred millions, more than one-half of this authorized volume of money is arbitrarily and otherwise withheld from the channels of circulation by the banks and the Treasury of the United States. The result is that the volume of money is stinted and starved, and everywhere away from commercial centers the cry of hard times is heard. No class of our population is as seriously affected by our financial system as those engaged in agricultural pursuits. The doors of national banks are closed to the farmer. They have no accommodations for him.

If his business could support the interest demanded, he is not permitted by the law to offer his lands as security for loans.

If this system could be abolished and the Government resume its rightful authority over the volume of money and circulation, a few thousand bankers, enriched by the spoils of fluctuation in values and high-rate interest, will no longer dole out to the people a volume of circulation.

How far our system of finance has contributed to impoverishing those engaged in agricultural pursuits or in bringing upon agriculture and labor its present distressed condition, is a question of great and vital importance, and is quite too broad and deep for the research of a bureau originally designed to gather and distribute rare and choice seeds. The interests involved are so vast and the conflicting and opposing industries are so powerful and strong that the subject should be committed to the special care of an executive department of the Government.

It is estimated that railroad companies organized under the laws of the several States and of Congress have capitalized their properties at the sum of nine billions of dollars. Though quasi public corporations, they are essentially devoted to the interests of shareholders and bondholders.

They have superseded all other modes of transportation mainly, and have become a public and private necessity.

Their ability to promote or depress the business of agriculture by charges for transportation of agricultural products is known and felt throughout the country. How have they treated this great industry? Have they fixed their charges for transportation upon a basis of fairness or are their charges made with reference only to the ability of agriculture to respond to them? Have they exercised their kingly power over transportation to oppress those engaged in agricultural pursuits? These are vital questions in view of the wonderful decline in agricultural prosperity.

It is said, Mr. Speaker, that fully one-third of the capitalized value of railroad properties, or the sum of three billions, is unreal and fictitious, sometimes called watered stock. Is it a fact, as alleged, that the railroad corporations fix the rate of charges for transportation and the wages of labor in order to furnish a fund with which to pay interest and dividends upon unreal as well as real capital.

If that be so, it is a manifest injustice and an unmixed outrage upon the people, and no class of the people are so vitally interested in the matter as those who are engaged in agricultural pursuits, because the transportation of agricultural products constitutes the bulk of the business of the railroads.

It cannot be denied, however, that there is but little profit in the business of agriculture now which is permitted to be retained by the farmer. How much of the profits of this industry have gone into the coffers of railroad companies for the purpose of providing a fund with which to pay interest upon unreal capital will be difficult to ascertain. The conviction that such injustice is being imposed upon agriculture and labor is the chief cause of the unrest and disquiet among the great army of the people engaged in agriculture and employed by railroad companies. The great question may be, not how the railroad companies have diluted their capital, but are the rates for the transportation of agricultural products just, reasonable, and fair? Is there extortion?

The legislature of every State in the Union, and Congress in cases within its authority and jurisdiction, must undertake the great work of unloading agriculture of all unjust burdens and unreasonable exactions imposed upon it by corporations created for public as well as private purposes. How shall this great work be undertaken? Where are the facts upon which it must be prosecuted? Can Congress enter successfully upon this duty, and in the future legislate intelligently without the aid of some such powerful auxiliary as an executive department?

If the convictions of the people are correct, a despotism of fraud has intrenched itself under cover of corporate privileges. If its thralldom is to be broken, and agriculture and labor emancipated from its oppression, all the information and light which can be given by an executive department will be needed to carry on the work and shield this great industry in the future from the evil effects of class legislation.

Mr. Speaker, the product of the soil in some States of the Union is taxed, and scores of revenue officers and deputy marshals swarm over the country to harass our farmers and destroy their substance; and for what? To pile up money in the Treasury not needed for any public purpose and keep in pay an army of useless officials. The fangs of an infamous system of tariff taxation have been fastened in the very vitals of agriculture, and for more than twenty years the greater part of the earnings and profits of that industry have been transferred to the pockets of domestic manufacturers without reciprocal advantage.

In order to keep and preserve the home market for our domestic manufactures the markets of the world have been practically closed against our farmers.

The protected industries, aided by all other consumers in the United States, can not use or consume the enormous products of agriculture.

The result is that 80 per cent. of all exports from the United States consist of the products of agriculture.

When these products reach the foreign markets they are sold for money in a free market and in competition with similar products of all nations. They can not be exchanged for manufactured products, such even as farmers are compelled to use, because of the high rate of import duty upon such products.

The farmer must sell his surplus products in a foreign market and buy such manufactured products in the home market as he is compelled to use at a price usually enhanced by the rate of import duty upon a similar product manufactured abroad. Our manufacturers do not buy and manufacture all the cotton, wheat, and beef produced by our farmers. The surplus must waste or perish, or be shipped to foreign markets. The price for which the surplus cotton raised in the United States sells in Liverpool in competition with the cottons of other countries, fixes the price of cotton at home. So of wheat, oats, and beef, sold in foreign markets. The vast army of people engaged in agricultural pursuits, the millions of toiling people outside of protected industries are compelled under our system of taxation to pay an annual tribute of 46 per cent. average upon all manufactured products used and consumed by them to swell the profits of home manufacturers without the reciprocal advantage of an enhanced home market for their products. No wonder the farms and fields are decaying and farmers are growing poorer year by year.

From 1850 to 1860 the rate of increase in the value of farms and live-stock in the United States was over 100 per cent. A Democratic system of tariff taxation was in force. The average rate of import duties

did not exceed 18 per cent. It was a tariff for revenue, and not a tariff for protection and bounty. There was general prosperity. Agriculture flourished, and all other industries grew and prospered.

Since the tariff for protection and bounty has been in existence agricultural prosperity has steadily declined. From 1860 to 1870 the rate of increase in the value of farms fell from 100 per cent. to 40 per cent., and from 1870 to 1880 the rate of increase was only 9 per cent. Over three hundred millions of dollars find their way into the pockets of protected barons annually, as a mere bounty, or the enhanced value of their products by reason of the tariff. Agriculture contributes of its hard earnings more to this bounty fund than any other industry.

It is said, Mr. Speaker, that under this system of taxation our country has wonderfully increased its wealth. That is conceded, but the system robs one industry to build up another, and impoverishes the great body of the people to enrich favored classes.

Two years ago I addressed the House upon the subject of the tariff. I quote the following from my remarks on that occasion:

Mr. Chairman, it is said that the marvelous development of the resources of the country during the last twenty years and the enormous addition to the wealth of the people and their apparent prosperity are all due to the protective system, and they are eloquently displayed as the beneficent results of protection. Is the credit due? I think not. If you will compare the results of the period when we had a Democratic tariff with those which are now claimed for protection fairly and with reference to the conditions applicable to each, you will find the prosperity of the people under the former period far more satisfactory to the philanthropist and the patriot than that which now exists. During the period of a tariff for revenue, the prosperity of the people (as shown by the census) was marked and significant. It was widely diffused. The *acquets* and gains of labor, industry, and enterprise were shared by the whole people, from the humblest tiller of the soil to the millionaire.

The prosperity which is apparent to-day is in a large degree deceptive. The general and substantial prosperity of the tariff-for-revenue period does not exist. It is true that we are dazed by the glare of wealth and stand lost in admiration at the grand development of the inherent resources of the country. But I regret to say that the wealth which attracts our attention to-day lies up in heaps. It is enthroned in palatial residences that shelter the bounty-fed barons of protection. It displays itself in the long lines of railway stretching across the continent, all owned by money kings; in the "million list," who cut the coupons from untaxed bonds; in the long roll of banks and bankers, fattening day by day upon the spoils gathered from the people by the favor of class legislation; in the costly public buildings, more fit for the scarlet henchmen of royalty to dwell in than the servants of a republican people, erected all over the country by the money wrung from the public by this system of indirect taxation; and finally, in the baronial landed estates filched from the public domain, the heritage of the poor, under the forms of law. [Applause.]

From 1861 to 1870 the nine leading manufacturing States increased their wealth 173 per cent.; from 1870 to 1880, 200 per cent.; while for the same period the nine most fertile agricultural States show no such wonderful achievements in the acquisition of wealth. The truth is, and I regret to say it, that the wealth of the country acquired under the protective system is most unevenly divided. There is abundant wealth and prosperity, but who shares it? There are to-day more modest homes where the comforts of wealth are unknown, there are more tenement houses where tired people are supposed to rest, there are more cabins clinging to the hillsides or dotting the great plains, there are more hovels where squalid poverty sleeps upon its rags, and there are more able-bodied men and women eking out a miserable existence upon small wages than at any other period in the history of the country. In the very glare and glamour of centralized wealth and corporate power which the protective system promotes there is a vast army of men, women, and children struggling for the barest living. There is no factor in American politics or policies that has contributed more to centralize the wealth of the country, to make the rich richer and the poor poorer, than the system of protection.

The measure under consideration was designed by its author, the distinguished gentleman from Missouri [Mr. HATCH] as one method to aid Congress in the overthrow of the despotism of class legislation over agriculture, the paramount industry of the country, and to make it impossible in the future to despoil it of its just profits by vicious legislation. Agriculture needs at the council board of the Executive a friend and representative, whose duty it shall be to lay bare before the President, Congress, and the country the relation which agriculture bears to existing legislation, and such as may be from time to time proposed.

The relation that this great industry sustains to the well-being of all the people and all other industries demands that Congress shall be informed how much class legislation has contributed to its impoverishment, and how the legislative functions of the Government may be exercised without depriving those engaged in it of legitimate profits. I do not understand that agriculture is a function of government, and therefore entitled as a matter of right to be represented by a cabinet officer, nor is this measure based upon any such assumption; but I do recognize the fact that agriculture is the chief industry of the United States, and the very foundation upon which all other industries rest and depend for prosperity.

It is unequally depressed and unjustly oppressed by the effects of legislation. It is known of all men that its prosperity has declined, and that the millions engaged in it are staggering under burdens too intolerable to be much longer borne. The peace and good order of the country are imperiled, and the well-being and prosperity of the whole country imperatively demand that the cause of the decay that is sapping and weakening the foundation of all individual and national wealth shall be discovered and removed. What more powerful auxiliary to aid in the accomplishment of such important work can be suggested than the one proposed by this measure?

Agriculture and labor ask no bounty from the Government. They do not ask that other industries may be taxed, directly or indirectly, to swell their profits. They ask no class legislation in their behalf. They seek no advantages over other industries to be enjoyed under color of law. They do not desire to escape taxation, direct or indirect. They submit with cheerfulness to all legitimate burdens of Government. But they demand equal and exact justice, and above all they demand that Congress shall exercise its legislative powers without casting upon them unfair and unequal burdens, and vesting in private or public corporations power to strip them of their hard earnings and the legitimate profits of their toil.

As a means, not unlawful in its character or scope, to accomplish this laudable legislative purpose, the construction of an executive department, charged with the duty of collecting information of all matters affecting the well-being of this great industry and maintaining its right to fair and just treatment, as is proposed by this bill, seems to me not inconsistent with the legislative authority of Congress or an unjust discrimination in favor of one industry over another.

It is said by the strict constructionists that Congress possesses the authority to expend millions of dollars in the purchase of books for a library and to construct upon land, seized and taken from citizens, under the extraordinary power of eminent domain, which ought never to be exercised except for public necessary purposes, a marble palace to cost not less than $6,000,000 to shelter the books and an army of officials for the purpose of educating Congressmen and enabling them to properly discharge their legislative duties.

If that be so, it would seem that Congress for the same purpose might avail itself of the aid of an executive department, although it may be less costly and far less ornamental. The friends of this measure are not prompted by a desire to obtain for this industry exclusive advantages over other industries, but because of its paramount importance they demand that all lawful means should be employed to rescue it from decay and to shield it in the future from the aggressions and spoliation of corporate power and the unjust and oppressive exercise of legislative authority.

The Pacific Railroads Investigation.

SPEECH

OF

HON. WILLIAM S. HOLMAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 18, 1887.

The House having under consideration the joint resolution (H. Res. 170) authorizing an investigation into the books, accounts, and methods of the Pacific railroads, and

Mr. HOLMAN having submitted the following amendment:

After the word "use" in the twenty-eighth line insert "and whether any of the Pacific railroad corporations which obtained bonds of the United States to aid in the construction of their railroads have expended any of their money or other assets in the construction, or to aid in the construction, of other railroads, or invested any of their money or other assets in the stocks or bonds of other railroad corporations. If any such expenditure or investments have been made, the extent and character thereof made by each of said corporations shall be inquired into, and also the present interest of any of said corporations in the railroads auxiliary to their respective railroads"—

Mr. HOLMAN said:

Mr. SPEAKER: I do not find any provision in the pending joint resolution that seems to cover the matter embraced in this amendment. It seems to me that the most important information which can be secured through this investigation is the extent to which these various Pacific railroad corporations are interested in the auxiliary lines. These auxiliary lines are of special interest in this inquiry. There has been some conflict of opinion upon the floor upon that subject, and I think it is of the highest importance to ascertain to what extent these various corporations have invested their means in the construction of auxiliary lines and the extent to which those lines are now owned by the original Pacific railroad corporations.

Mr. DUNN. And the incumbrances upon them held by others.

Mr. HOLMAN. I have no objection to an inquiry into that, but I have not included it in my amendment. I wish now to call the attention of the gentleman from Tennessee [Mr. RICHARDSON] having charge of the joint resolution to the fact that in line 13, page 2, the words "or land" are included, embracing the land-grant railroads in the inquiry. I submit that an inquiry into the land-grant railroads is unnecessary and unprofitable. This proposed investigation as to the land-grant roads will amount to nothing. If those roads have obtained their lands properly and in conformity with the terms of the grants, the manner in which they have disposed of them is a matter of no consequence to the Government. The fatal mistake was in making the grants. Those grants, so far as they have been completed in conformity with the terms of the grants and the title secured through the executive department are, of course, beyond our reach, and I think there is no advantage in spending time in such an investigation as that, anxious as I am to annul every grant within our reach; but the facts as to

the land-grant roads are all fully known to Congress. Then, too, there is this provision, which I think quite unimportant: "And if any, how much, money is due and owing to the United States on account of mistakes and erroneous accounts." That could be ascertained very readily by competent accountants, but it has not heretofore been deemed a matter of any special moment. It is unimportant in view of the far greater interests involved. The House is now clearly informed that we must resort to expedients far more effectual than overhauling accounts—expedients that will compel the payment into the public Treasury during the next eleven years that the bonds of all the corporations have to run of all the net earnings, or at least the greater part of the net earnings, of these corporations. That is inevitable if the rights of the Government and people of the United States are to be respected; and a mere inquiry into false accounts designed to diminish payments to the Government under existing laws (and they are undoubtedly numerous and flagrant) will be found to be of little or no value.

The duty of Congress is clear and manifest if it intends to protect the Government from the methods of these corporations and prevent the perpetration by them of greater wrongs upon the Government than those already inflicted. It will find itself under the necessity of compelling these corporations to pay into the public Treasury annually the sum of money they are able to pay—their net earnings; and in that view, and if you intend that they shall pay as far as possible, I submit that it is a matter of no kind of consequence to inquire into errors of statement, honest or dishonest, or of misappropriations of money here and there heretofore made upon which the payment of the 5 per cent., or the 25 per cent., to which the Government was entitled, has been evaded.

These powerful corporations owe their vast resources to the United States. Their more than imperial wealth is substantially a gift from the Government. Such a grant in value, in public credit, and public lands as these corporations obtained was never before known in the history of any country. They are able to pay the money they owe and will owe the Government when it shall become finally due if Congress will in the mean time employ the power it has retained to compel them to apply their resources to the payment of their debt instead of permitting them to enlarge the wealth of their stockholders, already grown rich on this enormous subsidy of the Government.

But a cry of alarm has been raised that if the Government does not nurse these corporations with more than maternal tenderness the vast sum of money, now amounting to more than $110,000,000 loaned and advanced by the Government for their benefit, to say nothing of 30,000,000 acres of land given to them outright out of the patrimony of the people, will be lost; yet the papers before us show that these Union Pacific corporations (six original corporate bodies now consolidated into three) have assets amounting in value in the aggregate to $452,316,450, the outgrowth of the national munificence, on which the lien prior to that of the United States is $64,623,512, the interest on which has been paid; and yet the extraordinary pretense is raised that these corporations, with $452,316,450 of assets subject to a prior lien of $64,623,512, can not pay the debt it owes to the Government of one hundred and ten million and will become bankrupt if the Government does not extend its debt at 3 per cent. interest through seventy years.

It is claimed, however, that the Government lien is on the railroads and franchises, and that the mortgages given by the corporations on the land grants are prior to the lien of the Government; that is true, but they do not exceed $23,000,000, and I think are much less. It is true these corporations owe vasts sums of money, have issued bonds secured by mortgages, but their lien on these railroads is subject to that of the United States, and even these deferred bonds are sold in the market at a high premium. The fact is the Government's debt against these corporations is amply secured unless Congress shall permit them to misappropriate their enormous resources and defeat the ends of justice.

So that while I support the pending resolution, I still believe that the well known facts touching these corporations and their resources and indebtedness are sufficient to enable Congress to legislate intelligently and amply secure every right of the Government. All that is necessary is that these corporations be required to apply their resources in the payment of their honest debts.

Another point to which I wish to call attention is this: I have seldom known Congress to think it necessary to make a larger appropriation for the performance of any public work than was deemed necessary and recommended by the head of the Department to which the work appertained. In this case the Secretary of the Interior recommends that $15,000 or $20,000 be appropriated to meet the expenses and pay the compensation of the commission, yet I see that the committee propose an appropriation of $30,000. I do not think we are warranted in exceeding the amount recommended by the head of a Department.

Mr. OUTHWAITE. Will the gentleman permit me to ask him whether the Secretary of the Interior includes in his estimates all the items that are covered by this proposed investigation?

Mr. HOLMAN. I so understand. The inquiry involved in this joint resolution is necessarily limited in its scope and will not require any prolonged period of time to complete the work.

[Here the hammer fell.]

Interstate Commerce.

SPEECH
OF
HON. JAMES E. CAMPBELL.
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. CAMPBELL, of Ohio, said:

Mr. SPEAKER: The report under consideration, when adopted, will result in legislation conceded by its friends to be crude and believed by its enemies to be empiric. That it is certain of passage by this House nobody who sees the stampede in its favor can doubt. It is questionable whether one-sixth of the Representatives present will go on record against it. Yet nobody understands it; none of the conferees in either Chamber agree upon its meaning; and no one has pretended to intelligently explain some of its provisions. It was truthfully as well as pungently said by one of the Senators from Kansas [Mr. INGALLS]:

> This is a bill which practically nobody wants, and which everybody intends to vote for; a bill which nobody is satisfied with, and which everybody intends to accept; a bill which nobody knows what it means, and yet we have all agreed it ought to pass.

Not only did he indulge in caustic criticism of the bill but his adverse opinion was shared in by the acting Vice-President [Mr. SHERMAN] and by many other Senators, whose ability in exposing the shortcomings of the measure was equalled only by their inconsistency in voting for it.

Nearly the entire Senate found fault with the bill, and yet, upon its passage by that body a few days ago, only 15 votes were recorded against it.

In this House the debate has been carried on in much the same manner. For two whole days we have enjoyed a ludicrous spectacle. One member after another has risen in his seat, gravely denounced the bill as ambiguous, pernicious, or unnecessary, and finally wound up, in a shame-faced manner, with the illogical statement that he intended to vote for it as an experiment—apparently trusting to Providence that it might not result in irretrievable disaster to the country. If gentlemen will thus contradict their votes by their public utterances what will they not say in private? It is my belief that a large majority of the membership of this House will frankly admit this bill to be dangerous in its tendencies, and that one, at least, of its provisions is a deadly menace to every business interest.

I am afraid that too many gentlemen here are overanxious to please a clamorous but misinformed constituency, and that in trying to do this they are about to fasten upon the country a law which, while it has some good features, is liable to create greater evils than those we are striving to cure. No one disputes or justifies the existence of the many and bitter grievances which have exasperated the people against the railroads. Those corporations have robbed their stockholders, ruined their builders, discriminated against shippers, fostered monopolies, oppressed producers, stolen Government subsidies, misappropriated public lands, evaded taxes, corrupted the administration of justice, increased their tolls beyond the point of endurance in order to pay extravagant salaries and dividends on watered stock. They have heartlessly disregarded the lives and safety of their passengers and are notorious for overworking and underpaying their employés. Their rapacity and brutality have become a by-word in the land.

The committee appointed by the Senate to take testimony upon the subject of interstate commerce have drawn an indictment against the railroads embodying the grievances which the business interests have complained of, and which are as follows:

1. That local rates are unreasonably high, compared with through rates.
2. That both local and through rates are unreasonably high at non-competing points, either from the absence of competition or in consequence of pooling agreements that restrict its operation.
3. That rates are established without apparent regard to the actual cost of the service performed, and are based largely on "what the traffic will bear."
4. That unjustifiable discriminations are constantly made between individuals in the rates charged for like service under similar circumstances.
5. That improper discriminations are made between articles of freight and branches of business of a like character and between different quantities of the same class of freight.
6. That unreasonable discriminations are made between localities similarly situated.
7. That the effect of the prevailing policy of railroad management is, by an elaborate system of secret special rates, rebates, drawbacks, and concessions, to foster monopoly, to enrich favored shippers, and to prevent free competition in many lines of trade in which the item of transportation is an important factor.
8. That such favoritism and secrecy introduce an element of uncertainty into legitimate business that greatly retards the development of our industries and commerce.
9. That the secret cutting of rates and the sudden fluctuations that constantly take place are demoralizing to all business except that of a purely speculative character, and frequently occasion great injustice and heavy losses.

10. That, in the absence of national and uniform legislation, the railroads are able by various devices to avoid their responsibility as carriers, especially on shipments over more than one road, or from one State to another, and that shippers find great difficulty in recovering damages for the loss of property or for injury thereto.

11. That railroads refuse to be bound by their own contracts, and arbitrarily collect large sums in the shape of overcharges in addition to the rates agreed upon at the time of shipment.

12. That railroads often refuse to recognize or be responsible for the acts of dishonest agents acting under their authority.

13. That the common law fails to afford a remedy for such grievances, and that in cases of dispute the shipper is compelled to submit to the decision of the railroad manager or pool commissioner, or run the risk of incurring further losses by greater discriminations.

14. That the differences in the classifications in use in various parts of the country, and sometimes for shipments over the same roads in different directions, are a fruitful source of misunderstandings, and are often made a means of extortion.

15. That a privileged class is created by the granting of passes, and that the cost of the passenger service is largely increased by the extent of this abuse.

16. That the capitalization and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.

17. That railroad corporations have improperly engaged in lines of business entirely distinct from that of transportation, and that undue advantages have been afforded to business enterprises in which railroad officials were interested.

18. That the management of the railroad business is extravagant and wasteful, and that a needless tax is imposed upon the shipping and traveling public by the unnecessary expenditure of large sums in the maintenance of a costly force of agents engaged in a reckless strife for competitive business.

The foregoing charges, formulated by the committee, are, as to many of the railroads of the country, unquestionably true.

These corporations were created by the people, and can be made amenable to their control. They must be compelled to do equal and exact justice to everybody. They must be so compelled by the strong arm of the Federal Government. It is true that where they lie wholly within one State they are subject only to the jurisdiction of that State; but when they cross State lines they become subject to the sovereignty of the United States; and it is the right and duty of Congress to interfere and protect the people from their greed and mismanagement.

Let us see what attempts have been made in this Congress to exercise that power. A brief glance at the action of both Houses will refresh our recollection and fix the responsibility for success or failure where it properly belongs.

On the 12th day of last May the Senate passed a bill (S. 1532) known as the "Cullom bill," and sent it to us for consideration. After some debate we refused their bill, and on July 30 passed a substitute, known as the "Reagan bill" (being similar to H. R. 6657), and sent it back to the Senate. Said substitute thereby became Senate bill No. 1532. For that substitute I voted, although I did not approve some of its provisions—as I may explain later. It provided full remedies for the principal grievances complained of in railroad management, and was wholly in the interest of the people. It went to the full extent that any tentative legislation should go, and even farther than was thought prudent by myself and others of its supporters. That bill was based upon the theory of furnishing remedies in both State and Federal courts for violations of its provisions. It commanded what should be done by the railroads, and prohibited what should not be done.

Its leading features are succinctly stated in House Report No. 902, which recites that the bill—

Provides that the charges of the railroads shall be reasonable; that persons engaged in the transportation of interstate commerce by railroads shall furnish without discrimination the same facilities for the carriage, receiving, delivery, storage and handling of property of like character, and shall perform with equal expedition the same kind of services connected with contemporaneous transportation.

It makes provision against evasion of the continuous carriage of freights by prohibiting stoppage or interruption of the transmission of freights at intermediate stations. It makes it unlawful to allow any rebate, drawback, or other advantage in any form upon shipments made for any person. It makes combinations for pooling unlawful, and it prohibits charging more for a given amount and kind of service for a shorter than for a longer distance, which includes the shorter distance on any one railroad.

It provides that the railroad companies shall post up schedules of the rates and charges on their respective roads, and shall not change schedules so as to increase charges without giving five days' notice. It makes provision that railroads receiving freight for shipment in the United States to be carried through a foreign country, the ultimate destination of which is some place in the United States, shall keep posted in a conspicuous place at the depot where said freight is received for shipment schedules giving the through rates to all the points in the United States beyond the foreign territory, and it provides that any freight shipped into a foreign country and reshipped into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties.

It provides that those violating the provisions of the act shall be held to pay to the person or persons injured the full amount of the damage sustained by such violation, together with reasonable counsel's or attorney's fees, to be fixed by the court in every case of recovery, and that suits under this provision of the act may be brought in any State or United States court of competent jurisdiction.

It provides for the equitable cognizance of cases arising under this act, for the production of the books, papers, &c., of any company when necessary, and that parties to such suits may be compelled to testify, with the reservation that their testimony shall not be used against them in a criminal prosecution. It also provides that for any violation of the provisions of this act the parties guilty of such violation shall be liable to a fine of not more than $2,000, and that nothing in the act shall apply to the carriage, receiving, storage, handling, and forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory or the District of Columbia; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable or religious purposes, or to and from public fairs and expositions for exhibition.

These constitute a portion of the leading features of the bill which we report to the House. It is believed that the enactment and enforcement of such a law will provide for the just and necessary abridgement of the monopoly powers of these corporations, and protect the people against unreasonable charges and extortionate exactions, and will at the same time not interfere with or embarrass the management of railroad corporations in anything which it is reasonable and just they should do.

This salutary measure went back to the Senate and they refused to concur. Thereupon a conference committee was appointed, and as a result of their labors we have the pending bill, which passed the Senate a few days ago and has now become the Senate bill No. 1532.

The principal changes made by the conference committee in the substitute bill heretofore passed by the House and above referred to are as follows:

It extends the operation of the law to include passenger traffic, as well as freight, and seeks to control water ways in addition to railroads. To these changes I have no serious objection, although it would have been wiser, in such purely experimental legislation, to have moved more slowly. It takes away from the people any right to seek justice in the State courts, and compels them to resort to a commission located at Washington city, or to Federal courts which are few in number, and usually distant from the places where rights of action accrue.

This is a provision in the interest of the railways and derogatory to the rights of the people; yet if it were the only objectionable addition I would support the bill, hoping for a change in this respect at the next session of Congress. I do most earnestly protest, however, that the State courts should have concurrent jurisdiction with the Federal courts in all suits against railroads which are contemplated by this bill. I do not agree with the Senate conferees who injected this idea into it. I am an advocate of the right of the people to try the issues which may be forced upon them in the courts nearest their homes. The State courts have the power of life and death. They can be trusted to administer upon all the property we have or hope for, but in the judgment of some people they are not good enough to try cases against a railroad company. Perhaps they are too convenient of access and too inexpensive in costs to suit the ideas of gentlemen at the other end of the Capitol. However, I pass over this section, contenting myself by adding that it shows the drift and tendency of the changes engrafted by the Senate—shows that somebody is anxious to succor the railroads rather than the people who may be compelled to sue them.

This bill creates a sort of railway syndicate, designated as "The interstate-commerce commission," consisting of five persons, appointed by the President of the United States, who have an office at Washington city. They are empowered to hold sessions elsewhere, and any single member may take testimony anywhere. They have authority to employ as many persons as they deem proper, and pay them what they please, subject to the approval of the Secretary of the Interior, provided, of course, that Congress appropriate enough money. Into the hands of these five gentlemen, from whose actions and decisions in all vitally important matters there is no appeal, is placed 130,000 miles of railroads, the great water ways of the continent, and all the business which is carried over them or affected by them. As was well said on this floor yesterday, this bill ought to be entitled "A bill to more completely give over the control of the business and political interests of the people into the hands of the confederated monopolists."

These five men can build up the business of one road and tear down that of another. They can make and unmake fortunes with the stroke of a pen. They can prostrate or destroy the commerce of any city, State, or section. Every railroad and transportation company is made a beggar at their feet and can practically do nothing—not even keep its accounts—except in such manner as may, forsooth, please these, their masters. No potentate in the world would dare attempt the exercise of such arbitrary and unlimited powers.

This bill is a wide departure from the customs of this Republic. It is a gigantic stride toward paternal government, and is fraught with dangers yet to follow. It will create alarm among the people when its startling innovations are known and understood. Yet, we have been warned. Chambers of commerce and boards of trade all over the country have memorialized us. As showing the character of their predictions I read a sentence or two from the resolutions sent here by the citizens of Minneapolis:

At best, it gives to five men, about whose competency, experience, and integrity nothing can be known in advance, almost autocratic power over the market value of hundreds of millions of dollars of railway stocks and bonds, over the market value of the agricultural products of half a continent, as well as of the lands upon which these products are grown.

So great a power and so tremendous a temptation to its abuse ought not to be presented unnecessarily to any committee of citizens or be made the foot-ball of politics.

Under the provisions of this bill this commission can create large numbers of office-holders, and with these and the business of the country under their iron control what political schemes may not be consummated? What elections may not be carried? What doubtful or disputed Presidential successions may not lie within their power? For while they are the masters of the people the President of the United States is their master, and he becomes by this bill the absolute political monarch of the country. I can not better express my sentiments

on this subject than by quoting the words of the eloquent Senator from Alabama [Mr. MORGAN]:

I have heard of Presidents with whom I would not trust that power. I do not say that I would not trust that power in the hands of Mr. Cleveland, for I think he is a very honest man, but it is a dangerous power to put into the hands of any man. He can appoint three commissioners of his own political party, and then the responsibility of those commissioners is directly on him. The responsibility is not with the Senate on impeachment; it is not with a grand jury on a question of fraud in the administration of their offices. By this bill their responsibility is made directly to the President, and not the responsibility merely, but all that they do. The President is the man who acts through them, and they are responsible to him, and he removes them if they do not suit him.

Suppose he wanted to be re-elected President of the United States and he should say, "Here is a doubtful State;" it may be Indiana; "I wish you would just arrange to find sufficient reasons why this law ought to be let up on that railroad company out there. They have a great many employés. It is a very powerful organization. There need not be anything said about it; there is no crime about it. It is a mere piece of political strategy. Could you not afford just quietly to let up on that Indiana railroad company and let its competitor, running north and south through Illinois, which is a dead-certain Republican State, feel all the force of the law?" Why not? This thing will probably never be done; but how have we provided that it shall not be done? That is the question. What safeguards are we putting in the way of a temptation of this kind, which to my mind it seems at least is one of the greatest that could be set?

Mr. President, it will not do to put this sort of power of the administration of private rights into the hands of any five men in the United States, and then leave the question of their remaining in office, and continuing to do things that they want to do in the hands of one man, and he the President of the United States. It is autocratic and oligarchic power, a power that American statesmen ought never to trust in the hands of any man in the world.

As for me I do not believe in any such omnipotent commission. There are not five men living whom I would trust with such unbridled power. I prefer that every right of the people should be adjudged and passed upon by the courts and juries of the country, and when a commission can be formed whose every act can be reviewed by or appealed to a court, then, and not until then, will I vote to establish it.

But this is not all. Worse yet is to follow. The bill as it originally passed the House contained a provision called the "long and short haul clause," which read as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

While this may have overstepped the actual requirements of a measure tentative in its nature, and partly conjectural as to its results, yet it was a square, plain prohibition aimed directly at the outrageous discrimination existing against local shippers. But now comes the conference bill, and so metamorphoses this section that its own father [Judge REAGAN], if he were here, could not recognize a single lineament of its features. The section now reads:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

The first half of this section is a mass of pompous verbiage, meaning nothing, and intended by its framer to mean a good deal less than nothing. The latter half of the section contains a grant of power to the commission, the power of arbitrarily fixing rates for every pound of freight that travels by land or water, which is simply appalling.

Let us first address ourselves to the meaning of the section. Does anybody understand it? Who has been able to explain its scope and extent? The conferees do not agree. No two Senators appear to agree. No two members of this House, so far as I can learn, have even attempted an agreement. The author of the Senate bill [Mr. CULLOM] interprets this ambiguous muddle of words as follows:

The limitations placed upon the prohibition that is made are very significant, and they must not be overlooked. They require that in determining the sum that may be charged for a shorter as compared with a longer distance, the comparison must be made—

1. Between shipments "of like kind of property."
2. "Under substantially similar circumstances and conditions."
3. "Over the same line."
4. "In the same direction."
5. When the shorter is "included within the longer distance."

When the act is to be applied in any given case to measure the charge that may be made for any distance, as compared with a longer distance, all of these limitations must be taken into account, and they must all apply to the case—not three or four of them, but all of them.

Whereupon another learned Senator [Mr. GEORGE] retorts very truthfully that if the clause is to receive such a construction "then the whole provision in the bill in reference to the long and short hauls amounts to nothing." There is a growing suspicion pervading this House that the railroads "have had their finger in the pie," and that this section has been so manipulated that it is not intended to hamper them much on either long or short hauls.

One Senator [Mr. FRYE] says:

I should like to know what the fourth section means from this discussion. I should like to know how I or my constituents are to determine what it means from this discussion. I should like to know what lights have been thrown upon it. The conferees disagree in relation to it; almost every Senator who has discussed it disagrees with the other Senators in relation to it. Boards of trade in Boston and Indianapolis, the Chamber of Commerce in New York, Legislatures of the different States, all absolutely disagree diametrically as to what this fourth section is.

Another Senator says:

Honorable Senators on this floor who announce their adherence to each and every section of the bill, and who propose to vote for it as a whole as it stands, without the dotting of an "i" or the crossing of a "t," and who do not desire its amendment in any particular, differ widely, and radically, and irreconcilably as to the proper construction to be placed on some of its most important provisions. That the bill is therefore in its most salient features ambiguous in its phraseology, uncertain in its purpose, and vague and misleading in its structure, if not indeed absolutely inefficient as a means of meeting and overcoming the evil against which it is ostensibly directed, is a fact patent to all.

While a member of this House [Mr. ELY] says:

Nobody knows what the language used in this section means. Attempts have been made by the members of the conference committee and others to define the principal proposition of this section and its collateral supports, but in vain. Only yesterday the gentleman from Iowa inquired of the gentleman from Georgia, a member of the conference committee, whether the word "cases" in this section referred to shipments or to roads. The gentleman from Georgia replied that it referred to shipments. The gentleman from Iowa evidently believes that it refers to roads. The gentleman from Georgia is asked to explain and illustrate the provisions of this section so that we can understand it, and he admits his inability to do so. The meaning of every important phrase in this fourth section is incomprehensible even to the members of the committee who reported the bill.

And everybody else expresses just about the same opinion.

I submit whether, if nobody here can agree on the meaning of this section, it is probable that the five commissioners created by the bill will agree? If the framers of this important section do not know its meaning will not endless litigation arise out of it? And will not "confusion worse confounded" come when the various Federal courts have put their contradictory constructions upon it? It seems to me that such legislation should be certain and unambiguous. Nothing ought to be left to the discretion of the commission, and as little as possible for the decision of the courts. When I read and re-read this section, in a hopeless attempt to unravel it, I feel like exclaiming, as was done here yesterday, that "it seems to be the theory of the pending bill to do as little for the people as possible, and to render those sections relating to the rights of the people as obscure and unintelligible as human ingenuity can make them."

Now let us turn our attention to the most astonishing, and to me utterly indefensible, feature of the bill. It is contained in the following lines of the section just referred to:

That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

If the first half of the section should turn out to really mean something, and the law proves to be that through freights shall regulate local freights, then the commission is empowered to suspend, abrogate, or modify it at their own sweet will, and no court in the land can be appealed to for injunction against threatened ruin, or compensation for damage however great. Was ever legislation stretched so far? Not the President, nor the Cabinet, nor the governors of the States, nor the highest courts have ever been intrusted with power to suspend, repeal, or annul the law. Yet this commission, which may be ignorant, willful, or corrupt, can abrogate the law as to one road and enforce it upon another, being all the while responsible to nobody for their action! Was such a thing ever dreamed of before? It was well said by Senator INGALLS that—

This is the first time in the history of legislation that such power as this was declared, that such a declaration was made that this particular discrimination should be unlawful, that it should be denounced in a legislative enactment, and at the same time that the tribunal which was created to enforce the law should in specific terms be authorized to abrogate, veto, annul, and repeal it.

This section vests in these commissioners, or, in fact, in a bare majority of them, the power to send the stock of one railroad up and another down by the mere order to suspend or enforce this law. They can put millions into Wall street in one day and take millions out of it the next. They can furnish information, or permit it to be done, by which fortunes can be made by one man at the expense of another's bankruptcy. They may favor one competing line of railway until it becomes overgrown and rich and utterly destroy its rival. I do not intend to vote to put this temptation before anybody, for, sooner or later, somebody will fall and public scandal ensue.

This section is not only pernicious, but it is ridiculous. The absurdity consists in describing an offense, forbidding its practice, decreeing its punishment, and then serenely permitting it to be committed with impunity by the consent of a commission who are empowered by law to grant the privilege of sinning. Nothing like it has been known since the sale of indulgences, which Martin Luther thundered against

and which disrupted the all-powerful Roman Church. If this principle is to be ingrafted upon our jurisprudence it would be next in order to establish a commission to modify or annul the decalogue and prescribe upon what terms certain favored persons might steal, covet, and commit other offenses prohibited in that fundamental moral law. Then there is another absurdity in those sections of the bill which relegate to this commission the hearing and settling of all complaints and difficulties affecting the transportation business of the country. Does anybody seriously urge that these five men can determine even a tithe of the controversies arising between sixty millions of people and the network of railroads crossing the country like a labyrinth? The commission will be utterly impotent to protect the people even if it were so inclined. You know how overcrowded are the courts of this country sitting in every city and county—Federal, State, and municipal.

There are thousands of courts transacting the business of the people, and nearly all of them behind with their dockets. How is it possible for one little commission to transact the enormous business of railroading? I do not believe anybody imagines it can be properly done. Senator MORRILL gives his estimates in the following words:

> To take charge of this bill under its present terms I do not think fifty commissioners would be able the first year to transact the business that will be thrown on their hands, and yet we provide in this bill that there shall be only five commissioners, and leave it, even for those who are not at all interested in any freight matter, to make any complaint that they see fit, and that complaint has to be considered by these five commissioners.

Senator SHERMAN concurs, and says:

> Then the bill limits the powers of the commission to allow special rates to a considerable extent, somewhat more than the original Senate bill did, because they must take up each particular case, each particular matter, and decide upon that. What does that mean? Does that mean that they shall not make any general regulations which would apply to all articles exported to foreign countries? Not at all. But they must take up the case as applied to a particular railroad under particular circumstances and particular conditions. If that is the duty imposed on this commission there will not be time in the twelve months between January and January to act upon one-tenth of the cases that will be presented to it.

And so says nearly every member of either House who has spoken to this point. The practical railroad men of the country see it in the same light. The president of the New York, Lake Erie and Western Railroad is reported in the New York Tribune of December 19 as follows:

> The proposed board of commissioners will at least for a long time only aggravate the situation. Five commissioners to examine and decide promptly such delicate, difficult, and complicated questions as these! Seventy-five commissioners well trained in the necessary requirements of their positions could not do it. It would require the whole time of five commissioners to hear and pass upon the grievances of this company alone. It would take five for each of the other trunk lines. It would take months of careful and diligent examination to make an intelligent report or reach a wise conclusion.

The only redeeming feature of the matter is that the commission may be kept so busy and overworked by these details that they will be comparatively powerless to perpetrate the mischief lurking in other sections of the bill. The less they are permitted to meddle with the business of the country the better it will be. I can not stop to discuss other evils of the conference bill—such is the wide door thrown open to systematic and universal blackmailing of railroads under fictitious complaints—for I assume that dangers of that character will be exposed by gentlemen who are accustomed to espouse the cause of the railroads. I find use for all my time in laying bare the jeopardy in which the people are placed by this ill-advised bill.

Before I close my argument I wish to say a few words in regard to the subject of "pooling." Section 5 of the pending bill absolutely and unconditionally prohibits the pooling of freights or the division of aggregate receipts between competing railroads. This provision was also embodied in the House bill for which I voted. I do not, however, assent wholly to the proposition. Pooling should not be prohibited, for it is often a benefit rather than an injury to the public. It should be regulated, controlled, and held thoroughly in check, so that it could not be used as a means of imposing on the shipper or producer. This could be readily done under either the House bill or the pending bill, both of which prohibit unjust and unreasonable charges for transportation. Any one who will carefully peruse the report of Hon. Joseph Nimmo, jr., Chief of the Bureau of Statistics, made to the Secretary of the Treasury December 31, 1884, upon the subject of "railroad federations and the relation of railroads to commerce," will, I think, concur in the opinion that pooling should be directed and kept within proper bounds, but not prohibited. I quote so much of his report as contains his conclusions upon this subject in condensed form:

> In conclusion, the following general observations may be made in regard to railroad federations or pooling organizations:
>
> First. They have been instrumental in preventing unjust discriminations through special secret rates to favored shippers, and the consequent demoralization of trade.
>
> Second. They have prevented many unjust and ruinous discriminations against towns and cities, and against particular States or sections of the country.
>
> Third. They have put a stop to violently fluctuating rates.
>
> Fourth. They have had the effect of protecting the weaker lines and of preventing their absorption by the stronger lines, and thus of conserving elements of competition in transportation.
>
> Fifth. By preventing the absorption of the weaker by the stronger lines they have prevented the threatened danger to the country of its being districted among a few great corporations, by which means the regulating influence of the competition of trade forces would have been eliminated, and transportation would have gotten the mastery of trade.
>
> Sixth. They have tended to prevent those shocks to the financial interests of the country which generally accompany the bankruptcy of great railroad corporations.
>
> Seventh. Since they have been adopted the railroad transportation facilities of the country have been greatly extended. The volume of traffic has also enormously increased, and rates have constantly fallen. These facts seem to prove that railroad federation has not had the effect of obstructing the beneficial operation of the competition of trade forces and of the direct competition between transportation lines. Statistics hereinbefore presented clearly indicate this fact.
>
> Eighth. The most hopeful aspect of federations for the division or pooling of traffic is that thereby the railroads have been brought to a condition in which their accountability to the public interests may be more clearly defined, and in which any departure from undoubted principles of right can be observed and the responsibility therefor located. It is believed to be much easier to regulate great federations of railroads with respect to matters relating to commerce among the States than to regulate a great number of railroads acting independently, for the reason that these federations constitute concrete expressions of relationships and antagonisms both among railroads and among trade centers, and tend to illustrate the relative force of the same.
>
> Ninth. Railroad pools have not proved to be rigid compacts, but they have been constantly subject to change. Occasional and even protracted wars of rates render their requirements at times almost entirely inoperative. This must, in the light of public interest, be regarded as a favorable symptom of their practical workings. The conditions surrounding and governing the commercial and transportation interests of the country are constantly subject to change, and it is impracticable that any fixed rules or set of rules should be formulated which in practice would tend to prevent such changes.

This seems to me to be sound logic, good judgment, fair to the railroads, and for the general benefit of the public.

In concluding I presume it is unnecessary for me to say that I shall vote "nay." Such a vote does not, nor do I intend it should, imply that I disfavor legislation upon this subject. Neither do I wish it understood that I would not support a reasonable bill even if it did not precisely conform to my views. In my judgment this conference report ought not to be concurred in by the House. Such action here will send it back to a new conference committee which, in all probability, would amend the bill so that the commission might be empowered only to hear, investigate, and recommend, with the additional right to exercise certain executive functions, subject at all times to the restraining orders of the courts. The long and short haul clause should be so modified as not to risk the diversion or destruction of our transcontinental carrying trade, whereby the products of China and India are transported to Europe in competition with the Suez Canal, the Panama route, and the ocean lines. It should also be so modified as not to interfere with the free shipment abroad of the agricultural products of the great West and the mechanical products of the interior cities. The pooling clause should also be made more elastic.

Were these changes made I would earnestly, although not without apprehension, support the bill. If it did not prove all that it ought to be we could, at future sessions, so amend it that it would become a wise and beneficent law. But in its present condition, with the insuperable objections I have pointed out, I can not vote to concur.

APPENDIX A.

THE BILL AS IT PASSED THE HOUSE OF REPRESENTATIVES JULY 20, 1886—COMMONLY CALLED THE REAGAN BILL.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory or the District of Columbia to or through one or more other States or Territories of the United States or the District of Columbia, or to or from any foreign country, directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same. All charges for such services shall be reasonable. And all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding shall have been made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 2. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads; and it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them; and in any case of an agreement for the pooling of freights or earnings as aforesaid, each day of its continuance shall be deemed a separate offense.

SEC. 3. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property,

for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules on their respective roads, as described in section 1 of this act, which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading, and other terminal facilities.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be raised in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted; and it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force. Any company or corporation receiving freight for shipment in the United States to be carried through a foreign country, the ultimate destination of which is some place in the United States, said company so receiving said freight shall keep posted in a conspicuous place at the depot where said freight is received for shipment a schedule giving the through rates to all points in the United States beyond the foreign territory, a failure to do which shall subject the said company or corporation to all the penalties herein fixed; and any freight shipped into a foreign country, and reshipped into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

SEC. 6. That each and all of the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation thereof, whether such property be carried wholly on one railroad or partly on several railroads, as defined in section 4 of this act, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall be held to pay the person or persons injured the full amount of damages so sustained, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as costs in the case, to be recovered by the person or persons so damaged by suit in any State or United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business. Any action to be brought as aforesaid may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance as aforesaid, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same, and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers in or by chapter 17 of title 13 of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint.

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them, alone or with any other corporation, company, person, or party, who shall willfully do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing as directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $2,000.

SEC. 9. That nothing in this act shall apply to the carriage, receiving, storage, handling, or forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable or religious purposes, or to or from public fairs and expositions for exhibition.

SEC. 10. That the words "person or persons" as used in this act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this act.

APPENDIX B.

THE PENDING BILL, REPORTED FROM THE COMMITTEE OF CONFERENCE, AND AGREED TO BY THE SENATE JANUARY 14, 1887.

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however*, That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State, and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the roads in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivery, storage, or handling of such property, shall be reasonable and just, and every unjust, unreasonable charge for such service is prohibited and declared to be unlawful.

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

SEC. 6. That every common carrier subject to the provisions of this act shall print and keep for public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its railroad, as defined by the first section of this act. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force upon such railroad, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, of at least the size of ordinary pica, and copies for the use of the public shall be kept in every depot or station upon any such railroad, in such places and in such form that they can be conveniently inspected.

Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep for public inspection, at every depot where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept for public inspection. Reductions in such published rates, fares, or charges may be made without previous public notice; but whenever any such reduction is made, notice of the same shall immediately be publicly posted and the changes made shall immediately be made public by printing new schedules, or shall immediately

be plainly indicated upon the schedules at the time in force and kept for public inspection.

And when any such common carrier shall have established and published its rates, fares, and charges, in compliance with the provisions of this section, it shall be 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 services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

Every common carrier subject to the provisions of this act shall file with the commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes made in the same. Every such common carrier shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates, or fares, or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said commission, in so far as may, in the judgment of the commission, be deemed practicable; and said commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published; but no common carrier party to any such joint tariff shall be liable for the failure of any other common carrier party thereto to observe and adhere to the rates, fares, or charges thus made and published.

If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation, in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the commissioners appointed under the provisions of this act; and failure to comply with its requirements shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

SEC. 7. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 8. That in case any common carrier subject to the provisions of this act shall do, cause to be done, or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

SEC. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 10. That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, 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 such offense was committed, be subject to a fine of not to exceed $5,000 for each offense.

SEC. 11. That a commission is hereby created and established, to be known as the interstate-commerce commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office for the term of two, three, four, five, and six years, respectively, from the 1st day of January, A. D. 1887, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of, or holding any official relation to, any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any way pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 12. That the commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created; and for the purposes of this act the commission shall have power to require the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other persons, issue an order, requiring such common carrier or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 13. That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

Said commission shall, in like manner, investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory, at the request of such commissioner or commission, and may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.

No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

SEC. 14. That whenever an investigation shall be made by said commission it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found.

All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

SEC. 15. That if in any case in which an investigation shall be made by said commission it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence, that anything has been done or omitted to be done in violation of the provisions of this act, or of any law cognizable by said commission, by any common carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common carrier to cease and desist from such violation, or to make reparation for the injury so found to have been done, or both, within a reasonable time, to be specified by the commission; and if, within the time specified, it shall be made to appear to the commission that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the said common carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

SEC. 16. That whenever any common carrier, as defined in and subject to the provisions of this act, shall violate or refuse or neglect to obey any lawful order or requirement of the commission in this act named, it shall be the duty of the commission, and lawful for any company or person interested in such order or requirement, to apply, in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents, or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such a manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order

directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default the sum of $500 for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining, or into court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said commission and be heard, in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said commission shall have an official seal, which shall be judicially noticed. Either of the members of the commission may administer oaths and affirmations.

SEC. 18. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior.

The commission shall be furnished by the Secretary of the Interior with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employés under their orders, in making any investigation in any other places than in the city of Washington, shall be allowed and paid, on the presentation of itemized vouchers therefor approved by the chairman of the commission and the Secretary of the Interior.

SEC. 19. That the principal office of the commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this act.

SEC. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employés, and the salary paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts for each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operation of the carrier each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations, concerning fares or freights, or agreements, arrangements, or contracts with other common carriers, as the commission may require; and the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

SEC. 21. That the commission shall, on or before the 1st day of December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 22. That nothing in this act shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employés, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act.

SEC. 23. That the sum of $100,000 is hereby appropriated for the use and purposes of this act for the fiscal year ending June 30, A. D. 1888, and the intervening time anterior thereto.

SEC. 24. That the provisions of sections 11 and 18 of this act, relating to the appointment and organization of the commission herein provided for, shall take effect immediately, and the remaining provisions of this act shall take effect sixty days after its passage.

Interstate Commerce.

SPEECH
OF
HON. BINGER HERMANN,
OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. HERMANN said:

Mr. SPEAKER: I thank the gentleman from North Carolina for his courtesy in sharing with me this valued privilege, and I now beg the indulgence of the House while I devote this time in advocacy of the pending bill.

Mr. Speaker, the interests of various portions of this great nation have been ably presented in this discussion, and every virtue, as well as every defect of the measure before us, critically reviewed. Its application to different States has been well illustrated, with its promised benefits or apprehended injuries to the commerce of each.

Representing singly, as I do, a State larger in area than New York and Pennsylvania which have a representation on this floor of sixty-one members; with a greater diversity of interests, and with resources more inexhaustible than both of these great States combined, I conceive it my duty impartially and conscientiously to represent these great interests; to understand the relation and effect of the pending bill to the Pacific Northwest; and thus as far as I can to give voice to the sentiments of the people of the great State of Oregon.

OREGON'S FUTURE COMMERCIAL GREATNESS.

Sir, no State in this Union can more cordially welcome this class of legislation than my own State. Her commercial advancement and internal development, in spite of excessive transportation charges and distance from market, has been indeed marvelous. But a few years since and her position was one of comparative isolation, with little external and less internal commerce. With but 52,465 of population in 1860 it has grown to over 300,000 up to the present moment. With but 5 miles of railway in 1862 there are now 1,180 miles. With only a long wagon road, and a rough ocean route to the Atlantic States as late as 1875, we have now a direct and indirect transcontinental communication by the Northern Pacific, the Union Pacific, the Canadian Pacific, and the Southern Pacific Railroads, with the rapidly approaching completion of the Oregon Pacific road soon to pass through Eastern and Central Oregon, and already receiving and discharging its rich shipments on the Yaquina Bay.

In 1859 the total imports and exports of Oregon in her foreign commerce only amounted in value to $49,512, while in 1882 they had reached the maximum value of over $11,000,000. This great increase is attributable largely to our wonderful agricultural resources, and the energy with which they have been developed. We shall soon rank among the largest grain-producing States of the Union. The far-famed timber of Oregon, similar to that of Puget Sound, challenges the nation in rivalry. The fishery exports, especially the world-renowned Columbia River salmon, rank among the first in quality and extent. The abundance of coal and iron, gold and silver, copper and cinnabar, and great varieties of valuable stone, already constitute leading industries in the State.

With a soil of enduring fertility, a timely distribution of rainfall, a climate mild and equable, the heat of summer and the cold of winter tempered by the genial warmth of the Japan current, and with a failure of crops and fruits unknown, these abundant natural riches of the State with her magnificent future possibilities must invite to her shores a population and a capital which will at no remote period place her without an equal in the Union. With such great interests in view it is right and proper, sir, that her people should, as they do, take an anxious, continuous, and intelligent account of the present legislation so far as it may affect them. The greater the development of their manifold resources, the greater the necessity for transportation, State as well as interstate; and hence their well-expressed desire for some radical intervention on the part of the National Government restricting the common carrier in interstate commerce within reasonable rates.

A REGULATOR REQUIRED.

The commercial, industrial, and transportation interests of a country are paramount to all others, if, indeed, they do not include all. When happily blended and balanced we should expect to behold a nation great in proportion to the magnitude of its resources. In the political economy of all prosperous society there are three elements so intimately interwoven in their relations that to eliminate one from the other is to impair and often to destroy all. These are production, transportation, and consumption. Depreciate the capacity of either one and all must

suffer. Demand regulates supply, and transportation affects both. Each is jealous of the other. There is a constant antagonism between them.

The common carrier with his capital establishes his own compensation, while production, with its labor, demands a reasonable surplus over transportation as its compensation. As the industries of a country increase and multiply these relations become more and more distinct; the transactions become greater and more intricate, and the rights and responsibilities of each more undefined. The more powerful one in the contest at length dominates. When the carrier reaches this superiority he is tempted to dictate, to discriminate, and to command; prices are fixed; wages established; production regulated; and thus both the producer and consumer are injured. The law of the transporter is the law for all, and in fixing his limits he simply asks, What will the traffic bear? The conflict of these antagonisms tends to disarrangements of business and to unsettle prices, while it offers a premium to the unscrupulous speculator and stock-gambler.

One of the results most complained of is the exaction of a greater charge for a short haul than a long haul under substantially similar circumstances. Another is the practice of pooling, and still another is that of rebates. To correct these inequalities as far as possible is the object of the pending legislation. Without this the advantage in these conflicts is always to organized capital as against unorganized labor and production. To harmonize these conflicts, to remedy these inequalities, and to repress these monopolistic discriminations appears to be the general desire of the American people.

A variety of interpretations have been given the measure before us. Some provisions may be too vague, and should have been omitted, and others more clear and definite substituted.

WHAT ARE "SIMILAR CIRCUMSTANCES AND CONDITIONS?"

We can only conjecture how the courts and the commission will construe the phrase "under substantially similar circumstances and conditions."

This is the one least understood and more debated than all the rest.

We may illustrate some of the much complained of discriminations between shippers, as well as places of shipment, to which the proposed law must apply.

At New Orleans sharp competition exists by river and from the sea and gulf, and in order to secure this valuable terminal traffic the railway lines from New York via Atlanta to New Orleans, distant about 1,000 miles, charge a rate of 76 cents per hundred pounds, while from New York to Atlanta, on the same line, in the same direction, and about 500 miles shorter, the rate is $1 per hundred pounds. Does the fact of competition in this instance enter into the conditions, so as to make them substantially dissimilar, and hence not subject to the proposed legislation? From Memphis to New York it costs only 90 cents to transport a bale of cotton, while from Covington to Memphis, only 37 miles, on the same line of road, it costs $1.15 per bale. What circumstances and conditions exist here to justify this apparently unjust and unreasonable discrimination? Can the proposed law be so construed as under any circumstances to sustain the existing difference?

From the same point one man ships a car-load of valuable quartz rock, and another ships a car-load of building rock. Are these "substantially similar circumstances and conditions?" Can a rebate be allowed the man who ships the cheaper rock? Will it be an unjust discrimination? From Spokane Falls to Ellensburg the route of the Northern Pacific Railroad is comparatively of light grade and economic construction; but between Ellensburg and Tacoma the Cascade range is crossed at an immense cost per mile. Can a greater compensation be charged between these latter named points, this being the short haul, than on the long haul between Tacoma and Spokane Falls? Can a greater rate be charged per mile west of Ellensburg than east to Spokane Falls? Are these under "substantially similar circumstances and conditions?" Can the common carrier in these cases expect from the commission authority to charge less for the longer than the shorter distances? One man is a regular cattle-exporter, and ships thousands of head per year over a railway line, and receives a liberal rebate, or special rate, while another man ships but one load of cattle in the same time over the same road, and to and from the same points.

Is this a "like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions?" Is the carrier guilty of unjust discrimination? Are the circumstances and conditions alike? Is it not cheaper to the carrier to transport and care for ten loads of cattle per day than an occasional one load in a month, and does this not substantially change the similarity of the circumstances and conditions? At Spokane Falls, Arlington, and The Dalles there is no competition with the railway lines, but at Portland, Oreg., there is competition both by rail and ship. From Chicago to Portland the rate is 65 cents per hundred, but from Chicago to The Dalles in Oregon, 88 miles shorter, and on the same line in the same direction the rate is $1.10 per hundred pounds. It costs more to ship from Portland to Arlington, 141 miles, than from Portland to Chicago over 2,200 miles. Baker City, Pendleton, and La Grande, are still on a shorter distance with a correspondingly greater compensation for the short over the long haul. Having water competition at the terminal long hauls, and none at all at the intermediate or shorter hauls, the question of construction arises: Is this transportation of a "like kind of property, under substantially similar circumstances and conditions?" It is in the "same line, in the same direction, and the shorter being included within the longer distance."

Will competition at the terminal points vary the circumstances? Is this one of the "special cases" in which a less charge may be allowed for the longer haul? The through rate may be at a mere nominal profit, and it may be at a loss; though this has not been discovered. But here is where the mischief comes in. Some one must pay for this loss. The intermediate shipper instead of being even charged the through long haul terminal rate or some less, which at The Dalles City on the direct line would be about 65 cents, is often charged the local back rate in addition, which to The Dalles is 45 cents, making in this case the through short haul $1.10. The intermediate shippers are taxed to pay the reduced rate to the terminal shipper, and the farther they are from competition the more they pay. The shorter the haul the greater the rate.

THE PEOPLE DEMAND A REMEDY.

Is it any wonder these rate-burdened people should cry out in anguish? The committee of The Dalles City Board of Trade, in my State, Messrs. McFarland, Macallister, and Huntington, complainingly say in their address to the Oregon Senators and myself, "Concerning this through rate no complaint is made, and merchants at the way points are entirely willing to pay the same rates as are charged for the haul to Portland. But the arbitrary local back rate charged is deemed a most unjust and burdensome exaction, falling little short of systematic robbery." This language, severe as it is, is justified by the statement of grievances borne. Is there no remedy? Shall we quietly fold our arms and look on, while the driving, thriving energy of the great Pacific Northwest is thus systematically taxed for all the traffic will bear? The most hopeful heart and the most enthusiastic and energetic spirit will in time retire from such an unequal contest. Finding all other efforts in vain, they cast their eyes to this Capitol for a remedy. Their last hope is in the representatives of the people. "Give us relief from this unjust and burdensome discrimination" is their appeal. For one, I think the hour has arrived for action.

The question then for us to consider is: Will this measure accomplish the desired result? Will it in the first place prevent unjust discrimination?

THE LONG AND SHORT HAUL.

Much reliance is professed for the fourth section, which provides:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

As a declaration of the purposes of Congress, of the object to be subserved, this section may not be entirely useless; and as a law is construed by a reference to its entirety, this section may shed a light upon all the rest; but still its uncertainty may lead to misconstruction, confusion, and litigation. The intent, the object, however, is clear enough. Transportation must be reasonable. What meaning the word "aggregate" will bear when applied to "compensation for a shorter than a longer distance" is difficult to imagine; as likewise the qualification "under substantially similar circumstances and conditions." Then after prohibiting greater compensation for a shorter than for a longer distance, it provides that this may be done in "special cases." What these special cases are to be is not defined. It may bear the construction that the rate for 1 mile shall not exceed that for another, or the opposite construction, that the transportation company may charge as much for 10 miles of short haul as for 100 miles of long haul, and that it may even charge more in "special cases." It may charge 5 cents a mile on the short haul where the through rate is only 3 cents a mile. Standing alone such a sweeping discretion might be subject to the most glaring abuses, and the real object of the legislation, to "regulate interstate commerce," defeated.

CHARGES MUST BE REASONABLE.

But happily another section, definite and clear, is relied on, in which this discretionary latitude is limited. Section 1 provides that:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivery, storage, or handling of such property, shall be reasonable and just, and every unjust, unreasonable charge for such service is prohibited and declared to be unlawful.

This is not a new principle. It is adopted in the legislation of twenty-six States and Territories and found efficient. It is incorporated in the constitutions of four States of this Union. It is older still. It is the reiteration of the old and well-known common-law declaration. This applies to the long as well as the short haul. It is now a part of this measure, amplified and surrounded with powers for its impartial en-

forcement. It is a check upon the section last referred to. Is it reasonable and just, under all the circumstances, that $1 should be the rate from New York to Atlanta, 500 miles, while 76 cents is the charge to New Orleans, 1,000 miles, on the same line? This section involves the questions which may arise in section 4; it supersedes that section and construes it.

THE COMMISSION A POOR MAN'S COURT.

A further most commendable feature, as well as a safeguard, in this entire bill is that found in the provision for a commission which is to hear and examine all complaints and to supervise and adjust every unjust and unreasonable charge complained of. It stands as the arbitrator in the first instance between the shipper and the common carrier. It is impartial between the two. In one sense it may be said to be the poor man's court. When he enters that forum and files his sworn petition with a statement of the facts the offending party—even the lordly Jay Gould—is called to answer the complainant, and if entitled to reparation and none be made he may himself, or it is the duty of the commission to apply to the United States circuit court in a summary way by petition to determine the matter, and counsel fees are provided, and the district attorney prosecutes on behalf of the commission. This produces an equality between the parties litigant, and no one need be deterred from seeking his remedy. It is a notice to the humblest citizen of the land that if his rights are invaded he shall have redress, and without price.

Some object to this bill because of the power conferred upon the commission. It is true this is almost autocratic. The power is great, the temptation greater, and the results, be they good or evil, far-reaching. Unknown and unforeseen controversies will arise, intricate problems in every phase of commercial economy must be met and solved. Different rules must be applied to different and widely variant sections, accordingly as the circumstances and conditions of one place or of one industry differ from another. While regulations may differ, but one principle will pervade all—all charges must be reasonable and just. I express my confidence in advance as to the integrity and ability and fidelity of the commission. They are appointed by the President of the United States presumably from its best known, oft tried, and capable citizens. They pass through the critical ordeal of a Senatorial confirmation. The life-record of each one is passed in review. They are appointed from different political parties, and thus partisan bias is largely disarmed.

They receive generous salaries, even larger than any of the judges of the United States courts, excepting of the Supreme Court, and they are thus rendered greatly independent of temptation. Their tenure of office continues for six years. And still more. Should either of them prove corrupt, inefficient, negligent, or false to duty, his immediate removal from office by the President is authorized. Five eminent men are thus appointed and thus guarded and thus rewarded. And further still. Even their proceedings are subject to review and enforcement by the higher courts. Can human affairs be more honestly, more efficiently, and in the ultimate more perfectly conserved by human effort than this? Our boasted trial by jury is not more perfect, while frequently it falls far short.

POOLING A COMMON-LAW VIOLATION.

Perfect as are these various safeguards, a great defect might still remain were it not for that wise and precautionary prohibition against what is commonly known in railroad operations as "pooling," which is a combination, contract, or agreement between two or more companies or carriers to pool the freight proceeds of competing lines and to divide the net receipts or earnings of such roads or companies among themselves. It is in one sense a railroad partnership to divide the community profits. It may be defined as a contrivance to suspend competition. In the meanwhile but one rate prevails on all the roads in the pool. The object is also to increase the rate, and then to maintain it. The power to regulate is in the combination, and herein is the greatest danger. Market prices are determined by the carrier—the producer and consumer have no voice. Those great factors in political economy—supply and demand, production and consumption—are subordinate to that artificial and arbitrary limitation; and whenever this condition exists then indeed you have a complete monopoly.

"Pooling is a violation of the common law, because it is a restraint upon the freedom of trade and a conspiracy against the public welfare." This is the language of the courts.

A LIMITATION ON JOINT RATES.

This bill provides that where two or more independent lines or roads agree to make joint rates over their several roads, they are to be taken as one entire road and become subject to the short haul principle as it is generally construed by the advocates of the bill; the through long haul being the basis, and the short haul not to exceed the aggregate or maximum of the through rate, except in special cases. Where, however, independent and yet connecting roads transfer their passing shipments to each other, each road is held to the maximum on its own line, and the short haul rate shall not in the aggregate exceed its own through rate. In either event the fundamental principle of a "just and reasonable charge" is applied.

In my own State the Oregon Railroad and Navigation Company's line connects near the State boundary with the Union Pacific Railroad system and terminates in Portland—its long haul. This bill prohibits a greater charge in the aggregate to an intermediate point than its maximum through rate. Should it unite with its connecting but independent lines in a joint through rate for all, then this becomes the maximum or basis, on which the aggregate rate for the short haul is estimated. But, as illustrated, if a company is compelled by sharp competition at its terminal points to make a very low and unprofitable through rate, as is claimed in the case of the through line from New York to New Orleans, or on the Southern Pacific system from San Francisco to the Atlantic waters, there is still reserved that latent and elastic discretion in the commission in these special cases to allow even a greater aggregate for the intermediate short haul than for this maximum through rate; but this discretion is itself measured by that ever present and ever prompting principle, "a reasonable and just charge."

If it should be developed to the commission that the through rate from San Francisco to New Orleans is controlled by the low-water transportation by Cape Horn and by competition across the Isthmus of Panama, and is so low a rate as that, with the gross earnings and gross expense, there remains so small a net profit that it is neither just nor reasonable for the service, then it is thought this should not be a basis on which to aggregate the intermediate short haul rate. The question, then, in each instance must be left for the commission to determine on the more equitable basis of a "reasonable and just" charge. In a word, it makes the commission the judge as to what is reasonable and just; while heretofore the railroad corporation has been its own judge. This is briefly the philosophy of the situation.

UNJUST DISCRIMINATION—ITS PREVENTION.

Its effect will be, as it is intended, to destroy the power of unjust traffic discrimination. This power has been potent both to persons and places. Some men have been discriminated for and some against; some towns have been destroyed, and others built up at unseasonable places; a price at one place has been lowered and at another place increased. As the country and its commerce increased and extended—becoming the marvel of the world—the power and influence of great corporations became correspondingly profitable, strong, and omnipotent. Arbitrary restrictions—which always follow power—and intolerable exactions on the industry and producing capacity of the country, at last awakened attention, complaints followed from all classes, and the dormant resistance of the combined shipper, producer, and consumer was aroused. The fiat went forth from the legislative halls and from the judiciary that charges must be reasonable, and that this power of limitation was reserved to the people. There was music in these words. They had the sound, clear ring of justice. The long and unequal contest at length terminated in the highest court of the land with these memorable sentences:

> The highways of a country are not of private but of public institution and regulation. * * * This is not only its indefeasible right, but it is necessary for the protection of the people against extortion and abuse. * * * Railroads and railroad corporations are in this category.

Thus spoke the Supreme Court of the United States in a well-known case. This was a revolution against corporate power, peaceful in its character, but greater in its results to this nation than was to England at the time, the victory won from King John by the bold Barons at Runnymead. Legislation rapidly followed in different States; but when the farmers of the West first effected these legislative reforms, they were ridiculed, and able jurists predicted a judicial reversal of the system. Railroad experts pointed out the calamities to ensue to the commerce of the country. The jurists, however, were soon answered in the celebrated granger acts and decisions of Iowa sustaining the farmers; and the easy and rapid adjustment of the railway system to the change, with the continued and increased prosperity of the country set at rest any remaining fears. Now that it is deemed necessary to protect the interstate commerce of the country like predictions are uttered as to the probable effects of the pending bill on the industries of the nation.

But present irregularities in transportation between the States will soon change and conform to the proposed limitations, as they have under State laws for commerce entirely within the State; and as to the constitutional power of Congress to regulate interstate transportation, no doubt any longer exists.

DO NOT REJECT ALL BECAUSE A PART IS DEFECTIVE.

But we are told that the bill is imperfect and should be defeated. That it is in some parts imperfect is possible, but it is the best upon which a majority can at present unite. Shall it be rejected because all can not agree? Our National Constitution would have failed if this had been a prerequisite. That instrument was but a compromise. Mutual sacrifices were made that a common object should result. Let us at least make a commencement to regulate existing evils; let us experiment; and as the defects of the law are developed let us remedy them.

CAPITAL AND RAILWAYS A NATIONAL BLESSING.

In the discussion of this measure some have indulged in a severe and excessive arraignment of capital and railway corporations, even disputing their right to judicial remedy and their property to protection. Every person associated in railway enterprises seems to share in the same general anathemas. Such ill-tempered sentiment is but the germ of

communism, of agrarianism, and of that socialistic dream, "the world owes me a living."

The legitimate interests of stockholders should be protected as vigilantly as any other property; their capital is invested in this kind of property and they should be entitled to a fair return on their investment.

The valuation of railroad property in our nation to-day is estimated at the fabulous sum of eight thousand millions of dollars. Over one hundred and twenty-five thousand miles of roads traverse our land from ocean to ocean, from the lakes to the gulf, and then cross and recross each other from the center of the Union to its remotest confines.

On the plain, in the valley, over the hills, and under and through the great mountain ranges, the locomotive thunders along, night and day, winter and summer, in sunshine and storm, like a thing of magic. Towns and cities rise up, population comes, the forest disappears, the desert is reclaimed, homes, schools, churches, manufactories, society, all cluster around. The new empire is there to amaze the beholder and confound the idealist. The virgin prairies and loamy valleys of the wonderful West yield their abundant riches to the energy of man. Production is encouraged and transportation increases. From 70,000,000 tons in 1865, it increased to 437,000,000 tons in 1885. About thirty-three years ago there was produced in this whole country but 10,000,000 bushels of wheat, less than is now produced in the Columbia River valley, or in Oregon alone, and since then we have produced 500,000,000 bushels.

We are to-day the greatest food-producing and the greatest grain-exporting country in the world. Russia is second, Germany third, and British India is now fourth. We are the greatest manufacturing nation of the world. All these results are largely attributable to the increased transportation facilities of our railways. In fact, there is hardly an industry in this country which is not more or less affected by these systems. Yes, even time is regulated by their calendars. The American people—especially the farmers of the country, who number nearly one-half of our nation's population—realize and appreciate these facts. They realize that capital is the child of labor, and that it in its turn seeks and points out the way to increased effort. Then as labor is capital, we are all capitalists in one sense, only differing in degree. They also realize the reciprocity of interest. One is dependent on the other. One must produce, another must transport, and all must consume. The millions of Vanderbilt and Astor are but crystallized labor. The people of our country—those most largely interested in this legislation—are just as well as generous; they are reflective, public spirited, and American in all their aspirations. The industrious, self-denying laborer—he who rises with the sun and toils to its setting, whether in the quarry, field, forest, or shop—realizes the honored relation he bears to the contributing factors in the great march of progress.

It is not such a people who raise the hand of destruction and wantonly strike down the works of advancement and the sources of labor. As a class they are forbearing, law-abiding, yet jealous of their just demands. It is not such who desire to injure and cripple the railways of our country, those great arteries in the internal commerce of this nation. It is not to their interest to do so. But, sir, there is one thing they do want. There is one thing they are entitled to. They want fair play. They demand equal and exact justice to all. In theory all are equal before the law. They demand that this shall be in practice as well as theory. The reward for the services of a corporation should be judged by the same principle, and be as just and reasonable, all things considered, as that for the sweat of toiling man. Believing, sir, that the great measure before us will accomplish this practical equality, that it will harmonize the discordant elements of industry, and prove a safeguard and remedy against unjust, unequal, and discriminating rates—with this hope, and with a view to simple justice to all classes involved, I most heartily support it.

COMMERCE SHOULD BE STIMULATED.

In conclusion I may be pardoned for referring, for the last time, more immediately to my own State. We are becoming a great producing State, and being blessed with a number of navigable streams all running to the seaboard, our shipments seek these channels and go largely on the short haul. It is here the farmer and shipper bear the heaviest burden. Railway imports from the East likewise bear an added rate. Thus labor as well as consumption suffer the discrimination. The people complain and express themselves in a language which can neither be misconstrued nor ignored. Through boards of trade, chambers of commerce, in petitions and memorials, and through the newspapers, and still more recently in the legislative halls of my State they have spoken. It is the imperative duty of a Representative to obey this voice. He should have no inclination, no interest, and no voice in conflict with this duty. The people of Oregon keenly appreciate the future advantages to arise from every improvement and encouragement of their commercial facilities.

ENCOURAGE THE WATER WAYS.

To this end they receive with gratitude and enthusiasm the generous aid of this Congress in the river and harbor acts for the Oregon water ways. With a seacoast of over 300 miles and numerous bold and deep tide-water rivers and bays, ebbing and flowing, connecting the rich inland valleys with the ocean, the policy as well as necessity of removing all obstructions in these natural highways, are at once apparent. There is not a river or bay now being improved in my State which will not, as soon as the works are finished, return each year to the people a saving in freights alone equal to the present annual appropriations. Some have already done this, and others will far exceed it.

The direct and immediate annual increase in the collection of duties on foreign shipments on the Columbia River and Yaquina Bay will alone exceed the annual expenditures now made for improvements in navigation. These estimates cannot be gainsaid. Should such conditions not encourage an increased liberality on the part of the National Government? It is to the improvement of the water ways of the nation we can look for the most substantial and most permanent regulation in State as well as interstate commerce. Herein lies the safety and future prosperity of Oregon. Give us deep channels and free and open rivers to the oceanic highways. Give us a boat railway at the Dalles of the Columbia River, which will virtually unlock this second greatest river of the Republic to continuous navigation for the commerce of the world from Montana to the sea! Give us the cheap, short, and direct route through the Panama Canal! No pools, no rebates, no long and short hauls need be feared then. The free and flowing waters need no interpretation of courts, and fear no betrayal of man! Well may we be proud of our grand rivers. Already the commerce of the Orient and the Occident meet on the lordly Columbia to discharge their rich and passing cargoes.

The survivors of the brave pioneers of Oregon have not forgotten the prophetic words of old Tom Benton, addressed to them from his seat in the United States Senate over forty long years ago:

This spirit still animates me, and will continue to do so while I live, which I hope will be long enough to see an emporium of Asiatic commerce at the mouth of your river, and a stream of Asiatic trade pouring into the valley of the Mississippi through the channel of Oregon.

Gazing into their camp fires they doubtless smiled upon this hopeful yet dreamy future of the old statesman, little thinking that ere their own suns should set they should behold the reality. May their descendants prize the heritage won by so much self-sacrifice, disinterested patriotism, and untiring devotion of their pioneer ancestry. May the people ever guard with zealous care every encroachment of their popular rights, and thus preserve for themselves and those who shall come after them, a legacy which shall in all the centuries of time bid defiance alike to the blandishments of wealth, the corruption of power, and the betrayal of patriotic duty.

Interstate Commerce.

SPEECH

OF

HON. JOHN C. SPOONER,

OF WISCONSIN,

IN THE SENATE OF THE UNITED STATES,

Friday, January 14, 1887,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. SPOONER said:

Mr. PRESIDENT: I think I do not underestimate the complexity and dimensions of this subject. The States have one after another during the last fifteen years passed laws within the sphere of State legislation for regulating commerce, but up to this time "commerce among the several States" has gone without the exercise of the regulating power confessedly conferred by the Constitution upon Congress, and we are brought to face the problem to-day with about 130,000 miles of railway in operation in the United States, and the situation pregnant with discriminations and other evils, very marked and very gross, against which the people have long and justly complained. I have deplored somewhat the spirit in which one or two Senators have approached the discussion of this subject. Recognizing the evils to be eradicated, and sincerely desiring that a remedy be found for them, I do not feel called upon to justify strong legislation by an arraignment of the railway companies of the country and their managers for general want of business sense or of business integrity.

It has been my fortune, good or ill, for the greater part of my professional life to have had some connection with railways. I have, therefore, seen something of the difficulties under which some railway carriers of the country have labored, and I have intimately known railway managers, honorable men, who have won fame in their profession—and the management of railways has grown to be a profession—who have risen from the lowest grade of railway work, who never gamble in railway stocks, who have endeavored in conservative ways to maintain their properties, to deal fairly by the people and faithfully by their

stockholders, made gray too soon in life by vain efforts to maintain rates, and to carry on the business of transportation in a just and fair manner. Many of the evils which we seek to eradicate have been of slow growth. They are attributable in part, in my judgment, to the railroad companies, somewhat to the legislative policy of the States, and somewhat to the logic of events.

The rapid growth of the country, the stimulus of the war, the flush times following the resumption of specie payments, and the wild spirit of speculation which flush times always bring, led to the too rapid construction of railways. They have been built where they were not needed, and for purely speculative purposes. The strife between competing companies has grown to be wild and senseless, and out of this strife have come the rebate, free transportation, special rates, commissions, pools, and all manner of favoritism and discrimination. These methods have been in vogue so long that the companies seem to have grown to regard them as a part of their prescriptive rights. The States have aided in this consummation somewhat by the unrestrained generosity with which they have granted corporate franchises. In almost every State of the Union upon the payment of a dollar or two a franchise is granted to be a corporation, clothed with the power to construct and operate a railway, and with the great power of eminent domain, and with authority to capitalize and to issue bonds at will, regardless of question as to the public need or utility of such a franchise.

The immense capitalization of which the Senator from Florida [Mr. CALL] has earnestly spoken as so largely fictitious, has, I dare to say, been largely under authority of State legislation. In almost every instance in which stocks are to-day considered as watered, the increase of capital has been under authority of State laws, and it would not be unwisdom for the States even now to adopt stringent laws granting franchises to construct railways only where upon investigation it is found that they would subserve a public instead of a purely speculative purpose, and prohibiting the issue of stocks and bonds except for money actually invested in construction, equipment, and betterment, in order that, looking to the great future before us in the way of railway construction and otherwise, and taking counsel of the past, the people shall be protected from rates of freight which are fixed in part with reference to affording interest upon money which did not enter into cost.

I have said this much because I should regret, in the public interest, to have it understood that this legislation is in any degree for the purpose of inflicting punishment for past corporate misdeeds, or is anything other than an honest endeavor to fairly correct palpable evils, and being enacted in that spirit I hope the carriers of the country will, without captiousness, accept it. I know, as does every member of the Senate, that, after long waiting, the people will be bitterly disappointed if this Congress shall adjourn leaving its sessions as barren of legislation upon this subject as have been those of its predecessors, and I would not willingly aid in such a result. If I felt, however, as to this bill and its construction as the Senator from Kansas [Mr. INGALLS] has expressed himself, I could not be brought, in deference to any clamor, or upon any consideration, in any event, to support it.

I live in a State, Mr. President, which I think can as well as any State in the Union get along safely with the "long haul short haul" experiment as strictly as Congress may see fit to adopt it. Wisconsin is bounded in part by the Mississippi River. Its great commercial metropolis, Milwaukee, sits on the banks of Lake Michigan. To the northward is Lake Superior. It has railways leading from the interior in every direction to these water ways, and to-day Canadian money is building a railroad across that State to the Sault to connect with a railroad to Montreal. While it would not be, in my judgment, patriotic, or even fair statesmanship, for me to act upon this question solely with reference to its effect upon my own State, I trust I may be pardoned for remarking that if Iowa and Kansas and Nebraska and Colorado can tolerate the "long haul short haul" principle, certainly Wisconsin and Minnesota need not fear it.

I voted for the measure which passed the Senate, and I have examined with great care the amendments reported by the conference committee, not for the purpose of finding foundation for criticism, but with a view to reconcile the cordial support of this report with my sense of public duty.

DISCRIMINATION BETWEEN CONNECTING CARRIERS.

The conference committee has added to the bill a few lines in section 3, which, in my opinion, greatly improve the section and the bill. I quote part of the section, italicizing the words added: "Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, *and equal* facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, *and shall not discriminate in their rates and charges between such connecting lines.*"

The principle embodied in the amendment will serve a wise purpose as a general regulation. Congress long ago imposed the same in a qualified way upon the Union Pacific and Northern Pacific Companies, and the failure sometimes to observe that corporate obligation has been a detriment to other carriers and to large regions of country.

"LONG HAUL, SHORT HAUL."

The sections of the bill as reported by the conference committee which are most criticized in the press and in the argument of railroad men and pool commissioners, are sections 4 and 5, the former the "long haul short haul" section, the latter the anti-pooling section. I beg leave, though late in the day and in the debate, to present briefly my views upon these sections for the information of those to whom I am answerable. Section 4 when reported to the Senate by the Senator from Illinois at the last session was as follows:

SEC. 4. That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules covering exceptions to any such common carrier, in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published they shall have like force and effect as though the same had been specified in this section.

This was, as I remember it, practically a copy of the Massachusetts law. The Senator from West Virginia [Mr. CAMDEN] moved to strike out, as Senators will recollect, the words "from the same original point of departure," so as to leave it an unqualified prohibition upon a railway company from charging more for a shorter than for a longer distance over the same line in the same direction, &c. I felt it to be my duty to oppose, with all the earnestness and vigor I could command, that proposition. I insisted to the Senate that it was an attempt to discriminate on the part of Congress between points which possessed advantages in the way of competition and those which had none, that it was not just in itself, but was a sort of socialism precisely kindred to that spirit which calls upon the rich to divide with the poor in order that they may be thereby put more upon an equality. I urged upon the Senate that it discriminated against the West and the far West, that it stifled competition, that it would lengthen the distance between the sea and the West, would force up the low through rates which had built up the West, and would be destructive to the interest of the farmer, the cattle-raiser, the dairymen of the West, and the merchants, manufacturers, and consumers of the East, and, moreover, would, in my judgment, not result in lowering local rates.

Mr. President, that proposition, bald and bare as it was, was adopted by the Senate, leaving what seemed to me simply an arbitrary, unreasonable, undiscriminating prohibition upon a railway company, under any circumstances, charging more for a shorter than for a longer distance, on the same road, &c., thus impounding the competitive forces of the country. My opinion as to the effect of such a provision has undergone no change, and if the section had thus remained in the bill I could not, with my convictions, have voted for its passage, as I did. Before the passage of the bill, however, upon the motion of the Senator from Rhode Island [Mr. ALDRICH], the words "like kind of property, under substantially similar circumstances and conditions," were added, and then, upon motion of the Senator from Vermont [Mr. EDMUNDS], the words stricken out by the Camden amendment were restored, with added words, so that the section, as the bill passed, was as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure or to the same point of arrival; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published they shall, until changed by the commission or by law, have like force and effect as though the same had been specified in this section.

As reported by the conference committee it is as follows:

SEC. 4. That it shall be lawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

The opponents of this bill construe it to mean what I construed it to mean as amended upon the motion of the Senator from West Virginia. I think the Senator from Kansas [Mr. INGALLS] so construes it, and, if it bears that construction, I can not vote for it. But, sir, when the Senate inserted in this section the words "like kind of property, under substantially similar circumstances and conditions," it robbed the section of what to my mind had been so objectionable, and

I have not been able to consider it, as reported by the conference committee, justly liable to the objections which are urged against it. I think the change in it is not substantial, and, as I construe it, I see no great occasion to fear its operation, although I sincerely desire, dealing as it does with a matter of great consequence, that it be made plainer in one particular at least. I agree in substance with the construction which the Senator from Illinois [Mr. CULLOM] puts upon the section.

It will be observed that it does not prohibit under all circumstances the charging by a carrier of more for a short haul than for a long haul, as it did, and as it would, without the words "under substantially similar circumstances and conditions." Manifestly it is only sought here to formulate a general principle. More than that would be inconsistent with the elasticity absolutely essential to such a statute. What rule does it declare?

That it shall be unlawful for any common carrier, &c., to charge or receive any greater compensation in the aggregate (not per ton per mile, as its critics argue) for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance, over the same line, in the same direction, the shorter being included within the longer distance.

What element of unfairness does this rule possess? Who will undertake to assert the converse of the proposition, and to maintain that a railway company ought to be permitted to charge for transporting a like kind of property under substantially similar circumstances and conditions, on the same line, in the same direction, more for a short distance than for a greater distance? It is not fair to read the section as though the words "under substantially similar circumstances and conditions" were omitted. Without them it would be fatally wanting in elasticity. It would take no account of advantages or disadvantages of location, of competitive elements, of the question whether it was an original shipment, to be loaded and handled by the carrier making the charge, and to go solely over its line, or was carried as part of a through line, on the mileage basis, &c.

The words "under substantially similar circumstances and conditions" are powerful words in that connection. They must be construed to mean something. They were put there originally because they meant something, and because the Senate was not satisfied with the iron rule which the section constituted without those words. Under any just construction they would seem to leave ample room for the play of competitive forces. The words are not technical words, although they have been construed by the courts. They are words of common, well understood signification. Webster defines "substantially" to mean "really, essentially." "Similar" is defined to mean "resembling closely, somewhat alike, nearly corresponding." So that the phrase must be construed, as here used, as equivalent to the expression "under essentially like or corresponding circumstances or conditions." The Senator from Illinois has given abundant reasons for not using the word "same" instead of "similar." The word "substantially" seems to me to be a wise word in that connection. It deals with the substance of things; not with mere form.

I think that every condition or circumstance which does in fact distinguish one shipment from another would be open to proof under this section. What element that ought to be considered could be excluded? It has seemed to me that in each case it would be a matter of fact for the railway company to establish, in order to take a shipment out from under the operation of the "long haul short haul" provision, that the circumstances and conditions of the shipment were in substance not similar to some other shipment with which the comparison is to be made. Who can better tell, in a given case, whether the circumstances are similar or are not similar in substance, in essence, than the railway agents? Is it to be expected that this bill, which, at best, is to formulate a general principle, must be, or can be, so framed that there can be no question as to its application to the infinite number of cases which may arise? If the rule be a fair one, leaving its application to be determined upon the circumstances and situation of each case, tell me upon what ground any Senator assumes that the question of fact will not be fairly determined?

Mr. HOAR. The facts being all found, for instance that one is a competing point, does the Senator understand that the further fact whether within the meaning of this bill the circumstances and conditions are substantially similar would be also found by a jury?

Mr. SPOONER. I have not said so.

Mr. HOAR. I suppose it would be like the case of probable cause and a thousand other cases where the facts being found the application of the law would be for the court.

Mr. SPOONER. I would not at all be willing to trust the question finally to the decision of the commission.

Mr. HOAR. Then does the Senator understand that the question whether a particular rebate like the one which has been stated here on freights to Boston for foreign commerce may be determined by a jury? If the discrimination is made at one end of the route by the Chicago shipper or made at the other end by the Boston shipper, or if the freight goes elsewhere by New York or Philadelphia, that the question whether the fact that the freight is destined for foreign commerce or that its point of arrival or departure is a competing point makes a dissimilarity of circumstances and conditions which may be settled in one place by one jury one way and in another place by another jury another way?

Mr. SPOONER. The question of fact and of law may arise in different parts of the United States, and I suppose that each court would exercise an independent judgment upon the question, and so it might well happen in the adjudications under this section that there would be different views taken. It might be found and decided one way in one place and another way in another place.

Mr. EVARTS. And if the Senator will allow me, I shall venture to suggest that the question is whether the facts found differ so that absolutely different rules are rightfully to prevail. That is the question. If jurors find one way in one court and jurors another way in another court, and they are masters of the question, then we have different rules in different places.

Mr. EDMUNDS. Just like any other case submitted to a jury.

Mr. EVARTS. But if the question whether the conditions are similar is one of law; whatever the findings of the jury are they will be the subject of revision and of regulation by the court.

Mr. SPOONER. It would not take long to present the question for final adjudication to the Supreme Court of the United States. I have no doubt under this section that the fact that a shipment is from a competing point must be held to distinguish it from a similar shipment from a non-competing point. It certainly could not be said that in the one case the circumstances and conditions are substantially similar to those in the other case. It must not be forgotten that each of these words, "circumstances" and "conditions," is to have some meaning. They do not refer to the kind of property, for this is taken care of by appropriate words, which mean nothing else—"a like kind of property." As I understand it, the Senate conferees agree, in the main, upon the construction of these words, "under substantially similar circumstances and conditions." But I can not, at this stage of the debate, elaborate.

The construction which the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Kansas [Mr. INGALLS] give to the section takes no account whatever, in my judgment, of the words "under substantially similar circumstances and conditions," and is an attempt to make the section read just as the corresponding section of the Reagan bill reads and just as the section read after the amendment of the Senator from West Virginia had been adopted. To my mind the sections are not "substantially similar."

I do not disguise, Mr. President, my embarrassment in attempting to discuss this question at so late an hour.

The phase of the question which troubles me, because necessarily left somewhat to argument, and in my view dangerous if wrongly held, is, whether the proportion which the railway company, whose road constitutes one of several links in a line of transportation, receives or accepts of a through rate, upon a mileage basis, is to be taken as the maximum charge which it may make for the transportation of similar property over its own road as an independent shipment. Every one knows that it has grown to be an essential part of transportation that the terminal carrier makes through bills of lading over its own and connecting roads, giving to each connecting company its proportion of the through rate, upon a mileage basis. This method can not well be dispensed with without detriment to the public interest.

If the amount of a through rate which the connecting carrier accepts as its proportion, upon a mileage basis, is to constitute the maximum of that carrier's charge for an original shipment over its road, manifestly the present method must be abrogated, for no carrier would permit, or could be expected to permit, another to fix for it the maximum charge for transportation over its own road; and the result would be that the through rates would hereafter be the sum of the charges made by each carrier over its own road as an independent shipment. This would be disastrous to the people.

But it has seemed to me quite clear, for several reasons, that the section would not be so construed. I think the service which a connecting carrier renders in transporting a car-load of freight over its road as part of the through line, and for which it accepts its proportion, upon the mileage basis, of the through rate fixed by another carrier, could not well be held to be "under substantially similar circumstances and conditions," as an original shipment of like kind of property from one of its termini to the other. There is certainly a difference in fact. Ordinarily the carrier to which the freight is first delivered, and which makes the through rate, furnishes the car, stands the demurrage, loads the freight, and generally the liability which the first carrier assumes is different from that which is assumed by the connecting carrier. As a rule the first carrier may be sued for the default of the connecting carrier, but the connecting carrier can only be sued for default upon its own road. There are doubtless other differences which practical railroad men could readily point out.

Again, this bill distinguishes very clearly between a shipment over the carrier's own road and a shipment over a line made up of several roads, operated by different railway companies.

The mandate of section 6, that the common carrier shall print and keep for public inspection schedules showing the rates and fares and charges, &c., applies only to its "railroad as defined by the first section of this act:" that is, "all the railroad in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or a lease." There is no requirement, absolute, as in the

case just put, for the publication of rates for transportation over continuous lines or routes operated by more than one carrier. Even where joint tariffs are made there is no requirement for their publication, except so far as may "in the judgment of the commission be deemed practicable." The bill deals with the line as distinct from the railroad, and it is hardly to be supposed that a court, or the commission, in view of the construction which the conferees of the Senate, all lawyers, who aided in framing the original bill, give it in this regard, and in view of the considerations which have been suggested in support of that construction, would construe it so as to put an end, against the interests of the people, to through bills of lading.

The Supreme Court of the United States has recently made a decision which throws some light upon the proposition as a mere question of law. It is a case which arose between the United States and the Union Pacific Railroad Company as to the compensation which the Union Pacific was entitled to receive from the Government for transporting passengers in the service of the Government over the bridge and road from Omaha to Council Bluffs. (117 U. S., 355.) By the law the company—

was entitled to be paid by the Government for services rendered in the transportation of the mails over its road, and of the employés accompanying them, compensation at fair and reasonable rates, not to exceed the amounts paid by private parties for the *same kind of service*.

The facts found were as follows:

The company's uniform rate, during the time covered by this suit, for the transportation of passengers between Council Bluffs and Omaha, over its bridge and approaches, a distance of 3.97 miles, was 50 cents each, which sum was included in the price of tickets sold for longer or shorter distances. That was a fair and reasonable rate of compensation to be paid by the defendants and not in excess of the rates paid by private parties for the same kind of service.

The Treasury Department did not allow 50 cents for each passenger so transported for the defendants, but in each case, ascertaining over what railroad or public highway the passenger reached Council Bluffs or Omaha, and the rate per mile paid by him over such part of said railroad or public highway as he had thus traveled, the company was allowed only the same rate per mile for transporting such passenger between Council Bluffs and Omaha as he had so paid on the road leading to the bridge. On the roads leading to said bridge the rates per mile are different, and the rates on the same road differ according to distance traveled.

The court say:

The contention on the part of the United States is, that local passengers carried on its account between Council Bluffs and Ogden, shall be carried at the same rate as are charged for through passengers passing between those points, as part of a journey over the whole line, although a difference is made in respect to all other persons. But the Court of Claims has found as a fact that the amount found by it is based on rates between those points which are fair and reasonable, and not in excess of those charged to private persons for the same service. We can not review this finding of fact, and no question of law arises upon it, unless it be one, whether the service rendered in transporting a local passenger between the two points is in law identical with that rendered in transporting a through passenger between the same points as part of the transit over the distance of the whole line. This we can not affirm.

Mr. ALDRICH. I do not suppose the Senator from Wisconsin means to say that there is any analogy between that and this section.

Mr. SPOONER. I only made the proposition that the court would not decide as matter of law that the service was identical, though the persons were transported over the same rails, one being local and the other as part of a through transit.

Mr. HOAR. Then is not that a decision of the court in conflict with the position the Senator stated a while ago, that the question of dissimilarity of the circumstances and conditions would be for a jury as as a matter of fact? It seems to me that the argument against the bill is very much stronger if the question is to be disposed of by juries in different parts of the country.

Mr. SPOONER. But, Mr. President, I am anxious that in this particular all doubt should be removed, and that the section should be made to clearly express the intent stated by the Senator from Illinois and his associate conferees. It is too important to the people to be left to mere inference and argument if it can be avoided, although, if necessary to legislation upon the subject, I shall be willing to chance it.

POWER OF COMMISSION.

The proviso of section 4 seems to me broader and stronger in the power it gives the commissioners to make exceptions and exemptions than it was when the measure passed the Senate. Under it, as I understand it, the commission is authorized to deal with special cases, and with designated carriers generally, independent of special cases. It provides—

That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property.

I am inclined to construe the words "special cases" as referring to special shipments, but be that as it may, the words which follow do not confine and are not intended to confine the commissioners to special shipments or special cases. They are:

And the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

This language is very broad and very plain, and is an improvement upon the confused language for which it is a substitute. It certainly authorizes the commission to exempt a carrier from the operation of section 4, wholly, if in its judgment the public interest would be thereby subserved. Under this power, as I understand it, where it is determined that the shipment is under substantially similar circumstances and conditions, if the commission consider the determination erroneous, or if, for any reason, the enforcement of the rule is found to be against the public interest or manifestly unjust to the carrier, the power exists to suspend the section in its operation upon that carrier. If the statutory rule were less flexible than I construe it to be I would not be willing to rely upon this power in the commission.

It has been suggested against this bill that it makes the carrier liable to severe penalty if it should be held to have wrongly construed this law, as to the construction of which even Senators differ. This argument is without foundation, for section 10 denounces the penalty upon the corporation, director, officer, receiver, trustee, lessee, agent, &c., who shall *willfully* do or cause to be done, or shall *willfully* suffer or permit to be done, any act, matter, or thing in this act prohibited, &c. The word "willfully," as used in such a statute, is one of well-settled meaning, and certainly if railway officers construe the statute as the Senate conferees construe it and declare upon the record it is intended to be construed, no court or jury would mulct them for so doing.

REBATES.

I desire briefly, if the Senate will indulge me, to refer to another section of the bill which gives me much trouble, and that is the rebate section, under which, as I understand it, arises the difficulty suggested by the Senator from Massachusetts, which is only typical of other difficulties of the same kind in different parts of the country, if the section bears the construction feared. It is as follows:

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

I am in receipt of letters from constituents, stating that they are so situated that justice to them requires special rates in order to put them on a basis of competition with manufacturers and persons in some respects more advantageously located on other railroads, or at other points, and complaining that the prohibition of rebates and special rates contained in this bill will injuriously affect them. This complaint from them, as I understand it, is based upon a misconception or misunderstanding of the terms of the section. The section, it will be observed, does not prohibit rebates or special rates under all circumstances. It seems to be aimed simply at mere favoritism, which no shipper has a right to ask. Its prohibition is only to shippers where the service is like and contemporaneous in the transportation of a like kind of traffic under substantially similar circumstances and conditions.

It seemed to me when I read the section that it was the statement of a just rule, and that no shipper could reasonably ask that he should be charged by a common carrier less for a like and contemporaneous service in the transportation of a like kind of traffic, under substantially similar circumstances and conditions, than his neighbor was. The prohibition is aimed, not at persons differently situated and whom a rebate would simply put on an equality with others, but it is aimed at persons situated alike and to whom the rebate would be, as compared to others, a mere partiality. The section seemed to me not subject to the criticism made upon it, and to be free from objection until the case stated by the Senator from Massachusetts, in its relation to exports, was presented. The case, as presented to me by the merchants, is thus: At Minneapolis millions of barrels of flour are manufactured each year. It is stated, and it is undoubtedly true, that large amounts of this flour are shipped from Minneapolis to Boston, part of it for the domestic trade and part of it for export, and that in order to stimulate the export trade the railway companies have been in the habit of giving a 5-cent preference or rebate in favor of the flour intended for export, and it is claimed that this section prohibits such an arrangement. I am inclined to think it does.

I have not been able to satisfy myself that the mere difference in destination, under section 2, would render inapplicable the prohibition. The flour may go from the same shipper to the same consignee; it certainly goes from the same point to the same point. It may go over the same line. The service rendered by the land carrier, subject to the provisions of this bill, seems to me to be precisely the same, whether the flour goes for distribution in New England or for export to some foreign country. If, the service being identical in all other respects, the mere fact that a part of the freight is to be exported, and a part of it not, does not constitute a substantial difference in circumstances and conditions, then the rebate heretofore given would be prohibited, and, as I understand it, if it were held to be prohibited there is no power in the commission to relieve from the operation of the section. That power arises under the fourth section, and the case put is not one where there is a greater charge for a short haul than for a long haul.

I apprehend that what is true as to the shipment of flour from Minneapolis to Boston is true as to the shipment of flour from other places in the United States to export points, and is true as to the shipment of grain and beef and other food products of the country for export. If the section can reasonably be construed, as I fear it can be, to prevent just and reasonable discriminations in favor of the export trade of the United

States from Kansas, from Colorado, from Minnesota, from Wisconsin, and the other States, I am not willing, without an effort to correct it, to vote for the bill as it stands. It is to my mind, as stated by the Senator from Ohio, a matter of grave consequence. It has been a part of the policy of our legislation to stimulate our export trade. It has been wisely deemed all-important to the producers throughout the country. This flour rebate, in favor of export, from Minneapolis stimulates the foreign shipments obviously, makes a larger market and a greater demand and hence a better price for the wheat raised in that region.

Rebates are allowed by many acts of Congress for the sole purpose, and defensible only on that principle, of stimulating our export trade and helping to keep the balance of trade in our favor. Why grant such directly and prohibit carriers from giving for the same purpose a similar favor in their business? It is important to the Western farmer that the railway companies of the country should not only be permitted but encouraged to put them as near as may be upon a basis of successful competition as to their surplus with the wheat growers of India, Russia, and other countries.

Mr. EDMUNDS. May I interrupt the Senator?

Mr. SPOONER. Certainly.

Mr. EDMUNDS. Agreeing to all that he has said, would he not also be willing to require that if a rebate is made in favor of the Minneapolis flour, we should also make it in favor of the Worcester, Mass., flour? Here is a simple case, as my friend from Wisconsin states it, of an exportation which we ought to encourage. Now, the question is whether the man who, in Minneapolis, makes flour for exportation, on the same line, the same car, ought to be enabled to carry his freight cheaper than a man who is within 40 miles of the point of export, exporting his flour to the same market.

Mr. SPOONER. But that is hardly the question I am discussing. If my assumption of fact is correct, my point is that this section would prohibit the granting by a railway company on the transportation of flour or wheat or any other product from Minneapolis to Boston, the transportation being precisely the same, of a rebate in favor of the export.

Mr. EDMUNDS. If you give a rebate from Minneapolis, why should you not give it from Worcester for the same exportation to the same point?

Mr. SPOONER. I will not say I would not give it. I will not say that if flour was shipped from Worcester to Boston for export and flour was shipped from Worcester to Boston for use in Boston, I would not upon the same principle give the rebate. I should permit, no matter where, remote from the seaboard or near to the port, such rebate as is wise, reasonable, and necessary in order to stimulate the export trade of the country, dependent on a thousand surrounding circumstances. As I view this rebate section it seems to me quite clear that such rebates, such discrimination in favor of the export trade would be prohibited by this section and that there would be no power under the long and short haul section to relieve from it if it should be so construed.

Mr. EDMUNDS. I do not understand the bill in that way at all. I understand it on the question of foreign exportation to say that the man who has to send from Worcester to Boston and to Liverpool shall not be compelled to pay any more freight on his 40 miles distance from Boston than the man in Minnesota who has 1,500 miles of transportation to carry. It does not say he shall pay less, but that he shall not pay more—both to go to a foreign market under the same conditions—that he shall not be compelled to pay more for carrying flour 40 miles than the Minneapolis man who sends it 1,500 miles.

Mr. SPOONER. As I understand the Senator from Vermont, he is applying to the case the long haul and short haul provision, which I am not now discussing. I ask him, with his permission, this question: Suppose flour to be shipped by the same consignor from Worcester, if you please, to Boston for use and sale in Boston. Suppose flour to be shipped from Worcester to Boston for export. Suppose the railway company, being the same in either case, in order to stimulate the demand for that flour, in order to build up an export trade, grants a reasonable rebate to the shipper in favor of the export flour, would it not be in violation of this rebate section?

Mr. EDMUNDS. I do not think it would.

Mr. SPOONER. Then the Senator is of opinion——

Mr. EDMUNDS. But I do think, if I may extend my observation, that that rebate having been granted to the Worcester man, and granted to the Minneapolis man, the Minneapolis man with the same export trade should not have an advantage over the Worcester man.

Mr. SPOONER. I do not claim that.

Mr. EDMUNDS. So, if I may finish what I was saying, the equality and justice to be applied to shippers is under the same circumstances and conditions, and therefore all that this proposed law says is, as to the export trade, that everybody shall stand on an equal footing as to the same trade. If it is fair and proper for a railway company to make a small rate from Oregon to Boston for flour or grain that is to be shipped abroad, and will not exceed that rate for any point between, it is all right, although if it is to be consumed in Boston it may charge much more, if it treats everybody alike.

Mr. SPOONER. I am unable to agree that the mere fact, the transportation service being in all other respects identical, that one shipment is to be exported and another not would so distinguish it as to take it out from the prohibition of the rebate section.

Mr. GEORGE. Let me ask the Senator, does he consider that there is anything in the bill to prohibit an arrangement of this sort? Take the Minneapolis shipment of flour, a part of which may be exported, a part may be consumed in this country. Is there anything in this bill which would prohibit the transportation company from agreeing when the exportation is made to advance or pay to the steamer the amount of 5 per cent. upon that portion of its freight which is transported from Minneapolis? In other words, is there anything in this bill to prohibit a railroad company from increasing its traffic by agreeing, after it has performed service at the same rate that it charges everybody else, to pay to another carrier who is to carry the product out of the country a certain sum of money?

Mr. SPOONER. That certainly does not answer the proposition which I have been discussing. That would be the granting of a rebate. It matters not whether that rebate be paid by check or in currency, or whether it be by way of advance or part payment by the railroad company of the ocean freight. In either event it would be a rebate; it would be granting to a shipper for export a better rate from Minneapolis to Boston, in whatever guise you put it, than is granted where the shipment is to end at Boston.

Mr. GEORGE. It would rather be a premium given to the consignee in Boston to export the flour.

Mr. SPOONER. What is the difference whether you call it a premium or a rebate, or a special rate? The fact of discrimination remains the same; that in the one case for carrying the flour between the same points a lower rate is allowed than in the other, simply because in the one case it is intended for export, and in the other it is not.

Mr. MITCHELL, of Oregon. Suppose a common carrier transporting a ton of flour from Minneapolis to Boston for export allows a rebate of 5 per cent., and suppose that some common carrier on the same line of road, running through Buffalo, carries the same kind of freight on the same road to Boston for export and makes no rebate, in that case the Senator from Wisconsin understands that there is nothing in this bill which would make that an unlawful discrimination. The two sections are entirely different, so far as that is concerned, the long and short haul section and the discrimination section.

Mr. SPOONER. One deals, as I understand it, with one subject; the other with an entirely different subject. One relates to difference in distance, the long haul as it relates to the short haul; the other, in the case I put, and in the case stated to me from Boston, which I believe to be accurately stated, is a case of discrimination simply in favor of export, nothing else.

Mr. GEORGE. Does not the provision of the bill, as it now stands, so far as it relates to a rebate, correspond exactly with the provision in the bill as it passed the Senate?

Mr. SPOONER. That is undoubtedly true. The rebate section is precisely the same to-day, as I understand, as it was when we passed this bill. I examined it, as I stated, and came to the conclusion that it was a fair rule; that it simply prohibited favoritism. I presume this conference committee came to the same conclusion. I did not know of the existence of the facts to which I have been calling the attention of the Senate. I did not know the fact that to favor exports as compared to purely domestic commerce, under circumstances so identical in every other respect, the rebate was given; and I venture to say that the conference committee did not know of the fact. I doubt very much if the Senator from Illinois will say that the conference committee considered this case, and having considered it were willing to make it a rule in the law that in such a case as the Minneapolis shipment for export and for domestic use there should be no lawful difference in charge.

Now, Mr. President, I am as anxious as any Senator on this floor that the popular demand for legislation upon this subject shall be met at this session, and if the alternative were presented of endangering the passage of this bill in any form or of voting for it as it stands, I am frank to say that I should vote for the bill, expecting that the Senator from Massachusetts would be able to secure the passage of an independent enactment preventing its interference with the export trade, and trusting that the dangerous doubt suggested as to the construction of the fourth section would be resolved in favor of what I deem the plain public interest, and the intention, as declared by the Senate conferees. But I am not quite willing to record my vote in favor of a proposition which I fear will be deleterious until the Senate has made a fair effort to correct it in the respects mentioned. If the bill can be recommitted I intend to offer, by way of recommendation to the conferees, the following proposition.

Mr. CONGER. Before the Senator states his proposition I should like to ask him if he understands that under the present law there is any rebate in favor of articles exported except a return or rebate of moneys paid in the shape of duties on some of the ordinary articles manufactured in the United States and exported. I am speaking of any law on our statute-book authorizing officers of the Government to make rebates in any form except a rebate of duties or internal taxes

that had already been paid on the whole or a part of the materials of which those articles were made.

Mr. SPOONER. That is a rebate.

Mr. CONGER. It is a paying back of money paid by the party, but not any additional payment by the Government.

Mr. SPOONER. That is certainly equivalent to a rebate. I shall propose this:

Nothing contained in this act shall be so construed as to prohibit any carrier subject to the provisions hereof from making reasonable discrimination, by special rate or otherwise, in favor of freight of any kind carried from any part of the United States for export to foreign countries.

Mr. EDMUNDS. So that it should be equal between all the people of the United States.

Mr. SPOONER. Yes, sir; as to all products for export.

I am not at all prepared to believe as to this section or as to the long and short haul section, if there be in the minds of Senators substantial disagreement as to the construction upon a point vital to the interests of the country, that we may not reasonably expect that the conference committee after all this debate will be able to agree upon and report to the Senate the bill in better form than it is now in. I do not quite like the suggestion that to recommit this bill to the committee is to kill it. I know of no reason why that suggestion should be made. Who is there here who does not desire the passage of a wise bill upon this subject? Who here will not co-operate to that end? Is this question of interstate commerce to be the foot-ball of party politics? Is it to be supposed that either party, with nearly two months before us, will, rather than submit to a wise amendment of this bill prefer that Congress shall adjourn without any legislation on this subject?

I doubt if the people will take kindly to such a suggestion. No one will dispute that a bill of so great importance, so far reaching and vital in its effects, should be made as perfect as may be, and at least that it should be freed from the ambiguity and uncertainty which many claim to exist. I feel bound, in justice to the Congress, and the spirit which pervades it upon this subject, to assume that the conference committee of both Houses would do their utmost to agree to the modifications suggested, and that with forty-nine days of the session still remaining, under rules which render a conference report at all times a privileged question, there is no danger that we shall adjourn without legislation regulating interstate commerce. If the conferees can not agree to change it, the bill can come back to us as it is, and we can pass it as it is, if it should become necessary.

ANTI-POOLING.

I desire before taking my seat to say a few words upon the fifth section, which is as follows:

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

I find in this section, Mr. President, no objection to the bill, and I would not vote to recommit it with a recommendation that it be eliminated. I do not believe the railway pool, all things considered, subserves the true interests either of the people or of railway companies. It is declared that its purpose and effect is to "equalize rates." This is in a sense true, but it is, in my judgment, neither more nor less than an attempt to equalize rates by stifling competition, for the pool is operative only where there is competition and upon business which is competitive. It is stated by the pool commissioners and by the advocates of the pooling system, by way of vindicating it as an improved railway method, that during the existence of the pools, which for so many years have been in vogue, rates have been "held level" and have steadily gone down. An unqualified admission of the first statement would not be founded in fact. You could fill this Senate Chamber with broken pool contracts.

Year after year, notwithstanding the system of pooling freights and dividing earnings, we have had rate wars so violent as to almost unsettle the business of the continent. Almost every month, I might say almost every week, the people have been advised by the press of rate cutting and of the disruption of railway pools. That rates during the last ten years have gone down is of course true, but by what warrant is it contended that this is attributable to the system of pooling? The increase in railway mileage, the great growth in population, the obliteration of the frontier, the marvelous increase of tonnage, the legislation of the States against extortion, and the competition existing at times, have all tended to bring down rates. The tendency of the pool has been, however, to put them up from time to time, and that they have gone down is on the whole, in spite of, not because of, the pool.

It is stated that this railway organization is valid. I can not now enter upon an elaborate discussion of that question. I have never supposed that the pool would be upheld by the courts. I have found no satisfactory authority in this country for any such proposition. I know that in many of the States laws have been passed, notably in the State of Iowa, prohibiting them. I know that there have been violations of pool contracts, costing millions of dollars to the parties to them, and that no railroad company in the United States has dared to sue the competitor which has violated its faith and broken the pool, for damages. Why not, if they are valid?

The English decisions cited are not satisfactory law upon that subject in this country. The English system of railway management and supervision is different, and the doctrine of their courts upon one or two pertinent principles is essentially different from ours. To illustrate: In Shrewsbury, &c., Railway Company *vs.* The London, &c., Railway Company, 21 L. J. Q. B., 89, Lord Campbell, C. J., speaking of a pool agreement, says:

The question, then, is, whether the agreement is void in law. And it has been clearly settled that an agreement to withdraw [parliamentary] opposition to a railway bill, for a pecuniary or other consideration, is not illegal. The agreement in question would only be void in case it was illegal upon other grounds, such as those suggested upon the part of the defendant—that it was injurious to, and therefore in a legal sense a fraud upon, the public by the shareholders.

Such contracts by railway companies to withdraw opposition to bills in Parliament granting authority to construct competing railways, &c., have been held valid in England, and such a principle might very well lead to the upholding of an agreement to pool; but that doctrine is not tolerated in the United States. It was long ago decided, and has been steadily held, that such an agreement is subversive of good legislation and against public policy. The only argument I have seen in any American law-book in support of the general proposition that the pool between competing railway carriers by which the tonnage or earnings are divided, is in harmony with public policy and valid, I find in Wood on Railways, formulated thus:

But where by its charter, or the general law, a railroad company is authorized to consolidate with or lease its road to any other railroad company, upon the principle that the greater includes the less, there would seem to be some reason for holding that it might enter into a contract with a rival road by which their joint earning upon their through traffic should be divided between them upon such a basis as the companies could agree upon without impugning the policy of the law, because in such a case they only accomplish partially and indirectly what they are authorized to accomplish directly. (1st Wood on Railways, 596).

If the premise of this author be correct, that rival companies are authorized by statute to consolidate their stock and franchises, his conclusion that they may enter legally into the "lesser consolidation," which a pool certainly is, is logical; but it surely has not been the policy of American courts to hold, as I now remember it, that under general authority to consolidate with other railroads, or with any other railroad, competing companies could consolidate, nor has it been the policy of the States to grant such power. In most of the States the consolidation of such roads is prohibited. In some of the States it is prohibited by constitutional enactment. Pennsylvania has notably sought, within a year, to enforce a constitutional prohibition upon the subject, and most of the States have guarded against it by direct prohibition, and ineffectually perhaps by forbidding the ownership of stocks of one competing company by another.

But the foundation of this argument is correct, that a pool is one form of consolidation. The statutory authority to consolidate usually is confined to railways whose lines are so situated with reference to each other as to make a continuous line of railway. The consolidation of railways not competing or parallel has been in the public interest. The consolidation, whether by pooling or otherwise, of parallel or competing lines of railway, I venture to assert, can not be in the public interest, and will not be authorized by the States.

I have seen something myself of the operations of the pool. I do not deny that, although in itself an evil, it has at times seemed a lesser evil than some of those which it was proposed to remedy; but to my mind it has been the breeder, and a fruitful one, of almost every evil which has disfigured the transportation system of this country. It has been an instrument of blackmail in the hands of railway companies unfortunately located. One Senator, speaking upon this subject, has said that it enabled a weaker road to control its share of the business. It has enabled the weaker road often to control more than its share of the business, and this control has been stimulated and brought about by long-continued and vicious rate-cutting, detrimental to the interests of other carriers and of the people; for I agree to all that the Senator from Connecticut [Mr. PLATT] has so clearly and eloquently said as to the evil of unrestrained competition, and the uncertainty introduced into business by rate wars.

A railroad company competing with others between two terminals, not satisfied with the proportion of business which it is receiving, though it may be receiving its full share, regard being had to the advantages which it affords in comparison with its rivals, has only to cut rates to force a readjustment of percentages, either of tonnage or earnings in the pool. I think I have known cases in which a railway company disadvantageously situated, its line being very much longer than those of its competitors, began the cutting of rates to force its admission into a pool, and continued the cutting of rates long before entering upon the negotiations for a pool, in order that its tonnage record might give an undue proportion of business when the pool was formed.

It is manifest, and its effect has been seen in every portion of the United States, that the possibility of forming and maintaing pools has put it within the power of competing railway companies, and furnished a strong incentive to the exercise of that power to bring on rate wars, and continue them, to the demoralization of business. And suppose the pool to be once formed by such means, some of the members of it

feel that they are being blackmailed, that there has been forced upon them an unfair division of business, and they retaliate by secret cutting of rates, by rebates, and "specials," and passes, and the like; and thus it happens that the pool, while perhaps on its face at times operating to steady and maintain rates, breeds secret cutting and favoritism and discriminations which have brought intense and widespread dissatisfaction to the people.

I think I may safely appeal to the Senator from New Jersey [Mr. SEWELL], who has had experience and opportunity for observation, that there is hardly a railway company which has maintained in absolute good faith for any length of time toward its associates its position in a pool. The pool has led to the payment of vast sums in commissions, to bad faith, to unlimited free transportation, and has involved the expenditure of vast sums as salaries to pool commissioners and clerks. It binds no railway company any longer than it chooses to obey it. It is dissolved upon the caprice or anger or jealousy of the ruling officer of any member of it.

The pool has invited the construction of thousands of miles of railway not needed by the public and not built for the public interest which have cost legitimate railway enterprises millions of dollars. Does any one think that the Nickel-Plate and West Shore Railroads were legitimate ventures? Does any one think that they were undertaken because the business necessities of the country required it? They came because it was known that, the pool being a possibility, the newcomers would be able so to cut rates and demoralize the business of the Pennsylvania Railway Company, the Baltimore and Ohio Railway Company, the New York Central Railway Company, the Erie, and other railway companies as to force a division of business by way of pool or to compel a purchase at a profit to construction companies. Who can estimate the cost to the business of the country of the great and long-continued rate wars brought about in that way? The Senator from Connecticut, who has said in an able and bold way all that I think can be said in vindication of the system, insists that if pooling be not permitted capitalistic consolidation will be inevitable. What is pooling but consolidation?

Mr. PLATT. Simply this: It is co-operation; that is all.

Mr. SPOONER. Is that co-operation which is simply an agreement between parallel and competing carriers that they will not compete? What is the difference in fact and in truth, having regard to the interest of the public, whether the Northern Pacific Railway Company and the Union Pacific Railway Company and the Southern Pacific Railway Company consolidate their stock into one management or whether they agree that they will not compete with each other for business?

Mr. PLATT. If the Senator desires an answer it is altogether different. The combinations between manufacturers may be used for the purpose of illustration, although they are not by any means as defensible as they are among railroad companies—the combinations among manufacturers, or even among the anthracite coal companies, that they will not sell their product at less than a certain sum are entirely different from capitalistic consolidation. The railroad company does not consolidate its whole business by this means; a portion of it only.

Another thing, it does not lead to what capitalistic consolidation does, and that is the political power and the power of railroads, which is the most dangerous thing this Government has to contend with.

Mr. SPOONER. I can see, and I think the people of this country can see, no distinction in fact between the combination to which the Senator alludes and the partial consolidation by pooling, of competing lines of railway. What is the difference so far as the public interest is concerned? In the pool the only business that is affected is the competing business. It may level rates by stifling competition with competing roads; it does not reach the great mass of discrimination between the competing points and the local and non-competing points. The railway companies have their own sweet will as to that as completely, and no more so, with the pool in existence as they would have if there were an actual consolidation of stock.

The Government of the United States granted to the Union and Central Pacific Railway Companies millions of dollars in the way of lands; showered upon them millions of dollars by way of subsidy bonds. I think it was wise public policy to do so. I suppose it was in part for the purpose of creating a competing line across this continent that Congress was led to grant a great domain of public land to the Northern Pacific Railway Company. I suppose the same principle of public policy led to the grant to the Southern Pacific Railway Company. Is it a matter of no consequence to the public whether or not these competing lines of railway compete? Is it of no concern to the public whether they make a contract to divide business or earnings, so that no matter whether the Northern Pacific Railway Company carries much tonnage or little it gets its proportion of what the whole carry, or whether it earns much money or little it gets its proportion of the earnings of the whole?

Mr. PLATT. I think there is no pool in the country to-day where a railroad gets pay for business which it does not perform. The money pools are obsolete. All pools in the country amount simply to a division of tonnage, and each company has and performs the amount of business which it agrees to accept of the competing business, and if there be any difference it is made up by letting that company have a little more in order to keep up its share of the business, and that is done without diversion of freight, by which I mean by sending freight over another line than the shipper intended it to go over. There is always enough freight which is not consigned to any particular road, so that all those matters can be evened and adjusted.

Mr. SPOONER. I do not know of any investigation in this country which has given to the public the true situation and effect of the great railway pools. I do not know but that the pool may be upon the face of the paper—*per se*, as my friend from Connecticut sees fit to call it—legitimate. That is a mere question of recital; but who has been able to explore the influences, the methods, the effects upon a great territory of a pool embracing the business of two or three or four or five States?

Another thing, the public have some interest in the transportation question beyond the mere question of rates. The public have an interest in the prompt, faithful, honest, and substantial performance by competing railway companies of the duty of the common carrier. The pool, whether it be a money pool or a tonnage pool, tends to withdraw from the carriers, who are members of it, much of the inducement otherwise existing to discharge fully the duty of the carrier. By division, by contract, one of several competing railway companies receives its proportion of the business of the country. What difference does it make to it whether or not it pleases its shippers? What difference does it make to it whether or not it is prompt in furnishing cars, or prompt in moving cars, or whether it deals fairly and liberally with its patrons? It receives its proportion of the business whether it does its duty as a carrier or not. The pool abolished, would the competing carriers of the country not be placed under a stronger incentive to attract business by merit than under the present system? Would not they count more upon improved facilities, better service, more prompt payment of claims for damage, &c., quicker transit, and generally better service?

There was a time, it is said, when there was practically a pool between the Union and Central Pacific Railway Companies and the Pacific Mail Steamship Company. There may be such now. From the railroad standpoint that was well enough. Was it well enough from the standpoint of the public interest? It was a division of earnings between two carriers, each of which had been subsidized, and one of which was enjoying a current subsidy, by the United States. Was it not an element in the policy which granted subsidy to the Pacific Mail Steamship Company that it would tend to keep afloat upon the ocean a carrier to compete with the transcontinental railways? If so, was not this great element of public policy defeated when under contract competition between the carriers by land and by sea was stifled? Talk about the pool leveling rates, being a mere co-operation between competing carriers mainly in the interests of the public!

The public has been permitted within a fortnight to obtain a glimpse of one phase of the inner working of one great pool. I refer to the Colorado pool, made up, as I understand it, of the Union Pacific Railway Company, the Denver and Rio Grande Railway Company, the Atchison, Topeka and Santa Fé Railway Company, and I do not know how many other railway companies, for the transaction, control, division, and regulation of the business of several States, including at least Kansas, Nebraska, and Colorado. Certain steel rail companies of Chicago received propositions to furnish for railway construction in Colorado about 17,000 tons of steel rails. They found that the rate from Chicago to Council Bluffs and Kansas City was $3 per gross ton, while the rate to Denver, Colorado Springs, and Pueblo was $13.40 per gross ton, the difference in distance from Chicago to the Missouri River, and from the Missouri River to the Colorado points, being only about 60 miles. Am I right as to this distance?

Mr. TELLER. Yes, sir.

Mr. SPOONER. With only 60 miles difference in distance the rate was over four times as great per gross ton west of the Missouri River. This rate from the Missouri River to the Colorado points is, I find in correspondence published upon the subject, denounced as unjust by Mr. H. H. Porter, a gentleman of great experience in transportation, and it is denounced as a prohibitory tariff by J. W. Midgely, commissioner of the Southwestern Traffic Association, one of the best authorities upon railway rates in this country. These steel companies offered to pay $12 per gross ton, but were unable to secure that rate, because the Colorado Traffic Association would not permit it.

It seems that under that contract no member of the association was permitted to reduce a rate without the consent of all, however just the public demand might be for such a reduction, and that the Denver and Rio Grande Railway Company objected to any other than a prohibitory tariff on these steel rails because they were destined to be used in the construction of a rival road. Here was an offer to give to the Union Pacific Railway Company freight, at fair rates, amounting perhaps to a quarter of a million dollars or thereabouts, and this company, under the operation of the pool for dividing business, for equalizing rates, for tenderly looking after the business interests of that country, and of the shippers, was obliged to refuse to take a pound of it. This pool impudently put itself between this great carrier, in debt to the Government of the United States, under every obligation to earn as a carrier all that it could, and the opportunity to earn this large sum, and

precluded it from so doing, the motive of the objecting company being that stated. No contract or arrangement under which such results can be produced can be justified or ought to be permitted to stand.

The railway pool with its machinery and its legislation has been a tyrant in many ways, and to the detriment of many interests.

Mr. TELLER. I would like to give the Senator from Wisconsin the benefit of a statement as to the way this beneficent pool has worked. Goods have been shipped for merchants of Denver from Chicago, have been sent to San Francisco, and the low freight paid from San Francisco back to Denver, a distance of 1,200 miles, making cheaper freight than they could get from the East to Denver. That was under the pool, or in defiance of the pool, at all events when the pool was in existence.

Mr. SPOONER. Mr. President, I am not ready to believe that the transportation interests of this people are to be subserved by legalizing the railway pools of the country. Under this bill, put in fair form, framed with reference to the interest of the people and in a spirit of justice to the carrier, framed for the purpose not only of protecting the people against discriminations, but of protecting railway carriers against each other, I have no doubt that the alleged necessity for pools will cease. At any rate I think we had better try the experiment.

This bill, if it shall become a law, prohibits favoritism by rebate. It prohibits favoritism by special rates. It requires the publication of rates. It prohibits the advance of rates without notice. Railway companies will be very careful how they lower their rates whenever caprice, anger, or temporary interest shall call for it, knowing that under this measure the rates thus lowered can not be advanced at will. The bill prohibits not simply the advance of rates without notice, but it seems to prohibit the issue, at least in interstate commerce, of passes, one of the most powerful instrumentalities used by railway companies in pools for "cutting under" each other.

It has seemed to me that with these provisions plainly enacted and fairly enforced the railway companies of the country, as well as the shippers of the country, would be in a much better position than by the attempt to maintain rates in a spasmodic way by means of pools.

The Senator from Connecticut asserted the other day, with great earnestness, his belief that without pools rates can not be maintained, and ruinous competition can not be prevented. Why not? Very often pending the formation of the pool, and when the pool is broken, rates are maintained by agreement. I find nothing in this bill prohibiting an agreement to maintain rates or which will preclude the maintenance of rates. If the pool is no longer a possibility it can not be in the interest of any carrier to ruinously or unreasonably cut, for any great length of time, the rates. The mere maintenance of rates, with no division of earnings or division of tonnage, each company obtaining by legitimate means its proportion of business, is every way preferable to the pool, with its temptations to rate wars and demoralization and uncertainty in business, and to the secret discriminations with which every one is familiar.

The Senator from Connecticut fears that the prohibition of pooling may lead to consolidation, but I hazard the assertion that the people are not quite ready to admit that competition between railway carriers is a thing of the past, and that the transportation business from this time forward can be done only at rates governed by pools. They have the power, and will exercise it if need be, to protect themselves from consolidation, under whatever name or by whatever means it may be effected.

Interstate Commerce.

SPEECH

OF

HON. WILLIAM P. HEPBURN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887.

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. HEPBURN said:

Mr. SPEAKER: A great deal of complaint has been made with reference to this bill, because sufficient deliberation has not been given to it, and its sentences have not been pruned of all ambiguity. I want to call the attention of the House to some facts connected with this legislation.

On the 8th day of last March, the Committee on Commerce reported to this House a measure on the subject of interstate transportation, popularly known as the Reagan bill. On the 14th of last May the Senate passed a measure on that subject (the Cullom bill) and sent it to the House. It was referred to the Committee on Commerce, and on the 22d of May it was reported back to the House—all of the Senate bill, after the enacting clause, stricken out and the Reagan bill inserted. It was then permitted by the majority of this House to sleep without an effort toward its consideration until the 26th of July, after the House had adopted a resolution to adjourn, I think, on the 3d of August. They—the Democratic majority—refused to consider that measure, they refused to call it up or allow it to be called up.

The chairman of the committee slept upon his rights, and gave this side of the House no opportunity to consider the measure; and when on the 26th of July it was called up, they permitted something like eight hours of discussion, and then moved the previous question, cutting off further debate and all possibility of amendment before the bill had ever gone to the Committee of the Whole, where it first could be amended, and before it was possible for any member on this side of the House to offer a single amendment, or attempt in any way to perfect the legislation. Then, under the operation of the previous question, we were compelled to vote upon it. Under those circumstances, the Reagan bill was forced upon this House and the country. Remember, that there was no discussion of this question—interstate commerce—to any considerable extent—not more than half a dozen hours in the Forty-eighth Congress, and only eight or ten hours in this House in the first session of the Forty-ninth Congress.

Now the bill comes back to us as a conference report, where there is no possibility for any member on this side of the House under the rules that forbid the amendment of a conference report to have a word to say in the direction of its improvement. We have to vote on it just as it is. We have to submit to this legislation or we will have to say there shall be no legislation on this vexed question which has agitated the people of the country to a greater extent than any other question during the last fifteen years.

There is no question so much discussed by the people at their homes. There is no question in which so many people are vitally interested. There is none which goes so closely to so many homes and their interests as this one of interstate commerce. The party in power in this House has so managed it, there has not been a day or a moment the propositions of this bill could in any way be amended or improved. It does not, therefore, behoove gentlemen on that side of the House at least to talk about this measure as crude and imperfect, uncertain, ambiguous.

Mr. Speaker, there are gentlemen here who are refusing to support this bill because it does not, in their judgment, give them all they desire. What is the situation now? We have absolutely nothing—there is no statute that in any way controls or limits the greed of the great railroad corporations. This bill does give us something. Now we have nothing. It does give us something, and it is a step toward that more which we ask. Is it wise to say because we can not have the fullness of the repast we crave, we shall choose therefore to starve?

What would you say of the wisdom of that man who is out in the surf with the rising tide, unable to extricate himself from his peril, who would refuse aid that would require himself to exercise some of his own power, and who should insist that he would have no relief unless some supernatural power could give him ability to fly above the waves? That is just what gentlemen insist upon. Because they cannot have all they will have none; because they cannot reach the goal instantly they will not move towards it; because there must be successive steps of progression, therefore they will not move at all. It is my humble judgment that is not wisdom.

I wanted to speak with reference to some of the positions taken by my colleague [Mr. WEAVER] on yesterday. I am sorry he is not in his seat. I wanted to remind him that nearly every alleged defect he has urged against this bill, on another occasion has been approved by him, or at least on another occasion was not such an objection as to prevent him casting an affirmative vote for substantially this measure. The very words and provisions, in the main, that with hypercriticism he condemned on yesterday, he approved in another bill he voted for in July last. He is, of all men in the State from which he comes, cited by his many admirers as *par excellence* the friend of the people in their demand for interstate-commerce legislation. I would have thought (if it had not been uncharitable) that the action of the gentleman at the last session in voting for the Reagan bill was not in the last of faith—that he did not expect or want at that time the enactment of legislation on this subject. No one believed at the time that the defeat of the Senate bill and the substitution of the House bill, that he aided by his votes in bringing about, would result in legislation at the last session. The Senate had, by a vote almost unanimous, there being only four negative votes on the question of the passage of it, passed Senator CULLOM'S bill, and the action of the House in adopting another measure, containing provisions that the Senate after deliberate consideration had disapproved, forbade the hope that in the four or five remaining days of the session there could be such conference or concession as would result in legislation.

Therefore, possibly, some gentleman who did not want any legislation, who wanted to keep the question open and vexed, who wanted to use it as a foot-ball in the then approaching campaign, voted for the Reagan bill, so that the House should pass a different bill from the Senate, producing irreconcilable disagreements resulting in no legislation, and thus keeping alive and unsettled a question of prime importance to the people, and one that might be used by thrifty politicians in the enhancement of their own worth and in support of their pretentions, as the especial champions of the interests of the people. These pretentions could, with

seeming plausibility, be urged after voting to substitute the House bill for that of the Senate.

The former was by many believed to be a very radical measure, one that shook all possibility for future harm or wrong-doing out of the "soulless corporations"—one that brought "the robber barons of the rail" to their knees. The man voting for that measure, it was believed by these thrifty ones, would show to the people his ardent zeal in their behalf—his sleepless vigilance in the pursuit of their welfare; while at the same time he would by this deft use of his vote successfully block legislation through the well-assured disagreements of the two Houses, and preserve the question as an open one to be used in the campaign. They could urge upon the hustings that this warfare of interests was still going on, and strive to show how much they were needed on the side of the people in the battle still raging.

This suspicion of the questionable good faith of gentlemen might be strengthened by the knowledge that they were growing somewhat scant of issues. The greenback craze is no longer effective or useful. The people no longer rally at the sound of the old war-cry. "Fiat money" is no longer in demand. The $1,800,000,000 of circulation—greenback, national-bank notes, silver certificates, gold certificates, gold, and silver—every dollar of which is interchangeable with gold—has removed that question, so potential a half score of years ago, to the status of "an unhappy reminiscence," and closed the mouths of all "the crazy cacklers for the craze," save those whose volubility is their chief excellence.

The fears of the people preceding the date fixed for resumption of coin payments by the Government have been dispelled by the experiences of the past. I remember there were dolorous lamentations in those days. Resumption, weeping prophets told us, would result in dire calamity. The quack political doctors told us the honest way to pay our debts was to continue to promise to pay them. Some of them secured seats in this floor through pledges to excited and alarmed constituencies that they would secure the repeal of the much-vilified resumption act; but wisdom and honesty prevailed instead of the cant and hypocrisy of the hour, and the legislation of '75 was undisturbed, and the blessings of an honest, safe, and abundant circulation were secured to us, and the issue of the repeal of the resumption act joined that of "fiat money" in an unhonored grave.

In the State of Iowa the policy of "prohibition" is securely fixed in the legislation of the State. It can not be disturbed. My colleague in his personal utterances or in his partisan affiliations has been on every one of the many sides this question has been made to present in the politics of Iowa by the opponents of the Republican party. Himself a prohibitionist, as an ally of the Democracy he has been compelled to aid in the efforts to secure low license, high license, and local option. Having thus been on the four sides of the question, it can not again be used for the purposes of a campaign. The party of which he is a most useful and devoted ally will not again dare to assert any or all of its old opinions or formulate new opinions on this once agitating question. Its next platform will be silent on the whisky question.

The distance from free whisky to prohibition is great, but all the ground has been traveled by my honored friend, either in his own principles or by his alliances. But each of these policies at their time of presentation have been definitely settled.

In this way the "principles" of my friend have been narrowed; and if this Congress should "mercilessly," by the passage of this bill, settle the transportation question, as an agitator he would have in bitterness of soul to exclaim:

Othello's occupation 's gone.

The Republican Legislature of Iowa and the Republican party through its last State convention declared in favor of the passage of the Senate bill regulating interstate commerce. In order to have an issue my friend must oppose its passage. The Republican party in order to secure some legislation, in order to take a first step in a right direction—the direction of national control over carriers engaged in carrying commerce between the States—is willing to take that bill. The gentleman says the Cullom bill and the one reported by the conference committee are identical, and as he wants to preserve his opposition to the Republican party he is forced to antagonize the bill pending. He opposed the Republican party in the last campaign in its action on this question. He must oppose this bill or confess himself to be in error in that opposition.

The intensity of his passion for opposition to that party will, I think, be developed as I proceed, and I will try to show that that passion, and I say this with great respect, is the controlling motor in his opposition to this measure.

Mr. Speaker, let us look at the present situation. We have in the United States 130,000 miles of railway, costing about $4,000,000,000, controlled by common carriers who transport for our 60,000,000 inhabitants about $8,000,000,000 in value of their property each year, earning thereby about $700,000,000. So far as national legislation is concerned, these carriers are uncontrolled and this great interest is unprotected. The Supreme Court has affirmed the right of Congress to legislate upon the question, and the people demand legislation. The people affirm that the charges of the carriers are often unjust, unstable, and unequal. They demand rates that shall be just, uniform, and stable. They can secure these only through the action of this body.

The Senate has acted. Will we act? Will we do the best we can? If we can not do all we would like to do, will we do the best possible under the circumstances? If we vote down this bill, then the matter is ended for this Congress. We have but thirty days of session left, and every member of the House knows that it is this pending bill or nothing. We may not like all of its provisions. It may not be what we would write if we were empowered to write it, but here it is face to face with us; we have no power under the rules to change or amend it; we must take it all, or none of it.

My colleague criticises certain words and phrases of the bill. He does not like them, and he will not have the bill because they are in it and he can not get them out. He complains of the word "cotemporaneous" in the second section, which prohibits special rates, rebates, drawbacks, &c., and yet, Mr. Speaker, in the bill which he voted for in July last in the first section prohibiting preferences that same objectionable word is found, and in the same connection. It had precisely the same relation to the subject in the bill that he voted for that it has in the bill he refuses to vote for. It was of most euphonious sound in the Reagan bill, but it assaults his delicate ear as discord in the bill he must now vote for if he would secure legislation.

The phrase "under substantially similar circumstances and conditions" when found in the second section is unsatisfactory to my friend. Let it be remembered that the primary object—the central thought—of this bill is to secure reasonable rates. All the rest of its provisions are but the machinery or means by which this object is to be attained. Section 2 asserts in brief that the benefits or facilities that are given to A shall, "if the conditions and circumstances are substantially" (not precisely) "similar," be given to B. This is right. The law ought not to require, in order that B should have the same facilities and benefits that A gets, that the conditions and circumstances should be precisely, identically, exactly the same. There should be some reasonable room for difference.

It scarcely ever would happen that two shipments would be under precisely the same "conditions and circumstances," and hence the word "substantially" is inserted. It is enough if they are substantially the same, and greater exactness of similarity ought not to be required. If you were to strike out the word "substantially" the section would be of comparatively but little value.

On the other hand, if the circumstances and conditions of A's shipment were greatly dissimilar and unlike those of B's, then A ought not to have the same benefits and facilities. A's right to demand the same treatment is based upon the ground of substantial similarity of circumstances and condition. It is upon this ground that his claim ought to be heard and acceded to; when the reason fails the right fails.

My colleague is again an objector because, he says, he does not understand the meaning of the words "undue or unreasonable" as they occur in the third section, which prohibits the giving of "undue or unreasonable" advantage to one person or locality that is not given to another person or locality. The words are of very common use and not difficult of definition. If there is difficulty presented to the gentleman by them he may be assured that our courts are usually presided over by men of intelligence, whose duty it is to give construction to the language used in statutes, and the courts will have no difficulty in giving proper meaning to these simple words. The assumption of my colleague that "the railroad companies are to be the judges of whether the preference or advantage is undue or unreasonable" is untenable. He has forgotten the methods of our courts and the policy of our laws. He used to be a public prosecutor some years ago.

At that time, doubtless, he knew that it was not a popular method of our courts to permit the criminal to construe the law or to tell its meaning. "Murder" often had to be defined in judicial proceedings, but the individual charged in the indictment with its perpetration was never called upon to determine whether his deed, as explained by all of his cotemporaneous conduct and motive, constituted the crime of murder. The meaning of words as used in a statute is determined by the court, and not by either of the litigants, and I want to assure my colleague that this rule is universally recognized by all the courts of the country above that of justice's courts.

My colleague does not like the fourth section, which prohibits the carrier from charging a greater sum for a shorter than a longer distance. He thinks there are entirely too many conditions connected with the prohibition. Yet the corresponding section in the bill he voted for contained a prohibition that was based upon four conditions, and all of the four conditions must concur in order to make the prohibition operative. In the Reagan bill conditions did not alarm him. It is only when they appear in the "Cullom bill" that his fears are violently excited.

For my part, Mr. Speaker, some of the conditions in this section are necessary to make it acceptable to me. The section reads as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any

common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

I very much doubt the wisdom of this section, and, representing a people who are 1,200 miles from the seaboard, I would hesitate to give it my assent were it not for the flexibility given to it by the proviso.

The corresponding section in the bill voted for by the gentleman from Iowa [Mr. WEAVER] is as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property, as provided in the first section of this act, to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

This is an inflexible, unyielding declaration that in certain shipments the carrier shall not charge a greater sum for a shorter than for a longer distance. It is designed to make initial charges greater than those that are intermediate. Chicago is the point where nearly all of the farm products raised in Iowa and sold are gathered for shipment to their final market.

The price the Iowa producer receives in Chicago is increased or diminished to correspond with the rate charged by the carrier for moving the product eastward to the seaboard. If this rate is low, the Iowa farmer gets more; if the rate is high he gets less. Usually—always during the season the lakes and canals are free from ice—the rate is very low, lower than for any other similar service in the world. At Chicago the roads leading eastward meet with water competition. Each week they unload thousands of cars in Chicago that must be hauled back, eastward, empty or filled with western produce. The roads, if they fill these cars, must reduce their rates to the low rates of the vessels. It is better for them to do this than to get nothing and haul the empty car. It has to go. It is better to have it filled, yielding a sum that will pay for hauling the car rather than yield no sum at all.

The rates accepted are often far lower than those charged from intermediate points several hundred miles east of Chicago. This low rate by rail is a check upon the carrier by vessel, and keeps down the rate by water. The car is in active competition with the ship and the canal-boat, and the Iowa farmer gets the benefit of the competition. The road can not reduce all of its charges at intermediate points to correspond with this low rate forced upon it by competition at Chicago. The result would be, if the section last quoted were the law, that the Chicago rate would be raised. Even if the intermediate rate should be somewhat lowered, which would not in all probability be the case, the Chicago rate would have to be made greater, for the law would not permit it to be less than that from the points farther to the east.

By raising this rate the business would not be affected by competition, and the vessel-owner would increase his charge. The only limitation would be his rapacity. The Iowa farmer would be the sufferer, for the price he would receive for his produce would be diminished as the cost of transportation would be increased. We would be harmed, and no one but the vessel-owner would be benefited. But by the proviso found in the bill of the conference committee the commission have the power in special cases, "after investigation," to authorize the railcarrier to charge a less sum for its service for the longer distance.

In other words, if the commission invested the roads leading eastward from Chicago to charge a less sum for the longer than the shorter distance, we in Iowa would be the gainers. It simply means that in this case the Pennsylvania road and the Baltimore and Ohio road and others are permitted to charge the Iowa farmer a less sum for hauling his products to market than it charges the Indiana farmer or the Ohio farmer. I desire the roads should have this permission; my colleague does not. He would refuse to let the carrier give his people an advantage he is willing to give them. He seems anxious to serve another constituency than his own—another State than the one that has so often honored him.

He is disturbed also by the fifth section, prohibiting pooling. There is much contention about the merits and demerits of the methods known as pooling.

The difficulty would be lessened if in the discussion the purpose of the particular pool was first stated. All pools are not alike in their purposes. Some of these purposes are good; others are bad. The combination called a pool usually is for a threefold object: to affect the amount of charges, to preserve their stability, and to secure their uniformity. Much of the prosperity of a shipping community is dependent upon the stability of the rates and their uniformity to all patrons alike. The great mass of men desire these results. The combination secures these But it too often happens that the rate by the combination is fixed too high; often it is extortionate. It is this that the community rebel against.

If the rate is reasonable, none object to the agreement, because all intelligent men recognize the fact that through it they secure the presence of stability and the absence of preferences. So that it is not so much the pool as the extortionate rate made possible by the pool that receives condemnation.

The provision in the Reagan bill respecting the pool is as follows:

It shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for pooling of freights or pooling freights of different or competing railroads by dividing between them the aggregate or net proceeds of such railroads or any portion of them, and in any case of an agreement for the pooling of freights or earnings as aforesaid each day of its continuance shall be deemed a separate offense.

Here we find a prohibition against the "money pool;" no other. "It shall be unlawful for any person * * * to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different or competing roads by dividing between them the aggregate or the net proceeds of the earnings of such railroads or any portion of them." The agreement or pooling that is forbidden is that where the division of the earnings is stipulated. "Only that and nothing more." All other pools are permitted. They may divide and divert the freights as much as they choose; and yet this form of pooling is much the most common. This my colleague did not object to. Nor did he object to it because the section, like all the rest of the bill, was silent on the subject of passengers. The bill he approved does not affect in any way passengers, although 25 per cent. of the gross earnings of the roads is from this class of business. This section of the committee's bill is as follows:

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

Here is a broad and sweeping prohibition of all kinds of pooling. All pools are forbidden, including those for passengers. It is infinitely more far-reaching in its terms and operation than the other section. But my friend condemns it. He will not vote for the control of railroads because of it. And why? When Reagan's gnat was enough, why will not the committee's lion suffice? Because the gentleman thinks that the clause, "and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense," does not apply to passenger pools.

This offense is not a continuing one in his belief. True, a fine of $5,000 might be imposed for the formation of such a pool, but because the penalty is not made $5,000 a day he will have none of it. True, the section does contain all that the Reagan section contained and much more, yet because it does not contain all that his fancy now suggests he will not have even the confessedly good provisions of the section. By the section the offense of pooling freights in any form is a continuing offense. A fine of $5,000 for each day of its existence may be imposed. That provision is broader than the one he voted for and approved. But now it is not enough. It prohibits the roads from "dividing between them the aggregate or net proceeds of the earnings of such railroads or any portion thereof." If any portion of the earnings is received from carrying passengers then it must not be divided. That provision was not in the Reagan bill. But because the offense committed by making a division of that part of the earnings that is derived from passengers is not made a continuing offense, the gentleman will not have any of the many good things the bill does contain. He asked for a prohibition of the "money-pool." It is given him. More, he is given a prohibition of all freight pools. More, the continuance of this pool is made a continuing offense. More, he is given a prohibition of all passenger pools.

Now he will not have any prohibition because he is given even more than he asked for. My friend must reform his prayer, for if he should petition, "Give us this day our daily bread," and secure a week's supply at once, he would have to refuse it and starve in order to be consistent with his action on this bill. Objection is made to the bill because it does not confer jurisdiction upon the State courts to determine contentions that may arise under it. It is doubted by many lawyers whether Congress has the power to confer judicial power upon State courts. By the Constitution "the judicial power of the United States shall be vested in a Supreme Court, and in such inferior courts as the Congress shall from time to time ordain and establish."

The Supreme Court has decided "that State courts were not courts established and ordained by Congress." But even if it has the power and exercises it, all admit that Congress has now power to compel State courts to assume jurisdiction. It would at best be optional with them to exercise it or not, as they might choose. But the bill passed by this House in July last did not even attempt to confer such power on the State courts. The language used is as follows:

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall be held to pay to the person or persons injured the full amount of damages so sustained, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as costs in the case, to be recovered by the person or persons so damaged by suit in any State or

United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business.

This is the only provision in the Reagan bill bearing on this subject. The language of the section here important is "in any State or United States court of competent jurisdiction." Those State courts that now have jurisdiction is the meaning of that language, and there is no pretense, from first to last, of conferring new jurisdiction. No new power is conferred by the bill, and none of the State courts had it before. How, then, could the State courts exercise it? They did not have it, and it was not granted, and it could not be exercised without a specific grant. In fact, no State court could have exercised any power under the Reagan bill. All the power it could assert would be through its common-law jurisdiction, which it can still do.

The law under the Reagan bill would have been just the same in this matter of jurisdiction as under the bill before this committee. But that was all right, we are told, while this is all wrong. Mr. Speaker, let me invite your attention to the fact that none of the remedies now possessed by the people are impaired by this bill. All are preserved. Whatever changes are made are those of addition, of increased facilities and additional tribunals. Every suit that may be brought to-day may be brought, and in the same courts, after this measure becomes law. Let me read this provision of the bill:

And nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any wise be affected by this act.

All of the remedies provided by the bill are additional remedies. Nothing is taken away. Much is added. A personal injury, an overcharge, a breach of contract, all matters of similar character that are to-day the subjects of litigation may be entertained by the same State courts, after we pass this bill that entertain them to-day. All this talk about the people being sent before a Federal court at the State capital, or before the commission at the National capital, is without foundation in fact. The jurisdiction of the Federal courts and of the commission conferred by the bill is in addition to that we now have; and all we now have is carefully preserved to us.

But "the commission!" "the commission!" disturbs the repose of many gentlemen, and notably my distinguished colleague. On this matter of a railroad commission he has been perturbed for several years. We have one in Iowa. It does not give universal satisfaction. It is the object of much criticism. And I have sometimes thought, Mr. Speaker, that much of it was owing to the fact that its limited jurisdiction, and the necessary reason for its limited jurisdiction, was not fully understood. Many persons fail to recollect that under our double system of government, State and Federal, there is divided power and authority—the State exercising control over that part of our railroad transportation that is wholly within our State boundaries, and the Federal Government controlling that portion that crosses the boundaries of the State, either in going out or coming in. In that State much the larger portion is interstate, and over this our State commission has no authority whatever.

It is true there was quite recently a ripple of assininity that developed itself in a pretension that the State authorities might control interstate commerce, but it quietly subsided under the flattening forces of a recent decision of the Supreme Court of the United States, and it is now conceded that the power does not exist. But this limited authority of the State commission is not at all times borne in mind, and many thoughtless people complain that evils are not remedied that are entirely without the control of the commission. Within the limits of its jurisdiction its influence and effect are most beneficial. Until quite recently it has had no power to enforce its conclusions; but it has determined a multitude of disputes, and this prevented hundreds of suits each year that would, without its aid, have been settled by the court, at great cost and inconvenience to the parties. And although for four years of its existence it had none but "advisory" powers, in all instances save one its conclusions were adopted by the carriers.

The real trouble with us has been, not that we had too much commission, but that we did not have enough. We have needed the extension of the authority of our State commission, and then a Federal commission to exercise authority over interstate commerce, as the Iowa commission does over State commerce. This bill in the provisions creating the commission provides in great degree for that want. If the Federal commission can perform the same office in relation to the interstate commerce that the State commission does in relation to State traffic, very many of the evils that our people now complain of will no longer be matter of complaint.

But we are told that there are many persons determined in advance to distrust this commission. To such I say, do not go to it. You need not. If you seek the aid of the commission your so doing will be entirely voluntary. It will be your own choice if you go to it for aid. This bill furnishes you a remedy entirely independent of it. Such distrustful persons can go to the courts. If the wrong you complain of is such an one as you can now have redress for, then go to your local State courts. If the redress you seek is given by this bill, then go to the Federal court and let the commission "severely alone." But if you want redress without expense to yourself, if you want the aid of the commission in your contest with the carrier, then go to the commission, remembering always that the court remedies and the remedies provided by the commission are entirely independent of each other, if you choose to have them independent.

But, Mr. Speaker, my colleague is opposed to the commission because it is too powerful. (In Iowa the commission is condemned because of its insufficient power.) Here this one is invested with too great power. It is feared that its power over the railroad corporations is so great that they will be induced to enter politics, and by the use of corrupt means sully and disturb its pure fountains. It is said that "during the next Presidential term a majority of the members of the commission will be appointed," and these appointments will furnish such a "tempting prize" as the "virtue" of the corporations can not withstand, and they will thus be seduced into politics. This was to my mind a strange position for the gentleman from Iowa to take.

Why, Mr. Speaker, for ten years the gentleman has been declaring on every "stump" he has adorned (and he adorns all he declaims from) that the corporations are now and have been for years in politics; and not only in politics, but controlling politics—State and national. His speeches have been overrunning with such declarations for full ten years. His warnings to the people of the perils, dire and imminent, certainly to follow this corporate control of the politics of the country have vexed the ears and disturbed the repose of timid people all over the State of Iowa. Now by implication he confesses that the burden of half a thousand of his speeches has been an egregious error; that he has been mistaken all these years about the corporations actually being in, and in control of, political affairs.

But he is nevertheless unhappy, for by his prophetic ken he sees the railroad companies, now for the first time, are about to enter the political arena, with a full determination to "swoop down" and "jump in" and elect our President and wrest our liberties and cherished rights from us if we dare to pass this bill creating a railroad commission.

But, Mr. Speaker, how much better would our condition be if we struck out of the bill the sections creating the commission or if we should enact the Reagan bill? The questions arising under that bill would ultimately have to be determined by the Supreme Court. Every good provision in that bill might be frittered away by a corrupt court, if we had one. Their power is infinitely greater than the power of the commission, because they may pass upon every important question determined by it and may reverse the decisions of the commission. Whatever of objection may be urged against the commission may be urged against the court.

Five of the judges of the Supreme Court, a controlling majority, have already arrived at the age when they may retire, creating vacancies. It is more than probable—almost certain—that the President inaugurated March 4, 1889, will appoint at least five members of the Supreme Court. In the language of my colleague, "What a tempting prize" they would be to the railroad corporations. These "soulless corporations" may conclude they will go into politics and elect a President who will appoint a majority of the Supreme Court at their dictation. That will destroy the effect of all beneficial legislation that we may secure in the way of protection against them, whether it may be in this bill or the Reagan bill. The logic of the gentleman's position is that we must enact no legislation not satisfactory to the corporations; that when a man is engaged in usurpation and wrong you must not interrupt him, for fear he will counteract your efforts by the perpetration of a still greater wrong.

It is a sad fact that all laws have to be interpreted and enforced by men, and that all men are not pure and honest. If all men were pure and honest in their lives society would need no laws; every man "would be a law unto himself." We enact laws because many men are bad, and we do not omit their enactment because of the possibility that baneful influences may bring a scoundrel into the seat of power or judgment. We have to take that chance and run that risk; and the risk is the same whether the bill my colleague voted for or this one should be the law. We have to trust to men, and I have faith to believe that any American citizen who could be elected to the high office of President would strive, in obedience to duty, conscience, and his oath of office, to faithfully administer this law by the selection of such men to fill the honorable positions of judges and commissioners as would strive to do the very right in deciding all contentions that might arise under the law we enact.

Another objection to the commission is that it would have too much to do. "It could not possibly do all that would be required of it." Mr. Speaker, this may be true. It might not be able to do all of its work. But we know that it would be able to do some part of it. And whatever part it might do would be in addition to that that is done now. It would be that much more than can be done with the court facilities of to-day. It would be an additional tribunal to those we now have. It would be one more. If it determined but one hundred cases in a year, that would be one hundred cases more than can be decided by our present courts, and would be that much of a gain. The commission would, however, in my belief, prevent or dispose of thou-

sands of cases; not, perhaps, by decisions, but by prevention—by settling questions out of which litigation would otherwise grow.

The bill favored by the gentleman from Iowa offers the wronged shipper but one remedy. It says to him, "If you are aggrieved or wronged by a railroad corporation you may go into court and sue it." It invites him to the remedy of unlimited litigation—litigation with a powerful, skilled, rich adversary. That is all. It gives him no other aid or remedy. He may be, and is, graciously permitted to help himself in court, if he wants to. True, he may recover an attorney's fee if he wins, but he only secures that little boon by victory. He has no one to aid him.

Not so under the committee's bill. He has all of the court remedies under it that are given him by the Reagan bill, and in addition he has the aid of the commission, without trouble or expense to himself. He calls for its aid, and it is bound to respond and bring with it the whole judicial power of the United States to aid him if he is in the right, to punish his oppressor, and to right him if he has been wronged. And yet my colleague says his constituents do not want this commission because it has too much power; because it will be overworked; because it may be made political; because the railroads may be seduced into politics; because the commission will have to be composed of men, with the frailties and passions of men, coupled with the possibility of being corrupt, and thus become the oppressors of the people rather than their servants.

I confess, Mr. Speaker, that each of these reasons may have some force. But our Government must be administered by men. There is a possibility that no man is so strong in his virtue that overmastering temptation may not be his assailant. He may yield. The trusted friend of the people may become their oppressor. The faithful servant may betray his trust. But because of this remote possibility we do not abandon civil government. To attain the ideal government is the hope of the best civilization. This civilization will not be abandoned because the ideal is postponed, for the reason that the agencies to be used are imperfect. We will still strive after the best, notwithstanding disappointments and deferred hopes. We may not have attained perfect remedies through this bill, but we have added to those we now have, and they are, at least, of equal value.

No one believes this law to be perfect. No one believes it will accomplish relief from all the evils complained of. Doubtless each gentleman present sees in it provisions that he thinks should not be in it, and regrets the omission of some that he regards as most important. But it can not now be changed. It is the best we can get. It is this or no law at all.

I do not believe that it will meet all of the expectations of the people. There are unreasonable classes that hope for results from legislation that it is beyond the capacity of any legislative body in the world to give; but it will satisfy many of the reasonable rational people of the country that the Congress is striving to grapple with and to meet this great question and to accomplish something in the direction of what is good. We have an infinite variety of interests involved in this subject. We have interests that are as diversified or as widely separated as the limits of the country. We have billions of dollars to deal with. We have climatic differences and differences that are created by density or sparsity of population; differences that are created by the different grades, mileage, length, and location of railways. No one can expect by a single legislative act to harmonize all of these and secure to each and to the people their full measure and degree of justice. To do this it will take time and many experiments. I am told that hundreds of English statutes have been enacted and repealed since the railways of England became the subjects of law.

Doubtless we will have similar experience. Our success in the prevention of wrong, in securing justice, will be the result of much of patient effort and experience. The proper remedies are known to but few. They are the experts who have gained their valuable knowledge in practical railroad operation. They are not the men who occupy seats on this floor; and our experiences here will be the same as have been the experiences of our predecessors in all legislative effort. Time, experience, observation, persistent and repeated trial will be the factors of success.

Every man of intelligence knows that legislation of value is a thing of growth. Statutes that bear blessing to the people do not spring into full value at the first essay from the brain of the legislator. One class of men inaugurate the reform, another class of men improve upon it, and still another and another class, until at last we have the approximately perfect statute ladened with good results to mankind.

But what one is there of all those laws we value most that even today we are not constantly changing? And every change is made in the hope of making it better. Look even at those which affect the domestic relations, those affecting us in our dearest interests, those affecting the relations of husband and wife, of parent and child, of the distribution of property, and of inheritance. Almost every assemblage vested with legislative power makes some change in regard to those, satisfied that ultimate perfection has not yet been reached. So it is with this statute. It will be improved by successive legislators until at last it conserves in a great measure the demands of the people.

Some gentlemen are opposed to this bill because certain sentences are alleged to be ambiguous. I do not know of a sentence containing fifteen lines in the English language that an astute critic cannot plausibly declare to bear more than a single meaning. The ingenuity of man is far beyond the perfection of his language, and because of the imperfection of language it is absolutely impossible for any man, no matter what his genius may be, to write a statute that another man may not be able to give to it with seeming plausibility a construction different from that of the writer.

Thousands of volumes of the reports of the courts of appeals of this country and England attest the insufficiency of our language, and the want of power on the part of men to use it without ambiguity. Undoubtedly there are sections here which will bear more than a single construction, but if that is true the fathers have created a tribunal that will determine the true meaning. We have a Supreme Court.

But we are more unfortunate in respect to our religion than our law. Based on inspired Holy Writ are, in our country, more than six hundred religions, each supported by devotees insisting that their cherished dogmas are right; each insisting that ambiguous inspiration justifies them in blazing a heavenly way, from which there is no necessity for wandering, and unfortunately we have no supreme court to determine the measure of merit in the pretensions of the rival religious sects. Yet we do not lose our faith in either statute or moral law because the language in which they are expressed is ambiguous and sometimes difficult to interpret.

The framers of the Constitution knew as well as we do the difficulties of accurate expression, and hence they established courts of appeal to construe the statutes and tell us in an authoritative way what they mean. Will gentlemen refuse to vote for measures because, perchance, there may be a necessity for the exercise of the functions of a co-ordinate branch of the Government? Do these gentlemen demand that the Supreme Court of the United States and of the States go out of use? Do they propose that they shall abdicate because of the want of a vocation? Their arguments would seem to indicate that this is their purpose.

I urge upon gentlemen the necessity of concession and compromise. To emulate the spirit of the fathers of the Constitution. It has been said that no member of the constitutional convention was satisfied with its labors. There were provisions in the Constitution that many thought most unwise. There were others omitted many gentlemen thought to be imperatively necessary. Each found some defect. Yet in a spirit of concession a majority were brought into accord, and most beneficent results followed. They took it for the acknowledged good they found, hoping to cure defects by subsequent efforts. This way is open to us. Let us start with the good we have. Ten months will give us a new Congress that will have had eight months of observation of the operations of this law.

If the words "cotemporaneous," "under substantially similar circumstances and conditions," "undue or unreasonable," "special cases" are found to have too much of qualifying force, or if they present ambiguities or doubtful meanings too great for the capacities of the courts, or if there are too many conditions coupled with the prohibitions of the fourth section, or if "the commission has too much power," or if "it has too little power," or if "the corporations are tempted into politics," or if "they should seize the executive and judicial departments of the Government and the commission as 'tempting prizes,'" the doubtful words and sentences and sections can be amended or repealed by the Fiftieth Congress, leaving to us that that is good in the law to be added to and built upon, as enlarged experience and wisdom shall dictate in the interest of justice to all that is involved.

We have in this bill this broad legislative declaration:

> All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

And if there was no other provision in the bill I would vote for it. For in this declaration is the germ of all needed legislation. It simply declares that in all business relations between the common carrier and the shipper the rule of justice shall be in force. That the one shall pay what is just, and the other shall demand no more. It is that rule that the people demand; with that rule the servants of the people ought to be content. Every other provision in the bill is but mere machinery and method by which to secure this measure of justice.

Prior to twelve years ago the carriers denied the right or power in Congress to establish that rule. The courts determined the question in favor of Congress, but up to this day Congress has never asserted its right or power. The people demand that it shall declare it now. By this bill that declaration is made. It is the first declaration. Let us make it, and make it now, hoping that whatever is defective in machinery or method may, by the wiser men who will succeed us, be so effectually remedied as to bring no harm to the just rights of the corporations, and yet bring to the people of this land that day so longed for, when from the carrying service will be swept away the extortion of unreasonable charge and the injustice of discriminating and unstable rates.

[Here the hammer fell.]

Interstate Commerce.

SPEECH

OF

HON. I. NEWTON EVANS.

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887,

On the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. EVANS said:

Mr. SPEAKER: I shall not occupy the time of the House very long in what I have to say on the question now under discussion. It would seem to me that the query to be determined at this time is: Is it better to accept this bill with its doubtful provisions and great imperfections than to fail to pass it in this Congress?

It has been asserted by at least one learned Senator that—

It is a bill which practically nobody wants and which everybody intends to vote for; a bill which nobody is satisfied with and which everybody intends to accept; a bill which nobody knows what it means, and yet we have all agreed it ought to pass.

There is much truth in what the Senator says; for in the discussion of the question in that body of wise men scarcely two could be found to put the same construction upon some of the sections of the bill. We find that boards of trade in the East and in the West and in New York, as well as Legislatures of different States, disagree as to its provisions. We need not be surprised when the conferees who have reported the bill can not agree to place the same construction upon it. It is of the highest importance that those who make the law should be able to tell us exactly what it means, and yet the gentleman from Georgia says that he can only give his own views and does not pretend to speak for other members of the conference committee.

In view of the fact that almost every Senator and every Member of the House will say that the bill is imperfect and that it is a doubtful experiment, would it not be better for us to wait another Congress at least than to endeavor to pass it at this short session? For a period of more than fifty years, ever since the establishment of railroads without any national legislation regulating interstate commerce, is it not possible for us to get along another year, or until we have time to fully mature and perfect a bill which will be just to all parties, just to the shipper, just to the carrier as well as to the consumer, and just to those whose means have been honestly invested in the great railroad enterprises which have done so much to develop the resources of our country? And in addition we should not forget to be just to those, many of them women and orphan children, whose means of support are derived from dividends made from the earnings of railroads. Many of us, indeed I may say most of us, have no experience and very little knowledge of the great business of these common carriers. It is also of the utmost importance that we legislate so that the millions and millions of dollars invested and otherwise employed in the internal commerce of this vast country shall not be so deranged as to bring about a crisis in our financial affairs, which would not only bankrupt many railroads, but, like the pebble on the smooth waters, its influence would be felt far and wide. Agriculture, commerce, manufactures, and, most of all, labor would suffer greatly by such a result.

While I believe that an interstate-commerce law might be passed by Congress that would be of benefit to the whole country, and with this belief I voted last session to substitute the Cullom for the Reagan bill, which in many of its provisions was similar to this bill, but in others it was very different. It is not necessary for me to state wherein they differ; that has been done by my colleague Mr. O'NEILL. As an evidence of their difference, we had the Legislatures of the different States, boards of trade, chambers of commerce, and other commercial bodies passing resolutions and sending us petitions favoring the Cullom bill; but how is it now? The very same bodies are now protesting against the passage of this bill, or at least two of its sections. Mr. Speaker, I fail to see the great advantage to be gained by the passage of this crude and imperfect bill; it can only be experimental, and in its consequences may be disastrous, not only to our interstate but to our foreign commerce.

Under the present arrangement with the railroads the wheat and other grains shipped from the West to our seaboard expressly for export are entitled to a rebate, so that our shippers can compete in a measure with the cheap wheat of Russia and India in the European markets. This enables us to get rid of a portion of our surplus cereals, which would be thrown on our own markets if the freights were so high as to shut it out of the foreign market. Should this bill become a law it will not admit of rebates or discriminations, and the grain of the West, if exported at all, will have to find its way to the seaboard through the Mississippi River and the Canadian Pacific Railroad.

The people of my immediate district are interested in more ways than one in the shipment of western freights to the East. We are engaged in agriculture and manufactures, and the two great cities of New York and Philadelphia are our markets; hence our prosperity greatly depends on their welfare and prosperity. But in addition to this, many of my people invested their earnings in Northern Pacific Railroad securities, believing that they would get a fair rate of interest for their money. They would not feel that I was looking after their interests if I should vote for a bill which should discriminate against that road, and in favor of the Canadian Pacific, which runs parallel to it across the continent to the Pacific Ocean. There are no legislative restrictions in Canada against their roads. On the contrary, the British Government has subsidized the Canadian Pacific by guaranteeing $60,000,000 of its stock at 3 per cent., a higher rate of interest than is paid in England. The object of this is to steal away our trade on the Pacific roads to Australia, China, and Japan.

The passage of this bill with its restrictions, if carried out, will not only bankrupt the Northern Pacific Railroad but will destroy in a great measure the prosperity of the great West through which the road passes. The State of Pennsylvania, which I have the honor in part to represent, ships largely to the West coal, iron, and other products; and we in return receive their grain, lumber, salt, &c. This reciprocal interchange of commodities is necessary to our growth, prosperity, and well being as a nation. Let us not put such restrictions on these common carriers as will retard the progress of our country. On the other hand, let us do everything to encourage our own people to build it up and to be dependent on each other instead of the people and the products of other lands.

It seems to me there is a morbid antipathy in the masses against corporations, and especially against railroads. They forget that these great arteries of trade and commerce have been the principal means of developing the varied resources of our vast domain. They never stop to think of the advantages the building of railroads have given to almost every section of our country and how little has been realized by many who have invested their money in these roads. We find in Poor's Railroad Manual that in 1885 the capital and the earnings of all the railroads in the United States were as follows:

Capital stock	$3,817,697,862
Funded debt	3,765,727,066
Other debt	259,108,281

On which the earnings were as follows:

	Per cent.
On the stock	2.02
On the bonds	4.77
On the bonds and debt	4.62

And on the average of the whole amount of indebtedness 3.36 per cent.

Can it be charged with any claim to fairness that 3½ per cent. is too great a rate of interest for those who have been willing to risk their money in these great enterprises? I think not. Neither can it be charged that the rates of freight have been exorbitant. Within the last decade the rates have been reduced from 2½ cents to less than 1 cent per ton per mile. Many of these roads, which have been of great benefit to the districts through which they pass, have paid nothing to the stockholders, nor even to the bondholders; and yet the people are crying out against the arbitrary and lawless management of railroads, which they pretend to claim are run for the sole purpose of paying enormous dividends to their stockholders.

No doubt some of the members of this House regard it as a popular thing to do, as evinced in the language of the reverend member from Kansas, who says, "for many years these men have been beyond all control, except the general 'cussedness' of themselves." He regards it "the duty of the Government to put itself between the people of the United States and the rapacity of these irresponsible pirates."

How strange it is we are so largely governed by our selfish interests, and fail to see that which is for the good of the whole people. The gentleman from Kansas and his constituents are of the opinion that the rates of freight are so high that it is ruinous to the prosperity of the Western farmer.

On the other hand, my constituents who are engaged in farming, feel that the freights are so low that it is ruinous to their prosperity. They feel that it would be to their advantage if the railroads could be compelled to charge the same proportionately for the long as for the short haul. But there is nothing in this bill which requires them to do it; therefore it can not benefit the farmers of my district. It must be admitted that the fourth section of the bill is very vague and indistinct, which makes its practical application very uncertain; but the framers of the bill all agree that under its provisions as much can be charged for a short haul as a long haul, but no greater charge; this is in the aggregate, not per mile. Why is it, may I ask, that all these restrictions are to be put on the railroads? There is not one word in the bill against discrimination or pooling by water carriage.

The canals, the steamboat navigation of our rivers, and the steamships on the great lakes, they can discriminate, form pools and make rates as they choose, and yet nothing is said or done. If we are to have an interstate law let it apply to all common carriers alike. If you fail to do this you are discriminating and legislating in the interest of

water carriage as against railroads. This bill provides for five commissioners to be immediately appointed by the President. Is it possible that a board of five men can successfully supervise, control, make decisions and rules for the management of more than 138,000 miles of railroad, spreading its network in all directions over the United States?

I find on investigation we have over eighteen hundred railroads. Most of these have from nine to fifteen directors; allowing nine members to each board it would make over sixteen thousand persons whose business it is to look after the interests of these roads. Can it be that five men, selected on the shortest notice, will be equal in knowledge, business capacity and experience to the combined knowledge and experience of all the directors of all the railroads in the United States? If they can be found, they will be more than human, both in understanding and in physical endurance.

If it is the intention of the Federal Government to regulate and control the railroad business of the United States, it would seem that it ought to be done intelligently, impartially, and effectively; and in order to do that there should be appointed, in my judgment, one commissioner for every State in the Union, whose duty it should be to collect and compile all information, statistical and otherwise, in reference to the railroad business of the State he represents, and to report the same to the five commissioners at Washington. In this way the interests of all the States could be carefully guarded and protected. The State commissioners would stand somewhat in the same relation to the five commissioners that the consuls do to the Secretary of State. Their work would greatly relieve the labors of the Washington board, and thereby give them more time to arrive at just conclusions and decisions.

Mr. Speaker, in my opinion the good in this bill is not commensurate with the evil which may come out of it. Its ambiguity will, I fear, lead to endless litigation and obstructions, which will seriously cripple the industries of our people, and may lead to bankruptcy and financial ruin the great commercial and other business interests of the country. I am therefore in favor of recommitting it for revision and amendment; and in order to do that I shall vote against the adoption of the report of the committee in the hope that the House will have the good sense to recommit it.

Interstate Commerce.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. GROSVENOR said:

Mr. SPEAKER: I approach the discussion of this question with a good deal of doubt as to my ability to say anything that will be new or valuable to the House. It is a remarkable fact that after nearly three weeks' discussion of it in the Senate, and after the expressions of opinion that have been made by a large number of the members of this House, no member of either the Senate or the House has been found who believes that this is a proper bill. No single member has unreservedly approved it, unless, indeed, the magnificent panegyric which the eloquent gentleman from Wisconsin [Mr. GUENTHER] delivered yesterday, in the form of a eulogy on the "rising sun," which he says is bursting through the clouds of the tyranny, outrage, degradation, and criminality of the railroad companies of this country, may be said to be a wholesale indorsement of the provisions of this measure.

There have occupied the floor of the Senate and of the House the distinguished lawyers of both those bodies, and the authors of this conference report, and no two of them agree as to the construction which will ultimately be given by the court of last resort to the language of any of the sections of the bill about which there is any controversy. In other words, it is admitted that the law-making power of the country, the Congress of the United States, is about to seize directly upon 130,000 miles of railroad, valued at something like eight thousand millions of dollars, and indirectly all the industries of the country, and to turn the whole thing over to an authority whose jurisdiction is not defined in the statute, by an act, the construction of which is as uncertain as the depths of the waters at various points in the ocean. The farmers of the country, it is said, are in favor of this enactment. The farmers of my district have not asked for it. I think I know something of the burdens borne by the farmers of my district and State, and do not find in any provision of this bill anything which holds out a reasonable hope of relief. If I did I would waive some of my objections and vote for it. As it is I can not do so.

The farmers of the country sometimes complain that the lawyers in the legislative bodies of the country enact legislation that gives rise to and multiplies litigation in the courts. If this bill becomes law it will certainly belong to that category. If it becomes law—and it certainly will, because, in my humble judgment, it is being driven to an issue which must result in its triumphant passage in this House, driven by a condition of things which produces a refusal on the part of the members of the House to examine and understand its provisions—it will produce more litigation than has any law of Congress passed during this session. I have yet to find around me here a single gentleman who does not say to me, privately and in great confidence, that he thinks the bill is utterly worthless for the purpose for which it is designed, or else that he could suggest a vastly better scheme, and yet, Mr. Speaker, underlying the whole of this discussion there runs a vein of certainty upon one point, namely, that every line and every section of the bill, if passed into a law, will produce in some court in this country a lawsuit. It is a bill to fatten lawyers and impoverish everybody else.

The bill, as I will try to show when I come to that feature of it, is so worded as to mask under the uncertainties of its language enough to show that the construction of every provision of it will be fought over in the courts, contended over by the lawyers of the country, and ultimately, if we live long enough, must be decided by the Supreme Court of the United States.

I recognize the force of the argument made by the distinguished lawyer from South Carolina [Mr. DIBBLE], that there is no provision whereby the shipper will be able to have his appeal prosecuted in the upper courts. He claims that the carrier can appeal, but the shipper can not. But that is a matter of so little importance, in view of the construction which I am compelled to put upon certain language in this bill, that I will not, at least at this time, enlarge upon it.

Mr. Speaker, this bill of uncertainties, this bundle of incongruities, which has been worked out by compromises, worked out by concessions made between the two Houses, worked out by a contest in which one side was determined that its especial views should find development, and the other side determined that those special views should not find a place in the enactment, comes to us now to be considered upon its merits—comes to us in the most unfortunate of all ways for the purposes of clear and lucid enactment—comes to us in the ironclad form of a report from a committee of conference, so that the measure can not be recommitted generally, or recommitted with instructions, or amended in the House. And so we are to take all this; to take it with the declaration from the mouth of every gentleman who has spoken that there is something wrong about the bill. Even the distinguished and enthusiastic gentleman from Georgia [Mr. CRISP] says that the section constituting this commission, if he had his way about it, should not be in the bill. Yet it seems to me that upon that commission hinges the whole of the just opposition to this bill. It is upon the power granted to this commission and the uncertainty as to what the bill means that my opposition is based. Is it not strange that this Congress is compelled to take a bad measure or nothing? Why can we not defeat this measure and have an unobjectionable one ready for our action to-morrow? The defeat of this report leaves the way clear to another committee of conference and another report.

Now, I want to describe this commission before I go to the question of what it is the commission is to take hold of. The qualification of these commissioners is described in the law. They are to take hold of 130,000 miles of railroad and indirectly affect all the industries of the country. They are to have more power than has the President of the United States—more power for evil or good than has the Congress of the United States; for they may do what neither the President nor Congress may do; they may suspend the operation of law; they may enforce the operation of law upon one man and withhold its operation from another. They may give whatever is good of this law to one section of the country and deprive another section of its benefits. So this commission is to have a power that no other body of men on this continent or in any free government ever undertook to exercise, and the qualification or fitness of these commissioners is described in the law. Who are they to be? They are to be five gentlemen who know nothing whatever of their business. That is the first requisite; that is a qualification not to be varied from under any circumstances. Men who know anything about this business upon which the commission is to embark are to be debarred from appointment. The commissioners are to hold no stocks in railroads or any other carrier by land or water, are not to be officers or attorneys of railroads, are not to be interested directly or indirectly in the railroads of the country or any of the carriers of the country.

Mr. BROWN, of Pennsylvania. That refers only to the time of their appointment. They may have previous knowledge to any extent whatever.

Mr. GROSVENOR. Ah!

Mr. ROWELL. The gentleman will let me ask this question: Is a member of Congress fit to act upon a law incorporating a national bank unless he owns national-bank stock?

Mr. GROSVENOR. Some members of Congress are, and some are not. [Laughter.] These commissioners are to be "tramps" without any visible means of support. And to this body of men is to be committed this omnipotent control over the greatest interests that this country every had. Upon its passage the defeated candidates for Congress and other political officers will rush upon the Executive and ask to be compensated for their loss of position and lack of probable future profitable occupation.

But I am omitting one of the qualifications of this board. Not more than three of them are to belong to one of the great political parties of this country. The bill assumes that if a man happens to be without politics, he is not fit to sit on this board; and I agree to that. It is the best provision in the bill. No more than three of them are to belong to one political party. I can understand from whence will come these three. I can understand who they will be. Where the other two will come from I know not. This measure will give to the Executive of this Government and to the Senate an opportunity to define whether the genus known in politics as "the mugwump" belongs to a distinctive family or whether he is a parasitical growth upon the surface of some other political body; and to define the difference, if any there be, between Tammany Hall and Plymouth church.

Mr. GUENTHER. Would not that be worth finding out?

Mr. GROSVENOR. That may be one of the considerations which the gentleman from Michigan says outweigh the bad probabilities of this bill. I do not know, but it may be possible to find somewhere upon the face of this earth somebody who has defined his position upon the politics of the day, and yet has no interest, remote or contingent, directly or indirectly, heretofore, now, or hereafter, in the development and prosperity of a system of internal commerce which has made this country what it is to-day.

These gentlemen, thus equipped, are to have the power to appoint agents wherever they may see fit. There is no limit. They may appoint an agent in every doubtful county, in every doubtful State of the Union, and set him to work upon the imaginary difficulties growing out of the solution of this great railroad problem. They may appoint thousands in great political years and remove them when the occasion has passed.

Mr. GOFF. What do you mean by "doubtful" counties?

Mr. GROSVENOR. Close counties, like some of those in the State of my friend from West Virginia. I think it would have been a glorious thing for some of us if we could have had an agent or two of this character distributed along down the Ohio River Railroad during the election last November. And I can suggest many other places. There is, I say, no limit to this power of appointment. That is not all. The commissioners may fix the salaries of these agents, and may locate them at every station on every railroad in the United States, so far as the terms of this bill are concerned. Gentlemen say it is not to be supposed that this commission will exercise any undue authority. In answer to that suggestion I would like to ask, when was there a commission appointed in this country that fell short of exercising the full power that was given to it, especially when expressly told that party lines and party considerations had entered into their appointment? Party obligation and gratitude and the hope of reward go a great way.

Three of these commissioners may exercise the full authority of the board. Three of them belong to a political party; and if they fail in efficiency (recollect they are appointed without any knowledge of the business to which they are assigned, and but one qualification is required, that they belong to a political party)—if they are lacking in efficiency, the Executive may remove them one by one, and the remainder of them may act, or the President may appoint somebody else. The granting of such power is inconsistent with a government by the people.

Now I want to put a question to gentlemen on the other side of this Chamber who have so long protested against the growing tendency toward "centralization of power," who for the last quarter of a century have been coming in regularly from the barren hills where they were feasting upon the husks that grew outside of political office, and protesting in their political platforms once a year that a great party in power in this Government was developing a growing tendency to "centralization of power." I want to ask these gentlemen, when before did any party or any set of men ever undertake to grasp all the interests and industries of this country in one great bundle and hand them over to the tender mercies of a commission of five men, to be appointed by the Federal Executive and confirmed by the Federal Senate?

Mr. CRISP. May I ask the gentleman from Ohio a question?

Mr. GROSVENOR. Certainly.

Mr. CRISP. Is not the gentleman aware when he addresses this side of the House upon this question that the commission feature of the bill originated in and came from a Republican Senate, and that we were forced to agree to that to get anything to restrain these corporations?

Mr. GROSVENOR. The gentleman was fully advised of it, and this side of the House has not been so sensitive on the subject of the "growing tendency toward the centralization of power." Therefore it was that I appealed to gentlemen on the other side. I appealed to them because I thought now was a good opportunity for them to protest against the grandest stride, the most significant stride, the most terrible stride ever made or suggested, even in the dreams of centralists, in the direction of putting the political, the commercial, and the industrial interests of the country into the grasp of a single commission of men admittedly incompetent in the outset to administer their trust.

And they are to be the appointees of the Executive of the Government and to be removed by him at his pleasure, whenever in his judgment they are inefficient.

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The gentleman's time has expired.

Mr. GROSVENOR. I desire to continue my remarks in the time of the gentleman from Massachusetts [Mr. DAVIS], a member of the Committee on Commerce, which was given to me.

The SPEAKER *pro tempore*. That can only be done by unanimous consent. Is there objection?

There was no objection.

Mr. GROSVENOR. I desire to pass to one or two peculiar features of this bill. I will not be tedious. I recognize, Mr. Speaker, there are others here who have just as good a claim as I have to the floor who desire to be heard, and I do not intend to complete my speech or occupy more than a quarter of the time assigned to me.

Mr. BRUMM. You promised to give me some time.

Mr. GROSVENOR. And I will do so. I wish to speak of the peculiar language used in one of these sections.

Mr. DUNHAM. Is the gentleman now occupying different time from that he occupied at the beginning?

The SPEAKER *pro tempore*. The gentleman from Ohio stated that the gentleman from Massachusetts [Mr. DAVIS] gave him his time, and it is that time he is now occupying, there being no objection.

Mr. GROSVENOR. I have an hour if I choose to occupy it, but I do not propose to occupy that much time. The gentleman from Massachusetts gave his time to me and I propose to occupy only fifteen minutes and then to give what remains to others.

The SPEAKER *pro tempore*. The gentleman has an hour, and will proceed.

Mr. GROSVENOR. Mr. Speaker, how does it happen, notwithstanding the distinguished talent brought to the consideration of the various sections of this bill, we find at this late day a form of expression which can not be found in any other statute of the United States—I think in no other State of the Union where there is a common school system. I refer to the language of the fourth section where we find those peculiar words about which we have had so much discussion and over which we are to have so much contention in the courts of the country: "That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation," &c., "for the transportation of passengers and like kind of property under substantially similar circumstances and conditions." Is it supposed now at this late day that this language has strayed into this bill by accident? Nobody knows what it means. Nobody pretends to say what it means.

I followed the discussion of the distinguished chairman of the committee of conference in the Senate, and he finally had to admit, after a fire of cross-examination, that he did not know what it meant, that it would have to be left to the courts to decide. Did that language get there accidentally, or was it not put there for a purpose? If for a purpose, what was the purpose? I have been trying to ascertain. I heard the gentleman from Wisconsin [Mr. BRAGG], who gave us a pyrotechnical flood of questions, speak about the Standard Oil Company as having been among the tendencies crushing out the liberties of this country.

Had I been allowed to do so under the rules, I should have asked to add to the bill these words: "Nor shall it be lawful for any carrier to transport any commodity for any shipper in any car or cars belonging to such shipper, or controlled or leased by such shipper;" but I could not do so, and so the greatest discrimination possible is not affected by the bill.

Now let me see if I can not make a suggestion that will probably remove the doubt from the mind of somebody, at least as to how that language came to be incorporated in the bill, inadvertently, no doubt, so far as the members of the committee of conference are concerned, for I do not use any criticism against them of which they could complain, because they do not undertake themselves to define the meaning of the language, or if they do no two give the same construction to it; but let me see if I can not give by possibility a solution of this trouble.

Mr. CRISP. To what language do you refer?

Mr. GROSVENOR. To the language of this fourth section "under substantially similar circumstances and conditions."

Mr. CRISP. Would the gentleman be willing to say "under exactly similar circumstances and conditions?"

Mr. GROSVENOR. No, sir.

Mr. CRISP. Then, how would you remedy it?

Mr. GROSVENOR. I would not say anything about it. I would say to every carrier of freight that every man and every corporation who employs that carrier should be granted the same terms and none other.

Many a good law has been destroyed by an attempt to be so specific that the force of the statute has been destroyed, and this is no exception.

Mr. CRISP. You do not mean to say that you would require a transportation company to carry a car-load at the same proportionate rates that it would carry 100 pounds?

Mr. GROSVENOR. Why not?

Mr. CRISP. There are many reasons why.

Mr. GROSVENOR. I repeat, why not? If I would not, then the second section of the bill has no force in it, because it says in so many words that it shall be done without discrimination and without any rule having application to one man that does not affect all other men.

Mr. CRISP. Of course; but the gentleman understands, I take it, for it is reasonable and just, that the transportation of the article over a short distance should be a little higher, should pay a little more, than the transportation, you may say, over the whole country.

Mr. GROSVENOR. That is just the reason why I am opposed to limiting it.

Mr. CRISP. And these words were intended, as I stated before, to meet the proposition that when you cite the railroad companies before the courts they will say that the circumstances in the cases of A and of B are not exactly similar circumstances; and hence they have not violated the law by making a discrimination in favor of either. That the circumstances were not the same. Now we intend to say that it is for the court and jury to determine whether they believe that the circumstances are substantially similar. That is what it means.

Mr. GROSVENOR. Yes, you are to have a jury to decide what we have taken six weeks trying to decide, and no two of us have reached the same conclusion.

In other words, Congress launches upon the country a statute which no two members of Congress understand alike, and propose to remit the solution of the problems to a jury trial.

But, Mr. Speaker, I will show you where it comes in; I will show you the reason why this language has crept in. I hold in my hand a letter from a distinguished lawyer and shipper and railroad man in Ohio, who points out to me wherein the latent trouble of this bill lies; and I believe that it was out of the subject-matter of his suggestion that this uncertain language has crept into this enactment. He tells me, after criticising the measure in some respects and indorsing it in most respects, that—

> Neither the commission nor the railroads should be allowed to charge less for a greater than for a less number of cars. There should be no discrimination between the different classes of shippers. Shippers should not be allowed to use their own cars for their own business. If cars belonging to any shipper are used upon any line they should be required to furnish such cars to other shippers in the same line of business upon the same terms that they are furnished to the owners, the railway, of course, being liable to the owner for the mileage in such cases.

Had this provision been in the bill the ambiguous language complained of would not have appeared.

Now, I will show you how the language "under substantially similar circumstances and conditions" effectually blocks the operation of this bill in the direction of the only evil under which the people of Ohio, so far as I have knowledge, are laboring in connection with this matter of local railroad transportation. The shipper at Cleveland, for instance, applies to the railroad company to carry for him a thousand barrels of oil to Louisville or Nashville. He is given a rate. If he accepts it he rolls his barrels of oil into the cars and they are transported. But he asks the railroad agent, "Is that the best you do for anybody? Do you not carry for somebody else for less money?" The response is, "No, sir; not under exactly 'similar circumstances and conditions.'" "How does it happen then that my competitors can undersell me in the market at Nashville?" "Oh, that is very simple; they do not ship their oil under exactly 'similar circumstances and conditions.' They furnish tank cars of their own. They own them. They are rich enough to own all the tank cars—they and their branches in the United States—and we haul their cars at a certain price, and we will haul yours at the same price. Bring on your cars and you will be operating under 'substantially similar circumstances and conditions.'"

Now that language, born by accident, if you please, introduced into the bill by accident, if you please, is a complete barrier to the application of this law in connection with the only subject which the people of my part of the State are complaining of. While attempting to do so much, I oppose this bill for doing so little.

Now, Mr. Speaker, under the rule of the House which enables me to extend my remarks, I will close. I am in favor of the passage of a law which is necessary to restrain discriminations between railroads and shippers; but I am opposed to this bill upon the ground that in the first place, in my judgment, it is unconstitutional in that it attempts, by indirection, to affect and control the price of railroad transportation within a State; for, after listening to all that has been said—I can see no possible escape from the proposition that if the railroad commission is permitted to fix a rate from New York to Chicago, and it is rendered unlawful to charge a higher rate for a shorter portion of the line—I can see no escape but that it is obnoxious to the proposition, that it is an attempt by indirection to do that which it cannot do directly; and it will bring about conflict of jurisdiction between local rates fixed by the States and interstate rates fixed under this bill. In such an event, which side must succumb?

Mr. BRUMM. I would like to ask the gentleman from Ohio [Mr. GROSVENOR] one question before he takes his seat, and then, perhaps, I will not ask for any time in this debate.

I happen to represent in part the anthracite coal interests of this country. But a few years ago anthracite coal was not burned in the far Western States. In fact in many instances they burned their corn as fuel. Lately we have begun to ship anthracite coal to the far Western States. We do it because the through freights from the far West to the East are always full; the cars are loaded with grain; going West the through cars are generally empty. Lately, however, the railroads, for the purpose of getting traffic both ways, are carrying our coal at as low as 75 cents a ton, I am told.

Now, then, if this bill passes with the long and short haul in it, it will prevent the railroads from carrying coal to the extreme West at a cheaper rate than they are carrying it locally—for I have here figures that show that the through freights beyond Pittsburgh are 1,684,000 tons East in round numbers, while West they are 572,000 tons; of local freights the tonnage East is 13,884,000, while West it is 7,905,000; showing that the local freights are largely in excess of the through freights. If this bill is passed now—and the roads certainly will not give up their larger freights for the shorter freights, or the greater bulk of percentage for the smaller bulk—will not the practical result be that the farmer of the West will either have no anthracite coal at all, and the anthracite region will not have that Western market for its coal, or you men of the West will have to pay a much higher rate for your anthracite coal?

Mr. GROSVENOR. I will remit the question of the gentleman from Pennsylvania to some far Western Representative. I do not think it can be answered satisfactorily by the friends of this bill.

Mr. HENDERSON, of Iowa. We have coal in the West now.

Mr. BRUMM. I beg your pardon; not anthracite.

Mr. GROSVENOR. I represent an agricultural district that is not interested in having the cheap lands of Dakota brought into the same relation to New York and New England as the farming lands of Ohio are. Therefore I am not in favor of abolishing the geography of this country according to which Ohio is placed half way between the wheat-growing section of the West and the wheat-eating section of the East. And I am in favor of maintaining all the advantages of our location and the superior advantage nature has given us for the sale of our agricultural and industrial products.

I oppose this measure because it will not render any relief to shippers; and I oppose it because it puts an unwarranted and dangerous power in the hands of a commission not qualified to administer it.

Mr. Speaker, I am aware that it is a common and cheap line of talk to condemn the railroads and charge all our evils up to their extortion.

Mr. Poor, perhaps the best authority upon railroad statistics in the United States, gives a statement of the comparative rates upon all the railroads in the country. The comparison is between the years 1865 and 1885, a period of twenty years. It will be seen that the prices of carrying have fallen at a ratio out of proportion to all other reduction. The cost of all the commodities which enter into the every-day living of a family has fallen, it is true, but the prices of railroad transportation has fallen to less than one-fourth the cost in 1865.

Mr. Poor says:

> In illustration of the correctness of these observations certain tabular statements have been prepared and annexed hereto, compiled from the annual reports of the railroad companies as printed in Poor's Manual of the Railroads of the United States. From the statements 1, 2, and 3, which include the Pennsylvania, the Pittsburgh, Fort Wayne and Chicago, the New York Central, the Lake Shore, the Michigan Central, the Boston and Albany, and the Erie Railroads, the great carriers between Chicago and the seaboard, it will be seen that the number of tons transported over these lines in 1865 equaled 11,151,701 tons; in 1885, 66,521,153 tons, the increase within the period of twenty years equaling 55,369,452 tons, the rate per cent. increase equaling 500 per cent. Their earnings from freight equaled $47,832,873 in 1865, and $72,138,792 in 1885: the increase of earnings in the twenty years equaling $24,305,989, the rate of increase being about 50 per cent.
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> It further appears that the number of tons moved 1 mile in 1865 by the roads named equaled 1,634,324,000 tons; in 1885, 11,331,306,000 tons, the service performed being nearly seven times greater in 1885 than in 1865, the increase of earnings in the same period equaling only about 50 per cent. The average charge per ton per mile in 1865 on the roads named equaled 2.90 cents; in 1885, 0.636 cent per ton per mile, the reduction equaling 2.264 cents per ton per mile, the rate in 1885 equaling only 22 per cent. of that of 1865. Had the rates charged in 1885 been the same as those charged in 1865, the earnings from freight would have equaled $328,617,874, or $256,479,081 more than that received.
>
> The number of tons of freight transported in 1865 by the great lines entering Chicago from the South, West, and Northwest—the Illinois Central, the Chicago and Alton, the Chicago and Rock Island, the Chicago, Burlington, and Quincy, the Chicago and Northwestern, and the Chicago, Milwaukee, and Saint Paul—included in the statements 4, 5, and 6, equaled 4,632,166 tons; in 1885, 34,348,684 tons, the increase in the twenty years equaling 30,336,518 tons, the rate of increase being over eightfold. Their earnings from their transportation of freight in 1865 equaled $18,703,805; in 1885, $75,307,684, the increase in the period named being $56,603,879. The number of tons moved in one mile in 1865, equaled 513,421,500 tons; in 1885, 6,287,346,000 tons. The average charge per ton per mile in 1865 was 3.642 cents; in 1885, 1.200 cents, the decrease in the period of twenty years equaling 2.442 cents per ton per mile, the percentage of decrease being 67 per cent. Had the charges been the same in 1885 as they were in 1865, then their earnings would have equaled $229,684,432 against $75,307,684, or a sum of $153,776,748 greater than that received.
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> A very large proportion of the freight received in Chicago is destined for Eastern or for foreign markets. A very large amount of it is produced in districts

1,500 miles distant from the seaboard. At the average rate, 3.07 cents per ton per mile, charged in 1885 by the lines included in the annexed statements, it would cost fully $30 to transport a ton of freight from Chicago to the seaboard, and $45 per ton from points 500 miles further west, and from which large portions of the breadstuffs and provisions now sent to the seaboard for domestic and foreign consumption are received. At the rate of 3.07 per ton per mile, the charge of the tonnage moved on the roads named in 1885 would have been $538,890,731 in the place of $147,446,476, the amount actually received.

An increase in the tonnage of the railroads named from 15,188,867 in 1865 to 100,879,837 in 1885, accompanied by a reduction of net charges of transportation from 3.07 cents to 0.831 cents per ton per mile, the saving, 2.176 cents per ton per mile effected thereby to be divided between producer and consumer, equaling $391,453,855, is compiete vindication of the railroad companies from the charges of oppression and misconduct brought against the same, of which an example will be given. Such a development could have been possible only by the adoption by the railroads of a policy suited to the problem to be solved, which was nothing less than to give a commercial value to the products of every acre included in our vast domain. While the average charge for 1865 of the great lines from Chicago to New York averaged 0.636 cents per ton per mile, and that on the great lines centering at Chicago averaged 1.200 cents per mile, the average for all being 0.831 cents per ton per mile, the charge for moving a ton of wheat or flour from Minneapolis to the seaboard did not much exceed one-half the general average, or $6 the ton.

At the average minimum rate, the charge would have been $12 per ton. As the greater part of the wheat grown in Minnesota is accumulated at that place preparatory to its being sent to the Eastern markets, every farmer in the State of Minnesota is benefited in the degree of the cheapness of the "long haul." If according to the doctrine of the bill now before Congress the charges for the "short haul" should not exceed those of the "long haul," then it is equally true that the charges of the "long haul" should equal those of the "short haul." No proposition could be more obnoxious to the farmers in the far West, or in fact in every portion of the country, than that the charge of the "long haul" should equal that of the "short haul;" in other words, that the same charges should be made under all circumstances and conditions. No proposition could have been more unwise or unjust. The rigid application of such a rule would so increase the rates of the "long haul" that no wheat could be probably grown in the far West, the cost of its carriage exceeding its value after reaching its proper markets. A rigid application of the doctrine laid down in the report of the committee of conference would destroy the greater part of the domestic and foreign commerce of the country. It may here be remarked that while there has been an enormous reduction in the rates on the "long haul" there has, on the average, been a still greater reduction in the rates charged on the "short haul."

I respectfully put up these facts against the lurid denunciation of all railroads to which the House and the country have been subjected during the past month.

The great railroad men of the country do not oppose regulation, but they do condemn some of the provisions of this bill. I quote from a letter which was written by one of the most intelligent railroad men of the West. He says:

The long and short haul at the same rate per ton per mile is the specially vicious feature of the bill, in my judgment. Roads like the Pennsylvania, New York Central and Hudson River, or the New York and New Haven, which run through populous cities and towns, may not be severely injured by the passage and enforcement of that bill, but longer and shorter lines, in comparatively sparsely settled districts, and, in fact, most lines, will suffer very much.

The local traffic of most roads is a very large portion of the whole; the through traffic generally a small portion. Naturally all tariffs of roads will, when that bill takes effect, be based on the local traffic, with the intent, so far as State laws will allow, to obtain from it the means of paying expenses and interest, and a dividend if possible.

Local tariffs will, therefore, be necessarily such that the products of the Western and Southern farms can not be sent to the seaboard by rail, because the charges, under such local tariffs, added together will make virtually worthless at the farm the products of the farm. While the railroads would suffer, some less, some more, some to the extent of bankruptcy, I think the effect upon the people as a whole would be far worse; hence I think that a very short time would pass, subsequent to the taking effect of such bill, before a loud demand would come from every part of the country for its repeal; hence I do not favor railroads combining to oppose the bill, because I think such joint action would have an effect the exact opposite to that desired.

One more very objectionable feature, in my opinion, is that authorizing a commission to modify the application of the law in special cases—a power the Supreme Court of the United States has not. Unless there be a human equivalent for the angel Gabriel, who is also a citizen of the United States, and therefore a possible commissioner, I know no person with whom it would be wise to intrust such power and control of rates for the transportation of the vast commerce of this country.

And again another distinguished railroad operator says:

In regard to the Reagan bill it has seemed to me a wretched mistake. It will set the country back five years in its material prosperity; but I have taken the ground that if it must come this is the best time for it. I am one of the railway managers who have always been in favor of a bill that should establish a railway commission with supervisory powers. I also believe that rates should be made public; that the payments of rebates and special contracts should be stopped. It is a mistake, however, to prohibit pooling, as that serves to steady the rates, and it is absolutely death to our Western country to have the long and short haul clause enacted. Why can not your colleagues be persuaded to pass a bill leaving this clause out, but instructing the commission to report as to the advisability of the same. It seems to me that if they were managing their own business affairs that is a course they would pursue. You well understand that in order to get corn from the Missouri Valley to the markets of Europe, via Baltimore or other seaports, we have to make a very low rate. This helps the farmer, the railroads, and the entire country. I can not see how it will be possible to do anything of this kind if the long and short haul clause is retained. This, in brief, is my judgment.

A gentleman residing at a point in my own Congressional district, himself an ex-member of Congress, and whose interests are in buying and shipping timber and lumber, writes me as follows:

I view with some apprehension the "short and long haul" clause in the interstate-commerce bill, and think it worth while to write you. It often happens that the business application of well-intended law is precisely opposite from that desired or expected. This clause is intended to protect the local shipper. In our case the heavy tonnage is timber and coal. The effect on coal rates you know as well as I. On timber I will illustrate: I move about one hundred carloads this month. Sixty cars go to Buffalo and points in New York and Pennsylvania. This market for our hard wood is rapidly increasing. To reach it low rates are essential, as much so as for coal. Now we get 10 cents per 100.

To Buffalo, for example, the proportion to Cleveland is 6 cents; Cleveland to Buffalo, 4 cents per hundred. Under the proposed clause the Lake Shore Railroad must carry all lumber from Cleveland to Buffalo at 4 cents per hundredweight or refuse ours, or advance our rates, which is the same thing. When the saw-mills that are buzzing all over the district stop, then, like the reduction on wool, we will hear inquiry as to cause. The East is our great timber market, and lations are being rapidly established. Sudden or violent disruption will give a long set-back. I write hastily to suggest more careful inquiry on your own part. What is good in the bill may be saved without imposing difficulties in an effort to apply untried principles to railroad managements by sudden force.

One of the ablest lawyers of Ohio, largely interested in interstate commerce, writes to me as follows:

I have given the interstate-commerce bill very considerable attention. I do not believe that Congress has the constitutional power to enact such a law as is proposed. Barring that question, however, I am decidedly in favor of a law of the general tenor and effect of the one reported by the joint committee. The law, however, is very imperfect, and to be efficient should be amended. Of course I understand that to be amended it must first be rejected and then submitted to a new conference. The new conference should, in my judgment, amend the bill as follows:

First. Strike out the whole of section 4. There is no need of any special legislation upon the subject of long and short hauls so long as the railroads are required to carry at a reasonable rate, and the commission has full power to judge of what is reasonable. The public would be amply protected and the hands of the commission would not be tied upon this important question.

Second. Section 6 should be amended so as to require the same notice of a reduction in rates that is required for an advance. The reasons for this will suggest themselves to you at once. The interest of the shipper and the railroads fairly conducted would be alike promoted by this requirement.

Third. The penalties provided by the law should reach those who are really guilty. Railway officials, from the president down, giving advantages to favored shippers should be punished instead of innocent stockholders.

Fourth. The guilty shipper gaining an undue advantage should be punished to the same extent as the guilty railway official. Moreover, he should be held liable to refund the money or other thing of value gained to the railway company, and in case the railway company omits to bring suit any informer should be allowed to bring suit upon such terms as may be deemed reasonable.

Fifth. Neither the commission nor railways should be allowed to charge less for a greater than for a less number of cars. There should be no discrimination between the different classes of shippers. Both railroad men and the commission will fix the rates for transportation in view of all the business to be done, and hence no deductions should be allowed because of the large quantity furnished by any one man for transportation.

Sixth. Time contracts for carrying freight or passengers should be absolutely prohibited.

Seventh. Shippers should not be allowed to use their own cars for their own business. If cars belonging to any shipper are used upon any line, they should be under the control of the railway, and the railway should be required to furnish such cars to other shippers in the same line of business upon the same terms that they are furnished to the owners, the railway, of course, being liable to the owner for the usual mileage in such cases.

I make these suggestions for the purpose of making the law what it was evidently intended by the joint conference—a law that will open the railroads to the public upon the same terms, so that every man desiring to make use of the railways for the transportation of persons or property will have the same freedom in regard to their use that every man to-day has in regard to the facilities of the Post-Office Department."

A shipper of long and varied experience has made to me the following suggestions:

The intention of the framers of the interstate-commerce bill in inserting the long and short haul clause seems to be to do away with differences in rates which generally exist between commercial centers and local stations.

The practical working of this clause will probably be as follows:

Most of the roads having a larger interest in their local than in their through business will, rather than reduce their local, advance their through rates. Wherever commercial centers have water ways this will naturally throw the through business to the water lines, thus losing tonnage to that extent to the rail lines. As the net earnings of most of the roads are not any greater than they are compelled to have to keep out of the hands of receivers, they would be naturally forced to advance their local rates sufficiently to make up for the loss of through business, directed to water lines, while the commercial centers having water ways would have rates almost if not quite as low by the water lines as they had previously by the rail lines. We thus find that the short and long haul clause, instead of doing away with differences in rates between commercial centers and local stations, will tend to make them greater than they have heretofore been.

The press of the country has given some reviews of this bill which are very valuable. I quote from the Louisville Courier-Journal.

INTERSTATE COMMERCE—THE SENATE DEBATE.

Mr. BECK has spoken in defense of the interstate-commerce bill, urging its passage on general principles which no one denies. That the railroads should do equal and exact justice to all men; that their rates should be reasonable; that no favoritism should be shown to shippers or localities, are perfectly legitimate demands. As we understand the general laws, they are sufficient for these things; the trouble is to have them enforced. We believe they can be enforced. We believe that by judicial rulings year by year the obligations of the roads are more accurately defined, and the limits of their power are more definitely fixed. This may seem a slow method of reform, but it is logical; it is gradual; it accords perfectly with the genius of our institutions; it conforms to the habits and the customs of our people. The measure under discussion in the Senate, on the contrary, is an experiment; it is a wide departure from the customs of the Government; it is tentative; it is empirical; and for good or evil it is a change so radical as to cause the utmost alarm and uneasiness.

Mr. BECK does not discuss the objections urged against the bill; he does not consider the suggestions and remonstrances urged by the shippers; he simply says these remonstrances are another evidence of the autocratic power of the transportation companies, showing that the whole commercial community has surrendered its right of free speech and free thought. In this view of the matter no measure could be too radical, but it certainly is entitled to investigation.

Senator CULLOM, on the other hand, gives his entire attention to section 4, the clause prohibiting a greater charge for a short than for a long haul. Mr. CULLOM says in effect it contains no such prohibition; that there is nothing in it which prevents low through rates, and that it will not do what the board of trade urge it will do.

In that case it should be stricken out. If it is even open to the interpretation placed on it by Senator CULLOM, it is of no effect whatever; it is a mere sham, a fraud, a false pretense. If the roads can, in the way suggested by Senator CULLOM, nullify the law, it is the part of wisdom not to pass the law.

Senator HARRIS supports the bill because he thinks it will put an end to "the ruinous rate war." He wishes to protect the railroads against their own folly. He is extremely solicitous for their welfare. A rate war is a temporary mis-

fortune, but an ultimate benefit. A material reduction of rates follows a rate war. We mean after a rate war the rates existing before the war are seldom permanently regained. The steady decline in the cost of transportation has taken place under a free system of competition, of which rate wars are one feature. It is the testimony of practical railroad managers that the result of the rate war is permanently lower rates. We fail to see, therefore, why railroads should be protected against each other. We do not understand who has been ruined by "ruinous competition." When railroads fall out shippers get their dues, and sometimes a little more. We do not insist that the wars in themselves are blessings; in that they disturb rates and introduce into commercial affairs additional elements of uncertainty, they are an evil, but not an unmixed evil. We hold that it is an evil which will in time regulate itself; that the interest of railroads and the shippers will devise some solution; that the pool, instead of being a settlement, is only a temporary expedient, but that it is in the right direction.

It seems to us, therefore, extremely unwise for the Government now to step in to protect the railroads and to reverse a policy which, notwithstanding its recognized shortcomings, has, in the words of Senator BECK, done more than anything else for the development of the country.

Mr. CAMDEN, with certain other Eastern Senators, favor the bill because it is to do just what Senator CULLOM says it is not to do. Senator CAMDEN thinks the Western farmer is undermining the price of food in the East; that on cheap lands and with cheap transportation he is selling wheat at prices which New York and Eastern farmers can not meet. That is true; therein lies the chief benefit of this vast system of transportation. It has subdued a continent to the uses of civilization. It has made it possible for the food product to increase in a ratio 50 per cent. greater than the increase of population. It has given value to Western lands and Texas lands, which otherwise would have been a howling wilderness.

It was with this object in view money subsidies and land grants were given to Western roads; and now that the object is obtained, the Senate of the United States seems to think that attainment is a disaster, and they are devising a scheme for turning back the wheels of progress and for "protecting" the Eastern farmer against Western competition, and Eastern furnace-owners against Southern furnaces, just as the tariff protects the Eastern manufacturer against the English manufacturer at the expense of the West and South.

The Courier-Journal has sought during the past ten years to make plain these truths as they relate to transportation. The law, as it stands to-day, was devised to secure justice and equity. Suppose the policy of enforcing the laws we have is tried before we make new laws. Over legislation, the expansion of governmental authority, the restriction of individual liberty, are the crying evils of to-day.

And again:

INTERSTATE COMMERCE—A LEAP IN THE DARK.

[Courier-Journal, December 29, 1886.]

The evils of many of the practices prevailing among the railroads during the past twenty years are confessed by all men, but the remedies are not so plain.

Any one at all familiar with our transportation interests knows that great progress has been made within that time; that not only have the rates regularly decreased, but the methods of the roads have greatly improved; that many of the old and vicious practices have fallen into disrepute and disuse, and that in this direction, as well as in others, advance in America, under the system of competition, has been more clearly marked than in England, Germany, or France, where paternal governments have, in one way and another, been seeking to do for the citizen what, in America, the citizen is doing much more efficiently for himself.

Our entire commerce, foreign and domestic, rests on cheaper rates for through than for local business. This system of charges is not the work of one man, or of a pool; it is not the clear conception of any commercial organization offered to transportation. It has grown up gradually and unintentionally, and it must be traced to some influence outside of the control of pools or of legislation. It has been due to the all-pervading law of competition which, like the great force of gravity, has defined the limits or orbits of each commercial center. It is not conceivable that traffic managers would, for mere pleasure alone, carry freight for less pay one hundred than fifty miles. When done it is done under compulsion; it is a concession, a compromise, made necessary by the river or the canal, or the discovery of new facilities of production or construction greater in one locality than in another.

This transportation system is an accepted fact. We do not say it is the ideal system, dispensing equal and exact justice to all concerned, but we say, faulty as it may be, all business plans and purposes rest on it; it is steadily improving, and any radical change, any enactment that overthrows it and substitutes another must, whatever its ultimate consequences, be disastrous to every interest as to-day established.

Here is, according to our idea of political economy, the radical defect in the bill now under discussion in the Senate. Even if it were possible, without a jar, to make this change, we are quite certain that to producer and consumer alike the change would work great mischief; that whatever opinion one may hold as to the benefits which, years hence, are to follow, the results for a long time will be an entire disruption of all existing commercial relations.

Take, for instance, Louisville as a tobacco market, or Minneapolis as a grain market, or Memphis as a cotton market, section 4 will strike directly at these cities, and at all interior cities, and destroy the business connections, which are the growth of a generation. Section 4 is as follows:

"It shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, under substantially similar circumstances, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance."

To this there is added a provision which virtually authorizes the commission to suspend or annul this section, showing a doubt in the minds of the committee of its value, admitting, in effect, that they are simply experimenting with a matter involving the welfare of all the people.

The railroads will, if the bill passes, either have to apply the through rates to all local points or they will abandon all competitive or through business to the river, the canal, and the Canadian roads.

If they apply through rates to all local points all business will be centered in New York. That city will overshadow this country as Paris does France. All interior points will sink into insignificance and impotence, and we will have such a centralization of commercial and political power as we have not heretofore dreamed of.

On the other hand, if the roads withdraw all through rates; if they abandon all attempts to control competitive business, the value of our farming lands in the West and South, with the marketable value of all Western and Southern products, will at once decline. It would put an embargo on all exports more effective than would be the blockade of our ports. It would paralyze our whole internal commerce.

The effect would be to annul the natural advantages of points where water and rail compete, and put all on a dead level. The system which makes it possible to ship through cars from San Francisco to New York would slowly disintegrate, and the various trunk-lines would be cut up into mere local roads.

For all this there is no compensation. The wheat-grower in the State of New York will be happier, because his Western competitor is shut out of Eastern markets, and the cotton-planter along the Atlantic coast will not have so much to fear from Texas and Arkansas, but it will be the many sacrificed for the few.

Certainly this is not the character of legislation the times demand. We want to enlarge the markets for the producer; we want more customers for our corn, wheat, and cotton; we want lower, not higher, rates of transportation. We do not question the motives of the gentlemen in charge of the interstate-commerce bill, but we are certain that if it is passed with section 4 as it stands the evil to agriculture and to commerce will be incalculable.

And again:

THE CULLOM BILL.

[Editorial Louisville Courier-Journal, May 7, 1886.]

The Senate Committee on Interstate Commerce during the recess entered upon a most thorough investigation of the railroad question, and, as a result, introduced what is known as the Cullom bill.

This bill organizes a national railroad commission, the objections to which the Courier-Journal has pointed out from time to time, and which we are very certain will result in commercial and political evils at no distant day.

The Senate committee learned enough during its investigation to fully appreciate the arguments against any absolute prohibition of a smaller charge for a long than a short haul. In the bill such a charge was recognized under certain circumstances as just and necessary. It is the very corner-stone of the whole system of competition, which, in America, if it has not settled all disputed points to the entire satisfaction of the public, has at least given us the cheapest system of freight transportation known to the civilized world.

Wednesday, by a vote of 29 to 25, the Senate adopted an amendment prohibiting any greater charge for a short than for a long haul. The passage by Congress and the approval by the President of such an act would precipitate a commercial disaster such as the country has never known. It would change in a day the whole system of rates, through and local.

It interferes with free interchange of commercial commodities.

It puts an embargo on all foreign commerce.

It limits to a very narrow range the market for all farm produce.

It depreciates the value of every bushel of wheat, of every bale of cotton, in the farmer's hand or of the coming crop.

Instead of lowering, it will advance freight rates, through and local.

It aims to annul the natural advantages of points where water and rail transportation compete, and puts all on a dead level; it says that when a man locates on the top of a hill, his rates should be no more than his neighbor's who settles at the foot.

This whole question has been gone over time and again in this country and in Europe. The present rates are not constructed by the will or in accordance with the wish of one man. They are the result of fifty years of increasing competition. About them has grown up the most gigantic commercial system, internal and external, of which the world has any knowledge. This system the Senate proposes to paralyze by the Camden amendment.

If such a law is passed, and the railroad managers should apply it to-morrow it would precipitate an industrial revolution.

It would impair the value of every mill and foundry, of every dwelling and storehouse, in all the cities from New York to San Francisco.

It would depreciate the value of every acre of land given to agriculture. It would turn back the wheels of progress twenty-five years.

Undoubtedly there are evils connected with our railroad system, but they can be traced directly to ignorant or corrupt legislation. Stockholders are robbed under special provisions in peculiar charters. Confiding citizens are misled by offers of land grants and bounties. Government subsidies have corrupted Congress and commerce, but this Camden amendment rectifies no evil, but precipitates others.

It will compel hundreds of railroads to abandon all competitive traffic, all through business, all long hauls. The system which makes it possible to ship through cars from Omaha to New York will slowly disintegrate. It will destroy all argument for a uniform gauge. It makes it necessary to break up the various trunk-lines into local roads.

The Louisville and Nashville would be compelled to refuse business to Memphis, to New Orleans, to Montgomery. It would have to confine itself strictly to local business, to non-competitive business, and just in proportion as this decreased its net revenues would it be compelled to advance its local rates.

All the trunk-lines from Chicago, except the Grand Trunk, of Canada, would withdraw all effort to get grain for Liverpool or meat for New York. The Grand Trunk could advance through rates 50 per cent., and get practically all it could handle.

Our export trade would dwindle to small proportions. Distress and low prices would everywhere prevail. The evils of the tariff would be intensified by this commercial revolution, and three men would be idle where one is idle now.

The effect on financial affairs would be lamentable. Numbers of railroads could only pass from one system, the system of competition to the system of restriction and national regulation, through bankruptcy.

The Courier-Journal is no alarmist, but it knows that we can not interfere with the very foundation of business without shaking the whole structure.

The Nashville Union says:

INTERSTATE COMMERCE—THE RAILROAD BILL.

The bill is one of great length, but in substance contemplates putting the railroads of the United States under the control of a commission of five persons, to be appointed by the President and confirmed by the Senate, not more than three of whom are to belong to the same political party. They are to have a salary of $7,500 each. They are to be furnished quarters by the Secretary of the Interior; but they may travel where and when their business, in their judgment, calls them, and transportation shall be furnished. They have a clerk at $3,500 a year, and may employ agents without limit. They must own no stock or bonds nor have any interest in railroads.

They look into the management and business of all the railroads in the United States, and they must keep themselves informed as to the manner and method of conducting the roads. They can send for books and papers and prescribe the method of keeping accounts. They are to see all contracts and agreements. Witnesses are to be punished for contempt in failing to bring books. They are to investigate matters forwarded by State commissions. The finding of the commission is taken as proof in court. They decide what reparation shall be made; the trial is to be a speedy trial and without pleadings. The courts are given power to inflict severe penalties. The commission makes its own rules for the conduct of business. All the expenses of the commission and employés, including traveling expenses and the attendance of witnesses, are to be paid by the United States. The commission may suspend the operation of the law in special cases.

The bill undertakes to regulate all railroads, or connecting roads, doing a through business, where the freight or travel passes from one State to another, but not where the traffic does not pass State lines.

We have thus made a pretty fair synopsis of the Reagan-Cullom bill, agreed upon by the committee, with a view of giving it a fair show before our readers.

The public will bear us witness that when a question arises between the railroads and the people—of protecting the people against monopolies by building other and competing lines—we are always on the side of the people, and urge the building of more railroads as the proper solution of the question of cheap transportation, and when politicians, or even the mass of the people, misapprehend their rights and powers over this class of property, and undertake, in our judgment, to exercise unauthorized powers, we are just as ready to stand by the right, though it may seem to favor a "soulless corporation." A newspaper is nothing if it will not defend the right, even against the popular clamor.

We now put on record for future reference our opinion—worth but little, probably—that if this bill becomes a law it will prove most disastrous. We shall not discuss the constitutional question further than to say that the "power to regulate commerce among the several States" is given in the Constitution to Congress, and it can not be delegated to any other body. For Congress to make a law that through freights shall regulate local freights on all the railroads in the United States, and then confess the error and remedy it by creating a new tribunal not named in the Constitution, with power to watch it and suspend its operation in special cases, is a stretch of legislative power entirely beyond the landmarks.

But suppose such a law can be passed and the power delegated to suspend its operation, can it be executed without friction and danger? Nothing but the direst necessity can justify legislative interference to the extent of controlling or regulating business, and almost without exception such legislation has proved disastrous.

Whoever studies this bill with any degree of care will see that ingenuity could not more effectually devise a scheme to cripple the railroads and hurt shippers by breaking down all competition between the water ways and the railroads, transferring all through business to the water ways, thereby forcing the railroads to sustain life by local business alone; and secondly, it will destroy the interior cities and towns and build up all the cities on the water ways that can thrive without railroads.

If it were allowable to draw such an inference, one would be forced to the conclusion that this bill had its paternity in water craft and seaport towns. It effectually destroys the interior towns and the farmers.

Competing with the water ways the railroads carry freight long distances at rates which only help to pay expenses; and by this bill, these scant rates, each road taking the loaded car at one end and delivering it at the other end to the connecting road, getting its ratable part of the through haul, fixes its rates on all local business. If, for illustration, through freight from New York to New Orleans is 60 cents per hundred pounds, divided up between all the roads, the amount each gets out of the 60 cents fixes the charge on the local freights.

This as a business proposition is an absurdity, and would force the railroads to abandon the through business and make up the loss on local business. Then they would charge on local business what they pleased. The farmers in the West or South, away from water ways, could get no through rates, in fact no rates at all, because they could not pay local rates on grain or meat to the seaboard. In other words, the through freights under the bill fixing the rates for all freight, through business or local business, one or the other must be abandoned and the through business, being perhaps one-tenth on an average, would be abandoned to get the right to charge paying local rates.

The manufacturers in the interior would have to break up and move to the water ways. We repeat, this bill must have had its paternity in water ways and seaport towns. It will force the railroads, if they keep alive, to charge rates which the farmers and manufacturers in the interior can not stand; and in time this destroys the capital invested in railroads.

But the power given to this commission is the astounding feature of the bill. What may this commission not do? The President and all his Cabinet have not been intrusted with power to suspend the operation of statutes. This power is given in special cases. It may do it as to one road or one community, and not to another. It makes every road in the United States a beggar at the feet of this commission. It can make flesh of one and flesh of another. It has power to appoint an agent in every town in the United States. It can cripple or build up the business of any road it pleases. It can make a kitchen exchange in Washington or New York, and give information about the business of the roads and their conditions that, in ways that are sharp and tricks that are dark, will make Wall street a reputable religious institution.

What may it not do in politics? Under the law the party in power has three, and the party out of power two. What fixes a man's party relations? The number of votes, or the last one? Suppose a man changes his politics after he goes in; shall he be removed? Such statutory provisions as this argue weakness in the legislature or distrust in our form of government.

With headquarters at Washington, big salaries, transportation free, one thousand agents all over the United States, the railroads prepared to pray or pay for peace, the courts of the country given power to punish for contempt in case of disobedience of the commissioner's orders, in short, a new tribunal, with 130,000 miles of railroads under its control, and all the employés subject to orders, even as to the mode of keeping accounts, what may this power not do? It can take either party on its back and carry it. It can control any political convention. Its political power is simply omnipotent.

This bill carries along the implication of a remarkably innocent and confiding Congress.

If all public men were as wise as Solomon and as pure as angels the bill would be nothing more than a plain violation of the Constitution. But a wise Congress will take the world as they find it, and not as they would have it. What five men can be picked up all of whom can stand up against temptations the like of which have but one parallel, and that was up in a high mountain?

If this bill passes, who are to be the wearers of the crown? Who will be the fortunate ones? There is only one inhibition. No man must be appointed that knows anything about the business he is going to perform, for really there can not be five men in the United States found of first-rate railroad sense that has not some interest in roads, directly or indirectly.

Everybody that has watched the course of events at Washington must know that the struggle for this crown will be between politicians—not business men. What class of men will the President appoint? If not politicians, will the office-hunters in the Senate confirm?

There are no doubt many retiring members of Congress who would like to have these offices, and if there was in the Constitution of the United States such an inhibition as some of the States have found it necessary to make, a great big temptation would be removed. That is, that a member shall hold no office or place of trust created by the body of which he was a member. To speak plainly but truthfully inflicts no injury, and to guard the future against evils of the past is only prudence.

Judging from the past, does anybody believe that five politicians will be picked up, none of whom will wink away the secrets which this law bestows on this commission, when every secret is a bag of gold and every wink an open door?

Does the history of the past justify setting a temptation before public men that invites by shining gold and the allurements of power as never before in free America? Is it not a dangerous experiment? Is it wise to risk it?

It is enough to say that for the last twenty-five years the public men who have had great opportunities, but withstood the temptation, are conspicuous as exceptions.

The man who has held a place of trust for many years whose secrets were worth money on Wall street and hasn't got rich is the exception.

This bill can't go into operation and be operated for any length of time without greatly increasing public vice and seriously disturbing our finances, besides bankrupting all the industries of the interior.

We do not hesitate to say that such power as this bill gives the commission ought not to be conferred on any five men in the United States. We do not now and never will believe in the sovereignty of the States. We believe in the rights of the States rather than "States' rights," but this bill is an assumption of Federal power that far eclipses the dreams of the "Blue-lights."

One of the greatest manufacturing establishments in Ohio sends out the following:

GENERAL OFFICES OF THE AULTMAN & TAYLOR COMPANY,
Mansfield, Ohio, December 24, 1886.

DEAR SIR: Thinking you may not have noticed the Reagan bill, or that you may have overlooked some of its features, and as an implement manufacturer you have not only a direct but in some of its features a vital interest, I take the liberty of calling your attention to it and of asking immediate action on your part, as no time is to be lost. The question of its constitutionality I pass by, as that will come before a much more competent authority should the bill pass both Houses of Congress and by unfortunate accident escape the veto of the President; but there is one feature in the bill so dangerous to the interests of every farmer, and every implement manufacturer and dealer, that it should have your instant examination. I refer to that portion which compels railroads to charge the same price per mile on a long haul that they do upon a short one.

If the bill becomes a law it will work untold injury to you and to all of your customers. A single example will suffice: Wheat is selling in Nebraska at about 35 cents, say 40 cents, and I select Exeter, Nebr., as an illustration, though almost any other point in any State in the Union would serve as well. Under the present system the freight charge to New York is probably in the neighborhood of 60 cents per hundred-weight (possibly less), carried, let us say, over the Burlington and Pennsylvania systems. The distance from Exeter to New York is 1,523 miles. Now, under this interstate-commerce bill, the Burlington and Pennsylvania roads would be obliged to charge the same rate per mile all the way from Exeter to New York that they charge for a short haul (on local business), and the result may be seen at a glance.

The Pennsylvania Company charges on grain between Mansfield and Lucas, Ohio, 4 cents per hundred-weight, and the distance is but 7 miles. This rate would be very excessive upon large shipments, but they do not have large shipments, and, doubtless, cannot afford to do the business for less. If the Reagan bill becomes a law this would oblige the two railroads named to charge the Exeter shipper 868 cents per hundred-weight from Exeter, Nebr., to New York, which would make the freight on a bushel of wheat from Exeter to New York over $5.20 per bushel, and his grade of wheat when it reaches New York will not bring over 90 cents per bushel.

What is true of wheat is true of corn, pork, beef, and of every article shipped out of Nebraska. It follows, therefore, that the passage of the Reagan act would reduce the value of Nebraska land to nothing. It would be a foolish inmate of an almshouse even who would accept a deed for the entire State as a gift if the Reagan bill is to control transportation. Not a farmer in Nebraska could ever hope to pay his debts, and not another farm implement or tool could ever be sold in the State. What is true of Nebraska, Iowa, Missouri, Illinois, Dakota, Minnesota, and Wisconsin would be equally so of Mr. REAGAN'S own State, as well as of every other Southern State. The bill would render the land in such a garden as Stark County, Ohio, worthless, while lands in the best localities in the Eastern States (near the sea) would have but trifling value. The effect of the bill becoming a law upon the business of agricultural implement manufacturers would be disastrous beyond description. None of our customers (practically none) would be able to pay us anything upon their debts, and the sale of our goods would stop instantly and almost absolutely. Such points as Canton, Akron, Massillon, Mansfield, Springfield, Dayton, Richmond, &c., the seats of this general line of manufacture, would go to wreck and ruin. While the effect upon your business and ours would be disastrous it would hardly be less upon any other. Not a flour mill out of every two hundred could run, and the general business of the country would come to a stand-still. Examine this matter yourself, go over it with care, and if your conclusions are the same as those herein expressed, which they must be except that they may be more clearly worked out, telegraph your Congressman, and follow it up by an urgent letter and by personal visit if necessary. Of course a special session of Congress (which the universal distress and general, if not universal, bankruptcy of the people would bring about) would repeal the law, yet it would and could only be after damage impossible to estimate and which hundreds of millions of dollars could not measure had resulted. Should you see fit to show this letter to other business men who will be effected disastrously by this bill, of course there will be no objection, but whether other branches of industry act or not let us move at once. The bill requires that the rate per mile on short hauls shall be the same as upon long, leaving it to the railroad companies themselves whether they will reach the equality of rate by raising the through or lowering the local rate; but as 70 or 80 per cent. of the business of our railroads is local, self-interest, in fact self-preservation, will compel every railroad to advance its through rates as herein outlined.

In all its history the country and its business interests have never been so menaced, and as the question is not a party issue, immediate individual action upon the part of the business community, or even that portion to which we belong, will be a great blessing to the country.

If such legislation as the Reagan bill is constitutional, then there are some few provisions in it which may be useful, as, for instance, the compelling of all railroads to charge the same sum for the same service; but this again is more than offset by the prohibition directed against the system (it ought almost to be even now called the science) of pooling, for out of this system, when brought to perfection, must develop the great preservative and conservative principle in American railroading, and it is certain that all classes of people have much to gain and nothing to lose by a system of railroad pooling reduced to a science. The largest measure of business ability which the country possesses is employed in its transportation interests, and those having them in charge will, in point of honesty and public spirit, compare favorably with any like number of business men or professionals in the country. It would be well then if the level-headed business men of the country were to frown upon the constant and persistent efforts of legislators, State and national, to interfere with the working out of the great question of public transportation. In the case laid before you in this somewhat disconnected letter not only regard for the public welfare, but every instinct of self-preservation, calls for the most earnest, direct, and effective individual action upon our part. A few letters and dispatches from each to whom this is addressed reaching their respective members of Congress will avert a disaster compared with which the financial crises of 1837, 1857, and 1873 were but zephyr in the financial sky, and alongside of which Black Friday and the periodical disturbances on Wall street are mere bagatelles.

Respectfully,

M. D. HARTER, *Treasurer.*

Note.—Since the letter on the other side was written I found that there was a difference of opinion about the feature of the Reagan bill referred to in it. I accordingly submitted it to nine of the most competent authorities in the entire country, and find a wide difference in the views of these gentlemen. On receipt of eight of these opinions I felt inclined to drop the matter, because of the utter impossibility of presenting to you a view of the case in which all would join,

but upon receipt of the ninth letter I felt that while my own letter was inaccurate in statement, yet the results of the passage of the bill would be so serious that it ought to be stopped in its present shape at all hazards. I print below a letter entire from one of the clearest and ablest men in the entire country; and wherever his view does not agree with mine you will, of course, take his and pay no attention to mine; but, in any event, I think you will see your interest is by telegraph, mail, and personal effort with your Congressman (even to the neglect of your business) to stop the passage of the bill in its present shape, as the joint verdict of the most capable men in the United States would unquestionably be against its passage on the grounds that it would produce universal injury, as its first and worst consequences would fall on that largest body of our people (the farmers) upon whose prosperity and patronage the whole manufacturing and commercial prosperity of the country hangs.

Respectfully,

M. D. H.

MY DEAR SIR: I am in receipt of your esteemed circular letter of December 24, asking my reply by telegraph whether you quote correctly the part italicised in the first paragraph. As I can not do so well by telegraph, I write you more fully.

As I read the Reagan bill, while it does not read that they shall charge the same rate per ton per mile, the effect upon the business interests of the country will result very much as you illustrate the case subsequently. The conference bill provides, under section 4, that it shall be unlawful to charge more in the aggregate for a shorter than a longer distance over the same line in the same direction. This does not mean the same rate per ton per mile, but, to illustrate: If a railroad company in competition with water transportation, which is not affected by the provisions of the bill, makes an exceedingly low rate, they can not charge more for the same or less distance traveled than they do on this competitive business; as, for instance, should the lines between Chicago and New York, in competition with water transportation, make a rate of 10 cents a hundred, which would allow the line between Chicago and Buffalo but 5 cents a hundred, they could, in no event, charge more than 5 cents a hundred upon any traffic of like class from any point between Chicago and Buffalo. You can readily see, take the present rate, for instance, of 25 cents per hundred on grain, that this allows less than one-half cent per ton per mile for its transportation; as this is less than cost to any railway company, they could not continue the present rate between Chicago and New York, since the reduction of the locals to the same basis would make them carry all their traffic at less than cost. For that reason their only alternative must be to put up the through rates, in order that they might protect their locals, therefore the result to the producer in the extreme western Territories would be precisely as indicated by you in your circular letter. Now, while this may not so seriously affect Chicago, having the benefit of water competition, it would be almost death to nearly all of the inland towns, as other rates, under any circumstances, must be put up to the basis of the sum of the locals, thereby giving the advantage over inland towns to those having the benefit of water competition for a certain period of the year.

Another objectionable feature of the bill will be its effect in reducing competition, as it must naturally close up the longer routes, as it would throw through traffic over the short lines between points.

These two points are readily appreciated by manufacturers and shippers, and I think they themselves should have combined action and lay the matter properly before their representatives in Congress, whom, I am confident, do not appreciate the situation.

I was in Washington on Tuesday last, and conferred with many of them, and was quite surprised to find how little these points were understood, all acting under the impulse that their constituency demanded an interstate-commerce bill, and as this was the only one before them, they felt compelled to act, and act promptly, thereon.

I confess, for myself, and I believe I express the opinion of most railroad managers, that there should be an interstate-commerce bill, but not the one as now proposed. This one certainly means bankruptcy to many railroads, particularly those working in competition with lake transportation and passing through several States; but to me its more serious objection is one to the commercial interests of the country, and I am pleased to see the action taken by your company in this line, and hope you may be able to impress all commercial interests with the danger in passing the pending bill.

I think also that the provision of the bill preventing pooling is a very serious mistake. My own experience for several years in managing railroad property has convinced me that this is more of a protection to the public than it is to railroads; it certainly has not worked any detriment to them, as there are no excessive rates made by pools.

I agree with you that the all-important question is to prevent hasty action, and that that must be done by the commercial interests, for the reason if railroad managers were to attempt to oppose it, with the spirit now prevailing at Washington, I believe it would lead to corruption on the part of some Congressmen, and hasten undue action on the part of others.

Very truly yours,

V. P. & G. M.

M. D. HARTER, Esq.,
Mansfield, Ohio.

The Chamber of Commerce of Cincinnati opposes the bill, and one of its members makes the following points:

Take a case like this, for instance: Two merchants, located equally distant from a common point, desire to ship to that point an equal number of cars of the same class of merchandise. A is located on a water way which reaches the point he wishes to ship to, while a railroad also runs past his door and reaches the point he wants his goods to go to. B is located at an interior town, and has the advantage of rail transportation only. Because A is located advantageously geographically, the bill proposes to give B the advantage of the competition the railroad meets in carrying freight from A's door, from which point, if they take any freight at all, it must be carried at a very low rate, and, as a fact, is actually carried by the railroad during the season of open water navigation at a rate which very seldom pays more than the cost of transportation, and sometimes not even that much.

Clause 2 prohibits pooling, and makes it an offense.

Why pooling should be prohibited is difficult to surmise. If the railroads went into the pools for the purpose of demanding exorbitant rates for transporting freight or passengers, then pooling ought to be prohibited, but such is not the case. The pools are for the purpose of maintaining existing rates as nearly as possible, and when rates are maintained it is to the advantage of the entire business community. Exorbitant rates will never prevail among the railroads of the United States, owing to the numerous rail-line competitors for business from almost every point. During the time that the trunk-line pool was inoperative, and before the Central Traffic Association was formed, the various roads took business at almost any rate that was offered, and this very competition resulted so disastrously that about forty railroad companies were placed in receivers' hands in less than a year. During this scramble for business grain was transported from Chicago to New York for as low as $2 per ton, when the actual cost to the railroads for transportation at the lowest calculation was $4.56 per ton. This demoralization of rates hurt general business more than if the through rate had been 40 cents per hundred, or $8 per ton, between Chicago and New York, and that rate has been maintained, or nearly so, as it would have been under a pooling contract. Past experience does not indicate that the railroad pools have inflicted any great injury upon any one, but, on the other hand, shows that they have been of advantage to the railroads and the business world as well.

Clause 3 should stand just as it is, and is a protection that should be afforded the shipper.

Clause 4. This is Mr. Reagan's pet, is unjust, and would, if enforced, work irreparable injury for various reasons. First of all, through rates, as a general thing, are not remunerative, and under the long and short haul clause a railroad company would be compelled to advance their through rates to the basis of the local rates, or else reduce the local rates to the through tariff. This would work admirably where one rail line alone reached certain territory, or, in other words, if there was no competition, but as the States east of the Missouri River are a net-work of railroads, and in addition to this water competition exists from many points, the plan would be a failure. Of course the roads where water competition exists could not advance through rates to their local rate basis, for if they did they would not carry a pound of freight in competition with the water ways. During the season of water navigation the railroads in competition, to get through business, would be obliged to make a through rate very nearly as low, if not as low, as the water rate. As this through rate would scarcely pay for the cost of moving the freight, of course a road could not afford to transport its through and local business at a rate which would leave no margin of profit. What would be the consequence? Why this road would be compelled to abandon through business because of the fact if it carried it at the rate which it would be obliged to make to get the business it would be making a rate for its local business, which would leave no margin of profit for the transportation of local traffic either, and if no profit could be made off any of its business it might as well give up at once, send engines and equipment to the scrap-heap, tear up the rails and sell them for old iron, for bankruptcy would be the certain result of operating a railroad under such a condition of affairs.

Take the Pennsylvania road for example. President Roberts in his examination a few days ago before Attorney-General Cassidy testified that the through business done by that company was but 8 per cent. of its total business. Now, no one would suppose for a moment that the Pennsylvania Railroad, during the time that the water ways are navigable, say for seven months of the year, would take through business at the low rates that it would be necessary to make to secure it and cut its own throat by this action, which would make the rate for its large local business unprofitable. No; the Pennsylvania, under the interstate-commerce bill as a law, would of course let the 8 per cent. of through business go, and carry the 92 per cent. local business at rates that would yield a profit. So it would be with a large number of other roads. Under the interstate-commerce bill they would withdraw altogether from through business. Under the provisions of the proposed bill the railroads have the right to issue a new tariff-sheet upon giving ten days' notice, and with this privilege they could, as soon as water navigation closed, advance through rates to a basis that would be a paying one, but in order to protect their local business it would necessarily be so high as to shut out all shipments for export.

The fact is, the interstate-commerce bill, as proposed, is entirely in favor of the water ways as against the railroads where they are competitors for the same business. Interior towns like Indianapolis, Ind., Lexington, Ky., and Columbus, Ohio, might as well be fenced in if the interstate-commerce bill becomes a law, for they will have no earthly show for doing business unless their business men go back to the primitive teaming for moving freight and merchandise. Under the operations of this interstate-commerce bill the farmers of the great Northwest could burn their corn and grain, because they could get nothing for it at home. While the railroads would undoubtedly suffer if the bill becomes a law, they would take off cars, cut down forces, and do only what business they could at paying rates. The manufacturing, mercantile, and especially the farming community would moreover suffer under this law to as great if not a greater extent than the railroads.

No city on the continent will suffer as much as Cincinnati by this legislation.

From the great Northwest comes the following:

THE INTERSTATE-COMMERCE BILL.

To the Senators and Representatives in Congress from Minnesota:

GENTLEMEN: The Minneapolis Board of Trade, at its regular meeting of December 22, 1886, unanimously adopted the following resolutions:

Resolved, That while this board of trade fully approves the general principle of national legislation for the control and regulation of our interstate-carrying trade, and while in the main it concurs in the provisions of the compromise bill now pending before Congress, it thoroughly disapproves and deprecates the provisions of section 4, relating to what is known as the long and short haul, and of section 5, relating to pooling arrangements between parallel or competing railway lines. In the judgment of this board, section 4, if enacted, would give to the proposed national commission powers whose exercise would always be dangerous and might easily become destructive to the interests of the distinctively agricultural sections of the country.

Resolved, That a committee be appointed with instructions to forward the foregoing resolution to our Senators and Representatives in Congress, accompanied with a letter of transmission which shall more fully set forth the views of this board.

In forwarding these resolutions to you permit the undersigned, as the committee appointed for the purpose, to call your attention to the following brief summary of objections, which, in the judgment of our board of trade, lie against sections 4 and 5 of the pending interstate-commerce bill, and respectfully to express the opinion that you can in no way render a more important or timely service to your constituents than by aggressively helping to secure the omission of these sections from the measure before it becomes a law. Allow us also, in passing, to remind you of the fact that of the entire membership of the Minneapolis Board of Trade, representing all leading branches of legitimate business and productive industry, not half a dozen have any pecuniary interest in railroads, direct or indirect, and we do not know of half that number who are so interested. The board speaks for the producers and shippers of the Northwest. Further, it is fully recognized that national supervision of our railway system is necessary and best, in the interest both of the people and of the railways themselves; that this supervision has already been too long delayed; that there are wrongs to be righted and corporate abuses to be corrected, and that the pending interstate-commerce bill, when duly amended, will constitute a wise first step in the right direction. It is simply insisted that a measure which is necessarily experimental, and which deals with the most complicated and far-reaching commercial problems known to mankind, vitally affecting the interests of every class and of every section, should not go so far, or attempt so much, at the outset, as to cause infinite damage where it might accomplish unmeasured good.

OBJECTIONS: THE "LONG AND SHORT HAUL."

1. Section 4, relating to the "long and short haul," is, intentionally or unintentionally, vague and ambiguous in its language. If enacted into law its interpretation by the courts, must, therefore, be wholly uncertain, its practical application doubtful, and some of its effects impossible to predict. This is sufficiently shown beforehand by the known fact that scarcely two persons understand the

section alike—even zealous advocates of the bill as it stands differing widely as to the real meaning and intent of the words employed.

2. Assuming that the section means what its language naturally imports, the consequence of enforcing such a law would, we believe, be gravely injurious to many important interests in all parts of the country, but especially would such enforcement prove destructive in its effect upon the great agricultural section of which our own State forms so important a part.

It would very greatly increase the cost to our people of heavy commodities of all kinds which are brought in from eastern sections, including coal, without which our prairie farms could not be occupied.

It would ruinously depreciate the value of every bushel of wheat and every pound of beef produced in Minnesota, by compelling the railroads to adopt a freight tariff on through shipments eastward, which, if not prohibitory, would leave to our farmers no reward for their labor and invested means.

It would depress manufacturing industries and deprive many working men of employment.

It would reduce to a minimum the trade of the Northwest by largely destroying the purchasing ability of our producers.

It would drive a large share of the long-distance traffic from American to Canadian lines.

It would cripple, if it did not bankrupt, many railroads by compelling them to relinquish a large part of either their through or their local traffic—both of which are essential to their solvency.

The very people who ought to derive most benefit from legislation of this general character—the farmers and wage-earners of the country—would be the first and greatest sufferers from its injurious effects.

3. It is not a sufficient answer to say that the bill gives to the proposed commission discretionary power to avert these otherwise inevitable calamities. The ambiguity of language, already mentioned, renders it doubtful whether this power is fully given; and even if it is conferred, its exercise would be a most unnecessary and dangerous prerogative to be vested in any untried commission, however able and disinterested, under an untried statute, in a difficult field, where national legislation is now making its first tentative venture. At best, it gives to five men, about whose competency, experience, and integrity nothing can be known in advance, almost autocratic power over the market value of hundreds of millions of dollars of railway stocks and bonds, over the market value of the agricultural products of half a continent, as well as of the lands upon which these products are grown.

So great a power, and so tremendous a temptation to its abuse, ought not to be presented unnecessarily to any committee of citizens or be made the foot-ball of politics. Besides, so enormous would be the task undertaken, and so extensive its domain, that no commission, however capable, could successively consider and adjust the inevitable frictions and controversies in time to prevent the predicted evils, if those evils in fact impend.

THE PROHIBITION OF RAILWAY POOLING.

4. Section 5, which arbitrarily prohibits the pooling of railway earnings, is not less objectionable than section 4. It proceeds upon the assumption that an amicable apportionment of traffic among substantially parallel railway lines destroys wholesome competition, creates a "monopoly," results in exorbitant transportation charges, and thus wrongs the general body of producers, shippers, and consumers who constitute the people. With exceptions so rare as only to prove the rule, this assumption is a fallacy, and legislation based upon it must prove a hurtful blunder. The facts are that such apportionments of traffic are a natural and necessary outgrowth of the development of our national transportation system; that they constitute the only plan of self-preservation for railroads which time, and thought, and experience have been able to evolve from a most difficult and perplexing situation; that they are the only known and feasible alternative for that system of cut-throat competition which foments chronic "rate-wars," and which, unless held in check, would end in the bankruptcy, first of the weak lines, and then of the strong ones—for a bankrupt railway, having no responsibility to bondholders or shareholders, is the most reckless and destructive of competitors.

These adjustments and divisions of traffic, known as railway pools, do not raise transportation charges above a reasonable level. Almost without exception they have resulted in holding rates steadily at the lowest point at which the business can be done at a living profit. This is notably illustrated just now, as you are aware, in our own section. Never was there a closer pooling arrangement between trunk lines than that which now exists between the six roads leading from Minneapolis to Chicago, yet never were freight tariffs so low as at the present time, and never were the people better accommodated.

The well-known fact that concurrently with the development of the railway pooling system railway rates have steadily, greatly, and everywhere decreased, is a summary refutation of the whole theory on which section 5 is founded.

The pooling or apportionment system, besides preserving railways from insolvency and railway investments from destruction, directly benefits every business community by giving some degree of uniformity and stability to transportation charges, and thus enabling business men to shape their course with greater certainty and safety. A railway rate war, although it temporarily reduces the market price of transportation below actual cost, is universally and justly regarded as a misfortune to all legitimate lines of trade. Obviously it is of no advantage to the public to enjoy any service at less than its reasonable cost, including a fair return upon the capital invested in rendering that service. The rule of unregulated and unreasoning competition, followed by the "survival of the fittest," when applied to railroads, means their own ruin, with resulting calamity to every other business interest which is worth preserving.

The railway pool, honestly administered, is the natural balance-wheel of interstate commerce. Section 5 of the pending bill does not provide or suggest any substitute for this regulative and conservative agency. On the contrary, it would seem to render commercial peace legally obligatory.

5. It is not a sufficient answer to say that if found to be injurious in their working these provisions may be repealed at the next session of Congress. The mischief that can be accomplished by their operation during a single business season is simply immeasurable, and there is not the slightest necessity for assuming the risk.

The interstate-commerce bill has adequate scope for its initial purpose without including the sections to which objection is here made. Omitting these, the bill lays the broad foundation of a system of salutary legislation, which a little time and experience will develop and perfect. It is evolution, and not revolution, that the situation calls for. Such a policy will avoid the risk of serious and disastrous mistakes; at least it will not invite that demoralization of now reviving business, that shock to commercial confidence, that stagnation of enterprise, that aggravation of the labor difficulties, that wholesale depreciation and destruction of values which many competent and disinterested students of the problem foresee in case the bill becomes a law in its present form. The panic of 1873 was precipitated and intensified, if it was not largely caused, by injurious State legislation affecting railroads, hastily enacted in response to unreasoning clamor. It would seem to be hardly the part of wisdom or of statesmanship to incur even the liability of repeating that experience, and on a larger scale, during the present century.

With great respect, your obedient servants,

A. B. NETTLETON,
H. A. TOWNE,
EDMUND J. PHELPS,
T. B. WALKER,
Committee.

MINNEAPOLIS, MINN., *January* 5, 1887.

Mr. Speaker, the mistake of this bill, in my judgment, consists largely in the attempt of its projectors to build up a ready-made system or code of laws upon this great subject of interstate commerce. Human ingenuity has never yet constructed a finished code of law in a new field theretofore unoccupied and uncultivated. Take the statutes of our States, and I draw an illustration from the State in which I live, which applies with equal force to the other States of the country. We have upon our statute-books a complete system of legislation upon the subject of roads, the common schools, the municipal corporations, &c., but going back to the origin of the legislation upon those subjects, you will find a few simple sections, tentative in their character, providing for a few simple principles as the beginning or foundation of all that has followed; and it has taken time, study, and experience to construct the systems now in use.

Experience has taught that a section should be added here, another there; the enforcement of the law in one direction has suggested another step, and so on; and finally, after years and years of experience, we have a code of legislation not yet fully developed, and to which we are adding year by year. But here is an attempt to invade the field of interstate commerce, and to project a statute fully armed and panoplied on the statute-books of the country, without any experience, without testing any of the provisions of the law; and in that direction we are sure to fail.

The provisions of this bill will render relief under it unattainable by the average shipper of the country. In the first place, its provisions are such as to render interminable delay absolutely necessary. Let us see. I quite agree with the distinguished gentleman from South Carolina [Mr. DIBBLE] that the jurisdiction for redress here prescribed is exclusive of all other jurisdiction, and that the citizen complaining of railroad extortion or discrimination is confined to the remedy here provided or he is without remedy. What is the proceeding? The first step is in the nature of a written complaint to the commissioners. Upon such complaint being made notice is sent to the railroad company, and this provision covers all complaints "of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof."

A complaint having been made to the commission, which briefly states the facts a statement of the charges is forwarded to the common carrier, and he is called upon to answer the complaint within a reasonable time, to be specified by the commission. If he fails, the commission proceeds to investigate the complaint. Ultimately, when the commission has made a report of its finding of fact, they shall furnish a copy to the party who complained and to the common carrier. Now, then, if these parties, having thus started on the road, fail at the end of this long proceeding to reach an amicable adjustment of the difficulty, then action may be brought in the United States court. I submit that this feature alone brands this bill as placing an insurmountable barrier in the way of any relief, to any sufferer, against a railroad corporation disregarding the law. It ousts the State courts of their jurisdiction; it orders the citizen to abandon his common-law remedy; it compels him to relinquish his claim under his State laws, and forces him into the jurisdiction of the United States courts, with their environment of security for costs, of extravagant cost bills, of long delays, and ultimately the bill provides that the carrier may appeal; but it is doubtful, very doubtful, if the shipper has any remedy by appeal.

But again, the title of this bill and the provisions of the bill in the early sections are in every respect misleading, in my judgment. The purpose and intent of the bill is "to prevent discrimination," but it is careful in the second section to use the words "unjust discrimination," and then leaves it to this commission to say what "unjust discrimination" it means. But that is not all. They started out to put everybody upon an absolute equality and to inveigh against discrimination, but turn around and authorize these five commissioners to discriminate just as much as they please. The language is as follows:

> And the commission may, from time to time, make general rules covering exceptions to any such common carrier in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier from the operation of this section of the act.

Here lies the power in this commission to discriminate. Under the condition of things which we have now the discrimination of one carrier can be met by the competition of another; but here is a body authorized to discriminate, and it is a criminal act for another carrier to meet that discrimination by discrimination, and so we fly from the monopolies of the great railroad systems of the country which are competitors one with the other to a body of five men, without experience, and necessarily without knowledge, and necessarily incompetent to carry on so vast a business. We are forbidden to seek the remedy of competition against the discrimination ordered by this board. It puts every location in the country into the hands of this commission. It gives an opportunity for favoritism unsurpassed by any enactment ever devised by the wit of man.

A railroad running from the seaboard inland may be exempted from the operation of this law, because of the proximity of ocean competition. Fortunes may be made and fortunes may be lost by a mere error of judgment of this commission, and there is no remedy for the evil. I protest, Mr. Speaker, in the name of my constituents, who frown upon

monopolies, that here is the most dangerous, the most powerful, the most unjustifiable monopoly ever created by law or devised by the ingenuity of mankind.

The systems of industry throughout the country are to be shaken and remodeled by this bill. In the great city of Cincinnati, in the State which I have the honor in part to represent, there are splendid industries which have been builded by the enterprise, the wisdom, and the perseverance of her citizens. The city of Cincinnati manufactures more carriages than any other city in the world. By close economy in the purchase of timber, care in the employment of labor, and the competition afforded by the various lines of railroads extending from Cincinnati to the Eastern markets that industry has grown and prospered. An army of operatives are employed, whole armies of men, women, and children are fed, clothed, and educated. Those industries stand to-day upon the special rates of freight which they have been enabled to get from railroad corporations by reason of the great competition between that inland city and the great markets east of the mountains.

Under the provisions of this bill they must submit to a schedule of rates which this commission in its wisdom will be willing to approve, and they shall not have cheaper rates, though all the railroads on the continent should offer them. The monopoly of Eastern manufacturers is thereby built up, and the industries of Cincinnati will be paralyzed. Again, in the absurd attempt to go into details, this bill forbids the carrier to advance his rates without a certain specified length of notice, but it forgets to forbid the reduction of rates, whereby as injurious a system of discrimination would be inaugurated as there would be in an advance of rate. Shipper A, relying on the current rates of freight, ships his commodity to the Eastern market, and two hours behind him comes another train at a reduced rate, and his competitor finds himself in the Eastern market able to drive him out of the market simply because this non-discriminating system of interstate commerce has permitted the railroad to take one price from shipper A in the morning and a reduced price from shipper B in the afternoon. This bill is full of incongruities of this character. This legislation is dangerous in another direction. It permits a mere commission to demand the production of papers, and lays open to the public the private affairs of private citizens.

Mr. Speaker, if the House passes this bill I doubt not the President will send it to his distinguished Attorney-General to report upon its constitutionality; and it is proper perhaps that attention be called to a recent opinion of that gentleman when he was a Senator from Arkansas and was debating an interstate-commerce bill. On January 8, 1885, in the Senate, Mr. Garland said:

> While Congress, in the exercise of a legislative power delegated to it by the Constitution, may do a thing, where do we find the power in Congress to delegate this authority delegated to it to a mere commission of seven or five or three, as the case may be? * * * The Congress of the United States in this bill * * * is divesting itself of its legislative power as to regulating commerce among the States and putting it in the hands of a commission. * * * Senators may examine this section and see if I am correct that the commission provided in this bill has the supervision of the regulation of commerce. We get this power, so far as Congress is concerned, entirely from the Constitution, to regulate commerce among the States; that is, in other words, translated properly, to make rules to govern commerce among the States. But here we say, we will not do this, but will transfer it to a commission to make these laws, these regulations, and supervise them. That is the starting-point of the bill. It takes a very large space; that is, the legislative feature of the bill delegating the regulation of commerce to the commission.

And upon another branch of the subject he said:

> The bill gives this commission the compulsory power at once to compel the production of books and papers and the attendance of parties, and subjects the companies to this investigation and witnesses to this compulsory process. * * * Never before in the case of mere outside commissions has the power to compel the attendance of witnesses been given. Congress sometimes seek to compel such attendance through its own committees, but the Supreme Court, in the recent Kilbourne case, sheared this power down very materially. * * * This is a power which I contend, under the Constitution, we can not put into the hands of this commission. We can not do it, though we have unlimited control over interstate commerce, under the Constitution, when we understand what interstate commerce is; when we have prescribed what it is, yet we can not do this. There are other provisions of the Constitution which stand as high as that, and are of as much importance and as much sacredness and as much dignity, that forbid the clothing of this commission with the power that is here proposed to be given.

It will be seen probably whether Senator Garland was right; and the opinion is to be given by Attorney-General Garland. He stood then upon his feet upon the broad and sound basis of the Constitution. Will he now stand upon his head amid the confusion and chaos of prejudice and misinformation? I therefore oppose this bill for the reasons:

It inveighs against monopolies, and yet creates the greatest monopoly of modern times; it denounces discrimination, and makes discrimination not only possible, but destructive; it proposes to give all shippers a fair and equal chance, and hedges about its remedial clauses with conditions which destroy its effectiveness; it proposes to equalize the opportunities of shippers, and then does more to discriminate against railroads and in favor of water routes than all the enemies of railroads ever tried to do; it puts a degree of political power into the hands of the President and a commission which will enable them to force all the industries of the country to contribute to the election of a political party to office; it is full of vague expressions which will lead to delays in administration.

It makes the cost of redress to a wronged shipper so great as to disarm his remedy and leave him in the hands of the extortionate tendencies of the railroads or ignorance or helplessness of the commission. It will unsettle rates, disorganize the industries of the country, and thus force a reconstruction of systems of production. In the mean time labor will suffer, the farmers' products will lack a remunerative market, and uncertainty will discourage industry. It is a dangerous stride toward a centralization of power in the hands of the few to the hinderance, vexation, and permanent injury of the many. The good in the bill does not compensate for the evil; and, controlled by my conscientious judgment, I will vote to abide by the evils we have rather than to fly to greater which we know of, and even greater "that we know not of."

Interstate Commerce.

SPEECH

OF

HON. NICHOLAS E. WORTHINGTON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887.

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. WORTHINGTON said:

Mr. SPEAKER: The question whether the good predominates over the bad sufficiently to warrant voting for the present bill is a question that is perplexing many members of this House. All agree that some legislation is needed; that there are many abuses that should be corrected; that prompt and efficient remedies should be provided. All agree, too, that there are many excellent provisions in the present bill. But there is one provision, one section, about which the gravest doubts exist.

The meaning of all laws ought to stand out in bold relief from the words in which they are written. Statutes are sometimes hastily and carelessly enacted and for these reasons are vague and obscure. But even such reasons afford no adequate excuse for the obscurity or uncertainty of the statutes so made. What, then, shall be said of deliberately and with full knowledge of the facts making a law that we do not understand ourselves and about whose construction in most important particulars the widest diversity of opinion exists? A law that deals with the vast, wide-spread, and complicated interests that are affected by this bill ought most certainly to be clear, precise, and definite. That the long-and-short-haul section is not clear, is not precise, is not definite, is proven by the questions that come from all parts of this House as to its meaning, and by the more striking fact that the members of the conference committee themselves who recommend this bill to us do not agree upon its meaning.

We are asked to vote for a measure affecting every producer, every consumer, every shipper, and every interstate railroad without knowing and without the possibility of knowing what meaning the courts will give to the measure for which we have voted. In other words, instead of the legislative department of the Government enacting a law to regulate interstate commerce, it is making a riddle and leaving its solution to the courts, and knows that it is so doing when doing it. If this bill becomes a law the Supreme Court of the United States, in tedious process of litigation, some time within the next five or six years, will declare what this long-and-short-haul section means. Until that time no shipper, no railroad company, no lawyer, no judge, no legislator can with certainty tell what the law is. In other words, the court will make the law upon this subject. It will do by construction what Congress ought to have done by enactment. We, as members of the legislative department, by passing a bill so obscure that we do not know what it means ourselves, confess our incompetency to legislate, and abdicate in favor of the judicial department of the Government. What answer will gentlemen give to their constituents when they go home after the 4th of March and are asked, as they will be, "What is the meaning of the fourth section of this bill?" "What are 'similar circumstances and conditions?'" "When does this 'long-and-short-haul clause' apply, and when does it not?" If gentlemen are honest in their replies the answer to each and all will be, "I don't know." There will be such an exhibition of legislative agnosticism upon a point about which there should be no doubt as has never before been confessed to inquiring constituents.

If I understand the construction given to this section by the gentleman from Georgia [Mr. CRISP] it is, that shipments made from two points on the same line, one having the advantages of competition by water or by rail, or both, and the other not having them, are nevertheless, under this clause, made under "similar circumstances and conditions," and are therefore subject to the prohibitory enactment forbidding less rates for the longer than for the shorter haul. If I understand the construction given to this section by another distinguished

member of the conference committee, the Senator from my own State, in a speech at the other end of the Capitol, such shipments would not be made under similar circumstances and conditions, and would not be subject to the prohibitory enactment forbidding less rates for a longer than for a shorter haul. When doctors disagree who shall decide?

Millions of dollars have been expended by towns and cities all over the country to secure the advantages of competition in transportation. If the construction of the gentleman from Georgia is the correct one, these towns and cities must lose the advantages of the competition which they have secured; or every village and cross-road shipping point must secure the same advantages that the great commercial centers enjoy. How will this result of equalization be secured? Will it be by leveling down rates or by leveling them up? Can you by legislation give to Atlanta the benefit of the water competition to New York that New Orleans possesses? Can you by law secure to the town upon a single line of railway the advantages that a city enjoys that has half a dozen competing lines?

To do this is to violate all natural laws of trade, all principles and methods that control business. It is to contradict and set at naught all human experience and practice in every age and in every land. It is an attempt by law to extend the advantages of competition to points where there is no competition, or to destroy its advantages at points where there is competition. That the rates of a railroad company should be reasonable from all points every one will admit. That the States within their territory, and the General Government upon lines extending beyond State limits, should, by appropriate legislation, compel railroads to limit there charges to reasonable rates no one denies. The gentleman from Georgia says that what are reasonable rates is to be determined by the actual cost of transportation, with a fair per cent. for the capital consumed in construction.

Six per cent. upon such capital would not be considered, I presume, an unreasonable profit. If, taking the illustration that was used on yesterday, Atlanta pays rates to New York that yield 6 per cent. upon the railroad investment that transfers her freight, what right has she to complain if the directors of that railroad, compelled by the competition of steamships, fix a rate from New Orleans to New York that pays them only 2 per cent. upon their investment? It would be a complaint, not that her charges were too high, but that the charges from New Orleans were too low. It would be a complaint that New Orleans was situated at the mouth of the Mississippi River, and that Atlanta was not. It would be the complaint of the dog in the manger that could not eat hay, and therefore would not let the ox eat it.

It is the long hauls and not the short hauls that carry the wheat and corn and hogs and cattle and cotton from the receiving centers of the West and South to the distributing centers of the East; that bring producers and consumers together; that make farming for profit possible on the prairies of Illinois, Minnesota, Iowa, and Texas; that carry the surplus to the seaboard for shipment to foreign markets. Whatever increases rates of transportation on these long hauls, injures not only the cities that are collecting centers by reasons of the roads that radiate from them and the roads that compete for eastern freight, but injures every farmer and planter that sells to a buyer at a point where there is no competition in transportation. The dispatches from London and Liverpool to the great collecting centers both East and West, daily received, daily regulate the markets at these centers. The dispatches from these centers to every railway station where there is an elevator or a warehouse daily fix the rates for farmers' products at these minor points.

If the Chicago wheat buyer can ship wheat at a profit to London, the wires flash the news to a thousand local stations and grain moves towards this center, and prices stiffen. The low rates that railway and water competition give to Chicago are felt at every point at which her dealers buy. What is true of Chicago is true in a degree of every collecting center in the South and West—of every center that has the advantages of competition in transportation. Illustrating by my own city of Peoria, in Central Illinois, which has the advantage of several competing lines of railway East, together with the Illinois River, and Illinois and Michigan Canal, and which is a large grain-collecting center and shipping point to Eastern distributing points, it is not the city of Peoria alone that is benefited by competition in the long hauls eastward. Every farmer whose grain finds a market there from Iowa, Missouri, Minnesota, or Illinois shares in the advantages of the competition in transportation that Peoria enjoys.

If the operation of this bill should be to make it more profitable for one or more of the competing lines from Peoria to the East to abandon its competition for through business for the sake of maintaining local rates, every farmer whose produce finds a market in Peoria suffers for this decreased competition, and no one along the line of railway that has ceased to compete gains a penny by it. Railroads are built to make money. They are run to make money, and they will seek their business from such points as pay best. If it becomes unprofitable, through the operation of this long and short haul clause, to carry freight from towns and cities where they meet competition and are thereby compelled to fix low rates, they will most certainly adhere to local rates although these rates may lose them the long hauls.

It is the West and the South that will suffer most, in my judgment, by this legislation against competition, for that is what it amounts to. When the attention of the gentleman from Georgia was called to the striking average decrease in rates of transportation within the last twenty years, he replied in substance that it was in the long hauls and not the short hauls that this decrease had been most marked. This is true, and it is also true that it is on the long hauls that the decrease most benefits the entire country, because they are the thoroughfares of the nation's trade and commerce.

On the great inland carriers between Chicago and the seaboard—the Pennsylvania, the Pittsburgh, Fort Wayne and Chicago, the New York Central, the Lake Shore, the Michigan Central, the Boston, Albany and Erie Railroads—the amount of freight has increased from 11,151,701 tons, in 1865, to 66,521,153 tons, in 1885, while the average rate of transporting a ton of freight per mile on these roads has within the same time decreased from 2.90 cents to 0.636—decreased from over 2 cents per ton to less than 1 cent. This decrease has been to the benefit of every producer in the great Northwest, to the benefit of every consumer in the great cities and populous centers of the East. Is it not well to pause and weigh well every possible effect before striking a blow at the competition that has brought to the people the benefits of this reduction?

Another very peculiar, very ambiguous, and very questionable provision of this section 4 is found in the following words:

Provided, however, That, upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

What is meant by "special cases" has already been asked in the course of this debate. Does it mean special towns or cities, special shippers, special instances of shipment, or special roads? No one can answer with certainty. It is a far-reaching exception of some kind. It is a fearful temptation to the exercise of power to put in the hands of five men called a commission. Just exactly what it is we do not know. We never will know until the Supreme Court tells us. It is another instance in this bill where the courts and not Congress will make the law.

If one common carrier may be designated who shall be relieved from the operation of this clause, another competing carrier might also in the wisdom of the commission be relieved, and so on until all that compete from a given point were relieved. Indeed, in fairness, it is difficult to see why if one competitor was relieved, all should not be. The effect of this would be to take one town or city out of the operation of the fourth section, Chicago for instance. How would Saint Louis, or Kansas City, or Minneapolis, or Peoria enjoy this discrimination? Or if one designated road was excepted, how would its competitors enjoy the exception? Or if the extent was prescribed to the designated common carrier, to a certain shipper, or class of shippers, or kind of shipments, what equality or fairness could there be in the operation of the law?

Under this exception it is in the power of five men to build up and to tear down, to enrich a corporation and to destroy its rival, to stimulate the growth of one city and to force another up—and this, too, in dealing not with hundreds of thousands, but with thousands of millions of dollars—dealing with the arteries of trade and commerce of sixty millions of people. Ought such a provision to become law? Should there be such a section in a bill as to require such a dangerous, uncertain exception? There are so many excellent features in this bill, Mr. Chairman, that it is exceedingly irksome to see them marred by so pernicious a provision as the entire fourth section seems to me to be. I hope to see the bill recommitted and amended by omitting the section entirely.

Interstate Commerce.

SPEECH

OF

HON. ORMSBY B. THOMAS,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1886,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. THOMAS said:

Mr. SPEAKER: After a careful examination of the provisions of the bill agreed to by the committee of conference, and after attentively listening to the able arguments on both sides of the question presented in this House, I have no doubt whatever as to my duty to vote for this

bill. While many would prefer the Reagan bill, which has been before Congress for a long time, and many others would prefer the Senate bill, known as the Cullom bill, it must be remembered that the pending bill is a compromise made by the committee of conference, and we must now at this stage take this measure as presented by this conference committee, or else abandon the subject entirely and fail to pass any bill whatever, as has been done so many times before.

At the first session of this Congress when this question was before the House I voted for the Cullom bill, and when that measure was defeated I voted for the Reagan bill. I am one of those who believe that it is the duty of Congress to regulate the railway traffic between the States. The power to do this is conceded. The necessity for a measure of this kind is found in the general desire and demand of the people for it all over this broad land. The great evils complained of can not be remedied without this kind of legislation. The railroads themselves, however well disposed, are powerless in the matter. Is it then best to defeat all legislation upon this subject because we can not get just what we want?

It is the complaint of the opponents of this bill that section 4, in relation to the long and short haul, is a dangerous provision; that it will be the means of increasing the freight charges on through freights from the West to such an extent that the producers of the West will find it difficult to profitably market their wheat and other productions on account of the increase of freight charges which the railroads will be compelled to make by reason of this law. The conference committee seems to have felt that there might be force in this objection, and have so changed the House bill as to give the power to the commissioners to modify the rule in such cases as they may find it to be just to do so after investigation. It is probable that sharp competition of transportation companies with each other by rail and water have reduced freight charges on through freights from the West below a paying rate oftentimes, and that to make up for such losses increased charges upon freights shipped at intermediate non-competing points on the same line have been found necessary by the railroad companies.

As a general rule and under ordinary circumstances I do not see that there is any justice whatever in permitting the common carrier to charge and receive a greater compensation for the transportation of property for a shorter than a longer distance over the same line under substantially similar circumstances. The mere statement of the proposition shows that it is a grave violation of the rights of the people who are obliged to employ the services of these common carriers. Why should a railway company be permitted to charge you more for the transportation of your property 500 miles than it charges me for like transportation for a thousand miles? There can be but one case where such charge would be even tolerable, and that would be where the shippers for the longer distance on account of their location could not afford to pay a just and adequate compensation, and it became necessary in order that they might have transportation facilities at all that those living nearer market should bear a part of their transportation charges. In such case the commissioners may relieve the companies from the strict letter of the law; if in any other case there is any good reason for such discrimination I am unable to see it. This is one of the evils that this bill seeks to remedy; but such remedy, as will be seen, is applied with great care. The people, as I said before, are demanding a remedy for this, as they believe, unjust system adopted, it may be by force of circumstances by transportation companies. The subject of the regulation of freight and passenger charges has been considered by many of the States of the Union, and in some of them, especially in my own State, legislation directly controlling these charges has been adopted. In commerce between the States, however, these State laws have no force or effect, consequently it becomes a matter of great necessity that some act of this kind should be passed by Congress. The two other important features of this bill are the provisions against drawbacks and rebates and pooling.

I do not believe these practices should be allowed. They are injurious and extremely detrimental to the public. The railroad companies have granted to them extraordinary powers in order that they may accomplish the objects for which they are organized; but they should be held to a strict account and not permitted to go beyond these objects. When a transportation company receives for its services an adequate and just compensation it should be permitted to go no further in that direction. It should not be permitted to discriminate in favor of one shipper and against another. It should be prohibited from entering into unjust and oppressive combinations with other like companies to keep up the prices of freight charges, and ought not to be allowed to build up one town or locality at the expense of another.

All these things are wrong, are oppressive and injurious to the public, are beyond the objects for which transportation companies are organized, and the bill before us seeks to prevent such practices. In aid of this the bill requires the publication of the schedule of freight and passenger charges by each company, and prohibits a change in such schedule, except to reduce such charges, until after ten days' public notice. Suitable penalties are provided for violation of the provisions of this act, and the courts are opened to all persons injured for the recovery of damages, or complaint may be made to the commission, which has the power to redress the wrong. I think in the main this bill is as wise, just, and practicable as an initial measure of this kind can be made.

I have no idea that it is a perfect law, or that in its operation it will do in all cases exact justice to the people or the common carriers; but nothing has been suggested that is in any manner better than this. There has been much criticism upon this bill, but it is vastly easier to criticise than to create, and I have noticed with interest that during the discussion in this House upon this measure there has been a great amount of denunciation, but not a word of suggestion of improvement. This, I submit, is hardly fair, if, as is claimed, every one recognizes and desires in some proper way to remedy the evils now existing.

While this measure is as yet an untried experiment, and in the actual practical operation of its provisions there may be many things that will require improvement, I submit that this would be the case to a greater or less extent in relation to any measure of this kind that could be adopted. I shall vote for the bill, and hope that it may become a law; and if upon the test of practical application it shall be apparent that any of its provisions need amendment in order to better serve the interests of the people or relieve transportation companies from any unjust burdens, Congress may be relied upon to pass the necessary legislation.

Washington Cable Railway.

SPEECH

OF

THOMAS M. BAYNE,

OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 27, 1887,

On the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

Mr. BAYNE said:

Mr. SPEAKER: The substitute for the original bill incorporating the cable railway company has been carefully prepared, and I believe every just objection to the original bill has been met and remedied in the substitute.

In view of the readiness with which the friends of the bill accepted amendments looking to its perfection, it is but fair to assume that nothing but a proper and just measure of incorporation was desired. The limitations and restrictions in the substitute are so numerous and so comprehensive as to forbid almost the possibilities of evading the just responsibilities and duties of the corporation.

Cheap and convenient modes of carriage are the order of the day, and when responsible parties offer to supply such means to the public they deserve encouragement.

The only proposition connected with the passage of this measure that may elicit criticism is that offered by the gentleman from South Carolina [Mr. HEMPHILL]. That gentleman made a motion to recommit the bill with instructions to report it back with an additional section providing for a public sale of the franchises of the corporation for the benefit of the District. Ordinarily that would not be an objectionable scheme. I think it would be better in the long run to require such corporations to pay for their franchises by an adequate annual tax.

The proposition of the gentleman from Missouri [Mr. WARNER], slightly modified, would fill the exact measure of such compensation, in my opinion. If the corporation, after paying the usual rate of taxes on its property, were required to pay annually in addition from, say, 5 to 10 per cent. of its net profits as a compensation for its franchises, it would be a manifestly fair measure of requiting the public for the extraordinary privileges conferred. That was voted down, but Congress has the power to require it at any time.

But the proposition of the gentleman from South Carolina to offer the franchises at public sale and to sell them to the highest bidder is seriously objectionable under the circumstances now existing in the District. It so happens that there are now several rich corporations in the District with whose business the operations of the new company are likely to come into vigorous competition. It is quite certain that these rich corporations are not only able to pay a high price for such franchises, but it is equally clear that their self-interest would prompt a larger liberality than any others not so interested would be likely to feel.

To subject the new enterprise to such a risk would therefore be bad policy, especially when Congress can at any time exact a fair compensation for the franchises in the form of a percentage of the net profits as I have indicated.

The River and Harbor Bill—The Muskingum Improvement.

"It is a valley of beauty. The far-famed Rhine upon a beautiful day does not, to an American, present so fine a view of mountain, valley, farm, and home as does the beautiful, the rich Muskingum Valley."

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 5, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 10419) for the improvement of rivers and harbors—

Mr. GROSVENOR said:

Mr. CHAIRMAN: It has not been my purpose to participate in the general debate growing out of the opposition to this bill, but I feel called upon, as a member of the Committee on Rivers and Harbors, to make some explanation in regard to one item in the bill. I refer to the item making an appropriation for the improvement of the Muskingum River in the State of Ohio.

This item seems to have called forth a good deal of criticism, and the gentleman from Iowa [Mr. HEPBURN] has seen fit, in this connection, to speak of the river and its appropriation as "the Little Muskingum," and as my "Little Muskingum," and he seems to be especially anxious to show that this is an unworthy appropriation, and that, by some means or other, it has crept into this bill as a matter of favoritism or of personal interest to myself. I want to disabuse his mind upon this point, and then I know his sense of justice will suggest to him what he ought to do in the premises, and, at the same time, enlighten the House.

To begin with, I desire to inform the gentleman that the improvement is not in or connected with the "Little Muskingum" River. An elementary knowledge of the geography of the great State which I have the honor in part to represent, will disclose the fact that the "Little Muskingum" enters the Ohio River above, and not at, Marietta, and that at no point is the city of Zanesville situated on that stream. It is possible that the gentleman's knowledge or information of the character of "the Little Muskingum" River may have misled him in his criticisms upon this appropriation.

But the Muskingum River is a splendid stream of water. Its headwaters rise in the neighborhood of Cleveland, and, crossing the State to the improvement proper, extend from Dresden to Marietta, a distance of 91 miles. It traverses one of the most beautiful valleys in the world, rich in minerals and timber, but rich almost beyond description in agricultural products. It is a valley of beauty. The far-famed Rhine upon a beautiful day does not, to an American, present so fair a view of mountain, valley, farm, and home as does the beautiful, the rich Muskingum Valley. I traversed a part of it last fall with the distinguished Senator from Ohio, Mr. SHERMAN, and the rich farms teeming with the cereal products of that favored section of country, the outcroppings of the exhaustless coal veins, the beautiful timbered hills, the undulating bottom lands teeming with the most magnificent corn crop that has been produced in any valley within my recollection, and the cattle upon all the hills, was a sight worth seeing. There were homes there, too, and houses there, and villages and manufacturing industries, and the hum of life, stirring, pushing, the church with its spire, and the school-house with its throng of coming voters, the appliances of modern civilization and comfort—all this made up a picture of American life in this Muskingum Valley that is without parallel outside of the great middle section of this country.

Along the valley of this stream, between Marietta and Zanesville, the part improved now, there are, first, Marietta, a beautiful city teeming with industrial institutions, the key of the valley, first of the settlements of the northwestern territory; the towns of Lowell, of Beverly, of Windsor, the towns of McConnellsville and Malta, the latter a manufacturing point where an enormous flour-mill stands, a great plow manufactory, and other industrial institutions. Still ascending the river, we pass the small towns of Taylorsville and Eagleport and other growing villages, and then come to the great town of Zanesville. Zanesville is a city upon the one side of the river and Putnam on the other, both now, I believe, united in a common municipal government, a city devoted to manufacturing enterprises, one of the most enterprising, energetic, and prosperous cities in Ohio. All these have grown up upon the banks of this beautiful river.

It is not a "canal;" and when the gentleman from Iowa [Mr. HEPBURN] calls it a "canal" he does himself injustice. It does not affect the merits of the controversy, or of the appropriation rather, to have this river sneered at as a "canal." It is a river larger than the Monongahela, barely second to the Great Kanawha, and vastly better for navigation than the Wabash. It was a navigable stream before the State of Ohio touched it with its improvements. But away back in 1836 the State of Ohio, then organizing its great system of public works, built the Muskingum improvement at a cost to the State of $1,627,018. From that day to this it has expended upon that river in the matter of improvements $704,571.26, and it has received from tolls and rents $670,975.88.

Now, then, the gentleman from Iowa said something about a scheme to rent the water. Let me show him how small a statement will explain all that. During most of the year there is surplus water in the Muskingum River, more water than is needed for navigation. The dams are overflowed, the locks are full, and at such times the water is used for manufacturing purposes along the line of the river. The lessees heretofore paid the State for it, and hereafter will pay to th General Government the rental value of their privileges.

During the year just ended on the 1st of January the receipts from water rents amounted to $5,118.69, a very respectable sum, and which will go a long ways in the end to keep the works on the river in repair, $8,000 per annum being the estimated cost after the new improvements are made. But bear in mind that under the contract the lease, and under the decisions of the courts in Ohio the water thus leased, is surplus water, and the supreme court of Ohio held long ago that the lessees of these water rights had no claim for damages because any part or all of the supply of water is withheld, or even if the works are abandoned, and that they hold their leases subject to the paramount rights and interests of navigation; and, by the act of August 5, 1886, accepting the cession from the State of Ohio, the General Government has been careful to provide that the leases of the water rights or privileges shall be subject to the paramount interests of navigation. It is one of the means by which the industries along the bank are to be fostered and built up. They are not to be built up, however, at the expense of the navigation, but they are to be built up in the very interest of the navigation.

Now, Mr. Chairman, one thing further. In the present bill there is a provision that so much of the act of August 5, 1886, as required that the balance remaining on hand of the appropriation made by the State of Ohio, and unexpended on the 15th of July last, should be transferred to the General Government, shall be repealed, and the necessity and propriety of this legislation is what I wish to speak about. The State last year made an appropriation of $12,000 for the improvement of the Muskingum River. Assuming that the river and harbor bill would become a law prior to or at least as early as the 15th of July, the proviso was put in that this fund, or any balance remaining on hand, should be transferred to the General Government; but it so happened that the bill did not become a law until the 5th of August, and at that time the State had made contracts and was expending the money.

Nor is this all. The failure on the part of both the United States authorities and those of the State of Ohio to promptly act upon the details of the transfer left the river in the hands of the authorities of the State until winter set in, and, indeed, its transfer in fact is a matter of very recent date. In the mean time the State was collecting tolls, the State was collectiug water rents, and the State had on hand the $12,000 of appropriation, and had proceeded by its duly authorized agents to expend this money in the improvement of the river. By an unusual and unexpected casuality the dam at Lowell was broken and a new and substantial dam was put in by the State; and I here append a full statement made officially by the board of public works of Ohio showing the financial transactions of the State in connection with the Muskingum improvement during the year. The statement is as follows:

First. The funds to the credit of the Muskingum improvement on May 19, 1886, including the appropriation by the Legislature last winter, $13,840.80.
Second. Expenditures on the Muskingum improvement from May 19, 1886, to July 15, $4,058.98.
Third. Expenditures between July 15 and August 5, nothing.
Fourth. Expenditures between August 5 and December 21, 1886, $15,953.81.
Fifth. Tolls received from the Muskingum improvement from July 15, to December 21, 1886, $4,247.61.
Sixth. Tolls have all been expended on Muskingum improvement, and more than $3,000 outstanding bills yet to be paid.

COLUMBUS, OHIO, *December 21, 1886.*

I certify the above statement to be correct.

A. DOWNING,
Secretary State Board of Public Works.

I also have a statement of the receipts by the month for each month showing the amount of water rents and the amount of tolls charged; and I point out to the gentlemen who sneer at this river as a matter of little importance that during the summer season of 1886, when the water was very low a greater part of the time, and with the broken dam at Lowell, and the other impediments to navigation, the receipts to the State from tolls alone for the year amounted to $10,024.68, showing that the "Little Muskingum" matter is in point of fact a splendid piece of navigable water. The statement is as follows:

BOARD OF PUBLIC WORKS, COLUMBUS, OHIO, *December 31, 1886.*

DEAR SIR: Yours of 29th instant at hand, and in compliance with your request I inclose herewith a full statement of the receipts and expenditures on the Muskingum improvement for the fiscal year ending November 15, 1886, from which you will see that the improvement has received its full share and more of its

receipts than it was entitled, as you perhaps are aware that all receipts from tolls and water-rents, by act of the Legislature, go into what is called the general-repair fund for the use of all the public works of the State.

Hoping the inclosed statements are such as will meet your request, I am yours truly,

A. DOWNING, *Secretary.*

Hon. CHARLES H. GROSVENOR, M. C., *Athens, Ohio.*

Abstract of receipts of tolls and water-rents on the Muskingum River improvement for the fiscal year ending November 15, 1886.

Date.	Tolls.	Rents.	Total.	Paid out for repairs.
1885.				
November 16 to 30	$422 86		$422 86	
December	828 24	$131 50	959 74	$33,006 03
1886.				
January	312 93		312 93	2,776 31
February	429 74		429 74	1,941 51
March	954 14	110 00	1,064 14	1,269 88
April	837 22	2,500 00	3,337 22	2,920 50
May	1,267 99	951 34	2,219 33	1,023 09
June	997 38	350 00	1,347 38	1,566 61
July	1,112 14	319 00	1,431 14	2,492 37
August	1,046 27		1,046 27	2,159 32
September	616 90	200 35	817 25	3,659 35
October	874 70	31 50	906 20	3,005 10
November 1 to 15	324 17	525 00	849 17	4,432 04
Total	10,024 68	5,118 69	15,143 37	30,552 11

COLUMBUS OHIO, *January* 1, 1887.

I certify the above statement to be correct.

A. DOWNING, *Secretary.*

Statement of funds to the credit of the Muskingum River improvement for the fiscal year ending November 15, 1886, and also disbursements for repairs, &c.

On hand November 15, 1886		$7,025 90
Appropriated May 11, 1886, by Legislature		12,000 00
Receipts from tolls and water-rents		15,143 37
Total receipts and appropriations		34,169 27
Amount paid for repairs, &c	$30,552 11	
Lapsed into treasury	2,121 57	
Total expended during year and lapsed		32,673 68
Receipts and appropriations above expenditures		1,495 59

More than $3,000 of outstanding indebtedness yet to pay.

The above statement is correct.

A. DOWNING, *Secretary.*

I herewith append the letters of the United States engineers, showing that the money expended by the State was necessarily expended and judiciously expended:

UNITED STATES ENGINEER OFFICE, CUSTOM-HOUSE,
Cincinnati, January 4, 1887.

MY DEAR GENERAL: In reply to yours of the 29th ultimo, I inclose herewith the statement of Lieutenant Beach, Corps of Engineers, who is more familiar with what was done on the Muskingum River during the summer and autumn than any one else in this office. Personally I have no information on the matter, as I was not on duty during the period in question.

I return herewith the statement of the board of public works.

Respectfully, your obedient servant,

WM. E. MERRILL,
Lieutenant-Colonel of Engineers.

Gen. C. H. GROSVENOR, M. C.,
Washington, D. C.

UNITED STATES ENGINEER OFFICE, CUSTOM-HOUSE,
Cincinnati, January 4, 1887.

SIR: In reply to the letter of Gen. C. H. GROSVENOR, M. C., of December 29, 1886, referred by you to me, and inquiring whether the appropriation last made by the State of Ohio for the Muskingham River improvement has been judiciously expended, I would say that this office has had no opportunity or means afforded it upon which a positive statement can be made. The dilapidated and even dangerous condition in which parts of the work are represented to be would call for the expenditure of a much larger sum than the appropriation above mentioned, and from conversations that I have had with various persons fully competent to express an opinion, I should say that the work done was of the utmost importance and necessity. Of the manner in which the work has been performed, I know nothing, though, if I may be allowed to form an opinion from the judgments of other people, I would say that the expenditure of the appropriation was not only justified but demanded by the condition of the improvement.

Very respectfully,

LANSING H. BEACH,
First Lieutenant of Engineers.

Lieut. Col. W. E. MERRILL,
Corps of Engineers, U. S. A., Cincinnati, Ohio.

So, Mr. Speaker, the propriety of this clause in the bill will be apparent to every man. The State had on hand a fund. As one of the conditions of the transfer, the Government required that the balance should be turned over, but, by reason of the delay, the money was expended, and expended wisely and judiciously, for the improvement and benefit of the property, and there would be no equity in now requiring the State of Ohio to turn over a fund which she has already expended for the improvement of the property of the General Government. The river has been formally and officially transferred to the Government. The deed, signed by the board of public works, as required by law, has been formally accepted by the Government. I attach the correspondence with the Attorney-General:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 3, 1887.

SIR: I have the honor to ask if the deed from the board of public works of the State of Ohio, transferring the Muskingum improvement to the United States, pursuant to the act of Congress approved August 5, 1886, has been received by the United States, and if so whether it has been approved by you as in all respects complying with that act so as to make the transfer legal and complete.

I have the honor to be your obedient servant,

C. H. GROSVENOR.

Hon. A. H. GARLAND, *Attorney-General.*

DEPARTMENT OF JUSTICE,
Washington, D. C., February 3, 1887.

SIR: In reply to your inquiry of to-day I have the honor to state that a deed, executed by the board of public works of the State of Ohio, under authority of the Legislature of that State, transferring to the United States all the right, title, and interest whatever of the State of Ohio to and in the real property belonging to the Muskingum River improvement, between Zanesville and the mouth of that river, has been received by this Department and transmitted to the Secretary of War. I have approved this deed as a valid conveyance to the United States of the property of the State, described therein.

I am, sir, respectfully,

A. H. GARLAND,
Attorney-General.

Hon. C. H. GROSVENOR,
House of Representatives.

It will thus be seen that the Muskingum River, with its splendid property and its great promise of usefulness, has been turned over to the Government, that the plant is there. It is not a canal; it is a river. It is a river with the ordinary appliances of slackwater navigation, with locks and dams to deepen the water at certain places and to control the water at certain places. The estimate of the Engineer Department is, that for the purpose of putting the river into absolute efficiency, with new locks and new dams, the whole cost will be something like $200,000, and that after that the cost of the care of the river will not greatly exceed the income from the water rents, and the committee put this river upon an exact equality with the other schemes of improvement. It gave to it 25 per cent. of the estimates, which amounted to $50,000. There can be no just criticism of this sum of money. Its expenditure will bring an immediate return to the commerce of the river, and to cut it down or to strike it out would be an unwarranted and unjust discrimination against that section of the country. The bill of last year appropriated $20,000 for the care and protection of the locks and property. This bill makes available that sum of money, to be expended during the current year for the care and protection of the locks and dams and other property, and is not an additional appropriation.

Now, Mr. Chairman, this is the only navigable river within the great State of Ohio. I have no greater interest in this mattter than have other gentlemen here. The gentleman from Ohio, my colleague, Mr. WILKINS, represents more miles of this valley than I do. My immediate representative capacity extends over but the small county of Morgan, while his extends over the great county of Muskingum; and the gentleman from Ohio, my colleague, General WARNER, represents much more of this river than I do. It is, therefore, in no sense a matter exclusively personal to myself. It is a just and fair appropriation of the public money, a small return to the great State that contributes so largely to the national wealth and the money in the Treasury of the National Government.

The Internal-Revenue System Ought to be Abolished.

SPEECH

OF

HON. JOHN W. DANIEL,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 12, 1887.

"The system of direct taxation known as the internal revenue is a war tax."—*National Democratic Platform*, 1884.

The House being in the Committee of the Whole on the state of the Union, and having under consideration House bill No. 5190 to enlarge the powers and duties of the Department of Agriculture—

Mr. DANIEL said:

Mr. CHAIRMAN: The pending bill shall have my support; but I shall discuss a subject more interesting to the farmers of my State than the creation of a Cabinet office.

Those of us who favor the abolition of the internal-revenue system have been unable as yet to get before this House any measure looking to its accomplishment, and hence have had no such opportunity as we

have desired to present our views on the subject. For this reason I avail myself of the latitude of debate now accorded to state the considerations which in my judgment should induce the speedy abrogation of all internal taxes.

ABOLITION OF THE SYSTEM PRACTICABLE.

The Secretary of the Treasury estimates that the surplus revenue for the next fiscal year will amount to $125,000,000. Of this probable sum that will overrun the Treasury the Commissioner of Internal Revenue estimates that the internal-revenue taxes will contribute $118,000,000. If the calculations of our financial officers be correct it is plain that the internal taxes will not be needed, provided, of course, that the tariff taxes continue to produce a sum equal to that now derived from them; and that it is a practicable thing to abolish now the internal taxes is obvious.

It is true that the increase of charges upon the Treasury unforeseen and unconjectured by the Secretary of the Treasury may alter this calculation. The passage of the new pension bill has already, to an extent estimated at some six millions and upwards, increased the probable charges, and if some of the schemes now pending should succeed the abolition of all internal taxes might create a deficit.

But no deficit can arise which would be likely in any degree to embarrass the Government. A brief suspension of debt payment would "make buckle and tongue meet," and the rapidity with which the debt is now being paid is in itself a source of embarrassment for the reason that it forces the contraction of national-bank circulation.

In short, the aggregate internal taxes and the surplus are so nearly offsets to each other that if Congress has the will to abolish such taxes the way is not difficult, and no embarrassment is likely to ensue.

THE NECESSITY OF TAX REDUCTION.

Not only is it practicable to abolish the entire revenue system, but it is universally conceded that we must make large reductions in taxation—reductions fully or nearly equal to the aggregate sum of internal-revenue taxes. The Federal Treasury groans under the burden of its enormous surplus, and the existence of that surplus is a manifold evil.

It withdraws from the pockets of the people the means upon which they depend for livelihood and for prosperity without occasion for their use. It withdraws from the channels of trade the capital which rightly occupied would stimulate enterprise and reward labor. It creates a conspicuous and standing invitation to extravagant and wasteful legislation. It accumulates expense upon expense in the cost of collecting and guarding it. It keeps in service an array of office-holders. It is the embodiment of a vast raid upon the people; a wrong upon and an insult to them; a reproach to all persons and all parties who tolerate it, and a reproach to our form of government.

THE POSSIBLE METHODS OF TAX REDUCTION.

It being conceded that the necessity for tax reduction exists, and that the abolition of the internal-revenue system is practicable, we should consider whether or not it is best to adopt this practicable plan. There are but three plans that we can pursue to reduce the taxes. First, by a revision of the tariff; second, by abolishing the internal-revenue system; and, third, by a combination of tariff and internal-revenue reduction. So eager am I to see some one of these plans adopted, and so grievous is the wrong of delay, that I should be glad to go any road that would lead to tax reduction. And I have never failed to vote for any proposition looking that way. But I have my convictions that the internal-revenue abolition road is the shortest, simplest, and best road, and I think it is a great mistake not to take it at once and be done with it.

THE ADVANTAGES OF REDUCING TAXATION BY INTERNAL-REVENUE ABOLITION.

A few plain, practical reasons in favor of this view are to me convincing. An act of Congress making a clean sweep of internal taxes would end the problem of the surplus, clear away all questions that complicate and becloud the tariff, and present to the people the sole and clean-cut issue of taxation, "What is the best form of tariff?" We would know exactly what we were doing in abolishing internal taxes, and enter upon no uncertain and experimental scheme. Whereas when we touch the tariff we can not foretell the resultant of any scheme of revision. To lower the tariff on many articles may be, and probably will be, to increase the revenue by stimulating and increasing importations. And at the end of such revision, unless internal-revenue abolition or reduction preceded it, we might have a greater surplus than we now have, and a still more difficult problem to solve than that now presented.

THE INTERNAL-REVENUE SYSTEM A WAR TAX OPPOSED TO THE SPIRIT OF OUR INSTITUTIONS.

Besides these simple and practical reasons there are many others that tend to the same conclusion. It should not be forgotten that as the platform upon which Mr. Cleveland was nominated and elected President declared, "The system of direct taxation known as the internal revenue is a war tax," and that this truth is of long historical application.

In English and in American history the excise has never been anything else but a war tax; never anything else than an expedient designed to meet transient emergencies; never anything else than a hated system, tolerated on account of necessity. Before the revolution of Cromwell against the Stuarts both houses of Parliament declared (in 1626) that excise taxation was contrary to the English constitution. But when the civil war came the excise tax for the first time came with it, and Parliament ventured to impose it upon beer, cider, and perry, pleading necessity as an excuse.

London rioted against it; and it was held out to be a temporary expedient. Charles I denounced it, and then, hard pressed for funds, his ministry favored it. On the accession of James Parliament renewed the temporary excise for his life, and increased it by additional duties on wines, vinegar, and tobacco; but with the revolution of 1688 it was again reduced, "such a tax," as we are told, "being considered peculiarly obnoxious to the spirit and principles of the constitution," its unpopularity never abating by long usage. (Levi on Taxation pp. 114, 115.)

THE EXPERIENCE OF ENGLAND REPEATED HERE.

Blackstone, in his Commentaries on the Laws of England (vol. 1, pp. 317, 318), gives a sketch of the excise history which, were names and dates changed, would seem to be a passage from our own experience. He says:

> The rigor and arbitrary proceedings of excise laws seem hardly compatible with the temper of a free nation. For the frauds that might be committed in this branch of the revenue, unless a strict watch is kept, make it necessary wherever it is established to give the officers the power of entering and searching the houses of such as deal in excisable commodities at any hour of the day and in many cases of the night likewise. And the proceedings in case of transgression are summary and sudden. * * * Lord Clarendon tells us that to his knowledge the Earl of Bedford (who was made lord treasurer by King Charles the First to oblige his Parliament) intended to have set up the excise in England, yet it never made a part of that unfortunate prince's revenue, being first introduced, on the model of the Dutch prototype, by the Parliament itself after its rupture with the Crown. Yet such was the opinion of its genuine unpopularity that when in 1642 "aspersions were cast by malignant persons upon the House of Commons, that they intended to introduce excises, the house for its vindication therein did declare that these rumors were false and scandalous, and that their authors should be apprehended and brought to condign punishment.
>
> However, its original establishment was in 1643 and its progress was gradual, * * * both sides protesting that it should be continued no longer than to the end of the war, and then be utterly abolished.

Here in the United States our wars with England, and our great civil war, have each successively spawned upon us internal Federal taxes, first in 1791, next in 1812, and finally in 1862. But in each case they have been adopted under the strain of financial difficulty as temporary expedients, with no thought on the part of their authors of embodying them as permanent parts of our establishment, and with the almost universal contemplation of their abolition as soon as the exigency which called them into being should terminate. Those who at the first opposed the excise (and many there were who opposed it even when the necessities of a new Government, an empty Treasury, and an impoverished people justified every possible resort for revenue) urged that excise tax of any kind was dangerous to the liberties of the people. The second excise bill of 1792 passed the House of Representatives by a vote of 35 to 21; yet many who voted for it under stress of the hour had expressed themselves against its principle; and had it been attempted at that time to extend it to any article but spirits it is doubtful if it would have succeeded. The outburst of popular hostility which resisted it even on that basis is matter of familiar history. In Pennsylvania, Maryland, Virginia, and North Carolina mass meetings denounced it in resolutions; and in Western Pennsylvania the popular uprising known as "the whisky insurrection" grew to such portentous proportions that Light-Horse Harry Lee was sent at the head of an army to suppress it, and Washington himself went to Pennsylvania to take the field against it.

It would be vain in view of judicial decisions to deny that the internal-revenue system is constitutional in the sense that Congress has the legal power to impose it. But that power was conferred to be used under such circumstances as might warrant its use consistently with public necessities, with a spirit of fairness to all interests, and with due deference to the history, the traditions, and the tone of thought of the people. To exercise power merely because of its possession and for selfish ends is the very definition of tyranny, and the time has arrived when to continue the tobacco excise system is to fulfill this definition.

FAILURE OF THE REPUBLICAN PARTY TO ABOLISH INTERNAL TAXES.

The Republican party for years and years held out the idea that it would abolish internal-revenue taxes as soon as possible; and there is no doubt that its failure to meet the expectations it excited contributed to its overthrow in 1884.

As long ago as the 12th of December, 1870, Hon. W. D. KELLEY, of Pennsylvania, offered in this House, then strongly Republican, the following resolution:

> *Resolved*, That the true principle of revenue reform points to the abolition of the internal-revenue system, which was created as a war measure to provide for extraordinary expenses, and a continuance of which involves the employment at the cost of millions of dollars annually of an army of assessors, collectors, supervisors, detectives, and other officers; and requires the repeal at the earliest day consistent with the maintenance of the faith and credit of the Government of all stamp and other internal taxes; and that properly adjusted rates shall be maintained on distilled spirits, tobacco, and malt liquors so long as the legitimate expenses of the Government require the collection of any sum from internal taxes.

Upon his motion the rules were suspended, and the resolution was promptly adopted. The vote on suspending the rules was as follows:

YEAS—168.

Allison,	Duke,	McKenzie,	Sheldon, Porter
Ambler,	Duval,	McNeely,	Sherrod,
Armstrong,	Eldridge,	Mercur,	Shober,
Arnell,	Farnsworth,	Moore, E. H.	Slocum,
Atwood,	Ferris,	Moore, J. H.	Smith, J. A.
Axtell,	Ferry,	Moore, William	Smith, W. C.
Barry,	Fisher,	Morey,	Starkweather,
Beaman,	Fitch,	Morgan,	Stevens,
Beatty,	Fox,	Morphis,	Stevenson,
Beck,	Garfield,	Morrell,	Stiles,
Benton,	Getz,	Morrill,	Stokes,
Bingham,	Gibson,	Morrissey,	Stone,
Bird,	Gilfillan,	Mungen,	Stoughton,
Blair,	Griswold,	Myers,	Strader,
Boles,	Hamill,	Negley,	Strickland,
Booker,	Hawkins,	Niblack,	Strong,
Bowen,	Hawley,	O'Neill,	Swaim,
Boyd,	Hay,	Orth,	Sypher,
Brooks, James	Heflin,	Packard,	Taffe,
Buckley,	Holmes,	Packer,	Tanner,
Buffinton,	Ingersoll,	Paine,	Taylor,
Burchard,	Jenckes,	Palmer,	Tillman,
Burdett,	Johnson,	Peck,	Townsend,
Burr,	Jones, A. H.	Perce,	Trimble,
Butler, B. R.	Jones, T. L.	Peters,	Tyner,
Calkin,	Julian,	Phelps,	Upson,
Churchill,	Kelley,	Platt,	Van Horn,
Clark, W. T.	Kellogg,	Poland,	Van Trump,
Clarke, Sidney	Kelsey,	Pomeroy,	Voorhees,
Cobb, Amasa	Ketcham,	Porter,	Wallace,
Cobb, C. L.	Knapp,	Prosser,	Washburn,
Coburn,	Knott,	Rainey,	Welker,
Conger,	Laflin,	Reeves,	Wells,
Cook,	Logan,	Rice,	Wilkinson,
Cowles,	Lynch,	Sanford,	Willard,
Crebs,	Manning,	Sargent,	Williams,
Cullom,	Mayham,	Sawyer,	Wilson,
Darrell,	Maynard,	Schenck,	Witcher,
Dickinson,	McCormick,	Schumaker,	Wolf,
Dixon, N. F.	McCrary,	Scofield,	Wood,
Douley,	McGrew,	Shanks,	Woodward.
Dox,	McKee,	Sheldon, L. A.	

NAYS—6.

Asper,	Benjamin,	Finkelnburg,	Smith, W. J.
Ayer,	Cox,		

In his message to Congress of December 4, 1882, President Arthur called attention to the fact that "for the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000, and for the fiscal year ended on the 30th of June last (1882) the surplus was more than $145,000,000."

He declared that:

Either the surplus must be idle in the Treasury or the Government will be forced to buy at market rates its bonds then not redeemable, and which, under such circumstances, can not fail to command an enormous premium, or the swollen revenues will be devoted to extravagant expenditure, which, as experience has taught, is ever the bane of an overflowing Treasury.

And he gave his recommendation as follows:

I venture now to suggest that unless it shall be ascertained that the probable expenditures of the Government for the coming year have been underestimated, all internal taxes, save those which relate to distilled spirits, can be prudently abrogated.

Such a course, if accompanied by a simplification of the machinery of collection, which would then be easy of accomplishment, might reasonably be expected to result in diminishing the cost of such collection by at least two millions and a half of dollars, and in the retirement of from fifteen hundred to two thousand persons.

The system of excise duties has never commended itself to the favor of the American people, and has never been resorted to except for supplying deficiencies in the Treasury, by reason of special exigencies, the duties on imports having proved inadequate for the needs of the Government.

The sentiment of the country doubtless demands that the present excise tax shall be abolished as soon as such a course can be safely pursued.

President Arthur's words were wise and true. He justly interpreted the situation and the sentiment of the country. But his party did not. They lightly heeded his counsel. Two years went by and the obnoxious statutes were still standing; the Presidential campaign came on, and the Democratic convention met in Chicago to arraign their opponents for their shortcomings and to place a Presidential candidate before the people.

THE PLEDGES OF THE DEMOCRATIC PARTY.

Permit me now to ask the attention of my Democratic brethren to the pledges which our party made on that occasion when Mr. Cleveland received their nomination. I commend to them the careful reading of their own manifesto. It was welcomed in Virginia as a ringing declaration of Democratic principles, and many a time at the hustings did the people shout approval of its promises.

Read it, gentlemen! Here are some of its sayings:

That change is necessary is proved by an existing surplus of more than $100,000,000, which has yearly been collected from a suffering people. Unnecessary taxation is unjust taxation. We denounce the Republican party for having failed to relieve the people from crushing war taxes, which have paralyzed business, crippled industry, and deprived labor of employment and of just reward.

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From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue. Such they must continue to be.

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All taxation should be limited to the requirements of economical government. The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages existing in this country.

Sufficient revenue to pay all the expenses of the Federal Government economically administered, including pension, interest and principal of the public debt, can be gotten under our present system of taxation from custom-house taxes on fewer imported articles, bearing heaviest on articles of luxury and lightest on on articles of necessity.

* * * * * * *

The system of direct taxation known as the "internal revenue" is a war tax, and so long as the law continues the money derived therefrom should be devoted to the relief of the people from the remaining burdens of the war, and to be made a fund to defray the expense of the care and comfort of worthy soldiers disabled in the line of duty in the wars of the Republic, and for the payment of such pensions as Congress may from time to time grant to such soldiers; a like fund for the sailors having been already provided, and any surplus should be paid into the Treasury.

No honest, intelligent mind can, in my judgment, so twist and distort this reading as to make it anything else than a clear, specific, and emphatic denunciation of the surplus, and a clear, specific, and emphatic promise to rid us of it by reducing the internal taxes. It is true that there is expression of opinion that "so long as the internal-revenue law continues the money derived therefrom should be devoted" to paying pensions and defraying expenses of "the care and comfort of worthy soldiers." "So long as the law continues;" but how long was that to be? The sentences of the text must be read together; and when you so read them it is plain as light and knowledge can make it that the plan propounded by the Democracy, and upon which it carried the country, was to thus appropriate the revenue derived while the law continued, but so to change the law as to pay "all the expenses of the Federal Government economically administered, including pensions, interest, and principal of the public debt" by "custom-house taxes on fewer imported articles."

To make it conspicuous that this was the Democratic scheme, the platform denounced the surplus; denounced the Republicans for "failing to relieve the people of crushing war taxes;" pointed to the historical fact that from the foundation of the Government "taxes collected at the custom-house have been the chief source of revenue;" declared that "such they must continue to be;" and then denounced the internal revenue as a war tax, seeking to make, and making, the distinct impression on all minds that if Mr. Cleveland were elected the internal revenue would go.

It should be remembered that these expressions were not only the earnest invocations of the hour, but that they interpreted the history and the practice and the ancient creeds of the party that made them. Under the lead of Jefferson the internal-revenue system that followed the Revolution of 1776 was abolished. Under the lead of Madison the same system that followed the War of 1812 was abolished. And that these illustrious examples were to be followed when, after an absence of a quarter of a century from power, the rejuvenated Democracy should rise again with Cleveland as its leader was the very genius that inspired the promise, and gave hope of its fulfillment. And when the contrast was made between the Democracy and the faithless Republicans, who had in 1870 adopted in this House the resolution offered by Hon. WILLIAM D. KELLEY, declaring for the repeal "at the earliest day consistent with the maintenance of the faith and credit of the Government of all stamp and other internal taxes," the picture of their apostasy was as dark as the hope inspired by Democratic ascendancy was bright and alluring.

For shame that that hope has not been fulfilled!

REASONS ASSIGNED FOR CONTINUING THE INTERNAL-REVENUE SYSTEM.

Some say that they are in favor of decreasing taxes, but think reductions should begin in the tariff on articles of necessity, such as woolen goods, horse-shoe nails, trace-chains, window-glass, &c., articles which the masses want and use; some say that whisky, wine, beer, brandy, and tobacco are luxuries and ought to be taxed; some say that they are noxious and ought to be taxed; some say that these taxes are paid by the consumer, and that they are not felt. But none who here favor the continuation of the system give the most potent reason which keeps it up—the fact that it creates monopoly, and that the monopolists lose no opportunity to advocate and protect it.

THE TARIFF AND THE INTERNAL-REVENUE SYSTEMS CONTRASTED.

I am far from saying, as I am from believing, that all those who advocate the reduction of the tariff before the reduction of internal-revenue taxes are sinister in their pretentions; but I am quite sure that the support of this plan comes in large measure from interested monopolists, and it seems to me that its defenders are inconsistent in their theories. The logical method of dealing with the extraordinary conditions of taxation which war created is the reversal of the steps which led to them and the repeal of the systems which grew out of them.

Remembering that the internal-revenue system is purely a war system, and realizing that war and its necessities are ended; remembering that the English and the American constitutions have never tolerated the system save under the goad of necessity, and that the free spirit of the people has never ceased to chafe under its restrictions, the logical mind, as it would seem to me, would conside the general causes

and the general principles that had induced the specific burden, and would cast it off instinctively as soon as these causes and principles ceased to operate. True, indeed, the tariff should be reformed, and true, also, that this ought already to have been accomplished.

DIFFERENCES BETWEEN INTERNAL REVENUE AND TARIFF SYSTEMS.

But the differences between the internal-revenue system and the tariff (or foreign-revenue system, as it might be called) are differences which give the ease of the people against the internal revenue precedence upon the legislative docket. The tariff (or foreign-revenue system) lays its direct burden solely on the products and manufactures of foreign climes. The internal-revenue system lays its direct burden solely upon the products of the American farmer and the American manufacturer. The tariff interjects its burden between the foreign producer and the American market, and increases the difficulty of foreign competition with American wares. The internal tax enhances the price of the American product, and tends to increase foreign competition in both American and foreign markets.

The tariff intercepts foreign goods at our gates, and charges a toll for their entry to our markets. The internal tax enters the field, the factory, and the shop of the American at his home, and places a burden upon production. The tariff lets go its hold as soon as the goods touch our markets. The internal tax follows them from the field to the consumer, watches over their every manipulation, sets a spy upon the citzen, supervises his business, restricts the process, and discounts the profits of his labor.

The tariff, including thousands of foreign articles in its scope, treats the United States as a unit, and diffuses its burden through all classes and all sections. The internal tax spots a few classes and a few sections, and locates its direct burden upon a few shoulders.

The tariff employs no vast corps of office-holders in the interior, rummaging around stores and plantations, and holding a sword over the people in their domestic occupations. The internal revenue fills the city and the countryside with an army of collectors, assessors, gaugers, spies, and informers, whose very being is a menace to the honesty of elections and to the peace of society.

The tariff, whatever else may be said of its indirect influences and of its peculiar discriminations, gives no advantage to any but Americans. The internal tax sets one American to prey upon another, and calls in the foreigner to help the strong in hunting down his prey.

The tariff has existed ever since the first administration of Washington, and will exist as long as the United States endure. The internal tax, the expedient of an hour of agony, is the most conspicuous relic of that agony and perpetuates it only to those who have borne its most exquisite pangs.

THE WHISKY TAX.

The whisky tax, the most fruitful of all the internal-revenue subjects—some sixty-two millions in amount—we can scarcely hope to see repealed at this session of Congress; not because there can be any justification of its retention, but because we are all aware that the whisky monopolists are so rich and powerful that they and their friends are as yet irresistible.

THE FRUIT-BRANDY TAX

is a mere song—less than a million and a half in amount—but an enormous burden in its details, and could be easily dispensed with; but as long as the whisky tax continues it is argued that to release fruit brandy would turn all the whisky into fruit brandy, by hocus pocus, to evade the law. And so does one wrong breed another that an unnecessary tax on whisky, kept up to enable the large manufacturers to kill off the small ones, instigates the retention of another useless tax that carries turmoil and vexation to the homes of thousands. The poor farmer can not sit under his own vine and fig tree and distill the juices of his garden fruits, forsooth, because the whisky monopolist will not let him; and far off from the markets they rot uselessly before his eyes.

THE TOBACCO TAX.

If you are unwilling to go farther, I ask at least that the internal tobacco taxes may be repealed. This tax in all its forms aggregated $26,407,088.48 in 1885, and $27,907,362.53 in 1886. It will be but little over one-fifth of the surplus revenue of the next fiscal year; and to repeal it will happily rid the Treasury of a burden, and yet leave a superabundance of surplus for the anti-tariff men and the anti-internal revenue men to debate over upon their pet theories.

The enormous sum of $717,873,343—nearly three-quarters of a billion of dollars—have already been paid into the Treasury by tobacco alone. Is not this enough for one article of agriculture to bear? Why accumulate the burden upon those who have borne so much?

Listen to what the Western and Virginia Leaf Tobacco Trade of New York say on this subject in the communication sent to this House by their committee, Messrs. Evans, Edmonston, Blakemore, and Arkenburgh:

The internal-revenue system was inaugurated in a great national emergency, and tobacco was selected as a most prolific source of revenue, and while this trade gave loyal support to the laws, it was called upon to make many sacrifices of rights and interest.

Through the operations of this tax restraint is put upon the planter in the disposition of his crop, and men of small means absolutely debarred from engaging in the manufacture of tobacco. An espionage is introduced offensive alike to private commercial interests and the principles of American institutions.

It has hampered the exportation of the manufactured article, unrelaxedly favored the opulent manufacturer, and driven the less fortunate but equally skillful and experienced from attempted competition. It has all the while plainly fostered monopoly, and all the wrongs related exist to-day.

Tobacco has become absolutely one of the necessities of a majority of the working poor, and therefore the burden of this tax falls upon the workingman at last, and when manufacturers claim to pay so many millions of tax to the Government annually they but commercially transfer the money of the people paid them as a tax to the people's treasury. The overflowing revenues of the Government would seem to absolutely dispute the integrity of this tax were it even less odiously burdensome than now.

Therefore, in behalf of this trade, its committee would earnestly pray that this great obstruction to the channel of free and profitable mercantile operations in tobacco, and that which fetters the facilities which would give impulse to its business and discriminates with such palpable injustice, be removed at this session of your honorably body.

I could fill a volume with the petitions, resolutions, and letters of this kind that have been sent me from farmers on the one hand and manufacturers on the other. What is the apology or excuse for not heeding them?

TOBACCO NOT ALTOGETHER A LUXURY.

"It is a luxury and ought to be taxed" I hear frequently said, but I deny the fact in its broad sense, and controvert the conclusion. Tobacco is a great medicinal agent, as attested by scientific opinion and by large and enlightened experiences. And while I do not doubt that it is a luxury to many, it is also true that it is a necessity to many.

There are many things originally used as luxuries only, and which would be luxuries to those who are in a semi-barbarous state, which become necessities to man in the second nature of his highly civilized life.

Coffee and tea are articles of this class, and tobacco is another. The severe physical and mental strains to which men are inevitably subjected in the ordeals of labor require the use of those stimulants which nature has provided. They are often misused, and dreadfully abused. So are all blessings. But they become necessities for appropriate uses, neverthless; and cease to be luxuries merely. The sailor at the masthead in the midnight storm; the soldier on guard while the army slumbers; the doctor strained in nerve and brain watching his patient; the railroad engineer; the editor, the lawyer, the laborer—all these working, and compelled to work when they should rest—all these know that tobacco is often as necessary to enable them to stand the strain as bread and meat are to the life of the body.

IF TOBACCO BE A LUXURY, IT IS THE LUXURY OF THE WORKING CLASSES.

If tobacco be classed as luxurious, it is certainly the luxury of the working classes—especially the tobacco produced upon American soil.

The millionaire smokes the fragrant Havana, and 25 or 50 cents or $1 is nothing for him to pay as a price for the precious weeds. They are imported articles; they come in competition with our domestic products; they are a high-priced luxury, beyond the reach of the masses, and like other importations are fit subjects for custom-house taxation. But our domestic tobaccos are emphatically the luxuries of the working masses, if luxuries at all they be.

Mr. Noble, in his book on the queen's taxes, has justly stated the case in England in language which I conceive to be equally applicable here. He says:

It was stated before a Parliamentary committee in 1844 that nine-tenths of the tobacco imported into this country (England) was consumed by the working classes.

Mr. Dudley Baxter, in his recent work on taxation, states, as the result of extensive inquiries, that three-fourths of the workingmen consume tobacco.

It must therefore be evident that the tax upon that commodity is paid to a large extent by the workingmen. Opinions vary as to the propriety or necessity of the tax. Some defend it as a restraint upon the consumption of a pernicious indulgence; others as an impost upon a luxury which those who use it can afford to pay.

If tobacco be a pernicious indulgence it is hard to see how the state can with propriety derive a revenue from such a source.

If, on the other hand, it is considered a luxury, the question naturally arises as to the policy of placing so heavy a tax upon the luxury of workingmen while the many and varied enjoyments of the rich are untaxed. It certainly can not be said with any show of accuracy that an operative, mechanic, or laborer who consumes tobacco is "an untaxed workingman." (The Queen's Taxes, by John Noble, p. 16.)

WHY TAX ONE OR TWO LUXURIES AND SPARE THE MILLION?

Now, looking at the matter in its narrowest aspect, and supposing that tobacco is a luxury altogether, let me ask why should you tax this luxury when you do not need the tax and let the millions of other luxuries go untaxed? Diamonds, jewels of all kinds, gold and silver plate, silks, satins, velvets, purple and fine linen, terrapin and soft crabs, pleasure carriages, and plate-glass mirrors—all these things are luxuries—luxuries of the rich only; why pass them by without any internal tax and pick out the poor man's solace? Why spare the diamond of Dives and tax the quid of Lazarus?

IT IS IMMORAL TO LICENSE VICE UPON A PLAN TO SHARE ITS PROFITS.

"It is injurious in its use and ought to be taxed," is another outcry. If so injurious in its use to society that the law should put it down, then the States, which have the right to deal with it, should meet the issue squarley. If vice is to be made a subject of Federal revenue, certainly there is a broad subject of taxation which is not limited by spirits and tobacco, a fertile field, indeed, for the exercise of that statesmanship which wishes to go halves in the wages of sin. But the Federal Government can not undertake to regulate public morals or private habits. That domain of legislation by general concession and plain prerogative belongs to the States alone. And whether Federal or State governmen-

seek to deal with the subject-matter, the fact that anything is vicious is the last and most untenable of all arguments to be made in favor of licensing and taxing it.

Whenever government undertakes to go in partnership with vice upon a plan to share its profits, its own immorality transcends that which it attempts to profit by. Some men are benefited by and some men are injured by stimulants. Those who are benefited by them commit no wrong in using them. Those who are injured by them do commit a wrong; but the law is impotent to discriminate, as it can not act the part of physician to the citizen. And all that can be done is to leave the question to the intellect and conscience of the individual, instructed through the ordinary channels of intelligence and by enlightened public opinion, and corrected by legal punishment when that becomes necessary.

THE TAX LIMITS THE MARKET OF THE ARTICLE TAXED, AND HENCE DIMINISHES ITS PRICE AND THE EMPLOYMENT OF CAPITAL AND LABOR.

"The consumer pays the tax," it is said. It is not true, as broadly stated, that the consumer pays the entire tax, although he does bear a full share of its burden. The tax distributes itself upon the shoulders of all who produce, manufacture, deal in, or consume the article taxed, acting as a depressing influence upon every connection with it.

It is quite evident that when the consumer pays for the article he uses in normal conditions of trade he pays for original cost plus the tax and plus the profits of handling it. As price is enhanced to the body of consumers, correspondingly the number of consumers is reduced; for many are unable to pay for and indulge in high-priced articles who would use them if they were cheaper. The poor are denied indulgence in the things which rise beyond their means. The reaction of the tax is, then, to decrease the number who may consume—a decrease of custom for the product—and as a final consequence a decrease of that portion of its market price which is represented by the cost of its production, the tax being the fixed portion of the price which does not vary.

This is an effect of excise taxation well understood by political economists; and it is plain that the farmers and farm laborers who produce the materials out of which the taxed articles are manufactured are the chief sufferers, as all intermediate parties between them and the consumer take care to add to prices whatever is needful to their protection. The farmer can not translate his capital into other things, like the manufacturer and the merchant. His fields, his barns, his machinery are a fixed plant annexed to his home. He must produce the things he has prepared to produce or lose his outfit. And when the market for that produce is contracted by a tax which limits its consumption, it is upon him that the principal detriment falls.

TAX INDUCES ADULTERATION; AND DOES NOT REFORM CONSUMPTION.

I have argued, correctly, I think, that the check upon consumption consequent upon the tax reduces the market price of the subject-matter taxed, and doubtless those who are glad to see the consumption of tobacco restricted, regarding it as injurious to those who indulge its use, will find in this fact an argument for the tax, not against it. But pause a little. This would be a superficial view. Consumption of a good article of tobacco is undoubtedly checked. But the appetite which finds solace in the weed is not destroyed; it still seeks gratification. And it finds it as nearly as it may in the use of an inferior or adulterated article; and for the price that the consumer once satisfied the cravings of nature with a stimulant that was the best, and least innocuous of its kind, he now contents himself with some vile substitute compounded of what was waste before—some miserable bedrugged and bedizened leavings of manufacture so fabricated that while the eye is deceived, the system is doubly poisoned by ingredients far more pernicious than that which they adulterate.

Let no anti-liquor or anti-tobacco man take to himself the flattering unction that he is helping temperance and the economy of health by piling taxes on spirits and tobacco. He is only squeezing the pure juices out of them and squeezing poisons into them. He is depraving the article that is palmed off for whisky and tobacco. He is making a victim of the patient whom he would cure. Temperance in the use of spirits and tobacco is a noble thing to preach and a noble thing to practice; but it is either hypocritical cant or shallow wit to contend that high tax upon the article restrains intemperance in its use. It only enhances and debases the folly of immoderate indulgence.

In the year ending 31st March, 1868, one hundred and thirty-five samples of tobacco were analyzed in England, of which ninety-six were adulterated, the ingredients employed being licorice, sugar, salt, anise-seed, starch, brown paper, and sand. Rhubarb, cabbage leaves, exhausted tea leaves at other times were found in tobaccos; and the author to whom we are indebted for these statements about tobacco in England declares that "another evil which is an invariable attendant of high duties is the encouragement they afford to adulterations." (The Queen's Taxes, page 17.)

Says Sir S. Morton Peto (Peto on Taxation, page 123):

It was a work worthy the best efforts of an English statesman to effect the relief of our national trade and industry from the operation of the old excise taxes. It was not so much the amount of these duties which injuriously affected us, although by increasing prices they no doubt limited the market for commodities, and thereby diminished the employment of capital and labor.

And here another direction in which the tax depresses the market price for the original product appears. The tax by restricting the manufacture of the article taxed diminishes the number of purchasers, and hence diminishes the price.

The baneful effects (of the excise laws), continues Peto—

The baneful effects were most felt in their interference with the free course of manufacture, in which they tended to prevent activity, invention, and the application of new forms of machinery. They compelled every manufacturer to manage his trade, not according to the teachings of his own experience, but according to an act of Parliament, which imposed upon him restrictive regulations, and taught him nothing except how to pay a tax. The natural result was inferiority in the quality of the articles produced, which inferiority lost us no inconsiderable proportion of the market of the world.

THE EFFECTS OF THE TAX UPON OUR TOBACCO TRADE.

The effect of the tobacco tax upon our trade has been just that which Sir Morton Peto attributes to the like cause in England—it has greatly depreciated the character of our products, agricultural and manufactured, and has injured our sales, domestic and foreign. Cheap and adulterated articles have taken the place of those which ranked in the first class of their kind, and in proportion as the American products have depreciated the demand for the finer goods of Cuba and other foreign lands has increased.

Another ill effect upon the tobacco trade arises through the element of uncertainty that this tax interjects. Mercantile business is speculative at best. Its natural and inevitable uncertainties are difficult for the best minds to deal with; and when any new element of risk is introduced its tendency is exceedingly depressing. Tobacco merchants are kept in a perpetual fever of excitement and agitation by this tax. They know not when it may be repealed or decreased, and act in the dark in making estimates. Will you rebate the tax paid on unsold tobacco if you repeal the tax? Will your action go into effect this month or the next? These are questions constantly disturbing their calculations. And these questions will never be put at rest until you repeal the tax. Meanwhile their trade is depressed and the farmer's product is depreciated.

THE VETO OF MONOPOLISTS WHO STRIVE TO CONTINUE THE INTERNAL-REVENUE TAXES.

Were it not for the monopolists who find in heavy taxation a means to exclude small competitors from sharing the profits of their business, the internal-revenue taxes would long since have been abolished.

When you find a man clamoring to be taxed you may be sure he derives some advantage from the thing he asks for. When one finds it sweet to be taxed for his country it is because he is thereby getting some benefit. And it can not escape your notice that those who want to continue these war taxes are the large manipulators whose motives are as transparent as the air.

Monopoly is concentrative, and ever ready to move at a moment's notice. And those who grind the faces of the poor with these heavy taxes are busy now deprecating agitation and appealing to be left alone while they gorge themselves still further. Here is a sample circular which speaks for itself:

JERSEY CITY, N. J., *December* 27, 1886.

GENTLEMEN: We presume that you have seen by the newspaper record that an attempt is to be made in Congress at an early date to abrogate the present tax on tobacco, wiping out the internal-revenue laws relating to the same, or, if this is unsuccessful, to make a further reduction in the tax.

In our judgment such action on the part of Congress would be very unwise, and inimical to such manufacturers as are now engaged in the business, for obvious reasons. We believe that it is only necessary to enlighten Congressmen upon this subject to prevent the contemplated action. If you agree with us will you join in calling a meeting of the National Tobacco Association at Washington at an early date, and will you personally attend such meeting in furtherance of the above purpose? We will thank you for your reply, addressed to our Mr. C. Siedler.

Yours, respectfully,

P. LORILLARD & CO.

These circulars have been distributed to tobacco manufacturers North, South, East, and West, and "have brought forth fruit after their kind" in exciting some small manufacturers to chime in with the big ones, and a number of copies have been sent to me from various sources.

This circular is instructive. It gives no reason whatever for not abolishing or abating the internal taxes. It simply recites that such action would be, in the opinion of its writers, "inimical to such manufacturers, as are now engaged in the business, for obvious reasons."

"Obvious reasons!" Yes, very obvious reasons, easily translated from the knowing wink of the big manufacturer to his confrères. These obvious reasons are that as soon as the tax is done with thousands not "now engaged" in the business will engage in it, not impeded longer as now by the burdens upon it, easily borne by the rich, but almost insuperable to the poor; broader competition for the raw material would be created; higher prices would follow; the profits of the producer would be greater, the profits of the large manufacturer would lessen, and consumption would increase as a better article gradually came upon the market for less money. Monopoly would be struck down, and domestic free trade in tobacco, as in nearly all other commodities, would ensue; and to the people in the mass would be distributed the benefits which are now aggrandized by the few. These are "the obvious reasons" why monopoly cries aloud, "Keep on glutting the Treasury; keep up the tax."

THE PEOPLE NOT DECEIVED.

Mr. Chairman, the masses of the people are not deceived by the pretensions put forth excusatory of the perpetuation of this tax. The farmers, the enterprising and enlightened manufacturers and dealers who are not in league with the great monopolists, and the working classes who use tobacco all of these know full well that the tax is a great burden upon them, and understand exactly how the burden falls, and where it pinches.

They know that when a man must pay a license tax before he can start business as a retail dealer, that a poor man is put at a disadvantage. They know that a tax is put upon oleomargarine upon the openly expressed theory, and upon the certainty, in fact, that such tax will impair or destroy the trade in the article; and they know that this is the tendency of the tax on other articles. They know that when a farmer can not sell his tobacco save to the licensed traders of the cities that he is cut out of a market of free competition, and turned over to the tender mercies of a small coterie whose interests are opposed to his interests. They know that when 8 cents a pound tax is put upon an article which costs in its raw state an average of 6 cents a pound, and which costs about as much more to manufacture, that a burden is put upon its manipulation which reaches down to the producer, and hampers everybody between him and the consumer.

They know further that this tax, so far from being needed by the Government, is a burden to it as well as to them; and that whatever of sham is gotten up to prolong the burden, at the bottom the main spring of monopoly is the chief and potent cause of its continuance.

The men who wish to make this Government a splendid pile of extravagance and to rule the people through the temptations of large appropriations to favored sects and sections, will always clamor in general terms for the reduction of taxes, and always oppose the particular method fashioned to effect it. But surrounded as we are by monopolists in every avenue of approach to the Capitol—land monopolists, railroad monopolists, tariff monopolists, bank monopolists, gold monopolists, internal-revenue monopolists, and their brethren—it is the part of patriotism to strike down first those who thrive upon measures which grew out of the turmoil and the exigency of war, and which were never tolerated by Americans or their progenitors, save when needed for the common good.

In conclusion, I have the honor to present to the House certain resolutions which have been sent to me advocating the views which I have endeavored to place before you; and in addition other resolutions and communications which serve to illustrate and impress them. And it is my earnest hope that the Forty-ninth Congress will not adjourn and leave to its successor the honor and the duty of removing the impediments to our prosperity which now exist in an overflowing volume of taxation and an idly accumulating surplus.

Let not the Democracy go to sleep with $125,000,000 of surplus under its pillow, lest it be awakened with a rude shock that will put an end to peaceful dreams. Jefferson and Madison have pointed the way. Let us follow it.

APPENDIX.

Resolutions of the General Assembly of Virginia.

Resolved by the house of delegates (the senate concurring), That the Virginia Senators and Representatives in the Congress of the United States are requested to exert themselves earnestly for the passage of a law repealing all existing laws imposing internal-revenue taxes by the Federal Government.

OFFICE OF CLERK OF HOUSE OF DELEGATES AND KEEPER OF THE ROLLS OF VIRGINIA, *January 9, 1886.*

The foregoing resolution was agreed to by the General Assembly of Virginia on January 9, 1886.

J. BELL BIGGER,
C. H. D. and K. of R. of Virginia.

[Petition of the Richmond, Va., manufacturers.]

To the Senators and Representatives from Virginia in the Congress of the United States:

We, the undersigned, manufacturers of and dealers in tobacco in the city of Richmond, Va., do most respectfully request that you will use all of your influence and power to have the internal-revenue tax on tobacco abolished by Congress as early as possible. The operation of this tax tends to greatly reduce the consumption of tobacco, as it increases the cost to consumers, and is driving small manufacturers and dealers from the trade. Leaf-tobacco being the main product of Virginia, thus curtailing its consumption reacts to the great detriment of all of her people.

Charles Watkins & Co., C. R. Barksdale, A. M. Lyon & Co., Vaughan & Janay, Charles Winfree, agent, W. G. Miller, L. M. Griffin & Co., M. T. Smith & Co., W. R. Mallory, J. G. Goldsmith, W. D. Gibson, A. C. Attkisson, E. H. Simpson, Jno. L. Wingo, D. Tidemann & Co., Charles D. Hill & Co., Pemberton & Hill Company, J. Samuel Taylor, Mathew Gilmour, A. D. Chockley, N. F. Willson, David Bridges, W. D. Tompkins & Co., C. W. Spicer, Butler & Wilson, J. J. Wilson, Son & Co., C. L. Wormley, R. H. Dibrell & Co., Williams & Rehling, W. H. Jones, Scott & Clarke, R. J. Christian, James H. Hardgrove, E. T. Crump & Co., J. W. Lewis, jr., W. T. Hancock, A. B. Eddings, Jno. A. Mosby, J. M. Conrad's Sons, W. A. Blankenship & Co., W. D. Watson, A. Asterloh & Co., Palmer, Hartsook & Co., F. D. Barksdale & Co., R. C. Morton, T. T. Mayo, J. N. Vaughan, Silas Shelburne, Carrington & Co., Sublett & Frazier, W. T. Yarbrough, William F. Gray, Thomas & Aborn, H. C. Magruder, H. E. Gray, T. W. Pemberton, George D. Harwood, Lightfoot, Bohmer & Co., T. L. Noble, W. S. Archer, R. B. Somerville, Peyton Wise, Thornton & Co., W. A. Bragg, Blackmour & Co., Horace Blackmour, Talbott Tobacco Company, G. Haake, P. Whitlock, C. G. Shafer, P. Lightfoot Wormley.

Resolutions of the Lynchburg (Virginia) Tobacco Association:

LYNCHBURG, VA., *December 6, 1886.*

At a regular meeting of the Lynchburg Tobacco Association held in their hall in the city of Lynchburg, Va., December 6, 1886, the following resolutions were unanimously adopted:

1. *Resolved*, That our Senators and Representatives be, and are hereby, requested to use their best efforts for the immediate repeal of the internal-revenue tax on manufactured tobacco and the special-license tax on dealers in leaf-tobacco.

2. *Resolved*, That the president of this association, John T. Edwards, is requested to present these resolutions in person to our Senators and Representatives, and urge the importance of the repeal of these laws.

Extract copy from the proceedings of the meeting of the Lynchburg Tobacco Association.

JNO. T. EDWARDS, *President.*

JAMES FRANKLIN, *Jr., Secretary.*

RESOLUTIONS OF THE PEOPLE OF BEDFORD COUNTY, VIRGINIA.

LIBERTY, *December 24.*

A large meeting of the people of Bedford County, irrespective of party affiliation, was held at Liberty yesterday (court day), at which Mr. Walker McDaniel was called to act as chairman, and Mr. Robert Mead was made secretary.

The following preamble and resolutions were offered by Mr. R. D. Buford, seconded by Mr. John M. Wright, and unanimously adopted:

The people of this county, many of whom are engaged in the yearly cultivation of tobacco as a standard crop, viewing with deep interest the present movement in the Congress of the United States to abolish internal-revenue taxation (it being apparent that the taxation is not needed for governmental purposes) and believing that the operation of the present tax-law tends to reduce the consumption of tobacco; that it restricts the natural development of the trade; that it drives off small manufacturers and dealers, thus narrowing competition and encouraging monopolists, and in these and other ways works direct loss and injury to the producer: Therefore,

Resolved, That we regard it the duty of our Senators and Representatives in Congress to do all in their power to aid in the passage of an act abolishing all internal-revenue taxation.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded to our Senators and Representative in Congress from this district.

RESOLUTIONS OF THE SOUTH BOSTON, HALIFAX COUNTY (VIRGINIA), BOARD OF TRADE.

SOUTH BOSTON, VA., *January*, 1887.

SIR: We have the honor to present for your consideration the following resolutions which were unanimously adopted to-day by the South Boston Tobacco Board of Trade at a meeting held to consider the question of the tobacco tax, namely:

Whereas the internal-revenue laws relating to tobacco is a war measure, and as a means of raising revenue now utterly unnecessary, oppressive, unjust, and repugnant to the spirit of our free American institutions; and

Whereas no other American agricultural product has ever been taxed as onerously as tobacco now is—a tax greater than the value realized by the producer for the raw material—whilst there is not another staple product of our soil that in proportion to its value gives employment, food, and clothing to so many poor working people: Therefore,

Resolved, That we request and urge our Representative and Senators in Congress to use their utmost endeavors to have all the internal-revenue laws relating to tobacco in any of its forms repealed at the present session of Congress.

Resolved, That a committee consisting of the president of this association, Mr. A. B. Willingham, and Hon. R. R. Noblin, and J. M. Carrington, esq., be appointed to prepare and forward copies of the proceedings of this meeting to our Representative and Senators in Congress, and that the same be published in our county papers and in the New York Tobacco Leaf.

Trusting that the wishes above expressed may prevail, we have the honor to be, most respectfully, your obedient servants,

A. B. WILLINGHAM,
R. R. NOBLIN,
J. M. CARRINGTON,
Committee.

Hon. JOHN W. DANIEL,
House of Representatives, Washington, D. C.

ACTION OF THE WHOLESALE DEALERS AND MANUFACTURERS OF BALTIMORE, MD.

During the week the wholesale dealers and manufacturers of tobacco and cigars held a meeting at the rooms of the Tobacco Board of Trade, Baltimore, and with an almost unanimous vote determined to work for the repeal of the tax on tobacco and its manufactures in its different forms. They have paid millions on the top of millions into the national Treasury almost without complaint during the past twenty-five years, because the Government needed the money; but now, when the Treasury is overflowing, they think it nothing but justice to them and the consumers of tobacco, in its different forms, that they should be relieved of this burden and annoyance. It is true, the amount of tax is small, but it has paid the last year $28,000,000 into the national Treasury, and—would you believe it?—cost the consumers of tobacco and cigars nearly fifty millions of dollars. It is a terrible drain on the poor man for this one comfort, this solace of his toil. To remove the tax would greatly benefit the poor working man; his tobacco would come to him so much cheaper, not only for the amount of the tax, but added costs that the law carries with it. For instance, the tobacco in a 5-cent package costs less than 1 cent; tax 1 cent; expense of bagging, caused by the tax, 1 cent; profit of the manufacturer, wholesale dealer and retail dealer combined, 2 cents—thus making two ounces of tobacco cost 5 cents, or 40 cents a pound. Without the tax, any retail dealer would furnish the same quality of tobacco for 10 to 12 cents a pound. Fine tobacco, of course, does not bear the same proportion, as the tax on all grades is the same.

The fostering care of the Government in levying the tax on tobacco has ruined the great bulk of the small manufacturers and aided in building up a few gigantic factories which are striving to monopolize the business; and in a great measure they have succeeded. One renowned factory of smoking tobacco, not in Baltimore, turns out millions of pounds a year, on which they have a profit of 20 cents a pound, or about 75 per cent. on cost of production. This is accomplished through the internal-revenue tax law, as it turns the business into a sort of patent. The poor consumer buys on account of the picture on the package and the windy advertisements of the factory, as he is not permitted to open the package to examine the goods. The law says if the stamp is broken it is illegal to sell it; so, in every case he must buy his pig in the bag, sight unseen.

Since the internal-revenue tax has been levied the tobacco business of Baltimore has constantly decreased in importance. Formerly there were twenty to thirty smoking-tobacco factories located in Baltimore; now there are but five or six. The plug-tobacco commission business—once the pride not only of Baltimore, but the largest in the country—has been comparatively wiped out.

The sale of plug tobacco for export has been about abandoned at this port, on account of the internal-revenue tax. Vessels can not wait a week or ten days

to get the tobacco from the Virginia factories, and tobacco in store can not be sold for export, because it is stamped, without the loss of the cost of the stamps.

The people of this country now desire that this odious tax, with its accompanied evils, be abolished, and Congress no doubt will hearken to their wishes, as almost every consumer of tobacco is a voter; and Congressmen do not often neglect their friends, especially when these friends are not in quest of an office.

Some of the requirements of the internal-revenue law are as follows:

A farmer can not sell his leaf-tobacco except to a licensed dealer; this licensed dealer can not sell his tobacco except to another licensed dealer, or to a licensed manufacturer, and he is held responsible to the Government that the manufacturer has a license, under penalty of fine and imprisonment. The dealer and manufacturer each must keep what is called a Government book, in which each day is recorded every sale, and the name and business place of the buyer and seller, under penalty of $500 fine and six months' imprisonment. Then, the manufacturers sell to dealers, who must take out a Government license. After enduring the above and other rulings and regulations, is it any wonder that the entire tobacco trade, producers and consumers, ask that the interual-revenue tax on tobacco and its several manufactures be abolished?

ROBERT STEWART, *Secretary.*

Pensions.

SPEECH

OF

HON. JONATHAN H. ROWELL,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 4, 1887.

The House being in Committee of the Whole on the Private Calendar, and having under consideration the bill (S. 3050) granting a pension to Mrs. Mary A. Logan—

Mr. ROWELL said:

MR. CHAIRMAN: It is a part of the unwritten law of this House, binding only upon the conscience of members, that tacit understandings arrived at in compromise of differences shall be carried out.

To-night, however, the tacit understanding of last Friday night, that members should be recognized in the order that their names appear on the list of the Chairmen to call up bills for consideration, is objected to, unless exception is made to the effect that bills for granting pensions to the widows of General Logan and General Blair shall not be called up. Why this invidious distinction is made I do not care to inquire; but I will not consent that bills for the relief of all other soldiers and soldiers' widows may be called up for consideration, amendments, rejection, or passage, while I, a Representative from Illinois, and an Illinois soldier, am denied the privilege of even asking the committee to consider the bill proposing to pension the widow of the greatest of our volunteer officers, General John A. Logan.

It is no part of my purpose to discuss at this time the provisions of this bill or go into the reasons why Congress ought to pass it. I only wish to say that above all others General Logan was a representative of the volunteer soldier. Whatever Congress does in the way of honoring his memory will, through his name, be a recognition of the debt which the nation owes to his late comrades in arms, the volunteer army.

The Committee on Invalid Pensions of this Congress unanimously recommended, and the House with great unanimity passed, a bill giving to the widow of General Hancock a pension of $2,000 per annum. General Hancock was a grand soldier, a soldier by profession, a representative of the regular Army. As a fitting recognition of his services, and the services of the soldiers whom his name represents in the annals of the country, a grateful country approves the action of Congress upon that bill.

But now—when the country is waiting for a like recognition of the services of the volunteer army—we are met by the statement that we shall not call up this case on the night set apart for the consideration of private pension bills; not even for the purpose of having it referred to the full House for a vote, so as to secure certain consideration at this session. Had consent been given to call up this bill, it was my intention to ask that it might be referred to the full House for a vote, with the previous question ordered. It was my further purpose to call the attention of the committee to evidence of Army officers, and of attending physician, showing that the death of General Logan was the direct result of his exposure and wounds while in the field; and showing how during all the years of the war he endured and suffered as few men have endured and suffered, and remained at the post of duty under conditions which would have forced less resolute men to the hospital or to their homes.

It was my purpose to show how, in all the years since the close of the war, he has been the earnest, able, and ever-alert defender of the honor and the rights of the soldier, while declining to ask for himself that pension to which he was entitled under the law.

But I shall not enter upon this question. I shall content myself under the leave granted me with placing in the RECORD for permanent preservation the written statements of his condition during and since the war furnished me by the gentleman from Iowa [Mr. CONGER], a member of the Committee on Invalid Pensions, who prepared the views of the minority on this bill, and who has so earnestly sought to obtain for the bill consideration at this session of the committee. These certificates and statements I append to my remarks for publication as a part thereof.

WASHINGTON, D. C., *February 4, 1887.*

I certify that I have been the family physician of the late General John A. Logan for the past twelve years. That I attended him in his last illness, and that his death resulted from the effect of cerebral rheumatism. I have frequently attended him professionally and treated him for rheumatism during the past twelve years, and have no doubt that this disease was the result of exposure during his military services in the late war.

General Logan informed me that he contracted this disease from exposure at the battle of Fort Donelson, Tenn.

J. H. BAXTER, M. D.,
Chief Medical Purveyor, United States Army.

MY DEAR SIR: I was intimately acquainted with the late General John A. Logan, and frequently gave him medical advice. On the occasion of his severe attack of rheumatism in 1881 or 1882, when he went to Hot Springs, Ark., I was called by Dr. Baxter in consultation, and also in his last illness. He finally died from cerebral rheumatism—which is a metastasis (or change of the seat) of the rheumatism to the meninges (coverings) of the brain. There were undoubtedly a variety of circumstances favoring this change of seat of the rheumatic manifestations, but they are not material to your inquiry, for although the immediate cause of death was the cerebral pressure, the real or remote cause was the presence of the rheumatic diathesis.

The origin of this rheumatism, I have always thought, was due to exposure in the field, and the sciatic pains from which the late general so often suffered were undoubtedly due to the injury done the parts in the vicinity of the sciatic nerve by one of his wounds. The wound through his foot, he often assured me, never gave him any pain after it closed, but the one near the hip was a constant source of suffering. He said to me that he was entitled to a pension if he chose to apply for it, and in my professional opinion there can be no doubt of the development of the rheumatism from exposure in the field. I have not left out of sight, in forming this opinion, the question of heredity, for there is every reason to suppose that even had there been an inherited tendency, without the exposure, his superb physique and good general condition would have greatly delayed the development of the rheumatic diathesis, if not altogether kept it in abeyance.

Very truly yours,

JOHN B. HAMILTON, M. D.

WASHINGTON, D. C., *February 4, 1887.*

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 4, 1887.

This is to certify that I was personally acquainted with the late General John A. Logan from early in 1862 to the date of his death, in 1886; that I served with and near him in the same army, from the battle of Donelson, in 1862, through all the campaigns of the Army of the Tennessee to the close of the war, in 1865; that since that time up to the date of his death I had means of knowing his physical condition, and was cognizant of his sufferings from the wound received by him at Donelson, and the exposure to which he was subjected on that battle-field during the 15th, 16th, and 17th of February, 1862; that during and after the Mississippi campaign of November and December, 1862, General Logan was very ill from the effects of his wound, and the exposure in the field, lying, at one time, critically ill at Memphis for three weeks, the illness superinduced by his field service after his wound; that during the campaign of Vicksburg, from May 4, 1863, to July 4, 1863, General Logan was at times prostrated from the effects of his old wound, rendering it very difficult to bear the fatigue and exposure of that campaign, and it was only after the surrender of Vicksburg that he was induced to get some relief from constant rheumatic pains by availing himself of his leave of absence granted weeks before.

In the Atlanta campaign, from May 1 to September 2, 1864, the strain upon General Logan's system was constant and severe, and he was frequently suffering intensely from his old wound and the superinduced rheumatism. In the Carolina campaign, from January 17, 1865, to April 26, 1865, General Logan was suffering amid the drenching rains and all the miseries of that march through the swamps and streams and rivers which the army were compelled to cross in the face of every obstacle. I saw General Logan at this time nearly every day, and know that he continually suffered from his old wound and the accompanying rheumatic pains. Since the war I have seen General Logan many times when he was afflicted with the old trouble—his "Donelson pet," as he used to call it—and I am satisfied that the immediate cause of his death can be traced to the wounds and exposure of the war. Indeed, I have remarked to him many times since the war that "Donelson would get him yet if he did not look out."

W. T. CLARK.

Subscribed and sworn to before me this 4th day of February, 1887.

[SEAL.] JOHN H. ROGERS,
Notary Public, D. C.

WASHINGTON, D. C., *February 3, 1887.*

I hereby certify that I first met the late General John A. Logan shortly after the battle of Pittsburg Landing in 1862, and I served with him continuously in his command and on his staff till the close of the war, and the army was finally disbanded and ordered to their homes from Louisville, Ky. I knew him intimately during this entire period. I was assigned to General Logan's personal staff, Headquarters Fifteenth Army Corps, at the commencement of the Atlanta campaign. When I first knew him General Logan was to all appearances a healthy man in the full vigor of manhood. My first intimation of his disability from exposure was during the early part of the Vicksburg campaign, while rendezvousing at Memphis, Tenn., at which time he had a serious attack of rheumatism and neuralgia, the result evidently of exposure while on a march from Holly Springs, Miss., to Memphis, the weather being unusually severe; it consisted of daily rains and hard exposure. From this time on I can state definitely that he was subject to periodical attacks of rheumatism when exposed to severe weather.

After General Sherman's army had started from Chattanooga with Atlanta as an objective point, I was with General Logan daily, and as adjutant-general of his command was intimately associated with him, often going to his tent at night to submit orders from superior headquarters, and to receive instructions. During the entire campaign General Logan was afflicted more or less with rheumatism and neuralgia. On such occasions I frequently assisted him by rubbing and by applications of liniment before he had relief. After the fall of Atlanta and Savannah the armies under General Sherman started north, and on this march through the Carolinas the armies were subjected to the severest of exposure, continuous rains and never-ending wind, and with but scant shelter, until the final ending in the surrender of General Johnston's army. From my personal knowledge I can state that General Logan at times suffered excruciating agony from rheumatism caused by exposure and hardships on this campaign.

FRED. F. WHITEHEAD,
Captain Commissary Subsistence, U. S. A.,
Late Assistant Adjutant-General, Fifteenth Army Corps.

Tariff Taxation.

SPEECH

OF

HON. JAMES W. THROCKMORTON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 5, 1887,

On the bill (H. R. 7652) to reduce tariff taxation and to modify the laws in relation to the collection of the revenue.

Mr. THROCKMORTON said:

Mr. SPEAKER: The constitutional provision under which we derive the revenues necessary for the support of the Government, the public defense, and the general welfare authorizes Congress to levy and collect taxes, to impose duties, imposts and excise.

Under this provision our revenue legislation might create a system of direct taxation only, or a system of imposts exclusively, or a mixed system of external and internal taxation.

The sentiments and the traditions of our people are opposed to direct taxation, and they have never admitted this as an element in legislation, except when the exigencies of a war rendered its introduction necessary.

At present more than one-third of our revenues are derived from the internal or direct taxes levied upon stimulants and tobacco.

In my judgment the tobacco tax should be gradually reduced, and entirely taken off at no distant day, and the tax on alcoholic spirits, except when used as a beverage, should be dispensed with. It would not be wise to make these changes hastily, but they should be modified, from time to time, to the point at which they will entirely disappear from our tax-list.

We are not committed by the Constitution to any one of the three systems to which I have adverted; nor are we restricted, in the exercise of our discretion, as to the subjects or articles upon which taxes may be imposed.

We are, however, specifically directed as to the purposes for which revenues shall be raised, to wit, the expenses of the Government, the public defense, and the general welfare. These three specifications come under the general idea of public wants and necessities, and the latter, the general-welfare clause, should be, in my opinion, construed as excluding the doctrine of the protectionists who claim it as an authorization for making the taxing power of the Government an auxiliary, specifically, to advance private interests. In my judgment, it is to be considered as referring to the common political rather than to the personal interests of the people as certainly as the injunctions to provide for the public expense and the public defense.

The laws that maintain public authority at home and abroad, and protect individual rights and property as an incident thereto, will, in advancing the aggregate welfare by the maintenance and defense of the political communities, necessarily be an auxiliary to further individual interests. But it was not the purpose of the Constitution, in defining the taxing power of the Government, one of the greatest and most important powers, to make the advancement of individual industrial interests a specific object. These interests are personal, and, in their nature, must succeed on their merits and survive or perish according to the energy and excellence of the parties to whom they attach.

The laws should be constructed so as to impose equal burdens and equal benefits upon all citizens and classes alike; the rights of all should be equally protected, their opportunities evenly and impartially supplied, and thereafter individual success should be the resultant of individual intelligence, energy, and integrity.

It is pertinent for Congress, in levying and collecting taxes, whether imposts or excise, to consider not only the question of revenue that may be needed for the purposes indicated by the Constitution, but the influence of the tax schedules and methods upon the general trade and commerce of the country.

Free trade, that leaves commerce unembarrassed and imposes no burdens, as an abstract proposition, is philosophically correct, and would be practicable if all the great political communities of the world were consolidated into one. But when they are distributed into ten, twenty, or a hundred political jurisdictions, free trade becomes unwise and impracticable; because the different independent nationalities originate antagonisms that cannot be reconciled and necessitate special local legislation and discriminations as the condition of local protection and prosperity.

The handicapped horse that bears 10 pounds extra weight may lose the race, because the energy necessary to bear this extra burden is subtracted from the sum of the forces required to be expended in placing him at the front. Yet the horse free from the weight of rider would lose the race as against his competitor burdened with both rider and extra weight, but which secured thereby the guidance of the rein and the stimulus of the spur. The winning, in this competition, would depend not only upon the physical possibilities of bottom and speed, but upon the best development that intelligent direction and impulse might give. So with commerce. Its progress depends not only upon the original conditions of production but upon the presence of the intelligence and motives that judicious legislation may supply to quicken and bring into actual fruition the productive conditions that exist.

Recognizing this as the true philosophy of legislation, the general policy of the country has always maintained, as the most important element in our revenue system, the quality of imposts that constitutes the basis of our tariff legislation.

But, Mr. Speaker, I do not believe in the idea promulgated by a distinguished American financier when attempting most favorably to place our national securities, "that a public debt is a blessing," nor in the kindred idea suggested by the friends of a high tariff, that import duties are not a tax.

Debt is a burden, and the contributions made by the people, whether in the form of excise or imposts, are a tax, and therefore a burden; and the public man who legislates on this subject without keeping this idea constantly in view, and consequently collects needless revenues, is not only derelict in duty but is very partially equipped with the qualities that prepare him to represent a constituency of freemen.

The first duty of the legislative representative of the people in the imposition of taxes is to see to it that no unnecessary embarrassments are placed upon the citizens of the country, or its commerce, by the collection of a single surplus dollar.

And the second duty is to see that the burden of taxation, which may be needful, shall be distributed evenly and impartially upon the separate classes of the community that have to contribute them.

In thus assessing the people, through imposts or otherwise, for the public welfare, we shall incidentally, necessarily, and sufficiently protect the industries and labor of the country, without creating a surplus revenue, imposing needless burdens, and advancing the interests of a particular class; and we find in the fact that the subjects of taxation are left undetermined by the Constitution all the margin that will be necessary to the legislator in so imposing tariff duties as to protect our people, capitalists and laborers, against hurtful and destructive competition.

Our revenue system, especially the external element of it, known as the tariff system, has been discussed elaborately and exhaustively for nearly a hundred years, both as a system and as a means; as an abstraction and a concretion; and it is difficult to add anything new, either in the data or the reasoning involved. Yet there is something in the history of our legislation on this subject that is suggestive as marking the ideas that gave complexion to our first laws, and as indicating the transitions from the primary to the secondary phases of the subject, and the direction and measure of the rates that have been indicated in the various impost schedules.

In the law of 1789, enacted in the first year of Washington's administration, the moderate rates, averaging 8½ per cent., were laid with the view of protecting our young and struggling industries; and even this moderate burden, which was to be of short duration, was deprecated, but was justified on the plea that the circumstances of the country were exceptional and demanded provisionally such legislation. This idea dominated our tariff legislation until 1833, when the law was enacted that originated nullification in South Carolina and marked the birth of a pronounced protective tariff, known as the American system.

From that period until 1861, covering several tariff acts in which the revenue and protective elements alternated more or less, protection, a high rate of impost duties, was based upon a very debatable economic philosophy and was an open question. From 1861 to the present the dominant theory has been a tariff for protection as the primary object and revenue as the incident, the schedule being arranged for the purpose of protection without special reference whether there should be a surplus or not.

The enormous demands for interest on the public debt, for pensions, and for the expenses incident to the wonderful growth of our population and industry, have supplied, not only the plausible occasion for keeping up an unprecedentedly high rate of taxation but have created a new leadership and public opinion on this question which demand, openly, that the impost schedule shall be constructed primarily with the view of protecting especially certain classes of manufacturing industries, and that said schedule must be maintained for this purpose, *per se*, if needful, no matter what the surplus in the Treasury nor what the burdens imposed upon the masses as a consequence may be.

A further characteristic brought out in this historical résumé of tariff legislation is that the average rate of imposts, with a year or two of exception, since 1789 has steadily increased from the infancy of the Republic to the present date of its maturity, and that, too, whether the law was esteemed technically a revenue or protective one.

Under the act of 1789 it was 8½ per cent., with the understanding that the rate was to prevail only until 1796. Yet in 1791 the average was increased to 11 per cent.; in 1792 to 13½ per cent.; in 1816 it was 30 per cent.; 1824, 37 per cent.; 1828, 41 per cent., and in 1852 a still higher per cent., and so continuing, with slight variations, to the present, it is 48 per cent.

Thus, originally an exceptional provision for the protection of young industries, their demands have increased as the minors have become

majors, and under this fostering and pampering care have grown to such vast proportions of vigor and power that they no longer plead for moderate assistance, but imperiously demand still larger and greater favors at the hands of the Government. The child that appealed for help on the score of its weakness has been succeeded by the strong man, who no longer implores but demands recognition, special legislation, and increasing bonuses that he may not only rejoice but revel in his power and strength.

There is something in this condition of things that suggests morbidity in the classes of interests which have used the taxing power of the Government as an auxiliary for class and individual prosperity.

While every measure entitled to consideration must be based upon and expressive of a just principle—and the tariff is no exception to this rule—the question that commands our immediate attention is one of detail, practical rather than theoretical; and the statesmanship of Congress will find its best expression in the simplification of the methods and the improvement of the agencies by which imposts shall be laid and collected, and thereafter in such a modification of the existing schedules as will practically distribute, evenly and impartially, the burdens of taxation upon all classes, and in such degree as will approximately secure as much revenue as the Government may need and no more.

Action based upon these grounds will sufficiently protect and encourage the industries of the country and the capital and labor interested.

In addressing ourselves to this question of details and schedules we undertake to solve a very delicate and difficult problem.

I believe, Mr. Speaker, that the free list should be materially enlarged, and that certain regulative facts should control us in determining its character.

First. Such articles of general and necessary consumption as can not, from climatic or other natural causes, be produced among us, Peruvian bark, coffee, dye-woods, tea, cocoa, &c.

Second. Such articles as may be of general use and not of the class of luxuries, but which can not be sufficiently or cheaply produced by us, salt, sugar, &c.

Third. Such raw materials, whether produced by us or not, as enter into the public wants generally, and in the manufactured product of which the people are most concerned, such as wool, wood, ores, &c. So far as the exemption of these raw materials will cheapen the manufactured product in the interests of the great body of consumers I would relieve them of all duty.

I believe, further, in a substantial reduction of the imposts upon commodities that can not be appropriately put upon the free list.

There are industries fostered by exorbitant duties, duties not prohibitory, which do not materially reduce the volume of importations, but which do contribute to a surplus revenue, greatly enhancing the value of products, whether imported or domestic, and thus imposing an unjust and unnecessary burden upon the mass of the consumers.

My judgment is to readjust the schedule in these particulars so as to increase the foreign competition, reduce the price of products, and yet not destroy home industries and consequent local competition.

Such adjustment will secure the survival of the fittest of these industries among us by guaranteeing to them a fair and sufficient profit on the capital invested.

I treat this part of the subject generally, and fully appreciate the difficulty of carrying the idea suggested into practice. It is a difficult matter to graduate the schedule so as to accomplish the double purpose of securing a sufficient revenue—enough, but not too much—and yet not disastrously disturb the industries that have grown up under the abnormal and unhealthy schedules of the last twenty years. It will be necessary to do this work gradually; but a substantial positive action should be taken now in this direction, because of the overwhelming popular demand for revenue reform, and for the double purpose of reducing the surplus and equalizing the burdens imposed upon the various classes of the people so seriously affected by our revenue laws.

If we reduce the duty too much, while we may thereby equalize the burdens, we would stimulate importations to such an extent as to increase the revenues.

If, on the other hand, we advance the schedule to such an extent as will not check importations we would have increased revenue and increased cost to consumers.

If, further, we make duties prohibitory, while we would reduce the revenue we would enhance the price of American production enormously and oppressively, and the wrong worked upon the consumer would find no correction until, after a series of years, the exaggerated profit of the industries thus protected should invite the investment of additional and competing capital at home. In the meanwhile, by such an act of the Government, nine-tenths of the people of the country would be outraged and oppressed for the benefit of a fostered, protected, and privileged class.

To correctly solve this question of detail demands a knowledge of the cost of production at home and abroad, and the volume thereof, so as to determine how a reduction or an increase of duty will affect the amount of importations and the revenue to be derived from them. The schedule that may do for one period may become impracticable and unwise for another, and I can conceive of no adjustment that will obviate the necessity of modification from time to time.

These modifications, however, will be easily made when we have once agreed upon a satisfactory basis; and until the system of tariff legislation is perfected in its principles and details neither the public credit, commercial prosperity, nor the convenience and comfort of the people will be seriously affected by a small surplus or a slight deficiency of revenue.

I have attempted to approach this subject frankly, without prejudice, and, with the best possible lights available, have reached the opinions expressed, and believe the conclusions stated as to the true theory of tariff legislation are fully sustained by the experiences of the past history of our own and other countries.

I believe the industries of the country should be diversified; the soil, the minerals, the forests, the waters and all their residuum of values and utilities should be converted to the uses and appropriated for the benefit of the people of the Republic.

This diversification should be healthful and natural, each industry kept in its proper relations and proportions, that we may preserve our national independence, promote the prosperity of every class of our people, encouraging all, oppressing none, and realize the great destiny that Providence intended under free institutions we should achieve on this continent.

Being the largest civilized nation in area and population in the world under one jurisdiction, our home market is not only the largest, cheapest, and surest, but in every way the best, and should be guarded by such legitimate discriminations as we may make in its favor in the exercise of the powers that the Constitution confers upon us.

I believe it is desirable that both domestic and foreign competition should exercise their legitimate influence in the regulation of the prices of products; and, finally, I heartily believe that it is eminently proper that American labor should be adequately paid; that it should receive its just quota of the profits of its own creation; and that American workmen, the best in the world, and receiving the highest wages because they are the best, should be regarded not only as producers, entitled to fair wages, but as citizens, whose compensation and hours of work alike should be graded with the view of securing to them the information, dignity, and comfortable surroundings that should justly belong to the uncrowned rulers of a great nation.

These substantial results we admit to be of primary importance as fully as our friends of the opposition, but can not concede, as a matter of law, that a protective tariff like the one now in force is an allowable agency to produce them, nor, as a matter of fact, that it has done or will do so.

A schedule of imposts made in harmony with the principles enunciated will reduce the burdens upon trade and the tax-payer alike by adjusting the volume of the revenues to the legitimate needs of the Government.

Such a policy will diversify the industries of the country, because it will prevent the localization and concentration of production and wealth in a few favored communities. Our industries will not be forced and ephemeral, but come in their order, as the wants of the great masses require, and will come to stay, because they are normal, and in their coming will not create that vicious concentration of wealth in the hands of privileged classes, nor bring into our midst as an inevitable concomitant that fearful evil, pauper labor. It will not jeopardize the home market by uncovering it to its enemies, yet will not so hedge it in as to prevent a healthful competition from abroad. A legitimate regulative element will be introduced affecting the prices of articles in which the people are most concerned, and at the same time an open egress will be furnished for such of our productions as seek a foreign market.

I am compelled to say that there is a great deal of pretense and humbug in some of the claims that our friends of the opposition set forth on the subject under consideration. The broad claim of the protective-tariff system nominally takes in all classes of producers—manufacturing, commercial, and agricultural. The class that they are particularly concerned to conciliate constitute the major class, the agriculturalists, who represent nine million of the seventeen million of workers. They affirm that their theory and practice embrace all classes alike and equally, but if any class is preferred it is the agriculturalists.

To prove this they cite a schedule embracing quite a number of agricultural products, such as rice, sugar, tobacco, wheat, corn, barley, rye, oats, various kinds of stock and meats, wood, wool, hay, &c. They make an estimate based upon the bulk of agricultural products and the average rate of percentage to show that this class of production is more highly favored than any other. By adding the nominal tarift rates on agricultural products they get a tax of more than 30 per cent.; and by aggregating all the products of the farm they make actual protection amount to more than a thousand million dollars.

This reasoning may be specious, but it is full of fallacies. In the instance of lumber it has practically enriched a few at the expense and inconvenience of the general community, and at the same time has led to the premature and needless destruction of our forests. In the matter of sugar, it has, for the convenience of a few counties in two or three States, placed the whole country under heavy burdens to procure what has ceased to be a luxury, but is esteemed a necessity to the common comfort of the people.

In 1850, under an ad valorem duty of 30 per cent., Louisiana produced 126,421 tons of sugar. The aggregate consumption then was 269,466 tons, of which amount 143,045 was imported.

In 1880, under a duty of 2½ cents per pound, the domestic product was 93,823 tons, and the foreign product consumed, including 40,617 tons made here from imported molasses, was 865,987 tons.

In 1883, under a duty of 2 cents per pound, the domestic product was 142,298 tons, and the foreign product, including sugar manufactured from imported molasses, was 949,439 tons.

In 1884 the approximate production, under 2 cents per pound duty, of domestic sugar was 120,000 tons, and the foreign imported product was 1,250,000 tons.

It will be observed that, under an average of rate more than 50 per cent. ad valorem in 1884, we produced less sugar than in 1850, under an ad valorem duty of 30 per cent., and that in 1850 the domestic product was 47 per cent. of the whole consumption, while in 1884 it was less than 10 per cent.

To give Louisiana the 2 cents per pound protection, which amounted, on the estimated annual product, to the sum of $5,000,000, the general community was required to pay imposts to the extent of $49,000,000. As an economic question, it would have been better and easier for the Government to have paid this sum as a direct bonus for the benefit of this hungry infant industry.

It is believed that by adequate effort tea can be grown in certain sections of Georgia and South Carolina; that cocoanuts on the southern coast of Florida, and, as for that matter, bananas, with adequate outlays for hot-houses, can be produced; but it is neither wise nor allowable to minister to local pride and whim simply because they are American at such costly expenditures to the people.

In the instance of wool, for the convenience of 9,665 flock-masters and the herders employed, it has enhanced prices on the manufactured woolen products that are needful to the sixty million of American people.

The domestic product of wool for 1884 was 308,000,000 pounds, and the imported product for 1885 was a fraction more than 70,500,000 pounds, more than one-half being consumed for carpets, so that the tax is practically a protection only to the wools produced upon the high-priced lands of Pennsylvania, Ohio, and Michigan. All the taxes are for the benefit of this limited section, whose valuable lands could be more profitably worked in some other way and in some other form. The lands in these States are no more valuable than are the lands of New York, where the farmers raise sheep for mutton, and not for wool, and realize a fair profit.

The consumption of wool in 1840 was 4.3 pounds per capita, and in 1880 it was 6 pounds. This amount is much below the normal, healthy demand, but the enhanced cost of manufactured woolens incident to heavy duties on the raw material restricts the purchase thereof, and thus really cripples all alike. Cheap raw material, cheap manufactured products, and a larger and ultimately more remunerative market will always be found conjoined. But the vice of this pretended friendship to the farmers is to be found not only in the narrow, selfish follies that I have indicated, but in the further facts that the great bulk of agricultural products have no practical or hurtful competition, need no protective duties, and the nominal duties are not available for them, nor were they intended to be.

This so-called protection to the farming interests is simply a tub thrown to the agricultural whale, and is one of the most transparent frauds and shallowest pretenses that has ever been imposed upon the American people.

In order to place this question beyond dispute we have only to refer to the statistics of the country showing the amount of capital invested in farming and manufactures and the profits derived from each. These facts will fully illustrate the practical working of the present tariff and will clearly prove that its discriminations are not impartially made in the interest of the general community, but of one favored class, the manufacturers of the country.

As confirmative of this position I submit the following tables, based upon data derived from the census of 1880 and other official sources:

No. 1.—*The amount of capital, number of laborers or operatives, and the aggregate value of products of agriculture and manufactories in the United States in* 1880.

Industries.	Capital.	Operatives.	Value of products.
Agriculture	$10,709,966,634	6,500,000	$2,212,540,927
Manufactories	2,790,272,606	3,232,629	5,369,579,191

The volume of capital employed in agriculture is derived by adding the items found in this census of value of farms, buildings, fences, implements, and fertilizers.

The number of agricultural laborers is based upon an addition of farm employers, 3,000,000; the tenant farmers, more than 28 per cent. of the 4,000,000 farmers given in the census; market gardeners; and more than four-fifths of the farm proprietors.

To ascertain the actual workers in factories 500,000 laborers have been added to the 2,752,629 employés as enumerated in the census with the view of representing supervisional and outside work of the 253,852 established manufactories.

No. 2.—*General statistics of agriculture and manufactures in the United States from* 1850 *to* 1880.

AGRICULTURE.

Year.	Value of farms.	Value of live-stock.	Value of products.
1850	$3,423,163,064	$549,180,586	No report.
1860	6,891,163,567	1,089,329,586	No report.
1870	9,599,682,290	1,525,276,547	$2,447,538,658
1880	10,709,966,634	1,500,384,707	2,212,540,927

MANUFACTURES.

Year.	Establishments.	Capital.	Value of products.
1850	123,025	$533,245,351	$1,019,106,616
1860	140,433	1,009,855,715	1,885,861,676
1870	252,148	2,118,208,769	4,232,325,442
1880	253,852	2,790,272,606	5,369,579,191

I have embraced in the value of farms the census items of implements and machinery for each period.

The following statement and tables of profit and loss by manufacturing industry in Illinois and Massachusetts for 1880 was kindly furnished me by the Chief of the Bureau of Statistics from the Department of the Interior and derived from the reports of the chiefs of the bureaus of statistics of those States:

No. 3.—*Profit and loss by manufacturing industries, Illinois and Massachusetts,* 1880; *establishments paying annually* $5,000 *or more in wages.*

[The calculations in this table are made up from the report on manufactures, Tenth Census (1880), cost being obtained by adding to the wages paid 6 per cent. on the capital and 10 per cent. on the reported value of the product. The latter item is considered as fairly covering the miscellaneous expenses of conducting the business and disposing of the product.]

Industries.	Illinois.		Massachusetts.	
	Per cent. of establishments making net profit.	Per cent. of establishments incurring net loss.	Per cent. of establishments making net profit.	Per cent. of establishments incurring net loss.
Agricultural implements	78+	21+		
Boots and shoes	70	30	56+	43+
Boxes	53+	46+	76+	23+
Brick	98+	1+	60	40
Brooms and brushes	50	50		
Buildings	43	57	65+	34+
Carriages and wagons	77+	22+	63+	36+
Chemical preparations	81+	18+		
Cigars	77+	25+		
Clocks and watches	60	40		
Clothing	71+	28+	77+	22+
Cooking and heating apparatus	85	15		
Cotton goods			74	26
Cured and packed meats	11+	88+		
Drugs and medicines	88+	11+		
Flour and meal	24+	75+		
Food preparations	73+	26+	47+	52+
Furniture	78	22	78	22
Leather	48+	51+	46+	53+
Lumber	69	30		
Machines and machinery	77	23	75+	24+
Malt	55+	44+		
Metals and metallic goods	76+	23+	70+	29+
Musical instruments and materials	90	10	70	30
Paints and oils	87+	12+		
Paper	77+	22+	68+	31+
Photographs and other likenesses	100			
Printing and publishing	85+	14+	87	13
Railroad and other cars and materials	35+	64+		
Rubber and elastic goods			72	28
Soaps	70	30		
Stone	67+	32+	77+	22+
Tobacco	71+	28+	63+	36+
Vessels, sails, &c	72+	27+		
Wooden goods	69+	30+	62+	37+
Woolen goods	37+	62+	73+	26+
Worsted goods			53+	46+
Percentages	67	32	66	33

NOTE.—The blank spaces occurring in both profit and loss columns indicate industries not tabulated for that State. In Massachusetts cured and packed meats and flour and meal are included in food preparations; and cigars are included in tobacco. Six establishments in Illinois (distributed among five industries) which showed neither profit nor loss are credited to the profit column.

These tables not only indicate the condition in 1880 of the great interests of agriculture and manufactures in the United States, but their relative progress for the period covered by the data, and the degree of security with which they may be prosecuted under existing law. The facts are not only instructive but should be suggestive to the lawmakers of the Republic. The first table illustrates the unequal fortunes of the agriculturist and manufacturer. Labor and capital in each class combines to produce the values that minister to human wants and comforts, but with very dissimilar results.

Six million and a half of agriculturists, with more than ten thousand seven hundred millions of capital, produce only $2,212,540,927, while less than three millions and a quarter of manufacturing workers, with not more than two thousand eight hundred million of capital, create a product worth $5,369,579,191—that is, the manufacturers, with one-fourth the capital and one-half the labor, create products twice as valuable as those created by the tillers of the soil. Can such a condition of things arise under just and equal laws? Can such industrial inequalities, among a common citizenship, continue except from the presence and influence of class legislation of the most pernicious character?

While the facts of the first table show not only inequalities in the fortunes of the two great classes of our citizens but suggest unfriendly and unwise legislation as largely the result of such inequality, the second table emphasizes the lesson of the first and indicates that the present disabilities of our agriculturists will be perpetuated upon them and become more grevious in their effect unless wiser counsels prevail among those who control and determine the revenue policy and legislation of the country.

Beginning in 1850, and proceeding under a just system of revenue laws until 1860, the value of farms advanced from $3,423,163,064 to $6,891,163,567, and our-live stock for like period advanced from $544,-180,586 to $1,089,329,915, being an increase of 100 per cent. From 1860 to 1870, under a vicious tariff law, the value of farms advanced to $9,599,682,290 and the value of live-stock to $1,525,276,543, and the value of products, reported for the first time in the census, was $2,447,-538,658. This decade witnessed a reduction in the relative advance in the values of both farm and live-stock as contrasted with the previous ten years of at least 60 per cent., the increase in 1870 in each case being only 40 per cent. of the values of 1860.

From 1860 to 1870 we find farms worth $10,709,966,634, being 9 per cent. increase only over their values ten years before, and find live-stock worth $1,500,384,707, being less by nearly $25,000,000 than the value of 1870, and value of products is found to be $2,212,540,927, being less than the product of 1870 by more than $230,000,000. Contrast the decay and depression of the agricultural interests of the country as exhibited by these figures with the advance and growth of manufactories for the same period. In 1850 there were 123,025 manufacturing establishments, with a capital of $533,245,357 and a product of $1,109,106,616. In 1880 there were 253,852 establishments, with a capital of $2,709,272,606 and a product of $5,369,579,191.

Over these four decades, and especially since 1860, their interests have constantly prospered, have increased in number, capital, and value of products. In 1850 the value of products exceeded the capital nearly 100 per cent. In 1860 the value of products over capital was more than 100 per cent., and has increased in the same ratio in 1870 and 1880. This good fortune to the manufacturing lords was not an accident, but a specific result of class legislation. They did not earn it, but it was given from without. This is the result of an unnatural condition of things, and is abnormal, and can not be maintained except by injustice and oppression.

The third table is introduced to show the greater security under the present tariff system of manufactures as contrasted with agricultural pursuits. In these two representative States, Illinois and Massachusetts, it shows that in the former 67 and in the latter 66 per cent. of the factories make profits, and in 32 or 33 per cent. lose or fail. What a startling contrast is presented in these statistics between the condition and fortunes of this former class and that of the millions of toilers who depend upon the soil for support. More than two-thirds of our enormous revenue is raised upon imports, and four-fifths of this is derived from taxes levied on manufactured fabrics consumed and used by the people, and not from import dues derived from agricultural products. The protection was not designed to foster agriculture, and does not go there though its votaries have to bear the greater part of the financial burden involved in this protective system, both in the increased taxes, and the increased cost of many of the articles that are necessary for their comfort and convenience.

Another claim, equally unallowable, is that set forth in behalf of labor. Take the report of the Tariff Commission, which was Republican, and take the standard Republican speeches from the hustings and rostrum, and the two salient points found in each will be the magnitude and grandeur of the manufacturing interests of the country, and the argument of last resort to the voters that these interests must be maintained in order to pay the workers of America the wages that their dignity as American citizens demands. They assert that the workers in our manufactories receive higher wages than the laborers in free-trade England, and it is modestly suggested that the duties on certain competitive foreign products are requisite to enable our manufacturers not only to pay these adequate wages, but that such duties are the measures of difference between the cost of production of the foreign and domestic commodities. They might add that the American receives more than similar workmen in high-protective France, Germany, and Russia; consequently their first citation proves nothing.

The insincerity of the claim, when considered in connection with our labor troubles, is illustrated by the statistics just referred to.

The manufacturers are making 37 per cent. profit, and yet all the manufacturing centers are pivotal points for industrial strikes; showing that, although ability to do so exists, these monopolistic capitalists have failed to pay their workmen satisfactory wages. Superior wages are paid to American workmen because of their superior ability, and in view of the amount and superiority of their work. While their wages are higher nominally their labor is really cheaper to their employers than would be inferior and lower wage-workers.

The term wages when considered as a compensation is a measure of the value of work, like money measures debts; but when considered in relation to products that the laborers' wants require, when its purchasing rather than its paying qualities are contemplated, its ability depends upon its concomitant surroundings, depends upon what it represents. The worker whose wages are 50 cents per day and who can purchase his supplies for 40 cents is as well to do as the man who works for $1 per day but is compelled to expend for thes ame supplies 90 cents. They each save 10 cents per day, though the nominal wages of one are double that of the other. So, if it should occur that the protective system that increases wages 50 per cent. should, at the same time, as it does, enhance the value of products for which these wages are to be expended 75 per cent., the wage improvement is apparent, not real.

The statistics of the country abundantly prove that this system, even when it does increase the nominal wages of laborers, increases in a greater ratio the value of the commodities and necessities that these wages must purchase.

Any system that improves wages without a corresponding improvement of the general prosperity is a sham. It may supply a stimulant to the workman that draws out the strength that is in him, but gives neither bread nor meat to add to his positive strength.

Mr. Speaker, in territorial extent, variety of climate, fertility of soil, multiplicity and volume of mineral resources, we possess the conditions of great industrial development almost as fully as if we were the owners of the continent. In all the things needful for healthy and comfortable subsistence of a great population, needful for wealth and refinement, needful for defense against foreign foes, we are amply supplied. By the utilization of these precious gifts we have become great and independent. It is both wise and proper that we should appreciate and improve these privileges, as fully as may be, in the exercise of our constitutional powers, and in equal justice to every class of our people.

But there are some elements of production which we do not possess, which we can not create profitably, and the things we lack render us dependent upon our exterior relations and constitute the basis of that commerce which contemplates not only an exchange of commodities, but secures that intermingling of different peoples, and that intercommunication of thought that produce the good will between nations upon which the peace of the world rests.

While appreciating the primary importance of national independence, both for purposes of support and defense, when it becomes so absolute as to isolate us, it is to be deprecated as breeding selfishness, dwarfing the national charities, and creating that "pride," both in the nation and the individual, "that goeth before destruction."

I would therefore eschew the legislation that proposes, simply because they are American, to build up unprofitable, special industries at the expense of the many for the benefit of the few. I hope never to see the day, Mr. Speaker, when we shall not find it to our interest to exchange the things that we profitably produce for articles that we may desire or need that are produced by other nations.

In conclusion, I call attention to a phase of the industrial problem that sometimes seems to be overlooked. In the beginning of the Republic, when our industries were young, we were met in their development by fierce competition, and discriminative legislation, by the consent of all parties, was invoked in their behalf.

This legislation has continued to this date, and when conjoined with American intelligence, skill, and enterprise has contributed to make our industrial progress, in every direction, truly wonderful. We have created and supplied a great home market, and have gone abroad and occupied fields hitherto possessed by our competitors. The effect of this phenomenal success has been, to some extent, to produce confusion of judgment and superciliousness of spirit.

The impression obtains that, if our victory is not final at all events, the fiercest of the conflict is over. The impression also prevails that what we have achieved is a legislative success, is to be referred to the extraordinary, and what I am constrained to characterize as the unwise and oppressive discriminative legislation of the last twenty years. There is an error in each of these impressions. The hottest of the conflict is not over, because other competing nations have rapidly progressed

also, and, like ourselves, they are making new industrial combinations, improving and multiplying the appliances of production and commerce, and are preparing to retrieve in new fields the losses they have sustained in the old.

Nor is the victory final, nor will it be, as long as human wants inspire men to wage the industrial battle of life. We must expect, as the price of continued victory, strife and effort, for we shall never reach the vantage-ground where we can dispense with watchful effort. It is an error still more grave to attribute our industrial successes mainly to legislation. They are to be referred to the enterprise of American capital, and the ingenuity, skill, versatility, and irresistible energy of American workmen.

Protective legislation, on this subject at all events, has reached its limit, and American industries hereafter, based upon the exceptionally favorable conditions of our geographical position, climate, soil, mineral resources, and free institutions, must achieve and maintain their success by the superior enterprise and skill of American producers. The excellence of the citizen, in virtue, intelligence, and resources, and not the favoritism of the law, must be our guarantee of future industrial progress.

Interstate Commerce.

SPEECH

OF

HON. JOHN LITTLE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. LITTLE said:

Mr. SPEAKER: A statement of reasons influencing any member in his vote upon an important measure becoming law may have value. Especially is this true where controversy is likely to arise as to the true intent and construction of the measure.

This consideration leads me to submit some observations, under the general leave, upon the interstate-commerce bill.

That Congress has the authority to legislate upon the subject of interstate commerce as it pertains to common carriers of all kinds under the specific grant "to regulate commerce with foreign nations, and among the several States and with the Indian tribes," is beyond the pale of profitable controversy. What Congress may do, if anything, toward regulating commerce wholly within a State, if such regulation becomes necessary or expedient to the full and effective enjoyment of its authority so specifically given, is a question not involved in this bill, and not necessary now to be considered.

I may say, however, that for one I am unwilling to subscribe to the broad and unqualified doctrine repeatedly asserted here and elsewhere that under no circumstances can Congress in the exercise of this power interfere with common carriers operating, or commerce carried on, wholly within a State. It is conceivable that cases may arise under this very bill, matured into law, where its enforcement may be hindered or even defeated by great railroad corporations acting entirely within State boundaries.

Take the case of the New York Central Railroad, leading from Buffalo to New York city, altogether within the State of New York. Should this great highway of commerce be so managed, and it seems to me it might be so managed, as to impede, frustrate, or render impracticable the operation or enforcement of such a law as this in respect of other lines, interstate, competing for freights between other States and that great seaboard city, carried by, but not stored on its way at Buffalo; in such a case could not Congress raise its hands in support of its own enactment, in restraint of interference with the due operation thereof? Would Congress be compelled to give up its jurisdiction over these competing interstate lines because of the conduct of the State line, or could it exert a restraining authority over the latter?

Strong reason might be urged for such an exercise of incidental power, supported by analogies in legislation and by judicial decision. But sufficient unto the day is the evil thereof.

The wrongs which beset the commerce of the country because of the conduct of railroads have been so often portrayed in Congress and out that they need not be recounted. They are generally known, and in no quarter denied. That these evils, quite possibly often overstated, are, as to railroads crossing State lines, beyond correction by State authority, is judicially established. They are widespread and far-reaching, if not colossal. They affect individuals and communities, operating to take from one for the upbuilding of another, to impose unjust and unreasonable burdens, and to subject to sudden and severe losses.

Congress alone is adequate to afford the legislative correction, and the time has fully come for its action. Indeed, the people have justly complained at its delay hitherto. The question then is not whether we shall legislate, but how we shall legislate. It is even narrower than that at this particular juncture. It is just now whether we shall take the legislation proposed by the conference report or none, for the report is not amendable.

With the differences, substantially the same as two years ago, developed between the two Houses, the agreement upon another report, should this one be defeated and especially defeated because of departure from the House bill, would be exceedingly doubtful at this late day of the session. If another agreement were reached its adoption would be as doubtful. The practical question then is whether we shall take this bill reported from the conference or none; take it, or defer action to the next Congress, or the next, or the next. In this situation, with my understanding of the measure, I can not hesitate in my support.

If we are to wait till a bill is matured to suit the views of all, or until even plausible objections cease to be made, we shall wait forever. Yet, much as legislation may be needed and is desired, if the fear of evil consequences expressed by the opponents of this measure had substantial basis in its provisions, it should not be adopted, even though its errors might be cured at the next session. But after thoughtful examination of the objections made I am persuaded there is no good ground for such fear.

What about this bill, then, which a few, assuming with precisely as much information as modesty to speak for all, say nobody wants yet everybody intends to vote for?

An attentive reading will disclose, I am sure, two chief underlying principles or features which it is framed and fashioned to impress upon the business of common carriers subject to its provisions; that is, those doing a carrying business across State lines, namely:

1. Reasonableness and justice in all charges.
2. Equality, all things considered, in accommodations and facilities, as well as in charges.

I might add a third, although perhaps a corollary to the first, to wit: Reasonable permanency in rates once established. Its provisions seem to me intended, and not inaptly devised and constructed, to give effect to and enforce the plain common-law principles indicated.

The first of these is the chief one. It is formulated in the first section, and forms, to my mind, the great, commanding, pervading precept of the measure. It is in these words:

> All charges made for any service rendered, or to be rendered, in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property SHALL BE *reasonable and just.*

It applies to all the railroad and other lines contemplated by the bill, and to all their charges of every kind and character pertaining to traffic or carriage across any State line. It is always a present command in respect of any service. Whatever else happens, whatever other rule pertains, "all charges shall be reasonable and just." This rule is absolute. No power can suspend, no tribunal refuse to enforce it. It is the guiding star of the measure in cases of doubt and uncertainty. It is the key for the solution of difficulties under the suspension clause of section 4, which manifestly was inserted that it might be relieved of possible hindrance in any case.

Subsidiary or ancillary rules are laid down as aids in the application and enforcement of these common-law ones.

The rule against discrimination in charges, the one against discrimination in accommodations and facilities, the one against rebates and drawbacks which are mere devices to cover up favoritism in rates, the one on the long and short haul, the one against pooling, are of this character. I might include in the category the general prohibition of favoritism. And right here it is worth while to note a fact not mentioned in this discussion, so far as I have heard, that the effect of all these provisions unquestionably will be to prevent the issue of free passes for carriage across a State line—a circumstance not of the greatest importance in itself, yet worthy of mention.

The things prohibited are in the judgment of Congress—if it so be—unreasonable and work injustice. Their prohibition is just so much accomplished toward the application and enforcement of the great common law precepts referred to.

Instead of leaving it to the slow process of the courts to work out and define the practices and doings not permitted by these principles of the common law, Congress starts out in this new field of national legislation and jurisprudence, if I may so term it, with a few of such practices defined and condemned, leaving it to the future to make such additions, subtractions, alterations and corrections as experience may suggest.

It will be observed that these ancillary provisions are not of the cast-iron pattern. Carriers, for instance, are not prohibited absolutely from charging one person more for a given service than another person for the same or a like service. It is only when the services are contemporaneous and performed "under substantially similar circumstances and conditions," that the prohibition applies. It is not absolutely forbidden to give a preference to one person, place, or commodity over another. It is only an "undue or unreasonable preference or advantage" that is inhibited. So the prohibition against charging more in the aggre-

gate for the transportation of passengers or like kind of property for a shorter than a longer distance, &c., is not absolute. It may be relieved against by the commission. I should prefer to say it is left with the commission to determine in what cases the common-law rule of section 1 relieves against it.

And why this freedom from rigidity in these ancillary provisions? My answer is: Simply and solely that the great common law rules spoken of may have free scope for unimpeded operation in all cases and under any and all circumstances and conditions.

Cases might arise, and they often do, where reason and justice would unite in granting preferences and advantages in shipment as to one person, commodity, or locality over another. Shipments—I do not allude to those for "charitable purposes"—to or from localities suffering from or threatened with epidemics, or other calamities, are of this class. So, perhaps, would be those the failure to make which would cause great and peculiar loss or hardship. Quantity and character of shipments and the business concerned may be factors in the question.

There are various objections urged to the bill as it comes from the conference committee. Some oppose it because it is not sufficiently radical—does not go the lengths they think they desire; others for an opposite reason.

The main objections seem to be directed at the fourth section and from opposite standpoints. That section reads:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

One refuses his support because there is any long-and-short-haul provision at all; another because that provision is not absolute: one because it is in any case commanded that such a rule shall be enforced; the other because it is not so commanded in every case. I care only to notice briefly some of the objections of the former. They come from sources entitled to great respect.

Many commercial bodies and men of large experience and mature judgment have petitioned us to eliminate this section. I beg to hand in, to be printed as an appendix to these remarks, a letter from the Messrs. Whiteley & Kelly, of Springfield, Ohio, as a forcible and able presentation of objections to this section as well as one lending strong support to other mooted provisions. They are manufacturers of the Champion harvesting machines, which are sent from that city annually to perhaps every cereal-producing locality in the country, as well as to all the civilized countries in the world. Perhaps fifty to seventy-five thousand of these machines are thus shipped out every year. Their experience, therefore, with common carriers, as to local, through, and foreign freights, is, and has been, such as to entitle their judgment on this subject to great weight.

It will be observed, however, that they, like many others who have sent in their protests, are under a misapprehension as to the section. It does not, as they suppose, require that no more *per mile* be charged for the short than the long haul. The prohibition is simply that no more in the *aggregate* shall be charged. Under the section a railroad, for illustration, would not be authorized to charge them a greater sum for shipping a reaper or mower from Springfield, Ohio, to Indianapolis than to ship the same or a like machine on through Indianapolis to Saint Louis, "under substantially similar circumstances and conditions." It would not follow that if the railroad's charge for a car-load of say ten machines to the latter point were $100, its charge for a single machine to the former must not exceed $10; for the "conditions and circumstances" would not necessarily be the same. The amount shipped is a circumstance to be considered, doubtless.

Nor would it follow for the same reason if its charge for fifty car-loads to Saint Louis were $100 each that the charge to Indianapolis for a single car-load should not exceed that figure. I mean it would not follow from this section. Independently of this section, however, if $100 for the car, or $10 for the single machine, to Indianapolis would be an unreasonable or unjust charge, it would be unlawful and could not be enforced because of the common-law rule in section 1, which, as stated, is always operative.

There is little doubt that the vast bulk of the through carrying business of the country is now done in accordance with—that is, not in contravention to—the long-and-short haul provision. There will be no revolution therefore in this business, and no material drawback to business interests generally. That there will be some disturbance for a time, by way of needed changes and corrections, I do not question. Shipments of farm products from the far West east to the seaboard at unremunerative rates will be checked, and, in time, perhaps, turned to other and nearer markets. In reason and justice should they not be? Losses in such shipments must be made up by increase of way freights. Is this right? Why should the Ohio farmer, for instance, pay an excess of freight to carry his grain and cattle to the Eastern markets in order that the Colorado farmer may ship his there to compete at less than the cost of carriage?

In other words, why should the intermediate States be taxed by excessive freights for the benefit of those at the ends of carrying lines? Ohio farmers pay for their advantages of proximity to markets in the increased cost of their land. And these advantages should not be taxed away in high freights for the benefit of others. And what is right or wrong as to Ohio farmers is right or wrong, of course, as to those of other States. The farmers of any State are entitled to the natural advantages of their location and soil. They pay for them in their lands, and the railroads should not disturb their enjoyment by burdensome freights.

That the tendency of this measure will be to stimulate farming and stock-raising in Ohio and other Middle States I think is quite probable; and this I think, also, quite reasonable and just. Should the through rates be raised, or all rates—which is more probable—equalized to conform to the law, the effect will be the same. Farming communities will be more certainly than hitherto assured of the rightful advantages of their proximity to markets; and this remark will apply also to mining and other industrial interests.

Again, it may be—it probably will be—that a healthful disturbance, not great, not violent, but moderate and gradual, will result in manufacturing industries. It has become so, as shown in the Congressional investigation and known by common observation, that manufacturing establishments have necessarily been drawn from localities of their choice, where their products are most needed, to great cities on account of the reduced rates on railroads allowed there. In this way and by this policy of the railroad interests which are concentrated at the great centers such cities have grown enormously at the expense of the rest of the country. If this clause shall materially check and hinder this tendency it will, in my humble judgment, prove a great blessing to the country. At any rate, the country and smaller town manufactories will no longer be subjected to so unequal a contest with their city rivals.

When one remembers that the long-and-short-haul clause does not relieve from the requirement that "all charges * * * shall be reasonable and just," it is difficult to understand what valid objection can be made to it. How can any shipper ask to pay less than what is reasonable and just? How can a railroad demand more?

It may be retorted, what then is the use of section 4 if the common law rule is to be applied in every case? Like the other ancillary rules referred to, this provision is only an aid in applying the great common law rule.

There would be no need of any of these aids were the common law principles lived up to. Section 4 serves, so to speak, to shift the burden. Under it the controling presumption is that reason and justice require short hauls to be made as cheaply, in the aggregate, as long ones under like conditions and circumstances, and it is for those who assert the contrary to establish their claim before the commission. Without the section the presumption would be in favor of the practice adopted, and he who would assert the contrary would have to complain to the commission or go into court and establish his claim. Thus it seems to me the section will prove very useful.

It is objected that the commission created is given vast and dangerous powers, and its authority to relieve, in special cases, after examination and under certain circumstances, against the operation of the long-and-short-haul provision, is cited as one such power.

But this authority is of a judicial character. It is not for arbitrary exercise. I take it the commission can give relief, on investigation, in any case, to the extent and only to the extent that reason and justice may require. Otherwise, it would be suspending the common-law rule of section 1, which it has no power to do. The principle of construction and execution of law is familiar, that all provisions of an act must be given operation when that can be done. Aside from this one feature it is really interesting to note how little power the commission has. Its other authority is, I believe, entirely of an inquisitorial, advisory, or ancillary character.

It may investigate, advise, complain, and sue. That is about the sum of its alleged dangerous powers. The courts are always between it and binding orders and decrees, even in subpœnaing witnesses. But suppose it had great powers? Is that an objection to its creation? What officer of the United States is not clothed with powers that might not be dangerously exerted? When has injury sprung from the dangerous exercise of authority? It is in the mind of all when harm, appalling harm, came from lack of exercise of power! The commissioners are subject to removal by the President, and liable to impeachment. That is ample security even if they were fatally bent on mischief.

It is further objected that the phrase "under substantially similar circumstances and conditions," as found in section 4 and elsewhere in the bill, is vague, ambiguous, uncertain, and sure to give rise to litigation. The clause with which it is connected, wherever occurring, forms a part of a rule to be applied in numberless situations. Specific language, as if there were but one condition of things, is impossible. General terms alone can be used. Let him who thinks he can improve on this phrase try his hand at a substitute. Before he proceeds far he will

probably conclude to let it stand and leave its interpretation to the one who is to tell just what equity is, and what is meant by the familiar phrase, "reasonable and just."

It seems to me there will be no such difficulty in practice as is anticipated. Suits undoubtedly will arise, not so much because of doubt as to the meaning of the phrase, as because of dispute of fact concerning the existence of alleged circumstances and conditions. But should litigation occur, the decisions and judgments of courts will be worth more than their cost. The common law will be enriched, which is the best and the least costly of all law.

Again, still it is objected that the State courts are not given jurisdiction concurrently with the national courts under the bill. It is sufficient to say, in reply, that by express reservation the State courts will retain all their present jurisdiction—all they would have without this act. This bill in no way curtails any one in his rights or remedies as pertains to State courts. It adds new ones which he may pursue before other tribunals. That is all. This is of a class of objections which are merely captious and need not be further noticed.

After as thoughtful a consideration to these and other objections urged against this bill as I could give, I do not find them of sufficient moment to defeat or endanger legislation on this subject.

I feel that a beginning should be no longer delayed. These national highways of commerce, operating more than a hundred thousand miles of road, representing thousands of millions of capital, and gathering annually from the people eight hundred millions of money—an income largely in excess of that of any government of the world—have come to be, through combinations and combination influences, an enormous and an enormously growing power. A controling and guiding authority over it, on behalf of the public, is no longer merely desirable; it is a public necessity. The United States alone can provide that authority. There is no other power strong enough. This bill makes at least the beginning to that end, and, in my opinion, a fairly good one. It may not be wisest in all its appointments and features. I, myself, should have preferred a more simple measure. But its superfluities, defects, and errors, if they exist, can readily be lopped off, supplied, or corrected as they develop themselves.

In fact, one of the good results of the law may be to reveal its own shortcomings and mistakes and open up the way to better legislation.

The bill has at least the elements and foundation of a good legislative structure. It may not be the panacea for all real or supposed railroad ills—it is quite sure not to be. It is quite sure to disappoint its most sanguine friends in not accomplishing all they expect. On the whole, however, it will prove, I doubt not, to be greatly beneficial.

Mr Speaker, give the common-law precepts underlying and pervading this bill full scope and operation; let its provisions be administered in complete accordance therewith, and the measure matured into law will prove a beneficent one, and be numbered among the great enactments of the American Congress.

SPRINGFIELD, OHIO, *January* 14, 1887.

DEAR SIR: Other pressing engagements have prevented us from earlier carefully examining into the provisions of the Reagan-Cullom interstate-commerce bill, which we need not advise you, owing to our extensive business interests and their connections with the general business interests and the prosperity of the country, we feel especially interested in.

As extensive manufacturers of agricultural implements and machinery we necessarily sustain very close relations to other manufacturing and mining interests, notably the manufacture of iron and steel in all its various forms, the mining of coal, ores, &c., and to the entire farming community, and whatever affects the general manufacturing, mining, and agricultural interests of this country directly interests and affects us, as well as all other parties engaged in similar pursuits.

That some kind of interstate-commerce legislation is probably demanded and might be made advantageous, or at least mutually equitable to all of the various interests of the country, we agree, and it would be specially desirable that Congress should so legislate as would avoid the necessity of State or Territorial legislation by any of the several States and Territories, and thus secure as far as practicable uniform laws governing the commerce of the country, but in this legislation we think you will agree with us that the greatest care should be exercised, so that in endeavoring to correct existing errors graver ones are not caused.

In this connection, after a careful examination of the bill referred to, together with the amendments thereto agreed upon by the Cullom conference committee, we are of the opinion that while certain provisions of the bill should meet with general approval, other provisions of it are seriously objectionable and adverse to the interests of the country generally.

Sections 2 and 3. While the provisions of the bill generally, and especially sections 2 and 3 prohibiting any discrimination by common carriers in favor of or against any person, firm, company, or corporation would not be objectionable if it could be applied to unjust discrimination, we think it hardly fair or practicable to prevent discrimination which may be advantageous and equitable. However, if that portion of section 2 which reads as follows: "A like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions," is construed considering the volume of business done by each and its value to the common carrier, &c., we see no special objections to the provisions of sections 2 and 3.

Section 4, known as the long and short haul section, which provides "that it shall be unlawful to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property under substantially similar circumstances and conditions for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance" is, we think, the most objectionable feature or provision of the bill, for while this section also provides that upon application to the commission such common carrier may in special cases, after investigation by the commission, be authorized to charge less for longer than shorter distances, &c., to the extent which may from time to time be prescribed by said commission, unless the exemptions from the provision of this section by the commission were made the rule instead of the exception, the result would work almost inestimable injury, if not actual bankruptcy, to some of the most important industries of the country.

It is, we believe, a well-settled fact that the future prosperity of all of the various agricultural, mechanical, commercial, and mercantile interests of the United States depends very largely upon the American farmer being enabled to produce wheat, corn, cotton, beef, &c., at prices that will enable us to compete favorably with other countries in supplying the European market with our surplus product, and if this be true, and prices in foreign markets are fixed by competition, it is imperatively necessary that our producers be enabled to produce and market our surplus products on the most economical basis, while the inevitable result of the provisions of section 4 of this bill would be to materially advance prices in our own principal markets to an extent that would make it impossible to export in competition with other countries and bankrupt the agricultural and stock-raising interests, and all other interests dependent upon them, in the vast portion of territory unfavorably situated to the principal markets, or to bankrupt the railroad interests, which would be equally disastrous.

It is also, we believe, an equally well-established fact that it is impossible for railroad and other transportation companies to receive the same, or approximatingly the same proportionate revenue on all kinds of business, or on the same class of business emanating at the same point and shipped to different markets, or emanating at different points for the same market. In fact it should be a part of the mission of the railroad and transportation companies to foster and build up in every way practical all of the various agricultural, mining, manufacturing, and commercial interests of the country, for in that they best promote the general interests, and in this each particular line of railroad should not only be permitted but, if practical, required to co-operate with its connecting lines in transporting to market the product of the country on a basis that will enable it to compete successfully with similar products of other portions of the country, and in order to do this the railroads must necessarily govern their revenue to a certain extent by what the product can afford to pay.

Take as an illustration the Cambria Iron Company, of Johnstown, Pa., one of the largest producers of steel and iron in the country, located on the Pennsylvania Railroad. If said railroad company and its connecting lines were to charge the Cambria Iron Company the same rate per mile on its product to all markets it would be deprived of many of its customers, and its customers would be deprived of the competition thus afforded them in making favorable purchases, and the business of that company would be limited to supplying the trade within equal distances with other manufacturers in its line.

Again, if the railroad companies are compelled to charge on wheat, corn, &c., shipped from Kansas, Nebraska, Iowa, and other Western States over their lines to the Eastern markets the same rate per mile as they charge for business passing the same or a shorter distance over their lines, they must necessarily materially advance the rates, and to such a point that after paying the transportation the farmers of those Western States could not realize for their grain the expense of raising it, saying nothing of the value of their lands.

And the same rule applied to the shipment of agricultural implements, machinery, and merchandise generally from the Eastern and Central to the Western States would increase the prices of same to the Western farmers so that they could not afford to purchase them, even if they could realize present prices for their product; while on the contrary, the fact that the railroad companies transport at a proportionately less rate agricultural implements and machinery from Ohio to Missouri, Iowa, Kansas, Texas, Minnesota, Dakota, and territory farther West, as well as to points in the Eastern and New England States, and transport the farm products of those Western States to the Eastern markets at proportionately less rates than the same is transported within the State of Ohio, or between points within the State of Ohio and adjoining States or Eastern markets is, we maintain, no injustice to any portion of the business interests of Ohio, while it is manifestly advantageous to the great mining and manufacturing interests of this State.

It is impractical for manufacturers and equally impractical for railroad and transportation companies to realize the same net profits, earnings or revenue from all business of the same class. The railroads are affected equally with the other business interests by competition and must necessarily adapt themselves to it, and any legislation tending to reduce the price of the produce of the Western farmer or increase the price of agricultural implements, machinery, and all other supplies to him is antagonistic to the best interests of the people of Ohio, and we believe of the country generally.

Through the open competition and the necessity of enabling the farmer to produce and market his crops at the lowest possible cost, as recognized by the manufacturers, the prices of agricultural implements and machinery have been steadily reduced until the profits of the manufacturer have been reduced to a minimum and in some cases entirely abrogated, and yet it is urged and pretty generally admitted that present prices are as high as the farmers can afford to pay in proportion to prices which they are able to realize for their products.

Through the open competition in transportation, except where pools or other combinations have been formed, the railroad companies have aided the manufacturer in reducing the cost of supplies to the farmer, and we believe that the very best guarantee of remunerative prices to the producer, as well as the lowest prices to the consumer is afforded by open competition in all classes of business, including transportation.

While it is generally conceded that the business interests of the country, which have been so universally depressed for the past two years, are now in a more prosperous condition, prospectively at least, we believe that if the provisions of section 4 of this bill should become a law the result would prove most disastrous, especially to the Western country, depriving the farming community of the means of paying debts already contracted, or making additional purchases, prohibiting the manufacturers and others who have extended large credits to them from making collections, and seriously embarrass the interests of the country generally.

In this connection we are aware that it may be, and no doubt has been, urged that if by the passage of this bill greater evils are created than are sought to be remedied, after giving it a trial, the law may be amended, &c., but in our opinion this would be a very dangerous experiment, and one that would be likely to cause irreparable damage.

Section 5, by the provisions of which all contracts or combinations of common carriers with other common carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, &c., are prohibited, we heartily approve, as we believe that all such combinations, pools, and similar organizations are antagonistic to the best interests of the country, depriving the community of the open competition that they would otherwise have the benefit of. We have never known of any combination formed for the benefit of its patrons or customers, but on the contrary the reverse is always the case, and as the railroads enjoy certain special privileges on account of their necessity they should not be permitted through combination to deprive the people of legitimate competition.

In open competition we believe the rule is that the shortest line presumably establishes the rate, based upon an equitable revenue to the railroad company, and the other longer lines who compete for the business are expected to meet the competition, and where they can not do so and realize a profit from the business we maintain that such lines have no right to form combinations and advance the rates, requiring the community to pay a satisfactory revenue to the longer lines, which combinations usually result in charging unreasonably high, if not extortionate rates.

We presume it is hardly necessary for us to refer to the manifest objections to that feature of the bill giving the commission provided for almost unlimited power, and the dangers attending the clothing of human beings with such power, the corruption likely to follow, &c.; and while it is undoubtedly proper that the business of the transportation companies, to the construction of which the people have contributed to a considerable extent, should be reasonably controlled by proper restrictions, in view of the enormous amount of capital invested by such companies, and the advantages to be derived from them by the community through efficient as well as reasonably liberal management, it is, we think, very questionable whether, in justice, the Government can assume such unlimited control of the business of the railroads as is contemplated by the powers delegated by this bill to the commission, without first purchasing the property to be so controlled.

For these and many other equally good reasons which we have no doubt will be apparent to you, we think this bill with its present objectionable features should not become a law, and presuming that it will not and that another and more equitable and practical bill will be introduced, we beg to suggest inserting therein a provision making the common carrier whose officer or agent contracts for the transportation of property from any point within any of the States or Territories to any other point within any of the other States or Territories of the United States the agent of all of the other common carrier connecting lines by whom said property is to be transported from the point of shipment to destination, binding them for the contracts and acts of said agent, so that the prepayment of freight at the contracted rate named in the bills of lading signed by the agent of the contracting line, or written contract or proposition made by said contracting line, or the tender of the freight at the rate named in such contracts to the line that delivers same at the point of destination, shall be considered full payment or legal-tender of payment, and a refusal to accept in full payment so tendered and deliver the property shall give the consignee or the shipper the right of action to recover the property by writ of replevin at the expense of said common carrier.

The object of this provision being to prevent a system of overcharging by the railroad companies at the point of delivery, and the serious difficulties and vexatious delays experienced by shippers and consignees in collecting from the railroad companies overcharges which they have been required to pay on shipments, such a provision of law we believe would be just and equitable to all and relieve the community of one of the worst evils inflicted, and in many cases systematically practiced, upon the community, giving the railroad companies of the United States the use of millions of dollars collected by them from their patrons as overcharges and refunded by them only at their pleasure, if at all.

Very respectfully,

AMOS WHITELY.
W. N. WHITELY.
O. S. KELLY.

Hon. JOHN LITTLE, M. C., *Washington, D. C.*

Agricultural Department.

SPEECH

OF

HON. P. T. GLASS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 12, 1887.

The House being in the Committee of the Whole, and having under consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture and to create an executive department to be known as the department of agriculture and labor—

Mr. GLASS said:

Mr. CHAIRMAN: The industry of agriculture has hitherto been denied that recognition by Congress which its importance and magnitude deserved. The great industries of our country are: Agriculture, mining, manufacture, and commerce. I mention them in the order of their importance and utility, if not of their commercial value. These industries have each received the fostering care of the Government, and especially have the latter two enjoyed it to a much larger extent than the first named—the greatest of them all. The creation by law of additional departments in our Government is not a new thing in Congressional legislation. Originally there were established but five, the State, the Treasury, the Army, the Law, and Post-Office Departments. Later on, the Navy, and still more recently, the Interior. And by this bill it is proposed to create the department of agriculture, and to make it one in fact as well as one in name; a department that will embrace the interests of three-fourths of our population, and almost the entire wealth-producing classes of the country.

It has been asserted on this floor that Congress has no constitutional right to create a department, with an executive officer at its head, to represent and superintend that which does not belong to the Government; that Congress controls and directs our intercourse with foreign nations, and hence the State Department; provides and regulates the currency, regulates foreign and interstate commerce, and hence the Treasury; the Government possesses the Army and Navy, and hence these departments; and so with the Departments of Justice, the Post-Office, and the Interior; but that the Government does not own the farms of the country and therefore has no power to create an executive officer to look after them.

This is a narrow view and unworthy of that broad statesmanship that should control our actions on this floor. If authority is conferred by the Constitution to establish a bureau of agriculture and one of animal industries, it is certainly no greater stretch of power to declare it broad enough to embrace an executive department charged with similar duties. I have heard no such objections made to the creation and continuance of these bureaus, the former having been established in 1839 and enlarged in 1862, and the latter more recently.

The Constitution would appear broad enough to authorize protection to manufactures, bounties to commerce, and scientific expeditions to watch the transit of Venus, to search for the north pole, and to fish up the lost cities of Sodom and Gomorrah from the depths of the Dead Sea, but too narrow to authorize the creation of a department to promote and develop the great agricultural industries of our country. Away with such constitutional theories! Again it has been said that, "agriculture" is not even mentioned in the Constitution. I will say to gentlemen that the people demand the creation of such a department as this bill proposes, and if it can not be accomplished without, thirty millions of farmers will keep up the agitation until the word "agriculture" shall be put into the Constitution.

The farmers constitute more than one-half of our population, and twenty-seven years ago they owned one-half of the wealth; but class legislation has transferred much of their earnings to the favored classes, and especially the corporations, and now they own but one-fourth. This is an appalling fact, and can only be accounted for on the hypothesis that pernicious legislation has enabled other less productive industries to appropriate a part of the rewards of the farmers' toils. The farmers of the land are the most patient and conservative portion of our population, and on this account have been subjected to an unjust share of governmental burdens. The 4,000,000 of farms in this country are tilled by 7,670,000 intelligent and law-abiding citizens, producing annually products valued at $3,000,000,000 upon farms worth $10,129,096,776. They pay 75 per cent. of all Federal taxes and contribute of our exports more than 80 per cent, and have done so much of the time for more than fifty years.

In view of such facts, will Congress longer refuse to do simple justice to this paramount industry and to dignify it with an executive officer to represent it in the Cabinet councils of the nation? I think not. Justice requires that this large class shall have a spokesman near the President, who may give his opinions upon all questions affecting their rights and interests, and especially in the discussion of treaties proposed to be negotiated with foreign powers.

Reciprocity treaties almost invariably affect injuriously the farming interests of our people. Hence the necessity and importance of having a Cabinet minister at the council-board of the nation, who will have been prepared by his knowledge and practical experience to make a full and clear presentation of the claims, rights, and interests of the farming classes. In nearly every instance where reciprocity treaties have been entered into with other governments it has been with countries purely agricultural, whose products are similar to our own, hence the advantages arising therefrom have accrued almost exclusively to the manufacturing industries.

It is so under the treaty with the Hawaiian Islands admitting sugar and rice into our Pacific ports free of duty in consideration that certain manufactured products of this country be admitted free into the ports of the latter government. And so it would be under the proposed treaties with Mexico, the South American republics, and the West India Islands, and has been such under a similar treaty with Canada. In other words, reciprocity treaties are not generally promotive of the agricultural industries of our country, but in direct antagonism to them, and should not be favored by that class engaged in tilling the soil. Give to the people engaged in this great and overshadowing industry a Cabinet minister to watch and guard their interests, and to prevent as far as he may be able any wrong or injustice to the farming classes. Commerce and manufactures to some extent are represented in the Cabinet by the Secretary of the Treasury, whilst the tillers of the soil have no special friend there whose voice might become potential to protect their rights.

Other nations much less interested in the cultivation of the soil than ours have such cabinet ministers. Prussia, France, Austria, and Russia, as well as others, have them, but it is left to this Government, almost alone of the leading ones of the world, to withhold that justice which should be accorded in this regard.

European countries through their advanced scientific systems of tillage have succeeded in doubling the productive capacity of their soils. In this country, with its virgin soil, we are producing only 14 bushels of wheat per acre as the general average. In England, where the land has been cultivated for more than a thousand years, the country makes a yield of 29 bushels, and in some of the countries in Europe as high as 35; and almost all of them a much larger yield than our country, now the largest wheat-producing country on the globe.

How is this accomplished? By governmental encouragement, supplementing private capital and enterprise. J. B. Laws, of Rothamsted, England, a public-spirited and scientific gentleman, at his expense established in 1843 an experimental farm, where he proposed to analyze soils, fertilizers, &c., and also to test the germinating properties of seeds, and their productive capacities under different conditions and under different modes of culture, and to publish the results to the world, so that the masses who were unable to make these costly experiments might avail themselves of his learning and benefaction.

These experiments have been kept up with incalculable results for the advancement of agriculture and their scientific application to practical

farming. And since the establishment of this more than one hundred have been established on the continent, with equally beneficial results to those who till the soil. The time has come in the history of our farming when greater skill and knowledge of science is required to induce the earth to yield its annual crops in quantities to make farming remunerative and satisfactory. The complaint comes up from all over the country that the sprightly and educated young men are leaving the farms, and flocking to the cities to crowd the learned professions and the mercantile pursuits, chiefly because success upon the farm is as much the result of muscular power and brute force as it is of intellect and culture; and to avoid this character of competition they leave the farm. How can this state of things be changed? Make farming more attractive, and more of an intellectual pursuit. Establish the experiment stations, and these will constitute centers from which will go forth trained experts, scientific farmers, whose attainments will redound to the benefit and advancement of the whole class, just as West Point and Annapolis form the nucleus of the educated and trained soldiers and seamen of our Army and Navy.

The tiller of the soil has ever been the pioneer in civilization, while commerce has often led the way by opening up the unknown paths of the ocean; those engaged in it are often moved by the spirit of adventure, and rarely built up a true and substantial civilization, but too frequently corrupted, debauched, and retarded its progress. Ours is essentially an agricultural country, has been since its early settlement, and in the very nature of things must continue as such. Our farmers under a wise and just system of laws would be the most prosperous and contented under the sun. It is to them chiefly that we are indebted for the stability of our institutions and the conservatism in the administration of our Government. Strikes and riots are almost unknown among them, and communism and anarchism will never take root in their midst. There was more consideration given to this industry by public men in the early history of our Republic, when our lawmakers came more from the farming classes than they have latterly. One or two farmers now constitute the entire number of them sitting in the Chamber at the other end of this Capitol, and scarcely a dozen sit in this House.

How inadequate is this representation in view of their numbers. We find sixty-five of the seventy-six members of the Senate belonging to the legal profession and about the same proportion occupying seats on this floor. The country needs the learning and ability of the legal profession and fully appreciates their usefulness; but they not infrequently use their learning to defeat important legislation in the interest of the farming classes. They are not in every instance familiar with the proposed legislation here in furtherance of our agriculture, and often have no practical knowledge of its effects upon the industry.

Washington, the farmer President, in his fourth annual message to Congress, recommended legislation to aid and encourage this great national industry; and the committee having the matter in charge reported a bill for creating a national board of agriculture, to be composed of "the judges of the Supreme Court, members of the Cabinet, and the National Congress." The apparant ludicrousness of creating a national board of agriculture to be composed of these officials will, in a measure, be dispelled when we reflect that at that time cultivators of the soil were frequently to be found among the counselors and lawmakers of the nation. This bill did not, however, become a law, and it does not appear that any further attempt to aid agriculture by national legislation was made until 1839, when Congress made an appropriation of $500 to be expended by the Commissioner of Patents in collecting agricultural statistics. Jefferson, the true friend of agriculture, declared that his confidence in the perpetuity of republican institutions in this country was based upon the fact that agriculture was to be the chief occupation of the people.

Everywhere and in all ages agriculture has been the handmaid and companion of good society and honest government, and it has equally been the basis and foundation throughout the ages of the highest civilization and the purest religion. Wherever it has reached a high development, there learning and religion flourished, and where it has been most neglected and held in the least repute, as in Eastern countries, there paganism and idolatry corrupted and degraded mankind. Palestine was never strictly an agricultural country, but pastoral and pomological, the inhabitants subsisting chiefly upon their flocks and herds and the spontaneous fruits of the forests, hence their crude and rugged civilization.

But we find the earliest dawn of a higher and better civilization on the fertile plains of Mesopotamia, upon the banks of the Tigris and Euphrates, where the ruins of ancient irrigating canals are still to be seen. And later, upon the alluvial delta of the Nile, the seat and center of the world's early development of science and the fine arts. Next, the statesmen and philosophers of Greece became the patrons of agriculture, and devoted much of their lives to its study and practical development. And again, in Rome, when her fertile valleys and plains early begat a love of farm life, even on the part of her patricians, her poets sang of its charms, her philosophers wrote essays upon it, and her purest and noblest statesman followed the plow.

I might continue this narration down to our own times and country, and the parallel would hold good all the way along without a break. After the breaking up of the Roman Empire the dark ages supervened, and war became the ordinary occupation of man, agriculture was neglected and passed into disrepute, civilization retrograded, Christianity fled to the monasteries and the mountains, and mankind lapsed into semi-barbarism. After this night of a thousand years the dawn of agricultural progress, letters, and Christianity was coeval with each other. And whenever, since that period, the tillage of the soil has been encouraged and honored by government, then the highest type of man, intellectually and morally, has been developed, the arts, literature, and science have had their highest expression, and Christianity has elevated and ennobled the human race. Now, let the United States, as the grandest agricultural country of the world, set an example as the foremost promoter and patron of this the purest and noblest of all industries. I hope the bill will pass.

Tax or Duty on Raw Cotton.

SPEECH

OF

HON. THOMAS C. McRAE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 14, 1887,

On the bill (H. R. 11096) to credit and pay to the States all moneys collected as a tax or duty on raw cotton under the act approved July 1, 1862, and the acts amendatory thereto.

Mr. McRAE said:

Mr. CHAIRMAN: Since under the rules and practice of the House when in Committee of the Whole on the state of the Union members are not bound to confine themselves to the question under debate I propose at this time to submit some observations upon the question of refunding the cotton tax collected between 1863 and 1868. Early in the first session of the present Congress, on the 21st day of December, 1885, I introduced a bill (H. R. 133) upon this subject. It was referred to the Committee on Claims, but has never been reported back, and I am convinced that it will not be. On the 4th day of the present month the Senate of the United States passed by a yea-and-nay vote, with only one vote in the negative, a bill (S. 995) which seeks to credit and pay to the several States all the moneys collected under the direct tax levied by the act of Congress approved August 5, 1861. It was transmitted to this House, and its friends here believing that the Judiciary Committee was more friendly to the proposition than the Committee on Ways and Means, to which under the rules it would have gone, moved to refer the bill to that committee.

The motion was agreed to by a vote of 134 to 93. Seeing in these votes a disposition on the part of Congress, as I thought, to even up some of the inequalities of the repealed war taxes, on the 6th day of this month I introduced another bill upon the same subject, and moved its reference to the Committee on the Judiciary with the statement at the time that I thought it and the bill passed by the Senate should be considered by the same committee and in the same connection. This motion was agreed to by the House, and so both are before the Committee on the Judiciary, and I trust will be considered together and so reported to this House.

The last bill (H. R. 11096) is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit and pay to each State a sum equal to the amounts collected therein respectively as a tax or duty on raw cotton, under the provisions of the act approved July 1, 1862, and the supplemental and amendatory acts thereto, which sums, when so credited and paid, shall be accepted and held by the States in trust, first, for such of the producers who paid said tax or duty, or their legal representatives, as may make claim to and prove their identity, and the amount of taxes paid, in two years after the passage of this act, and, second, the remainder, if any, to be held and used only as a permanent free-school fund.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act: *Provided*, That any State accepting the trust hereby created is prohibited from paying any part of the funds received to any person, syndicate, or corporation, except the producers who paid the taxes on cotton grown by them or their legal representatives; and in no case shall the payment be made to an assignee of such claim.

I do not claim that this bill is perfect in all the details necessary to carry into effect the main purpose. It ought, perhaps, to be amended in some respects, but as my purpose is not to discuss the details at this time, but only to place the facts before the committee with my argument upon the illegality and reasons for the introduction and support of the measure, I will leave the matters of detail to the House when the bill is under consideration.

The only apology that I have to offer the committee for detaining it at this time is the interest of my constituents in the measure and my desire to call attention to the claims of the two propositions upon the score of inequality before they are acted upon by the Judiciary Committee.

THE DIRECT TAX OF 1861.

It is admitted that the direct-tax bill of 1861 was constitutional. This much can not be said of the cotton tax. No State paid more of the direct tax than was legally assessed against its citizens. The tax was in no sense a charge against the States in their sovereign or corporate capacity. The only effect of that law was to fix an amount for each State beyond which the United States collector could not go in his collections from the citizens thereof, who alone were liable for such tax. The amount apportioned to each State was assessed against the tax-payers residing therein in proportion to the amount of land each owned, and so it was the individual citizens and not the States who became indebted to the United States. The States who paid it were allowed 15 per cent. for collecting. This was the reason some States assumed it. There was no effort to collect this tax from the citizens of the Southern States at that time. They were in rebellion. No one believed that it would ever be collected. The tax was not a lien upon the land, and was only a debt against the citizens. Many of them were killed in battle, others have since died from natural causes, and nearly all of those who now survive had their property swept away by the war and are insolvent. The United States finding it impossible to collect the taxes, either during or since the war, from the citizens of the Southern States, have charged the amounts apportioned to each of these States to the States in their corporate capacity, and the accounting officers, by reason of these unwarranted charges, withhold from the States all sums due from the United States, and in this way payment is being coerced without law. The only reason given for this bill is that as the tax was collected in the Northern and not in the Southern States the whole amount, about fifteen millions, should be refunded and credited to the States, and the unpaid three million remitted to the delinquent States. It is said by the friends of the bill that this will equalize the matter and save the United States much trouble and litigation with the Southern States. Many Southern Representatives, believing that it is the only way to relieve their States of these illegal and unjust charges are disposed to support the bill. Such was the feeling of Southern Senators who voted for the measure.

That the committee may understand the full scope and effect of these bills, I will state such facts as I have been able to get bearing upon them, and where it is possible to do so will give them in tabular form.

The following table will, I think, show the amount paid, as well as the amount unpaid, of the sums apportioned to the several States under the act of August 5, 1861: (Stat. 12, p 292.)

State or Territory.	Amount paid.	Balance unpaid.
Alabama	$18,285 03	$511,028 30
Arkansas	184,082 18	77,803 82
California	254,538 67	
Colorado	22,189 96	715 37
Connecticut	261,981 90	
Dakota	3,241 33	
Delaware	70,332 83	
District of Columbia	49,437 33	
Florida	43,529 81	33,992 86
Georgia	106,963 17	477,404 16
Illinois	974,568 63	
Indiana	769,144 03	
Iowa	384,274 80	
Kansas	71,743 33	
Kentucky	606,641 03	
Louisiana	268,515 12	117,371 55
Maine	357,702 10	
Maryland	371,299 83	
Massachusetts	700,894 14	
Michigan	426,498 83	
Minnesota	92,245 40	
Mississippi	101,717 04	311,367 63
Missouri	646,958 23	
Nebraska	19,312 00	
Nevada	4,592 67	
New Hampshire	185,645 67	
New Jersey	382,614 83	
New Mexico	62,648 00	
New York	2,213,330 86	
North Carolina	386,194 45	190,000 22
Ohio	1,332,025 93	
Oregon	35,140 67	
Pennsylvania	1,654,711 43	
Rhode Island	99,419 11	
Tennessee	387,734 31	281,763 69
Texas	130,008 06	225,098 61
Utah		26,982 00
Vermont	179,407 80	
Virginia	515,569 72	213,501 30
West Virginia	181,306 93	
Washington	4,268 16	3,487 17
Wisconsin	454,944 84	25,397 40
South Carolina	377,961 30	

It appears from this that there is yet unpaid of the sums apportioned to the eleven Southern States about three millions of the amount apportioned to them, which was something less than six millions, nearly 50 per cent. of the amount having been paid, or collections forced in some way.

The following table will show as nearly as can be the amounts proposed to be credited by the two bills in question. The first column shows the amount intended to be refunded under the direct-tax bill; the second the amounts of the cotton tax collected, while the third shows the aggregate of the two bills by States.

States and Territories.	Amounts to be credited under bill S. 995.	Amounts to be credited under bill H. R. 11096.	Aggregate of both bills.
Alabama	$529,313 33	$10,388,072 10	$10,917,385 43
Arkansas	261,886 00	2,555,638 43	2,817,524 43
California	254,538 67	430 04	254,968 71
Colorado	22,905 33		22,905 33
Connecticut	261,981 90	193 64	262,175 54
Dakota	3,241 33		3,241 33
Delaware	70,332 83		70,332 83
District of Columbia	49,437 33		49,437 33
Florida	77,522 67	918,944 98	996,467 65
Georgia	584,367 33	11,897,094 98	12,481,462 31
Illinois	974,568 63	379,144 42	1,354,713 05
Indiana	769,144 03	92,727 22	861,871 25
Iowa	384,274 80		384,274 80
Kansas	$71,743 33	$286 15	$72,029 48
Kentucky	606,641 03	553,327 45	1,159,968 48
Louisiana	385,886 67	10,098 501 00	10,483,387 67
Maine	357,702 10		357,702 10
Maryland	371,299 83	51,349 52	422,649 35
Massachusetts	700,894 14	66,679 30	777,573 44
Michigan	426,498 83		426,498 83
Minnesota	92,245,40		92,245 40
Mississippi	413,084 67	8,742,995 93	9,156,080 60
Missouri	646,958 23	592,098 36	1,239,056 59
Nebraska	19,312 00		19,312 00
Nevada	4,592 67		4,592 67
New Hampshire	185,645 67		185,645 67
New Jersey	382,614 83	3,656 42	386,271 25
New Mexico	62,648 00		62,648 00
New York	2,213,330 86	867,942 68	3,081,273 54
North Carolina	576,194 67	1,959,704 87	2,535,899 54
Ohio	1,332,025 93	447,127 12	1,779,153 05
Oregon	35,140 67		35,140 67
Pennsylvania	1,654,711 43	78,535 06	1,733,246 49
Rhode Island	99,419 11	2,424 73	101,843 84
South Carolina	377,961 30	4,172,420 16	4,550,381 46
Tennessee	669,498 00	7,873,460 71	8,542,958 70
Texas	355,106 67	5,502,401 24	5,857,507 91
Utah	26,982 00	1,375 34	28,357 34
Vermont	179,407 80		179,407 80
Virginia	729,071 02	825,856 87	1,554,927 89
West Virginia	181,306 93		181,306 93
Washington	7,755 33		7,755 33
Wisconsin	454,944 84		454,944 84
Total direct tax	17,874,137 13		
Total cotton tax		68,072,388 99	
Total of both direct and cotton tax			85,946,526 12

It appears from this table that of the States composing the Union at that time, and I include those then in rebellion, ten of the Southern States were delinquent as to the direct taxes, while the same number of Northern States paid no cotton tax. The citizens of these same States who failed to pay the $3,079.932.14 of direct taxes during the war did pay immediately after the war more than sixty millions on their cotton, besides the thirty millions of property taken from them under the captured and abandoned property acts, much of which has never been returned to them.

The Internal-Revenue Commissioner's books show the sums collected as duties on cotton under the laws in question. The following sums were collected for the year indicated:

For the fiscal year ending June 30, 1863	$351,311 48
For the fiscal year ending June 30, 1864	1,268,412 56
For the fiscal year ending June 30, 1865	1,772,983 48
For the fiscal year ending June 30, 1866	18,409,654 90
For the fiscal year ending June 30, 1867	23,769,078 80
For the fiscal year ending June 30, 1868	22,500,947 77
Making the aggregate sum of	68,072,388 99

This total appears large and will have a tendency to frighten away members who would support the measure if it only involved as many thousands as it does millions. This only intensifies the wrong. Large as the sum appears, it is less than the annual appropriation for pensions.

Although the tax, in the language of the law, was "to be paid by the producer," and heavy penalties denounced by the law for a failure to pay before removal or sale, during the war, some of the cotton was removed from the Southern States to the Northern States, under the intercourse laws before the tax was paid, mainly because the collectors of the United States did not find it practicable to force collection during hostilities.

In such cases the tax was paid by purchasers from the producer. This was particularly the case as to the cotton on hand at the time of the passage of the first act in July, 1862. The law fixed a lien on the cotton from the day of the assessment, which was in March of each year, until paid even in the hands of a purchaser. So we find that the tax was in some instances paid by persons other than the producer, and in States other than cotton producing States. Much of the crop of 1860 at the breaking out of the war between the States was held by brokers for the producers. In such cases the brokers paid the tax for the pro-

ducers. I have said this much in explanation of the foregoing statement, which I think shows the correct amounts collected in each State under all the laws during the time they were in force.

While it appears from these tables that collections were made in as many as twenty-six States, less than one-half of them cotton States, it also appears that nine-tenths of the tax was paid in the eleven Southern cotton-growing States.

I submit, first, that the tax was not constitutional, because it violated the rule of uniformity, and because it was a tax upon exports; second, that it was unequal and unjust, because it was a tax upon a particular production of the soil peculiar to less than one-third of the States with no corresponding tax upon the productions of the other States. Before proceeding to the consideration of these propositions, I desire to cite the several sections of the acts under which the duties were laid and collected.

The first act laying such a tax was dated July 1, 1862 (12 Statutes, page 432). The duty in this act was fixed at one-half of 1 cent per pound.

On the 7th of March, 1864 (13 Statutes, page 15), this act was amended, and the fourth section of the amendatory act is as follows:

That from and after the passage of this act, in lieu of the duties provided in the act referred to in the first section of this act, there shall be levied, collected, and paid upon all cotton produced or sold and removed for consumption, and upon which no duty has been levied, paid, or collected, a duty of 2 cents per pound; and such duty shall be and remain a lien thereon until said duty shall have been paid, in the possession of any person whomsoever. And further, if any person or persons, corporation or association of persons remove, carry, or transport the same, or procure any other party or parties to remove, carry, or transport the same from the place of its production, with the intent to evade the duty thereon, or to defraud the Government, before said duty shall have been paid, such person or persons, corporation or association of persons shall forfeit and pay to the United States double the amount of said duty, to be recovered in any court of competent jurisdiction.

This act was amended by the act approved July 13, 1866, entitled "An act to reduce internal taxation and to amend an act entitled, &c." (14 Statutes, page 98). As nearly all the collections as far as cotton was concerned were made under this act, I will cite the first two sections:

There shall be paid by the producer, owner, or holder, upon all cotton produced within the United States, and upon which no tax has been levied, paid, or collected, a tax of 3 cents per pound as hereinafter provided; and the weight of such cotton shall be ascertained by deducting 4 per cent. for tare from the gross weight of each bale or package; and such tax shall be and remain a lien thereon, in the possession of any person whomsoever from the time when this law takes effect, or such cotton is produced as aforesaid, until the same shall have been paid; and no drawback shall, in any case, be allowed on raw or unmanufactured cotton of any tax paid thereon when exported in the raw or unmanufactured condition.

That the aforesaid tax upon cotton shall be levied by the assessor on the producer, owner, or holder thereof. And said tax shall be paid to the collector of internal revenue within and for the collection district in which said cotton shall have been produced, and before the same shall have been removed therefrom, except where otherwise provided in this act; and every collector to whom any tax upon cotton shall be paid shall mark the bales or other packages upon which the tax shall have been paid, in such manner as may clearly indicate the payment thereof, and shall give to the owner or other person having charge of such cotton a permit for the removal of the same, stating therein the amount and payment of the tax, the time and place of payment and the weight and marks upon the bales and packages, so that the same may be fully identified; and it shall be the duty of every such collector to keep clear and sufficient records of all such cotton inspected or marked, and of all marks and identifications thereof, and of all permits for the removal of the same, and of all his transactions relating thereto, and he shall make full returns thereof monthly to the Commissioner of Internal Revenue.

Although the title of this act indicated a reduction, it is noticeable that the tax on cotton was increased from 2 to 3 cents per pound.

THE TAX UNCONSTITUTIONAL.

The only power granted to Congress authorizing the laying and collecting of taxes, duties, imposts, and excises is to be gathered from the following parts of the Constitution:

ARTICLE I.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

And this power is restricted by the following prohibitory clauses:

ARTICLE I.

SEC. 9. * * * No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

Taking these provisions together I conclude that Congress has full power to lay and collect all such taxes as are enumerated when necessary for the legitimate purposes of the Government, but always subject to the following restrictions and limitations, namely: Direct taxes must be apportioned; duties, imposts, and excises must be uniform, and that neither Congress nor the States have power to tax exports from any State.

The legality of this tax has never been passed upon by the Supreme Court and is an open question. One case was appealed to the Supreme Court from Tennessee, but the court was equally divided and made no decision.

That we may test the legality of this tax let us ask what kind of a tax it was. Was it a direct tax? To correctly answer this inquiry we should understand what is meant by this term as used in the Constitution. It is generally understood to be "a tax assessed directly on possessions, incomes, or polls distinguished from taxes on merchandise or customs and from excises." Justice Chase in Hylton's case (3 Dallas, 171) said:

I am inclined to think that the direct taxes, contemplated by the Constitution, are only two, namely: a capitation or poll-tax simply, without regard to property, profession, or other circumstances, and a tax on land. I doubt whether a tax by a general assessment of personal property within the United States is included within the term direct tax.

The real question in this case was whether a tax upon pleasure carriages throughout the United States was constitutional, the same not having been apportioned, &c. The judges all agreed that it was not a direct tax. Justice Patterson in the same case used this language:

It is not necessary to determine whether a tax on the produce of land, in its original and crude state, ought to be considered as a part of the land itself; it makes part of it; or else the provisions made against taxing exports would be easily eluded. Land, independent of its produce, is of no value.

This puts the case in its true light; although it may not be decisive of the case, it is strongly persuasive. Following this idea suggested by this learned judge so soon after the adoption of the Constitution and in view of the fact that for more than three-quarters of a century after the adoption of the Constitution no tax was ever laid on the produce of land, I think I might, with propriety, insist that a tax upon raw cotton, the lien for which commenced the moment the cotton came into being and continued until manufactured for export, is a direct tax. If this position is correct, then it is unnecessary to pursue the argument further, because there was no effort to apportion it according "to the census or enumeration;" but we will consider the other branch of the question, and not rest the issue upon the proposition that it is a direct tax, as we might well do.

BUT UNIFORM.

Passing from this view of the case let us treat it as a duty as it is called in the acts. As such it should be uniform throughout the United States. The fact that the duty was on raw cotton which could only be produced in a part of the States of the Union precludes the idea of uniformity throughout the United States. Of the sixty-eight millions collected under the laws nearly all was collected from citizens of the Southern cotton States, and the citizens of the Northern States paid no tax corresponding to it. When it was stated in the debates upon the Constitution that under the taxing clause certain States having property peculiar to its climate and surroundings might be oppressed, Mr. Madison very promptly and emphatically repudiated the idea, and declared that the Constitution did not admit of it, and insisted that either in the rule of apportionment or of uniformity all States and their interests would be protected. If the cotton tax can be sustained then the rule of uniformity has utterly failed of its purpose and imposes no restrictions on Congress whatever.

TAX OR DUTY ON EXPORTS.

If the tax is found not to be a direct tax, and also found to be uniform throughout the United States, yet is it not a tax or duty on exports and unauthorized? I understand exports to mean commodities conveyed from one country or State to another in traffic, and that the thing is exported when carried out of the country or State. A commodity may clearly be exported from one State into another, and when the market for the article or thing, grown or manufactured, is outside of the country or State where produced or made, then it is an export. A careful reading of the Constitution and the debates upon it by the delegates who framed and the State conventions that afterward adopted it will, I think, make it perfectly clear that it was intended that no tax was to be laid on articles exported from any State. I desire to emphasize the fact that it does not say from the United States nor any port thereof to a foreign country. When the clause was first proposed the prohibition was against any tax on exports "from the States." This was changed so that no tax or duty could be laid on exports "from any State."

There was a purpose in making this change, and I believe that purpose was to prevent the laying and collecting of just such taxes as the cotton tax. It was not accidentally but purposely amended, and for the evident intention of prohibiting the imposition of any tax on products of a State taken beyond its limits for sale or consumption. Let us remember that the framers of the Constitution, men of learning, who adopted these words with so much care, were delegates of sovereign and independent States, at that time confederated together only and as such refused to adopt a national consolidated government.

Without reference to how the Union is now regarded in some quarters, it can not be denied that then it was understood by the convention that there was to be no new, but simply a "more perfect Union," an indissoluble Union of independent States, with an enlargement of the power of the General Government clearly defined, but without any attempt at the annihilation of the State governments. They still remained foreign to each other for many purposes. A bill of exchange drawn in one State on a person in another was then and is yet a foreign bill as much as if drawn in Europe. Administrations in one State were foreign as to all others, and the same rule applies to corporations created by the States. A judgment of a court in one State is treated

as foreign as to all others. Even the statute laws of one State must be proven in other States as the laws of foreign nations are.

The cotton was produced almost exclusively for export, either to the Northern States or to foreign countries. The strongest proof of this is in the fact that during the years of the rebellion when none could be exported none was grown.

I have stated this much in behalf of what I conceive to be the proper construction to be given to this prohibition, but for my present purpose in this argument I am willing to concede that "exported" means sent out of the United States to foreign countries, for the tax in my opinion was equally unconstitutional, because it was laid on all cotton, whether sent to domestic or foreign markets. The tax or duty was laid on all cotton in the hands of any person whatever, and payment was required before sending it to market under a severe penalty denounced by the law.

It is perfectly clear that Congress intended to lay the tax upon the cotton for export as well as that used here, because it declares that "no drawback shall in any case be allowed on raw or unmanufactured cotton of any tax paid thereon when exported." As the cotton was grown principally for export to foreign countries and the tax being on all alike, it was necessarily a tax or duty to that extent, at least on exports to foreign countries, and is in plain violation of the fundamental law, which is based upon the soundest reasons, very forcibly expressed by Mr. Ellsworth in the following:

> There are solid reasons against Congress taxing exports: First, it will discourage industry, as taxes on imports discourage luxury. Secondly, the produce of different States is such as to prevent uniformity in such taxes. There are indeed but a few articles that could be taxed at all, as tobacco, rice, and indigo, and a tax on these alone would be partial and unjust. Thirdly, the taxing of exports would engender incurable jealousies.

The tax being on all that was produced, and as it was impossible to know what bales were to be exported, the acts can not be upheld in part even if the United States should determine to confine it to such as was not sent to foreign countries. This principle is clearly announced in the case of Wynehauner vs. The People (13 N. Y., 441):

> The general rule on this subject is that where part of a law is in conflict with the Constitution, and that part is entirely separable from the residue, so that other portions of the law can be enforced without reference to it, then the unconstitutional part only will be condemned. But where the legislative provision is indivisible, and the necessary discrimination has, as in this case, to be made at the trial, so that the rights invaded can only be protected by repeated judgments against the validity of the law, although there may be a class of cases to which it might properly apply, the provision is wholly void. The law, therefore, must be revised and the proper discrimination made before it can be enforced.

Indeed, Mr. Chairman, if this decision, which appears to be so well founded in principle and supported by abundant authority, is correct, it would be impossible to hold the tax constitutional, even if it could be shown whether the particular cotton taxed was or was not sent abroad. The provisions of the act were not divisible, and so the whole was void. It would be utterly impossible for any producer who paid this tax to tell whether the cotton upon which he paid was sent beyond the United States or not. The Supreme Court in Brown vs. Maryland (12 Wheat., 419) say:

> An impost, or duty on imports, is a custom or a tax levied on articles brought into a country, and is most usually secured before the importer is allowed to exercise his rights of ownership over them, because evasions of the law can be prevented more certainly by executing it while the articles are in its custody. It would not, however, be less an impost or duty on the articles if it were to be levied on them after they were landed. The policy and consequent practice of laying or securing the duty before or on entering the port does not limit the power to that state of things, nor, consequently, the prohibition, unless the true meaning of the clause so confines it. What, then, are "imports?" The lexicons inform us they are "things imported." If we appeal to usage for the meaning of the word we shall receive the same answer. They are the articles themselves which are brought into the country. "A duty on imports," then, is not merely a duty on the act of importation, but it is a duty on the thing imported. It is not, taken in its literal sense, confined to a duty levied while the article is entering the country, but extends to a duty levied after it has entered the country.

If the prohibition prevents the States from taxing articles imported, even after entering the territory of the State, would not they be prohibited from taxing articles prepared for export, although not exported? In the one case it would be impracticable to collect until it comes in and the other after it went out. If the States can not lay the tax on exports, then the United States can not, for the same prohibition exists in the one case as in the other. The cotton was necessarily an export, for there was no sufficient home market for it. It was grown for that purpose.

When does the going out or the exportation begin? Is it when it leaves some port of entry or when it leaves the cotton-press of the farmer? If the former, the prohibition against taxing exports extends alone to the Atlantic and Pacific States, such as have ports of entry, and exports may be taxed in all other States.

Will any one contend that the Government could tax a product grown principally for export while in the hands of the producer and prohibit the shipment to New Orleans until the tax is paid when it could not tax the same product there when ready for shipment? If the right existed at all it commenced when the property came into being and continued until it passed beyond the jurisdiction of the United States, and as it could not continue as to products going out so it never existed at all as to articles grown for the export trade.

Mr. Story, in discussing this clause of the Constitution in his able commentaries on the Constitution, declares that it was the "obvious object of the convention to prevent any possibility of applying the power to lay taxes or regulate commerce injuriously to the interests of any one State so as to favor or aid another." He argued with great force that if Congress were to lay a duty on exports from any one State it might unreasonably injure or even destroy the staple productions or commerce articles of that State. Continuing with the argument, as if he had in his mind the cotton tax now in question, he said: "The inequalities of such a tax would be extreme. In some States the whole of their means result from agricultural exports." Such, Mr. Chairman, was the condition of the cotton States. Again, in the same connection, he said "the burthen of such a tax would, of course, be very unequally distributed. The power is therefore wholly taken away to intermeddle with the subject of exports." He concludes his able exposition of this clause with the statement that "the prohibition extends not only to exports but to the exporter. Congress can no more rightly tax the one than the other."

But to use a cant phrase it is said that "the proof of the pudding is in chewing the bag." To prove that the cotton so taxed was raised principally for exportation we have but to refer to the crops produced and the number of bales exported in 1866 and 1867, the last two years under the operations of the act.

The whole crop in 1866 was 2,193,987 bales, worth, in round numbers, $350,000,000, and the crop of 1867 was 2,019,774 bales, worth $200,000,000, of which two crops there were exported from the United States $482,855,646 worth, leaving for home consumption $67,144,354 worth; not more than one-tenth part of this was manufactured in the States where it was grown.

The tax on each bale, at 3 cents per pound, estimating the bales at 440 pounds, was $13.20, and on the whole crops for these years the sum of $55,621,675.20, more than four-fifths of which was beyond all question laid and collected on an article exported from the United States to foreign countries and nine-tenths of the same exported from some of the States.

If I have succeeded in showing the act unconstitutional, then the United States has no more right to retain the money than if no law had ever existed. It of right belongs to the persons from whom it was collected, and I insist upon legal grounds that it should be returned. But whether constitutional or not, it was very unjust to the people who were made to pay it, and ought, as a matter of justice, be refunded. Let us examine for a few moments the inequality of the tax.

NOT A TAX ON CONSUMPTION.

I have heard it charged by persons who were opposed to the refunding of this tax that the producer paid no part of it; that it was like the tax on imports and the tax on whisky and tobacco; that the tax was added to the price and was paid in the end by the consumers. This is not true. The larger part of our cotton is purchased and consumed by countries outside of the United States, and the controlling market for it is Liverpool, the recognized central cotton market of the world.

This being the case, the price there controls the prices elsewhere, and is itself dependent upon many things, such as supply and demand, commercial troubles, &c. If the crop should be cut short by any cause, or there should be wars so as to affect the centers of trade, these affect prices at Liverpool, and in this way they are regulated at the center, and by it all other markets are regulated. If there is a rise or fall in the price there, it is at once telegraphed to all parts of the world, and there is at once a corresponding rise or fall, as the case may be.

The prices here are governed entirely by the prices there, whether the cotton is held for manufacturing here or for export. The tax affected the price only as so much expense in getting the cotton to the controlling market, and it added nothing to the value in that market. It was the same as if expenses of transportation. The purchasers did not have to pay the tax; it was paid by the producer when he sold, and was forever lost to him. The act was careful to provide for drawbacks to manufacturers for all the tax on cotton manufactured for export. So the manufacturers got the tax on such as was manufactured for export. To this extent it was truly a tax upon the Southern farmer for the benefit of the Northern manufacturer, without any effort to disguise it as there is in the tariff taxes.

Under these laws raw cotton was made to pay this heavy duty, which fell upon less than one-third of the people residing in only a part of the States, when corn, wheat, and hay, in fact all other productions of the soil of every description paid nothing. A duty upon corn could have been laid with more uniformity than upon cotton, because it was grown and consumed in every State in the Union, and was more profitable to the producer than cotton. Was this exact justice? By what rule of right and justice could Congress say that the black and white laborers of the South should be made to pay a tax on their chief product, amounting in most instances to more than the profit they made upon it, when other laborers were more profitably employed in raising corn, wheat, fruits, and other products in the Northern and Middle States, were exempt. There is no parallel in history for such a tax. All the principles of taxation were disregarded. The income of the cotton-grower was first taxed, and in estimating that the amount of sales of all productions of every kind including, cotton were added; so that the

Southern farmer was taxed twice on the value of all cotton produced by him, and this double tax was cumulative to the other taxes required to be paid. The amount paid had no proportion to the value of the cotton.

Cotton that cost 25 cents to produce paid as much as that which only cost 15 cents. The poorest quality of cheap cotton paid as much as the best sea-island. It was laid at a time when not a person who was to pay it was represented in Congress. The heaviest of it was laid and collected after the civil war, with all its desolation and waste, had ceased; and the great bulk of it was collected from a people who had surrendered with the promise that they should be allowed to remain in the Union on the same terms and entitled to the same rights as those of other sections; at a time when the Southern heart was sick and saddened; when grief and sorrow was in every household; when widowhood and orphanage was all over the land; at a time when the horses, mules, farming implements, fences, houses, towns, and cities were destroyed.

The people of these States have submitted uncomplainingly to the results of the war, which swept away a hundred-fold more property than is involved in this bill, and some may be surprised that they should persist in having this piece of injustice righted. The reason for it is natural and is but an illustration of the truth of the statement of Sir Walter Raleigh, made years ago, that "with more patience men endure the losses that befall them by mere casualty than the damages which they sustain by injustice." They give no thought to the losses which come as the result of the war and their defeat, but they and their children after them will complain of this wrong committed after the war in the name of law; not so much for the loss to them as the injustice. The laying and collection of this tax was a wrong amounting to an outrage, and I believe the time will come when the great wrong will be righted. No representative Government like ours can afford to treat its citizens in such manner. The United States can afford to do right because it is right to do right, and I have such faith in the sense of honor in our people and our institutions as to believe that in the end they will do right.

Whoever gains, and whoever enjoys the emoluments of State in consideration of supporting bad measures, and acting upon slavish principles, will still find his splendor chequered by the disesteem of his country; and whilst a spirit of liberty and sense of virtue remain, there is always danger that the womb of events may pour forth some hidden vengeance upon men who injure and betray their country.

Diplomatic and Consular Appropriation Bill.

SPEECH

OF

HON. JOHN M. ALLEN,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 12, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. ALLEN, of Mississippi, said:

Mr. CHAIRMAN: I am indebted to the gentleman from Illinois [Mr. CANNON] for the time he has given me. I desire to submit some remarks on the pending bill, but am so much troubled with a painful headache to-day that I doubt if I shall be able to say what I had intended. Being a new member, I would not have been provoked into a discussion of this bill but for some remarks made by my friend from North Carolina [Mr. COX] in which I thought he spoke rather contemptuously of my friend "Judge W. Q. Waxem" and his "Wayback" constituents. [Laughter.] And notwithstanding the personal inconvenience to me I feel it my duty to submit a few feeble remarks [laughter] in vindication of the "judge" and his constituents.

Mr. COX, of North Carolina. With the gentleman's permission I will apologize to his friend, Judge Waxem, for any disrespectful remarks I may have made. [Laughter.]

Mr. ALLEN, of Mississippi. Mr. Chairman, it is a very easy thing to get up on this floor and disparage a man, and when his friends come to his rescue to propose to apologize. [Laughter.] This is not satisfactory to the "judge's" friends.

In replying to the gentleman from Kentucky [Mr. MCCREARY], who had spoken against the increase of appropriations in this bill, and sounded the Democratic keynote of economy, the gentleman from North Carolina said such talk might sound very well to Judge Waxem and his Wayback constituents, but intimated that it did not suit here in Washington, where we move in more diplomatic circles [laughter]; and he further said that he would prefer to take the recommendations of the distinguished gentleman at the head of the State Department than the judgment of any of the members on this floor who had been spending their summer in canvassing among their rural constituents.

I do not doubt that the Secretary of State is more familiar with the wants of the officeholders under his Department than we are; and if it were my purpose to try to satisfy their wants, I would rely very much upon his recommendation; but, sir, knowing as I do that any effort upon the part of Congress to satisfy the wants of any set of office-holders would result in a certain distribution of the surplus in the Treasury among them [laughter], I prefer to be guided to some extent at least by some of the lessons I have learned in my associations with my rural constituents. I confess that I have more anxiety about pleasing them than I have about satisfying the wishes of the office-holders.

Any man who comes to Congress from my country must know something of the wants of his constituents; and if he expects to come long he must respect those wants. I think I am fresh enough from the people to be pretty fully impressed with their needs and desires, and I plead guilty to a strong disposition to conform to them, both because I sympathize with them and desire their approval.

Mr. Chairman, a good many gentlemen on this floor seem to think that talk about retrenchment and economy is all very well as a mere "verbial exercise" for campaign purposes among a rural constituency [laughter], but that when we reach Washington and get to riding over asphalt pavements and walking through marble halls, with attendants everywhere to take our hats and brush us down, and get to eating terrapin stew with punch *a la romaine*, and attending high teas and receptions, surrounded by the glamor of Washington society, it is beneath the dignity of a member of Congress to consider the people at home or the pledges he has made them, and that in the matter of appropriations he must follow blindly the estimates of some official who has been devoting himself for some time to figuring on how he could distribute the surplus in the Treasury among the office-holders and employés of the Government.

Mr. Chairman, let us look, sir, at the proposition contained in this bill. We are asked to appropriate $1,681,445 for the consular and diplomatic service. This proposition comes from a committee the majority of whom are Democrats, and is made to a Democratic House. Now, sir, in the face of our party pledges and the record of the Democratic party on this consular and diplomatic appropriation bill, can we afford as the representatives of the Democratic party to make the increase this bill calls for?

Mr. BELMONT. Will the gentleman allow me a question?

Mr. ALLEN, of Mississippi. Yes, sir.

Mr. BELMONT. Does the gentleman know the amount of increase of this bill over last year's appropriation?

Mr. ALLEN, of Mississippi. Yes, sir; I have the figures in my hand. The bill of last year appropriated $121,000 more for a Democratic administration than had been appropriated the year before for a Republican administration that we had charged was wasteful and extravagant.

Now, sir, this bill proposes to appropriate $317,380 more than the bill of last year, and $438,520 more than the bill of two years ago, when there was a Republican administration, and $764,797.50 more than the Democratic Committee on Appropriations reported as sufficient for the Republican administration for the fiscal year 1877.

I remember, Mr. Chairman, something of the history of legislation on this bill for the last ten years. I remember the memorable debate in 1876, participated in on the Democratic side by the gentleman from Indiana [Mr. HOLMAN], the gentleman from Illinois [Mr. SPRINGER], the gentleman from New York [Mr. COX], and my venerable colleague from Mississippi [Mr. SINGLETON].

Those gentlemen all made able speeches, and that Democratic House, under the influence of their arraignment of the Republican party for its extravagance in connection with the diplomatic service, passed the consular and diplomatic bill carrying less than a million of dollars. It would be interesting, sir, to go back and read that discussion, and I must say that the criticisms of the gentleman from Illinois [Mr. CANNON] in his speech on yesterday were just and appropriate as applied to those Democrats who support this bill with its increases. I appeal to my Democratic brethren and ask them if it is not time to call a halt.

Those gentlemen over there—[the Republicans] and a very respectable set they are—have no idea of stopping us or aiding those of us who want to stop extravagant appropriations. They will taunt us with having failed to keep our pledges, but in matters of appropriation they will see us and go us ten better every time, and by uniting with a minority of Democrats will vote away all the money possible; but the Democratic party will be held responsible therefor.

For this reason, I appeal to my Democratic friends to return to the faith, and let us keep the pledges upon which we came into power. I for one, sir, was sincere when I charged in my campaign that the Republican party was extravagant and wasteful and had maladministered the Government, and that these evils would be remedied by a Democratic administration. Now, sir, some of my Democratic friends are, with this bill, endeavoring to convince me that in these charges I have been perpetrating a slander against the Republican party, because they are now asking more for an economical Democratic administration than was used by an extravagant Republican administration.

If the amount asked in this bill is necessary for the consular and

diplomatic service, one of two things must be true: the Republicans either did not spend too much or the Democrats propose to be extravagant. There has been no such change in condition as to justify the increase in amount. I do not believe we will merit the confidence of the American people by beginning to adopt the moment we get into power the very practices which we condemned in our opponents, and for which we persuaded the people to turn them out and entrust the administration of the Government to us. Sir, I hate shams and false pretenses; I believe in honesty and fair dealing, and we should improve on the record made by the Republican party, or we should apologize. Was not economy one of the watch-words in our battle-cry? How did we get here?

I remember, sir, reading the remarks made by my friend TARSNEY, who sits before me, to his Democratic constituents in Michigan when congratulating them upon the wise selection they had made in nominating him for Congress. [Laughter.] I remember that in his peroration, after having inveighed against the office-holders as a privileged class, he promised his constituents "that so long as the mass of the people composed the bulk of the population they should not be overcome by the privileged few." [Great laughter and applause.]

Now, Mr. Chairman, there's many a Democrat here who came in on a platform the same in substance if not in phraseology. This bill, sir, in my opinion, makes the sharp issue between the bulk of the population and the privileged few. Those who hold the diplomatic and consular offices are the privileged few who want these increases in appropriations. In my judgment the bulk of the people do not want the appropriations increased, and others may do as they will, but as for me, I propose to stand for the bulk of the people. [Laughter.]

Mr BELMONT. Will my friend from Mississippi allow me one moment?

Mr. ALLEN, of Mississippi. I have but little time. I can only yield for applause. [Great laughter and applause.] Mr. Chairman, I want to suggest to my Democratic friends that it is better for us that we should be reminded of our pledges now while it is not too late to keep them than to let these bills increasing appropriations pass and then expect to deceive the people with fallacious explanations. The people are not so easily fooled.

Some doubtless think I am having too much to say about this matter for a new member, and one too who has never served on the Committee on Appropriations; but, sir, while this is my first term in Congress, I am not altogether without experience in deliberative bodies. I served for one full term of a year as a member of the board of aldermen of the town of Tupelo, where I reside. [Great laughter.] While we had no committee on appropriations, I was chairman of the finance committee. [Laughter.] We spent that year the sum of $900; that board was defeated for re-election on account of its profligate extravagance. [Laughter.] Having been one of the victims of this bitter experience, you can readily understand how it has made me cautious in the expenditure of public money. [Laughter.]

Gentlemen defending the increase of the salary of the minister to China from $12,000 to $17,500 say that the people of this great rich Government do not want to starve their ministers abroad. I have heard a great deal since I have been here about our rich Government and the surplus in the Treasury. Whenever a raid on the Treasury is contemplated there is a great deal of talk about the rich Government and the surplus.

I would ask gentlemen who talk about our rich Government where its riches and its surplus come from. It is from the taxation of the people. Then so long as these burdens are borne in a large measure by the poor, away with the cry of a "rich Government" as a pretext for extravagant appropriations. If you will change your system of taxation so that the Government will become rich from the abundance of the rich I will meet you on a broad and liberal system of appropriations. I would ask the gentleman from North Carolina [Mr. COX] to go down among his constituents and ask the man who spends two or three days getting up his pine knots and as many more burning a barrel of tar, then hauls it twenty-five or thirty miles to market and sells it for four and a half or five dollars, invests this money in the necessaries of life for his family, most of which are heavily taxed and a part of which taxes helps to pay the salary of the minister to China—go ask him what he thinks of a man starving to death on $12,000 a year. Or go to the girls as I saw them in your State last summer, spending an entire day picking huckleberries and chincapins, and on the day following taking them some six or eight miles to town to sell them for twenty-five or fifty cents, as the market might rule—ask them what they think of a man starving to death on $12,000 a year. Go down among my constitutents, where a man works hard thirteen months in the year, and by the aid of his wife and little children makes $200 worth of cotton, a portion of which goes to pay taxes—ask him what he thinks of a man starving to death on a salary of $12,000 a year.

Go to the poor sewing women in Washington and New York city who, as I have read within the last few days, sew from twelve to fourteen hours a day without rest even on the Sabbath; who furnish their own needles, thread, and wax, and have families to support and only get about $3.50 a week. Go ask them what they think of a man starving to death on $12,000 a year. So long as these people have to help bear an appreciable portion of the burdens of this Government, so long as the Government gets its riches and its surplus in part from this portion of our population, gentlemen must excuse me if I refuse to follow them in their proposition for extravagant appropriations. They may call it parsimony or demagogy—they can not frighten me with such appellations.

I am going to fight it out on this line unless after a long stay in Washington I imbibe the views of those who consider themselves broad-gauge statesmen—those who mistake voting away other people's money for individual liberality. Mr. Chairman, I can not surrender my views of the interest of the people who sent me here to follow the recommendations of gentlemen who occupy spacious rooms in buildings that cost millions, walk on deep Brussels carpets, with as many electric bells around them as there are keys to a piano with which to summon attendants or messengers to carry their orders or supply their wants.

Mr. Chairman, if I had my way and could enforce it on the members of this body, I would require each of them to go home after the 4th of March and plant a crop, and hoe it, and plow it, and I would confine them in their rations and raiment to what they realized from farming. [Laughter.] They would come back here next December with one great truth deeply impressed on their minds, and that is how the great majority of the working people of this nation earn the money which the Government takes from them by way of taxation. I think it would make us a little more particular, at least until we had forgotten this experience, as some who are here and who come from similar surroundings seem to have done.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. ALLEN, of Mississippi. Mr. Chairman, that is a pity [laughter], for I had many other things of great interest to say, but as my time has expired, and not wishing to further interrupt the proceedings of the committee, I will retire to the cloak-room to receive congratulations. [Prolonged laughter and applause.]

Diplomatic and Consular Service---Our Commercial Relations with China.

SPEECH

OF

HON. RICHARD W. TOWNSHEND,

OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 3, 1887,

On the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. TOWNSHEND said:

Mr. SPEAKER: I beg leave at this time to submit some remarks upon some of the items in the bill making appropriations for the consular and diplomatic service, which will soon be under consideration in this House. The item to which I desire to draw special attention is the amendment increasing the appropriation for the mission to China.

This amendment raises our legation at Peking to a first-class mission and places it upon an equality with those at London, Paris, Berlin, and St. Petersburg. I desire to offer some reasons why this should be done.

There is as pressing necessity for the maintenance of a first-class mission to China as to any other country in the world. Most of our diplomatic officials in Europe can, without detriment to the permanency of our peace or sacrifice to our commercial interests, be dispensed with. At any rate, if an efficient consular service is provided all our missions to Europe can with safety be consolidated into one and a very large saving be secured by reducing the present large and unnecessary diplomatic force in those countries. The telegraph, newspaper enterprise, and means of quick transit have rendered the maintenance of diplomatic officers in each of the European countries wholly useless from any point of view.

This is not so with Oriental countries and those south of us. A judicious policy on our part towards those countries will enhance our high standing among them and give us a vastly larger share in the trade of their markets than that of any other foreign nation. Those markets are now in the main monopolized by European countries. All of them are nearer to us and more friendly disposed towards us than they are to any other country, and when all things are equal prefer to trade with us.

I have heretofore discussed this subject quite elaborately so far as relates to the southern countries in submitting my views upon the proposition which I introduced two years ago for the formation of an American zollverein or commercial union of the nations on this conti-

nent. I shall not, therefore, do more now than to draw attention to the commercial relations of China and our opportunity for better trade with that country.

China has causes for grievance against England, France, Germany, and Russia because of aggressions upon her territorial integrity. On the other hand, the United States have never attempted to encroach upon her territorial domain, and in all her troubles with European countries she has had the sympathy and good-will of this country. China has shown her friendship for us and her confidence in our good intentions by the treaties she has made with us. In compliance with our intercessions she has consented to restrictions upon the emigration of her subjects to our shores, such as we have never asked, and which would never have been conceded by, any European country.

There is no sentiment of hostility in this country against China. We have a well-grounded aversion to the importation of her laboring classes because they are dangerous to the morals, prosperity, and happiness of American laborers. When the law now in force restricting the immigration of Chinese laborers was under consideration in this House in 188–, the RECORD will show I did my utmost by voice and vote to exclude or restrict such immigration. I mention this to show that nothing I may now say can be construed as inconsistent with my position on that question. Indeed, the Chinese Government does not object to such restriction. It is as desirous of retaining at home its subjects as we would be with ours if an efflux of our laboring classes from our shores threatened us.

China does, however, demand that those of her people who are lawfully in this country, who came here at a time when the treaties between the two Governments permitted their immigration, shall be treated with humanity and as becomes a civilized nation. Therefore she has a right to complain of and protest against such savage outrages as was committed against peaceable Chinamen in Wyoming not very long ago. Her demand for indemnity to those wronged is reasonable and is nothing more than what this Government has demanded and recovered for its subjects in China who have been wronged or treated with injustice, although no such barbariously cruel atrocities have yet been inflicted upon Americans in China, as those in Wyoming and elsewhere in this country. If her reasonable demand for indemnity is denied we should not be surprised if China shall feel resentment and all civilized nations lose some respect for us.

VALUE OF CHINA TRADE—LARGE SHARE OF ENGLAND AND SMALL SHARE OF THE UNITED STATES.

If you will look at the statistics you will find that the value of the trade with China is so great that its possession is worthy of the best efforts of our statesmen and business interests. Owing to our superior advantage over Europe in distance, and other respects, we should control most of the foreign trade of China, but statistics reveal to us the fact that both England and France have outstripped us in that trade. Indeed it is said that to-day three-fourths of the trade of China is with England and her colonies.

There are twenty-two "treaty ports" in China open to foreign commerce.

The imports at treaty ports in 1885	$168,000,000
Exports at treaty ports in 1885	105,625,000
Total trade	273,625,000
In 1886 United States imports from China	18,972,963
In 1886 United States exports to China	7,520,581
Total	26,493,544

This does not include Hong-Kong, which, although a British island, yet, as it is only 10 miles off the coast of China, and its trade is actually as much a part of the trade of China as if it was under the Chinese dominion, it being merely a point of transshipment of products destined for China or brought from China, our trade with Hong-Kong therefore should be added to that of our trade with China.

In 1886 it was:

United States imports from Hong-Kong	$1,072,459
United States exports to Hong-Kong	4,056,236
Total	5,128,695

Which, added to our trade with China already mentioned, aggregates for 1886 the total of $31,632,239, which is about 8 per cent. of the trade of that country, as against 75 per cent. with Great Britain. What a humiliation to our national pride when we see a rival situated so far away from China outstrip us when our western border is on the same ocean with China, with far superior natural advantages in our favor over those of England or any European country.

I will append to my remarks some valuable tables furnished to me by the Bureau of Statistics in the Treasury Department, which will show the character of the articles we receive from and send to China, and also the amount of our trade with that country since 1840. They will illustrate the annual fluctuations and progress of our commerce with China.

The statistics I have given furnish a sufficient incentive for judicious and determined efforts to enlarge our commerce with China; but when we contemplate the vast population, immense resources, field for development and opportunity for expansion of the foreign commerce of that country, far beyond its existing volume, all who are interested in the extension of our foreign markets will admit the importance of our utmost exertions to secure not only an equal share of that trade, but to secure for our flag a larger proportion of it than that of any European country. In this connection it will be well for me to draw attention to some important facts regarding China, some of which are not generally known.

IMPORTANT FACTS ABOUT CHINA.

Most of the information and suggestions which I shall present to the House in these remarks have been furnished to me by General James Harrison Wilson, one of the ablest and most successful cavalry commanders during the late war, who, after a sojourn of about one year in China, returned home last September, bringing with him probably a larger fund of valuable practical knowledge of the institutions, resources, and people of China than any foreigner ever learned in China during the same length of time. It is said the Chinese authorities offered him more consideration and facilities for travel and observation than they have extended to any foreigner except General Grant. General Wilson, as previously shown by him, is a very able writer upon economic questions and historical subjects. He has just completed a work upon his observations and studies in China which will soon be published. I have no doubt it will be found very valuable to American statesman and business men.

IMPORTANCE OF OUR POSITION ON THE PACIFIC.

It should not be forgotten that the United States is the greatest power bordering on the Pacific Ocean; that its remotest territorial possessions are farther west of San Francisco than San Francisco is of New York; that our destiny is always to maintain our supremacy on the shores of that ocean, and that we are by many days' journey, by the fastest steamships, nearer neighbors to China and Japan and all the islands of the vast Pacific than any European power; and that it is within our grasp to control a greater part of the commerce of those countries and islands than all other powers combined if we will only look to the improvement of our natural advantages and opportunities.

Let us consider for a moment. The Japanese Empire contains an area of about 150,000 square miles and a population of 35,000,000 souls.

China contains, in her nineteen provinces and outlying territories and dependencies, not counting Corea, but including Manchuria, Inner and Outer Mongolia, Ili, Turkestan or Chinese Tartary, and Thibet, about 5,000,000 square miles, or one-ninth of the habitable globe, and a population variously estimated at from 300,000,000 to 450,000,000 souls, or from one-fifth to one-third of all the people in the world. And, contrary to the commonly accepted belief, it is nowhere overpopulated. It is estimated that with a properly laid out and constructed railroad system, and the varied industries which would follow, it could support over three times as many people as it now contains. It has a generally healthy and salubrious climate of every kind, from subtropical to subpolar. It has every variety of soil, and much of it of surprising fertility. It has coal of every variety, from lignite to the finest quality of anthracite, and one or the other kind is found in sixteen of the nineteen provinces. It has iron ore, copper ore, silver and gold, kaolin and clay, but nearly all of them undeveloped. The Chinese are a strictly agricultural people, and so far have crystallized their labor in no great public works except the great wall, the river embankments, the grand canal, and the brick walls of their cities. These were all made as public works, and are in no sense the results of private enterprise.

But withall China is the richest country in the world in cheap labor and an inexhaustible supply of it. The Chinese are a strong, healthy, frugal, industrious, patient race, possessed of as many virtues and as few vices as other human beings similarly situated. They are subject to the same wants and requirements, the same hopes and ambitions, as the rest of mankind. They are not an effete and played-out race, but merely one which by its isolation and its peculiar evolution presents a case of arrested development. The people are ready to move, but are waiting for the government and governing class to show them how to move; and the latter are simply waiting to be educated to be drawn out of their ignorance and conceit, and to be shown a better civilization than their own, to lead their people forward in what we call the march of modern progress. Their hesitation and doubt are natural and can not be helped except by the progress of education.

Old age and ignorance are always conservative. China is governed by its old men, and they are cautious and exclusive; but there are some great men like Li Hung Chang and the Tsengs, and even like the uncle and father of the young emperor, who have been taught by war and association with foreigners that western civilization is better in some respects than their own; that steamships and telegraphs, which they have adopted and are now using, are better than junks and couriers; that railroads are necessary for the public defense as well as for intercommunication; that coal and iron mines, furnaces and rolling-mills are great adjuncts of civilization for both peace and war. Every Chinaman who goes abroad as a minister or consul or as a student goes back home a liberal and in favor of progress, and progress is sure to continue and to move even faster than it has for the last twenty years.

Now let it be remembered also that there is no overproduction in

China. The results of human labor—the houses, furniture, clothing, means of transportation, are all poor; the consumption of iron per capita is small; houses are poor and poorly built and furnished; clothing is abundant and cheap, but poor; there is but little comfort, and less luxury. The Chinese are, however, ingenious workers, and good merchants, and will buy more cotton goods, and the trade in which with America is rapidly on the increase, more woolen, more iron utensils, more needles, thread, matches, more everything, if they can only sell more silk, tea, porcelain, &c.

They will build railroads, open mines, erect furnaces, rolling-mills and factories, whenever they can be shown that they need not borrow foreign money, nor make concessions to foreign capitalists, but can get the money at home, and manufacture the steel and iron from their own raw materials.

The trade of China and Japan with foreign countries is in its infancy. Whenever the Chinese people begin to do the things which constitute modern progress their wants will increase with their knowledge and with their power to gratify them. Trade will increase *pari passu*. The trade with China, which practically began in 1840, although American ships first visited China in 1786, has grown at a rapid rate. England still controls 75 per cent. of all the foreign trade with China. The Germans are making great efforts to increase their trade. They have recently built a splendid consulate at Shanghai. France is doing the same.

GENERAL WILSON'S SUGGESTIONS.

I desire now to present some suggestions which General Wilson has furnished me with, and ask for them the most careful consideration.

"Pass the Chinese indemnity bill as an act of justice and fair dealing, and not as an act of grace. The treaties are the supreme law of the land, and the Chinese are under them entitled to protection. We expect it of them for our citizens in China, and have always exacted prompt payment of indemnity by the imperial government for any outrages upon our people.

They have a provincial organization, consisting of nineteen separate provinces, with governments which are, in a less degree, the counterparts of the imperial government, as our States are of the General Government. We and all other treaty powers ignore their provincial governments and will have nothing whatever to do with them. We hold the imperial government responsible for everything, and it has paid to foreign governments over $30,000,000 since 1842 in indemnification for foreign lives and property lost in battle and through outrage by the people of the provinces.

Those who demand equity must do equity. On the rule of practice, which we and all other foreigners apply in our dealings with them, they have a right to ignore our States and hold our General Government liable for all infractions thereof. It is ignoble for our Government to say it can not control the lawlessness on our Western coast and Territories, and we can not expect the Chinese to listen with respect to any such claim from our Government. Pass the bill, therefore, without conditions, and pay the money over promptly, gracefully, and cheerfully.

The restoration of the $480,000 last year, on the ground that it was wrongfully taken from the Chinese in the first place (as set forth in Executive Documents for 1885), will do much good.

Authorize the Chinese and Japanese Governments to maintain five cadets each at each of our national academies.

The men thus educated will become disciples of our civilization and friends of our country, and will do much to advance our interests in the East. I know of nothing which could benefit us more than this measure; and as it will cost us nothing why not adopt it at once? It may be answered that the Powers have not asked for it, and this may be so. They probably never will, for they are proud and do not like to ask favors which may be denied. If they are offered gracefully, they will be gracefully accepted; our Government should not hesitate to make the favor free of charge. We at least should say nothing whatever about the cost of maintenance, but leave the beneficiaries free to pay or not as they please. I happen to know that the son of the richest Japanese subject is now going to school in this country, and will spend four or five years amongst us. He would be delighted to have the advantage of a West Point education, and it could not fail to gratify his Government if it could obtain the privilege for him and a few other young men.

The President should be authorized to lend two officers of each arm of service to the Chinese Government as instructors for periods of four years. And, as before, it could well afford to pay their salaries and expenses while serving in China.

Last year the viceroy, Li Hung Chang, who is also first grand secretary or premier of China, asked for the loan of three officers of the Army to assist in organizing and instructing the Corean Army, and so much red tape and delay was necessary before the favor could be granted that he almost became discouraged and was on the eve of asking one of the European Governments for them.

Corea is an outlying dependency of China, paying tribute to and acknowledging the Emperor of China as sovereign. Population, 10,000,000. Country poor in everything except labor and undeveloped mines. Almost absolutely under American guidance at present. O. N. Denny, esq., late United States consul at Tien-Tsin and consul-general at Shanghai, has been employed by the King of Corea as foreign adviser. He was selected and recommended by Li Hung Chang after Herr Von Möllendorf, a German, had been tried and failed. Judge Denny is a clear-headed, judicious, sensible, and eminently respectable American, proud of his country, and an honor to it, and now holds the position of vice-president of the council and director of foreign affairs. Of course his preferences, affiliations, and ambitions are American, and while he in no way holds an official position from our Government or is in any way responsible to it, it should be our endeavor to strengthen his hands in every proper way.

Repeal section —— Revised Statutes, which prohibits any foreign minister from recommending any one for office or employment abroad. Make it the duty of every minister and consul in the East to secure places for as many worthy American citizens as they possibly can. Let them take all proper care to select only worthy men for recommendation; but do not forget that even the average American citizen is quite equal to the average citizen of the world at large, and much superior in intelligence, enterprise, and progress to the average Chinaman. Every American so employed abroad becomes an evangel for the great Republic and does something to increase our influence and to benefit our commercial relations with Oriental countries. The more Americans there are in China, and especially the more American Army and Navy officers, doctors, lawyers, teachers, and merchants the greater will be the trade with America and the greater will be the influence of our Government and people in the development of China.

Put our legation at Peking and our consuls and consuls-general at all Chinese ports on a footing equal to that of any other power. The salary of our minister should be $17,500, with an allowance of $5,000 for contingent expenses, getting information, and maintaining the dignity and state of the office he holds as the representative of the richest and most powerful civilized nation of the world. The first secretary of legation should have a salary of $3,600; the second secretary, $3,000; the interpreter, who should be styled "Chinese secretary," and have the diplomatic rank of a first secretary of legation, should have a salary of $3,600. The Chinese writer and gate-keeper should also be paid by the Government.

In thus advocating the establishment of our legation on a first-class basis I have an eye only to the increase of our influence with the Chinese Government, who with Oriental shrewdness value foreign powers as they value themselves; and in affixing this value it looks at once to the dignity and state of the ministers and servants accredited to it. If they are poorly paid and live poorly they are looked upon as representing a poor, weak government and a poor people.

Hence our legation should be housed as well as any other. England, Russia, France, and Germany, and even Japan, all own their legation buildings, and have built and furnished them in magnificent style, and at their own cost. Our legation lives in a rented establishment built and owned by the late Prof. S. Wells Williams, for many years chargé d'affaires for our Government. It is entirely too small; it is not furnished at all; the minister had to buy everything, and inasmuch as all furniture, carpets, hangings, &c., have to be imported, they are costly as well as difficult to obtain. We should buy the premises or accept the offer of the Chinese Government (if it has made the offer) to furnish us with ground and build and furnish a legation as good as anybody's. It should be equal to that of any foreign power, and you can well afford to put the means of making it so into the hands of our present able, accomplished, and honest minister, Colonel Denby, who represents us with so much dignity and credit in every way.

I would in addition furnish the legation with a platoon of cavalry, say twenty men, two lieutenants, and the proper number of non-commissioned officers, the best that could be organized or detached from the regular Army, to act as escort to the minister whenever he goes out upon public business. Every high official of the Chinese Government goes out with an escort and retinue appropriate to his grade, and our ministers should have the power of doing so also. This may not accord with our ideas of republican simplicity, but "it is business," and will pay!

If we maintain diplomatic and consular agents anywhere in the world, we should maintain them in all oriental countries. They are absolutely necessary in China and should be put on the best possible footing. The first and greatest duty assigned them should be to maintain the dignity, honor, and power of our country abreast of the greatest powers of the world, and the second should be to foster and extend American commerce, skill, and enterprise in the development of trade, railroads, mines, furnaces, rolling-mills, and manufactures of all kinds.

If our diplomatic representatives do not or are not required to look after the advancement of our commercial interests they might just as well be recalled, for the spread of our commerce primarily constitutes the greatest interest we have in China, and in all countries bordering on the Pacific Ocean.

European powers and diplomatic agents, in pursuance of European diplomatic usage, affect to look down upon trade, and they are accustomed to cry out upon every movement made by American ministers to advance or protect the trade of their countrymen in China; but of late years they are all secretly doing whatever they can to promote the trade of their respective countries, and to drive out ours. We should

make no disguise about it, but give every American diplomatic as well as consular agent to understand that the promotion of commerce with our countrymen and country is the first and is the most practical duty for him to devote himself to.

Our consular system in China is popular with foreigners because American consuls do not regard themselves as above trade as do the English. Our system of consular reports is popular.

Our interpreters all underpaid; should have but two classes; first class, $2,400 per year; second class (students) $1,800. Language difficult, and hard to master.

English trading houses pay some of their interpreters as much as $12,000 with traveling expenses. English consuls all required to know the language. One of them lent by English Government to Jardine, Matheson & Co. to help them secure contracts for guns, armor ships, arms," &c.

Mr. Speaker, whilst we may not feel disposed to fully agree with General Wilso in all his suggestions, yet it must be admitted that his opportunities for forming correct conclusions as to what should be our relations with China, and how our commercial interests there may be best promoted, have been far superior to our own. His views, therefore, should have great weight with us in legislating on this subject.

REVISION OF THE CONSULAR SYSTEM.

Our consular service at many important points is inefficient. No doubt the cause of this in quite a number of places is that the meager pay afforded is insufficient to induce persons of requisite qualifications to accept appointments to such places. In my judgment public interest demands that this service should be revised and the force reorganized. The prosperity of our agricultural, manufacturing, and mercantile interest largely depend upon the extension and protection of our trade in foreign markets. This can most effectually be accomplished through an efficient, capable consular service.

The Committee on Foreign Affairs recognize these facts, and by provisions in this bill are seeking to remedy the defects in our present service and promote its efficiency. I am not at this time prepared to say whether the plan proposed by the committee is the best that can be devised. I shall reserve my opinion in regard to that until I have heard the discussion.

I will say now, however, that if it can be demonstrated that this plan will improve our present system and result in enlarging our markets for the wheat, corn, provisions, manufactures, and other products of our country, I shall not oppose it because of the comparatively small increase of its cost. Opposition on that ground would not be wise economy but foolish parsimony. I am, however, fully convinced that we can by lopping off useless and expensive diplomatic missions in Europe save a sufficient amount to secure the best material for our essential diplomatic and consular service, without increasing the cost of our foreign service, and thereby greatly extend our foreign markets and increase the prosperity of all our domestic interests.

Statement of the principal and all other articles of merchandise imported into and exported from the United States from and into China and Hong-Kong during the years 1840, 1850, 1860, 1870, 1880, *and* 1886.

CHINA.

[NOTE.—Includes Hong-Kong prior to 1873.]

Articles.	Years ending—					
	September 30.	June 30.				
	1840.	1850.	1860.	1870.	1880.	1886.
IMPORTS.						
Hemp and jute, unmanufactured	.....	$40,538	$10,435	$185,905	$136,971	$4,166
Oils, vegetable, fixed, or expressed	.....	.....	99,056	94,734	162,180	198,334
Opium	.....	.....	.....	124,730	951,273	331,908
Rice	.....	.....	.....	519,572	980,284	636,618
Silk, unmanufactured	$141,818	198,649	1,021,829	422,792	6,794,065	4,421,151
Silk, manufactures of	779,629	1,244,799	905,596	44,113	142,545	523,686
Sugar, brown	10,839	27,023	628,668	110,841	117,315	39,560
Tea	5,414,548	4,585,720	8,799,820	9,795,933	9,995,499	9,424,779
All other	293,995	496,733	2,100,683	3,256,907	2,489,486	3,392,821
Total imports	6,640,829	6,593,462	13,566,087	14,565,527	21,769,618	18,972,963
IMPORTS (DOMESTIC).						
Breadstuffs	12,662	28,110	356,901	855,429	37,301	35,016
Cotton, manufactures of	376,473	1,203,997	3,897,360	526,172	339,134	4,595,952
Ginseng	17,159	122,916	295,766	455,097	151	.....
Oils, mineral, illuminating	.....	.....	.....	143,324	366,367	2,417,160
Provisions	26,475	38,628	195,047	95,571	30,441	39,151
Wood, and manufactures of	.....	16,983	63,465	97,281	19,358	27,626
All other	36,417	75,327	816,331	878,742	308,563	403,372
Total domestic exports	469,186	1,485,961	5,624,870	3,051,616	1,101,315	7,518,277
Total foreign exports	63,777	94,256	159,877	64,765	68	2,304
Total domestic and foreign exports	532,963	1,580,217	5,784,747	3,116,381	1,101,383	7,520,581

HONG-KONG.

IMPORTS.						
Chemicals, drugs, and dyes (free of duty)	.....	.....	.....	.....	$252,812	$19,427
Hemp, unmanufactured	.....	.....	.....	.....	230,040	6,937
Hides and skins, other than fur-skins	.....	.....	.....	.....	175,597	21,560
Oils, volatile or essential (free of duty)	.....	.....	.....	.....	160,929	95,911
Rice	.....	.....	.....	.....	17,391	71,686
Silk, raw	.....	.....	.....	.....	177,109	63,949
Silk, manufactures of	.....	.....	.....	.....	17,263	103,036
Spices	.....	.....	.....	.....	105,824	91,658
Sugar, brown	.....	.....	.....	.....	53,757	57,271
Tea	.....	.....	.....	.....	178,019	40,493
All other	.....	.....	.....	.....	962,348	500,471
Total imports	.....	.....	.....	.....	2,251,089	1,072,459
EXPORTS (DOMESTIC).						
Breadstuffs	.....	.....	.....	.....	1,078,243	1,724,387
Fish	.....	.....	.....	.....	262,185	221,061
Ginseng	.....	.....	.....	.....	503,576	998,332
Oils, mineral, refined	.....	.....	.....	.....	57,493	613,750
Quicksilver	.....	.....	.....	.....	750,630	930
All other	.....	.....	.....	.....	221,005	485,664
Total domestic exports	.....	.....	.....	.....	2,873,132	4,044,384
Total foreign exports	.....	.....	.....	.....	4,260	11,852
Total exports	.....	.....	.....	.....	2,877,392	4,056,236

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 5, 1887.

WM. F. SWITZLER, *Chief of Bureau.*

Value of merchandise imported into and exported from the United States from and to China during the years 1840 to 1886 inclusive.

MERCHANDISE.

[NOTE.—Includes Hong-Kong prior to 1873.]

Years ending—	Exports.			Imports.	Total imports and exports.
	Domestic.	Foreign.	Total.		
September 30—					
1840	$469,186	$63,777	$532,963	$6,640,829	$7,173,792
1841	715,322	58,902	774,224	3,984,903	4,759,127
1842	719,509	118,174	837,683	4,934,645	5,772,328
June 30—					
1843 (nine months)	1,755,393	91,905	1,847,298	4,385,566	6,232,864
1844	1,109,023	80,963	1,189,986	4,931,255	6,121,241
1845	2,074,791	37,794	2,112,585	7,258,807	9,371,392
1846	1,173,488	45,679	1,219,167	6,593,881	7,813,048
1847	1,708,655	90,921	1,799,576	5,583,343	7,382,919
1848	2,063,625	54,375	2,118,000	8,083,496	10,201,496
1849	1,460,945	112,312	1,573,257	5,513,785	7,087,042
1850	1,485,961	94,256	1,580,217	6,593,462	8,173,679
1851	2,154,445	183,367	2,337,812	7,065,144	9,402,956
1852	2,480,066	163,383	2,643,449	10,593,669	13,237,118
1853	3,212,574	35,074	3,247,648	10,573,710	13,821,358
1854	1,212,944	29,556	1,242,500	10,398,262	11,640,762
1855	926,406	118,058	1,044,464	11,028,576	12,073,040
1856	1,750,216	174,429	1,924,645	10,453,436	12,378,081
1857	1,723,987	287,444	2,011,431	8,356,932	10,368,363
1858	2,783,754	127,399	2,911,153	10,570,442	13,481,595
1859	3,707,094	169,885	3,876,979	10,788,767	14,665,746
1860	5,624,870	159,877	5,784,747	13,566,087	19,350,834
1861	4,186,259	161,609	4,347,868	11,351,281	15,699,149
1862*	2,205,163	167,147	2,372,310	7,540,048	9,912,358
June 30—					
1863*	$2,897,005	$222,556	$3,119,561	$11,030,149	$14,149,710
1864*	3,249,448	84,566	3,334,014	10,435,027	13,769,041
1865	2,631,825	37,624	2,669,449	5,129,917	7,799,366
1866	3,045,610	99,621	3,145,231	10,131,142	13,276,373
1867	3,550,815	27,993	3,578,808	12,112,440	15,691,248
1868	3,942,332	37,682	3,980,014	11,384,999	15,365,013
1869	5,170,884	32,354	5,203,238	13,207,361	18,410,599
1870	3,051,616	64,765	3,116,381	14,565,527	17,681,908
1871	2,041,836	28,996	2,070,832	20,064,365	22,135,197
1872	2,915,466	21,370	2,936,836	26,752,835	29,689,671
1873	1,061,430	1,168	1,062,598	26,353,110	27,415,708
1874	843,121	4,532	847,653	18,119,710	18,967,363
1875	1,464,434	90	1,464,524	13,473,600	14,938,124
1876	1,390,360		1,390,360	12,353,943	13,744,303
1877	1,686,688	21,184	1,707,872	11,130,495	12,838,367
1878	3,603,192	1,354	3,604,546	15,887,820	19,492,366
1879	2,651,677		2,651,677	16,431,344	19,083,021
1880	1,101,315	68	1,101,383	21,769,618	22,871,001
1881	5,447,281	399	5,447,680	22,317,729	27,765,409
1882	5,895,503	480	5,895,983	20,214,341	26,110,324
1883	4,079,522	800	4,080,322	20,141,331	24,221,653
1884	4,626,480	98	4,626,578	15,616,793	20,243,371
1885	6,396,178	322	6,396,500	16,292,169	22,688,669
1886	7,518,277	2,304	7,520,581	18,972,963	26,493,544

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 5, 1887. *Includes Japan. WM. F. SWITZLER, *Chief of Bureau.*

Value of merchandise and gold and silver coin and bullion imported into, and exported from, the United States from and to Hong-Kong during the years 1873 to 1886, inclusive.

MERCHANDISE.

Years ending June 30—	Exports.			Imports.	Total imports and exports.
	Domestic.	Foreign.	Total.		
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1873	1,485,655	7,717	1,493,372	838,649	2,337,021
1874	1,235,444	50,564	1,286,008	449,230	1,735,238
1875	2,086,604	15,620	2,102,224	1,202,816	3,305,040
1876	3,324,755	14,777	3,339,532	493,690	3,833,222
1877	3,216,387	13,447	3,229,834	1,171,189	4,401,023
1878	3,247,739	14,970	3,262,709	2,232,663	5,495,372
1879	3,279,277	11,245	3,290,522	1,653,350	4,943,872
1880	2,873,132	4,260	2,877,392	2,251,089	5,128,481
1881	2,914,668	2,186	2,916,854	2,399,828	5,316,682
1882	3,211,399	16,498	3,227,897	2,424,092	5,651,989
1883	3,766,231	11,528	3,777,759	1,918,894	5,696,653
1884	3,078,542	5,307	3,083,849	1,504,580	4,588,429
1885	4,134,592	14,719	4,149,311	983,815	5,133,126
1886	4,044,384	11,852	4,056,236	1,072,459	5,128,695

GOLD AND SILVER COIN AND BULLION.

1873	3,937,306	2,364,941	6,302,247		
1874	5,835,356	2,759,641	8,594,997		
1875	5,209,466	1,392,403	6,601,869		
1876	5,842,947	2,086,642	7,929,589		
1877	10,763,353	1,023,500	11,786,853		
1878	5,343,419	2,388,965	7,732,384		
1879	2,582,338	2,838,744	5,428,082		
1880	2,781,381	2,228,842	5,010,223		
1881	1,367,034	2,079,168	3,446,202		
1882	1,773,820	2,142,590	3,916,410		
1883	4,000,736	2,883,744	6,884,480		
1884	4,884,283	4,404,574	9,288,857		
1885	5,188,705	9,384,528	14,573,233		
1886	2,948,405	7,069,286	10,017,691		
September 30—					
1840		477,003	477,003		477,003
1841		426,592	426,592	485	427,077
1842	18,000	588,714	606,714		606,714
June 30—					
1843 (nine months)		571,660	571,660		571,660
1844	1,000	565,955	566,955		566,955
1845	4,550	158,860	163,410	27,107	190,517
1846	4,700	157,874	112,574		112,574
1847		33,308	33,308		33,308
1848		72,013	72,013		72,013
1849		9,967	9,967		9,967
1850		25,000	25,000		25,000
1851	1,500	145,975	147,475		147,475
1852		19,728	19,728	281	20,009
1853		489,344	489,344		489,344
1854	80,981	74,607	155,588	108,067	263,655
1855	606,651	68,314	674,965	20,150	695,115
1856	298,028	335,564	633,592	1,000	634,592
1857	295,913	2,087,786	2,383,699		2,383,699
1858	223,994	2,562,204	2,786,198	94	2,786,292

Value of merchandise and gold and silver coin and bullion, &c.—Cont'd.

GOLD AND SILVER COIN AND BULLION.

Years ending June 30—	Exports.			Imports.	Total imports and exports.
	Domestic.	Foreign.	Total.		
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1859	525,832	2,721,298	3,247,230	2,614	3,249,844
1860	1,545,914	1,575,457	3,121,371	500	3,121,871
1861	1,623,465	910,013	2,533,478	438	2,533,916
1862*	2,123,343	1,126,585	3,249,928	6,783	3,256,711
1863*	2,205,079	941,095	3,236,174	4,766	3,240,940
1864*	4,492,550	956,502	5,449,052	974	5,450,026
1865	3,871,073	564,913	4,435,986	726	4,436,712
1866	5,586,478	1,418,115	7,004,593	1,541	7,006,134
1867	5,237,330	951,478	6,188,808		6,188,808
1868	5,579,454	2,132,022	7,711,476	25	7,711,501
1869	5,087,294	2,085,200	7,172,494	1,760	7,174,254
1870	3,369,547	2,554,138	5,923,685	62,960	5,986,645
1871	1,878,380	1,693,267	3,571,647	1,950	3,573,597
1872	4,799,469	1,199,865	5,999,334	700	6,000,034
1873	852,302		852,302	181	852,483
1874	786,044		786,044	39,772	825,816
1875	1,500		1,500	6,840	8,340
1876				6,908	6,908
1877	1,491,906	2,152,106	3,644,012	10,952	3,654,964
1878	7,857,506	622,685	8,480,191	7,559	8,487,750
1879	1,831,280	179,000	2,010,280	134,635	2,144,915
1880	1,501,000	1,600	1,502,600	90,991	1,593,591
1881		32,400	32,400	41,179	73,579
1882	533,800		533,800	36,005	569,805
1883	168,000	88,000	256,000	192,801	448,801
1884	52,702		52,702	5,260	57,962
1885				1,529	1,529
1886	230,000		230,000	2,400	232,400

*Includes Japan.

WM. F. SWITZLER,
Chief of Bureau.

Statement of the principal articles imported into Great Britain and Ireland from, and exported to, China (including Hong-Kong) during the year 1884.

Principal and other articles.	Imports.	
	Quantities.	Value.
Bristles ..... pounds...	437,203	$252,829
China and earthenware ..... cwts...	2,857	59,863
Cotton, raw ..... do...		
Drugs, unenumerated ..... value...		281,610
Feathers, for beds ..... cwts...	7,278	94,323
Galls ..... do...	17,792	219,533
Hair, unenumerated ..... value...		262,703
Hemp ..... cwts...	79,799	712,412
Hides, raw ..... do...	34,394	541,807
Perfumery, unenumerated ..... pounds...	917	141,496
Silk, raw ..... do...	3,660,014	12,853,979
Silk, knubs or husks, and waste ..... cwts...	44,627	2,475,734
Silk manufactures ..... value...		699,253

Statement of the principal articles imported, &c.—Continued.

Principal and other articles.	Imports.	
	Quantities.	Value.
Spices of all kinds	pounds... 1,656,330	$99,875
Succades	cwts... 11,469	117,925
Sugar, unrefined	do... 103,647	347,828
Tea	pounds... 143,708,568	31,018,769
Tin, in blocks, ingots, slabs, &c.	cwts... 1,090	22,016
Tobacco, unmanufactured	pounds... 1,813,221	309,344
Wool, sheep and lamb	do... 1,185,597	164,760
All other articles	value...	3,796,050
Total		54,472,092

WM. F. SWITZLER,
Chief of Bureau.

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 17, 1887.

Exports from United Kingdom of British and Irish products.

Principal and other articles.	Exports.	
	Quantities.	Value.
Apparel and haberdashery	value...	$199,906
Arms, ammunition, and military stores	do...	1,144,002
Beer and ale	barrels... 7,987	143,343
Chemical products and preparations (including dye stuffs)	value...	59,761
Coal, cinders, and fuel	tons... 104,681	292,462
Cotton-yarn	pounds... 15,721,300	2,997,419
Cotton, entered by the yard	yards... 394,583,600	20,371,743
Cotton, entered at value	value...	358,320
Hardwares and cutlery, unenumerated	do...	135,503
Linens, entered by the yard	yards... 407,800	73,947
Machinery and mill-work	value...	459,446
Metals:		
Iron, wrought and unwrought	tons... 43,332	1,325,897
Copper, wrought and unwrought	cwts... 41,086	574,805
Lead, pig, pipe, and sheet	tons... 6,631	364,277
Provisions (including meat)	value...	70,881
Soap	cwts... 46,317	207,843
Telegraphic wires and apparatus	value...	246,829
Umbrellas and parasols	do...	123,395
Woolens, entered by the yard	yards... 19,593,300	4,863,239
Woolens, entered at value	value...	65,805
All other articles	do...	1,797,675
Total		35,876,558

WM. F. SWITZLER,
Chief of Bureau.

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 17, 1887.

Exports from United Kingdom of foreign and colonial products.

Principal and other articles.	Exports.	
	Quantities.	Values.
Arms and ammunition		$455,865
Bones for manufacturing purposes	tons...	
Butter and butterine	cwts... 1,056	38,601
Candles of all sorts	do... 1,238	15,262
Clocks	number... 7,768	15,305
Confectionery	cwts... 1,638	26,576
Cordage, twine, and cable yarn		10,351
Cotton manufactures		245,690
Drugs:		
Opium	pounds... 125,300	596,483
Unenumerated		3,538
Glass of all kinds	cwts... 2,741	12,813
Metals:		
Copper, unwrought, part wrought, and old copper	tons... 29	9,587
Iron bars, &c.	do... 895	43,200
Steel, unwrought	do... 95	5,154
Manufactures of iron or steel unenumerated	cwts... 19,346	92,249
Painter's colors unenumerated		9,563
Quicksilver	pounds... 1,794,300	630,801
Spirits:		
Brandy	proof gallons... 2,865	9,324
Wine	gallons... 25,964	79,066
Woolen manufactures		134,213
All other articles		647,663
Total		3,021,304

WM. F. SWITZLER,
Chief of Bureau of Statistics.

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 17, 1887.

Statement showing the imports into and the exports from Germany, from and to China, during the year 1884.

IMPORTS.

Articles.	Pounds.	Dollars.
Animals, living	1,980	238
Provisions; including meat and dairy products	7,920	714
Breadstuffs	14,080	238
Tea	28,820	6,902
Sweetmeats	5,060	952
Salt and spices	10,780	1,428
Tobacco, and manufactures of	220	476
Chemicals, dyes, and medicines	493,480	41,888
Earthen and stone-ware	95,524	5,236
Metals, and manufactures of	24,420	4,998
Wood, manufactures of	99,220	11,186
Feathers	62,480	30,464
Yarns	1,320	6,902
Dress goods	440	2,380
Jewelry	660	2,380
All other articles		11,662
Total imports		128,044

EXPORTS.

Malt liquors		5,222	18,564
Sweetmeats and confectionery		85,360	11,186
Paints		1,366,860	983,416
Soap, fancy		76,780	16,660
Perfumery		13,200	17,136
Gunpowder and other explosives		537,240	104,244
Glass and glassware			28,798
Iron, and manufactures of:	Bar-iron	9,055,640	112,574
	Wire	2,209,980	44,030
	Fire-arms	41,580	31,416
	Machinery	494,340	34,272
	Needles	366,740	366,746
	Other manufactures of		422,926
Metal (copper, brass, &c.) and manufactures of			143,276
Wood, manufactures of			11,662
Leather, manufactures of			39,702
Wool, manufactures of			128,996
Cotton, manufactures of			11,662
Wearing apparel, of silk or wool			14,280
India-rubber, manufactures of		22,880	14,756
All other articles			144,228
Total exports			2,721,530

WM. F. SWITZLER,
Chief of Bureau of Statistics.

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 15, 1887.

Statement of the principal articles imported into France from, and exported to, China, during the year 1884.

Order of magnitude.	Articles.	Imports.		Entered for consumption.	
		Quantity	Value.	Quantity	Value.
1	Silk and silk waste	kilog... 3,614,070	$21,034,077 02	2,453,108	$14,081,453 12
2	Tea	do... 3,340,256	2,095,551 91	342,804	215,423 81
3	Straw, bark, sparterie, bundles of, unmanufactured, kilog	78,646	1,209,648 73	67,954	1,028,280 07
4	Silk, manufactures of, waste, kilog	365,855	761,406 81	68,154	110,957 24
5	Furs and fur-skins, undressed	kilog... 1,317,741	624,411 16	229,116	73,770 97
6	Musk	gramme... 792,400	458,799 60	767,200	444,208 80
7	Manufactures of bone, horn, wood, and vulcanized rubber	kilog... 111,955	201,641 19	10,150	18,173 07
8	China-ware	do... 207,685	168,712 80	170,668	141,485 99
9	Nut-galls	do... 571,628	143,421 39	497,798	124,897 45
10	Hair, unmanufactured	do... 31,178	122,269 36	21,357	82,438 02
11	Feathers, ornamental	do... 8,325	80,770 50	300	3,329 25
12	Hemp fiber	do... 212,190	40,680 73	11,740	1,593 88
13	Copper, manufactures of, pure or alloyed, art bronzes, kilog	8,032	33,976 49	6,844	29,059 62
14	Reed and osier, unmanufactured	kilog... 240,382	30,155 87	189,482	22,641 41
15	Cinnamon of all kinds	do... 114,935	28,839 03	58,176	14,596 40
16	Collection of articles, outside of commerce		28,518 45		28,238 60
17	Cordage of sparterie, willow, and reed	kilog... 8,468	21,246 21	17,246	43,270 21
18	Straw hats, fine or coarse, kilog	13,632	7,892 93	14,256	8,260 01
	Other articles		651,052 89		315,543 23
	Total		27,743,072 57		16,787,621 15

Statement of the principal articles imported, &c.—Continued.

Order of magnitude.	Articles.	Domestic and foreign exports.		Domestic exports.	
		Quantity	Value.	Quantity	Value.
1	Cotton, manufact. of...kilog...	1,320,111	$1,265,394 46	11,863	$20,214 82
2	Coal-tar dyes.....do...	124,167	304,012 06	15,403	41,618 91
3	Wines.....liters...	1,215,884	184,918 90	1,130,293	170,128 73
4	Implements and manufactures of metal.....kilog...	1,034,221	171,788 91	66,778	15,023 70
5	Buttons of all kinds.....do...	140,134	159,633 77	12,304	19,370 25
6	Clocks and watches.....	.....	127,034 14	.....	25,863 74
7	Wool, manufact. of.....kilog...	44,959	120,523 87	44,308	118,211 73
8	Thread of all kinds.....do...	175,134	97,309 25	1,405	184 89
9	Silk, manufactures of, and waste.....kilog...	6,017	91,550 13	464	8,458 80
10	Medicines (compound)...do...	133,953	83,206 35	52,583	7,009 76
11	Spices, ground.....do...	99,065	76,054 93	1,593	834 15
12	Coral, cut, unmounted....do...	1,050	74,746 00	1,023	73,052 43
13	Books, engravings, cardboard, paper.....kilog...	52,201	21,625 65	40,648	15,242 18
	Other articles.....	.....	455,807 72	.....	257,035 66
	Total.....	.....	3,233,606 14	.....	772,249 75

WM. F. SWITZLER,
Chief of Bureau of Statistics.

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 18, 1887.

Death of John A. Logan.

"In war, in the camp of instruction, he was patient and teachable. By the camp-fire and in the society of his fellows he was the type of good fellowship and strong comradeship. In the hospital he was gentle and sympathetic. On the march persistent and indefatigable. In battle he was a thunderbolt."

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 16, 1887.

The House having under consideration resolutions of respect to the memory of John A. Logan, a Senator of the United State from Illinois—

Mr. GROSVENOR said:

Mr. SPEAKER: The news that flashed along the wires announcing that Logan was dead smote painfully upon the hearts of more soldiers than did any other news that for twenty years has been conveyed to the American people. Logan was peculiarly and especially near to the volunteer soldier. He was without doubt the greatest of them all. He was their leader, and was so recognized by them. He was the highest type of excellence.

In war he had set them the example of a great leader of men; in peace he had never faltered in the work assigned him as champion of their interests. The strong individuality of the man shone out on all occasions in war and in peace. In war, in the camp of instruction, he was patient and teachable. By the camp-fire and in the society of his fellows he was the type of good-fellowship and strong comradeship. In the hospital he was gentle and sympathetic. On the march, persistent and indefatigable. In battle he was a thunderbolt.

The pictures of heroic leaders drawn by the pen of word painters are faint, pale, and unmeaning as compared with Logan as he rode down the line of his men at Atlanta and assumed the responsibility which the death of McPherson had cast upon him, and caused the army to believe and truly that as great a man as McPherson was there. I offer two pictures, one to show that Logan was a far-seeing, wise man, the other to show that he was a modest and patriotic man.

He was ordered to command the great Army of the Cumberland at the end of three years of its service and history. He was ordered to supersede George H. Thomas, who was of that army, had grown with that army, and was the pride and idol of that army. He was to command the Army of the Cumberland, the army that had stood in the cedar jungles of Stone River like an insurmountable wall of blood and fire and patriotism when the serried columns of Bragg had been hurled almost irresistably upon it, had won a glorious victory, occupied Murfreesboro' and reorganized its plans, which were carried out in proud triumph as the banner of America crossed the Georgia mountains and flashed full in the faces of the grand gathering of the confederates at La Fayette and Lee and Gordon's Mills.

The army that, retiring from the terrible battle of Chickamauga, had preserved its honor untarnished, had occupied Chattanooga, holding the key of all the future operations in the South the army that had scaled Mission Ridge and Lookout Mountain, the army that for all those weary days, weeks, and months had marched and fought over the blood-stained pathway it cut and hewed from Chattanooga to Atlanta, the army that had never ingloriously turned its back upon a foe, without a stain upon its escutcheon, proud of its achievements, proud of its commander, was to be turned over to John A. Logan by the mistaken judgment of the great commander of the army. Logan saw all that I have described and more.

He saw that the plans and procedure of Thomas had been faultless—absolutely above criticism. He saw that in the hearts of the men of the Cumberland Army there was enshrined and engraven the name and fame of George H. Thomas. He saw that, for the first time, Thomas was to have an independent command of a great army in a great battle. He knew that before that army lay victory. He knew that in the air that encirled Overton and the environments of Brentwood there was being sung a song of triumph.

In his mind's eye he beheld the serried columns of Smith's Corps joining with that of Steedman, and Wood, and others scaling the fortifications around Nashville, crushing the army of Hood, driving it starving and disintegrating out of Tennessee; marking its pathway with the blood of its brave men, and crushing and destroying that great army; and he knew that around such a victory as that would cluster the laurel wreaths of glory and that they would descend upon the brow of the commander. And he never doubted the loyalty of the Army of the Cumberland to him should he become their leader, for he knew the place he occupied in the hearts of the men of that army; but he was a just man and he would not pluck the ripe fruit that hung so tempting, which was the just due of the great hero of Chickamauga and Nashville, the immortal George H. Thomas.

Logan then and there, by that act of self-abnegation, demonstrated his far-seeing wisdom and foresight. He saw more keenly than Grant that Thomas had not been slow, that Thomas had not faltered, that Thomas had made no mistake; and his sense of justice, his love of fairness forbade him to reap the victory that was due a commander. In this he was a just man, a wise man, and a far-seeing soldier.

But when McPherson fell, by common acclaim Logan was entitled to the command thus vacated. He had been to McPherson what Ney was to Napoleon; he had been to McPherson what Von Moltke was to Kaiser Wilhelm. The strategy of the campaign was familiar to him; the details of the army organization were like a primer to him. He had never made a mistake in any movement that he had attempted, and he passed through the bloody baptism of the first hours of his command with a keen intelligence and broad grasp of generalship and a magnificence of execution which said to all the world Logan should command.

But when he was superseded he modestly took his place at the head of the old Army of the Tennessee. He would not leave his comrades without his presence and advice and assistance. He would not leave his country without the strong arm upon which she was relying. He waived the question of rank and modestly and faithfully supported Howard, as he had done his predecessor. He was a far abler man than Howard, a greater man than Howard, a more able general than Howard, wiser in all except West Point tactics than Howard, many fold more fitted to the command of that great army than Howard, and yet, while others resented the assignment, left the flag, and sought other service, Logan hammered away at the enemy. If he felt within him a keen sense of injustice, he dealt the retaliatory blows upon the enemies of his country. If he felt the injustice of the new assignment, he struggled the harder to win battles to save the commander who had superseded him from failure. In all this Logan was a modest man and a patriot.

It has been said that a great general of the war spoke of Logan as a "political general." The statement has been denied, but the suggestion was taken up and the changes rung on it all over the country. It was used as a term of reproach. My opinion is, Mr. Speaker—and I mention it modestly—that there was no successful general of the war who was not, to a certain extent, a "political general." The war was a political contest. It grew out of two antagonistic systems and principles of government, two widely adverse and different constructions of the Constitution, two distinct political interests, and therefore the contest was a political one.

It was born and nurtured, had its growth and development in political platforms of political parties. It was a political movement on the side of the attempted destroyers of the Union, and patriotic resistance, without regard to party, on the other; and the man, therefore, who best understood the nature of the contest, best understood how to meet the emergency of the contest, was a politician. It was a political general who assailed slavery in the very beginning of the war and declared that there could be no successful prosecution of the war until the Government accepted the issue. Time proved his opinion correct.

It was non-political generalship that reversed his orders, prolonged the war, and ultimately came climbing up upon the platform and shouting about the keystone of the arch that they had refused in dis-

dain. It was politics, a knowledge of politics, and the deep-seated political purposes of the men of the South that suggested to General Sherman, in October, 1861, to say that there ought to be two hundred thousand soldiers sent to Louisville to march against the rebels at Muldraugh's Hill, and so on down into the confederacy.

It caused the report to go out and to be believed that he was crazy. He based his judgment upon his intimate knowledge of the political purposes, the political aspirations of the people of the South, and when he marched his victorious columns down through Georgia, subsisting off the country; when the sweet potatoes "started from the ground," and the turkeys gobbled "which our commissaries found," there was more politics than war in the movement. It was a political suggestion by politicians, and not soldiers in the abstract, that demanded the abolition of slavery and the enlistment of colored men into the army.

The weak and the unpatriotic faltered; the Caucasian in a few instances resigned his commission and went home, because the African was about to shoulder arms. The Army grew no weaker for the absence of the former, and immeasurably stronger by the presence of the latter. It was a non-political and soldierly suggestion that the soldiers of the Union army should stand guard over rebel property, preserve fences and cornfields and sweet potato patches; it was a political idea that lighted the camp-fires with the rails, and furnished the mess tables with the products of the country.

That was war, but it was political war. With the training of the soldier the whole thing was over when the rebel flag was pulled down; but with men like Logan and Garfield and their compeers, the amendments to the Constitution were conditions-precedent to the fact of the restoration of the States. So, after all, there was a blending of the knowledge and purposes of the politician with the knowledge and skill and bravery of the soldier, and no one man in all the long years of war and reconstruction consolidated and embraced in one person so much that was right, patriotic, and wise of the politics of the war or war itself, the skill of the soldier and the politics of reconstructions and the politics that grew out of the war than did John A. Logan.

I come to a matter of very recent date, Mr. Speaker, and speak frankly about it, for, because a man is dead, that is no reason why the truth should not be told. Because a man is dead—a debt we all must pay—that is no reason why a man in his lifetime should be held up to scorn. Men differ in this country. They differ honestly, bitterly sometimes. The death of one while the other survives does not affect the criticism of the one nor the faults or foibles of the other, if any such he had.

In the State which I have the honor in part to represent there was last year a feeling of disappointment and sorrow because of one of the acts of Logan. If history is to be written in this way, let it be written truthfully. If facts are to be referred to, let them be facts, and not attempt to substitute fiction for fact. The people of Ohio, without distinction of party, had felt, and felt as they never before felt, upon a question like this, that a great wrong had been done to them, and that a great stigma had been fastened upon them; and they appealed to the Senate to right the wrong and efface the stigma.

It was not the clamor of partisan bitterness. It was the declaration of honest men regardless of party. It had its original statements and declarations of fact from the mouths of distinguished Democrats. Allegations of the most bitter character, illumined with satisfactory details, were furnished by the Democratic newspapers of the State, and so it came. I stop not to discuss the right or the wrong of it. Nine out of every ten people of Ohio earnestly demanded, in their hearts at least, that the wrong should be righted, or at least, Mr. Speaker, if there was no wrong the stigma should be removed by proof and demonstration that the people were mistaken.

It became the watchword of civilization and public honor throughout the State. It was taken up as the rallying cry of the young men. It was the household word of the Ohio man that this investigation must go on. General Logan differed in opinion with this cry and this demand, and no appeal could swerve him from what he believed to be right. I stop not here and now to argue against his position, and I refer to it simply to point out the time and place and the circumstances where, in my judgment, the highest compliment was paid to John A. Logan that was ever paid to him by mortal man.

In the hour of the people's disappointment and in the weeks and months that followed it, smarting under the misfortune which they understood had befallen them, and attributing the failure very largely to him, bringing the blame to his door, never from the tongue of one man or pen, never under any circumstances did any Ohio man attribute to John A. Logan base or improper motives for his conduct. They may have shed tears of regret, they may have felt the sting of disappointment that their plans and purposes had failed, but at the door of the great soldier and patriot, Logan, they never brought an insinuation of dishonor.

In times like those popular judgment is unreasoning sometimes, and we are prone to ascribe base motives to the conduct of men, but in this instance the shaft was too high, its surface was too solid, its purity was too well established, and no archer hurled his arrow of detraction against the character of John A. Logan. There was more in this controversy to gratify Logan than to hurt his feelings, and the men who, differing with him, yet ascribe no dishonest motives to him, stand better to-day than they who seek to tarnish the reputation of others by taking advantage of the public sentiment toward a dead man.

So that, Mr. Speaker, I come as a representative in part of my State, without hesitation, without reservation, reverently to lay upon the bier of John A. Logan a tribute of our love, affection, appreciation, admiration. He is dead and the world is the poorer for his death. "Earth may run red in other wars," but the superior of John A. Logan as a soldier will not appear. Revolutions and rebellions may shake the foundations of government again, but a more unselfish patriot than John A. Logan will not espouse the cause of his country in future years.

Great political contests may disturb the people, but a wiser, cooler, braver statesmen will not arise in her councils. He is gone, and the flowers of spring will shortly bloom over his grave and the song of the birds will make melody in the air above him, but his example will live while patriotism lives, his courage will be mentioned in song and story while courage is an attribute of humanity which the people love and admire. Great leader, pure patriot, noble comrade, farewell. May "the sunshine of Heaven beam bright on thy waking," and may the song that thou hearest be "the Seraphim's song."

Death of John A. Logan.

SPEECH

OF

HON. WILLIAM W. BROWN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 16, 1887,

On the resolutions of respect for the memory of the late Senator John A. Logan.

Mr. BROWN, of Pennsylvania, said:

Mr. SPEAKER: The heritage of good deeds is mightier for a nation's defense than many armies with banners. It builds empires and conquers the foes of freedom. In the dread time of war it creates armies and nerves them to battle for the right. The Republic takes pride in her great names. Though but a century old, our temple of fame has garnered so fast and so well within its mystic walls that for every exigency we have our mentor and for every peril our inspiration. Among the names there enshrined is now that of John Alexander Logan.

I shall never forget the clear notes of the bugle blast that sounded "lights out" on the 31st of December last, when this hero and patriot was left "where the dead reign alone." There was a solemn stillness in the air, and out upon the heights the clouds bended low and wept icy tears. By the tomb where we laid him stood a comrade-bugler, martial and melancholy. "Earth to earth and dust to dust" was said, and then the bugle touched his quivering lips, and in a single breath told a story that bows a nation in grief. "Lights out," is the closing epitome of all that tread the earth. I can not tell what was in the mind of the author of "Lights out" when he set it to martial music; but in it there is more to me than its title indicates. If it announces mortality it often proclaims immortality as well. The better part of Logan is not in the grave—that can never die. For if there be no home of the soul in the bosom of our God, as our faith teaches there is, we know there is yet a realm wherein deeds die not, and where human sacrifices keep vigils with the centuries and the cycles. When will the achievements of Washington be forgotten? When will the deeds of Lincoln die? How can time efface the record of that valor which gave and preserved us a nation? Will the thunders of the Declaration of Independence cease amid the roll of the ages? And while the earth stands will freedmen forget "freedom's proclamation?"

Ah! sir, these shall all outstay the monuments that are of marble and of bronze! So, too, in all generations yet to be, as they shall read the story of Belmont, Donalson, Corinth, Port Gibson, Raymond, Champion Hill and Vicksburg, Missionary Ridge, Kenesaw and Lookout Mountains, and the mighty march to Atlanta and to the sea, will not all these millions bless this warrior's name and draw fresh inspiration from the matchless valor he achieved on these battlefields for freedom and for freedom's citadel?

But there is more to challenge our admiration in the career of Logan than his military renown. He believed that having "let the oppressed go free" we should protect the freedman. He believed that freedom without the panoply of citizenship is a mockery, and hence he early championed equal rights and enfranchisement for the colored man. To contend for these in behalf of an outraged and despised race required as much courage in that transition period as to meet the enemy on the field of carnage.

There never was an hour of greater peril to the Republic than when, after the war, all the leading men in one of the great parties, and many in the other, disclosed the purpose of leaving four millions of people in

the nation without status and without hope of ever attaining unto citizenship. But there were "giants in those days," and none stood firmer or dealt more telling blows for the right than John A. Logan.

I shall not attempt to explain what made Logan a leader among men or by what "sign he conquered." I am not certain that I could should I try. I know, however, that he was mighty for the right in every conflict in which he engaged, both in war and in peace, and I know that with his rugged manhood he was yet gentle and sensitive as a woman, and as loyal to friendship as the mother to her child. Whatever then may have contributed to his greatness, we are sure that these kindly qualities are not barriers in the highways to fame.

Logan in the United States Senate was as conspicuous to the whole nation as he was to his soldiers in the day of battle. During his career there, no man ever made a pilgrimage to the national capital, seeking to know her great Senators, who did not, among the very first, regard with pride and satisfaction the figure of the "warrior statesman from Illinois." There are few men of our time whose influence as an orator has been so widely felt and admired as that of Senator Logan. No man ever questioned his ability or his skill in the use of the English language, save the ignorant or the malicious. His impeachment of Fitz-John Porter in the Senate and his oration at the tomb of Grant are among the very best productions of this generation.

No, we have not buried the glorious conquests in the field and in the forum of John A. Logan. They live and speak, and shall live and speak while true chivalry and exalted patriotism remain in the earth.

Surely the actions of the just
Smell sweetly and blossom in the dust.

War Taxes as Set-offs against States.

SPEECH

OF

HON. AMBROSE A. RANNEY,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 9, 1886.

The House having under consideration the bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-offs against States having claims against the General Government—

Mr. RANNEY said:

Mr. SPEAKER: The provisions of the pending bill strike me as somewhat extraordinary in character, and if enacted into law as likely to be mischievous in operation and evil in results. It is not, as might be supposed from some things said in the course of this discussion, a bill designed to relieve some one State only, but it comprehends and affects the dealings of the National Government with all of the States as regards the war tax in question. It condemns as unlawful the withholding of money due any State because of its quota of the war tax laid under the act of August 5, 1861, being unpaid, and the treating of the same as in any sense a proper subject of set-off. It then proceeds to repeal all existing laws and to annul all rulings and decisions of the Treasury Department or any officer thereof which are in conflict with the rule of law as so declared. In other words, the aim and scope of the bill is to destroy the legal foundation on which the prior action of the Government in the premises rests and to establish a new rule of law for the future.

As one of the minority members of the committee reporting adversely, I propose to give the reasons for my opposition.

1. The bill seems to me to be dealing with special cases by means of or under the guise of unwise general legislation.

2. It invades the judicial precincts of the Treasury Department, wherein Congress long since erected a special tribunal with full jurisdiction to adjudicate such questions, and proposes to annul rulings and decisions which have governed for a long time the action of the Government.

3. If the decisions sought to be reversed were claimed to be erroneous in law, parties interested should have proceeded in the Court of Claims and had them tested by a proper judicial tribunal.

4. In my opinion the Government adopted and has followed a rule which was sound and in accord with the law, as well as with an established policy.

5. If the question admits of doubt, or the rulings are now deemed to be erroneous, Congress should not interfere and reverse the same at this late day, because substantial justice has been done and these rulings have been executed.

Gentlemen are probably aware that the Treasury Department, although some of its officers once decided otherwise, have hitherto treated the war tax laid under the act of August 5, 1861, and the supplementary acts, as a proper charge against the States in making up their accounts and certifying balances. Counter-claims due from the General Government to the States, respectively, have been entered as credits in their accounts and thus applied in set-off, or as payment *pro tanto*, and the balance struck and certified accordingly. Most of the States not in insurrection acceded to that view and course of proceeding, and the accounts have long since been adjusted and settled accordingly. This has been the rule adopted in the dealings of the Government with all of the States, both those which assumed the tax and those which did not. Kansas, Missouri, West Virginia, and others did not assume the tax. The State of Kansas had a claim against the Government and contested the right to apply it on the war tax. The decision was adverse under the rule now sought to be reversed. The Attorney-General refused to relieve that State from the decision (2 Lawrence, Reports, 305). Georgia, more fortunate, had first got money allowed the State by an act of Congress under a decision the other way by Mr. Porter (Senate Executive Document, No. 24, first session Forty-sixth Congress). But having been allowed in 1883 another sum of $35,555.42 for an old and a stale claim originating in 1777, growing out of the war of the Revolution, she failed to obtain the same, because, delinquent in respect to the war tax to the extent of over $500,000, and which sum was charged up against the State in 1868, the amount was applied thereon as a set-off or in part payment. A full hearing was had, but after able arguments by eminent counsel an adverse decision was made in an exhaustive opinion by Judge Lawrence, reported in 4 Lawrence's Reports, 354. It appears that Mississippi had a like case, and was treated in a like manner, the present Comptroller having made a like decision in adherence to the rule enforced in the case of Georgia. Hence the bill introduced by the gentleman from Georgia [Mr. HAMMOND], and the other bill introduced by the gentleman from Mississippi [Mr. BARKSDALE], and the pending bill as the result of the same. I do not understand that either of these States, or the State of Kansas, has ever proceeded in an attempt to get that ruling reversed in the Court of Claims, which would probably have had jurisdiction in the premises, and led possibly to an authoritative decision in that court and in the Supreme Court. The decisions therefore are final and conclusive as rendered, and will so stand unless Congress annuls them. Taking them as illustrations it is for the House to decide whether they are such as to call for the general legislation proposed, or whether they should not be dealt with separately, if at all, and determined on their own merits or demerits, as the case may be.

If a general law is enacted declaring the law to be as stated in this bill, and also annulling all the decisions heretofore made which are in conflict with it, this will destroy, as it seems to me, the entire foundation on which the prior action of the Government in the premises rests, and the legal and logical result will be to reopen all the accounts which have been settled with the States, and wherein counter-claims have been applied in set-off as against a charge of the war tax. The quota of the war tax charged to the States respectively in the accounts must be eliminated therefrom, a new balance struck, certified, and paid. Equal and exact justice should be done to all, and each State treated alike in this matter. It is well known that counter-claims have been allowed and applied in like manner in the accounts with most of the States. They differ widely in amount, some of them being some $200,000, as I am told. This would produce unequal results as to the States, as will readily be seen.

If it be true, as is now contended, that the war tax created only an individual liability as against the individual upon whom it was, or was to be, levied, I do not see that the State had any right to pay the amount of its quota by the use of common funds or by the application of money due the State. One man's money could not be legally used with which to pay another man's debt without his consent. I do not see how Congress could authorize or render legal the assumption of the tax on the part of any State upon this theory. If this be so it would seem logically to vitiate all transactions of that kind, and the Government ought to pay back the money thus misappropriated. This bill is put upon that ground, and if the doctrine is sanctioned by the House the amendment proposed by the minority ought to be adopted. As I do not adopt this view of the law I do not propose to discuss the merits of the proposed amendment.

The House will find in volume 5 of Lawrence's reports a communication and the suggested draught of a bill from that eminent jurist and most excellent officer and man, the late Charles J. Folger, then Secretary of the Treasury, which set forth this whole matter of the war tax of 1861, and the inequalities which have resulted and the injustices occasioned. In the insurrectionary States small portions of the people have been compelled to pay all that has been paid. In South Carolina some few counties were compelled to pay the whole quota of that State and several thousand dollars more. The claims which will have to be paid some of these States if this bill passes will go to the States, while certain portions of the people who paid a portion of the war tax perforce will not get the relief to which they are entitled.

Under these circumstances it does appear to me that it would be very unwise for the House to pass this bill. The special tribunal which has adjudicated upon the matter is one which was created by Congress, and of the final and conclusive effect of the judgments thereof as they now stand there can be no doubt under the decisions of the courts. For this House to declare the rule adopted to be unlawful and not warranted by the Constitution is to set itself up as a judicial instead of a legisla-

tive body. Congress has impliedly sanctioned the decisions made by not interposing and legislating upon the subject before.

I come now to the contention of the supporters of this bill that the direct tax in question was and is in no just sense the subject of a charge against the State and that it created an individual liability only as against the owners of the real estate upon which it might be levied. They go back and indulge in abstract theories and complicated constitutional questions about which intelligent men have always differed and about which they probably always will differ. What is a direct tax, and what the scope and effect of it when laid, is a problem not easy to solve.

Whatever may have been said to the contrary, it has always seemed to me, and seems to me now, that the amount of the direct tax when laid by Congress under the provisions of the Constitution is laid upon the States, each being assigned its own quota, creating an obligation, moral, equitable, and even legal, which the State should discharge; and that its operation upon individuals, as between the General Government and them, comes from the remedy and the mode of enforcement provided by Congress in case the State as such does not respond. The Constitution, when paraphrased or when expressed in its legal effect and according to its intended meaning on the subject of direct taxes, seems to me to be simply this: Congress shall have power to lay and collect direct taxes whenever they deem it best. When laid they shall be laid upon the United States and apportioned among the several States according to their population as determined by the next preceding census. By the "United States" is meant not the Government, but the States composing the Union under that name. Laying the tax in this way does what? It imposes a burden on each State to the extent of its quota, with a duty, a corresponding duty to pay it. The word *lay*, as used in the Constitution, is not the same as *levy*, although those words often mean the same thing.

The money to be raised is presumably for the benefit of all, and all should share the burden. Hence the quota should be, and may be, paid out of the common funds of the State, and it becomes thereupon the implied duty and the obligation of the State to provide for and pay it in that way. But if this is not done Congress has the right and the power, either in the same act or by a separate act, to provide the mode and the machinery requisite to enforce its payment out of the individuals at large, or out of individual property in the State. It is well known that in the confederation Congress determined the proportion which each State should pay, when money was to be raised, and assigned the quota to each State, calling upon it for the same by a requisition, so called. The State Legislatures were to attend to the laying and the levying of the tax, and Congress had no power to do anything more about it. But when the Constitution was framed it was deemed necessary, for manifest and urgent reasons which the sad experience of the past had demonstrated, to confer upon Congress not only authority to lay the tax, but also plenary power to collect the same. Hence it required Congress to lay the tax upon the States primarily, according to a given proportion. The other branch of the twofold power to collect the tax left Congress at liberty to adopt such measures and to provide such machinery as in the exercise of its discretion it might deem suitable and adequate to that end. As expressed, the taxing power was paramount and unlimited. But it has been decided that there are implied limitations and prohibitions which serve to protect the means, agencies, and instrumentalities of the State governments, so that they can not be embarrassed or destroyed in the exercise of the taxing power. Subject to those restraints the power of Congress is supreme in that regard.

By requiring direct taxes to be laid upon, and apportioned among, the States in the first instance, in a given proportion, the ideas of the extreme State rights men were conserved, while those who felt more deeply the necessity of an adequate power vested in Congress to enforce payment, secured what satisfied them. It is manifest that the Constitution would not have been adopted and ratified by the requisite number of States but for the provision requiring the tax to be laid upon the States in the first instance. The laying of the tax upon the States, and the apportionment thereof, was the full equivalent and more, in effect, of the determination of the quota made under the confederation, and of the requisition, and was provided for in adherence to the general plan of the same thus far, while the added power to enforce payment supplied its defects in that particular.

Mr. HAMMOND. Does the gentleman mean that the Government could collect it from the State by force?

Mr. RANNEY. No, sir.

Mr. HAMMOND. That is what you say in the minority report.

Mr. RANNEY. That depends upon how the language is construed. In Texas *vs.* White, 7 Wall., the Supreme Court has defined the word State as used in the Constitution. It may mean the Government, or the people, or the territory or region of land. I do not mean to assert in the theory which I am endeavoring to maintain that the corporate State could be forced to pay this tax; that is, in its corporate capacity. The State considered as a government, with all its means, agencies, and instrumentalities, would be protected under the principles which I have stated. But I do mean to contend that, under this theory, Congress could enact that if the corporate State did not provide for and pay it, the tax should be enforced against the individuals at large, and not otherwise. In the case referred to Texas had no government which could be recognized and treated as such, and yet it was held to be a State so as to give the court jurisdiction in the action of law pending.

Enforcing payment by levying the tax upon individuals or individual property, is only by analogy adopting and pursuing the remedy furnished in my own State and in some others in case of an execution issued on a judgment obtained against a municipal corporation, a town for instance, or any other association of individuals, for political or civil purposes, with corporate powers but without funds. It can be levied and enforced by a resort to, and a direct levy upon, the property of the individual inhabitants of that town or of the members of that association.

Mr. TUCKER. Is not that by virtue of a special statute?

Mr. RANNEY. No, sir; I think not. It depends upon common-law principles, as I recollect it, there being no statute to prevent it. The principle is that the inhabitants of the town or the members of the association constitute the town or the association sued, and are in theory of law parties defendant to the suit in which the judgment is rendered. The law is otherwise as to other kinds of corporations, stock corporations for instance, they having presumably corporate funds. Different modes of remedy are furnished or pursued in other States. The inhabitants of the city of Memphis, Tenn., have been made to feel the force of the principle which I have invoked. They have found out that abolishing the city charter and the corporate government did not deprive creditors of their remedy for just debts held against the city.

Mr. Speaker, I have referred to the implied limitations which the Supreme Court have adjudicated and read into the Constitution as designed to preserve and protect the State government with all of its agencies and instrumentalities. But, sir, suppose that Government is engaged, and those instruments are employed, in waging war against the Union, and Congress proceeds to lay a war tax, for the purposes of common defense and to carry on that war. Let us see how the matter stands in that aspect.

Mr. TILLMAN. Will the gentleman permit me to ask him whether the Federal Government can not levy a direct tax in time of peace?

Mr. RANNEY. I should say so. I think that question answers itself. The Constitution provides for it in express terms.

Mr. HAMMOND. Is the taxing power any broader in war than in peace?

Mr. RANNEY. Yes, sir.

Mr. HAMMOND. How?

Mr. RANNEY. The implied limitations to which I have adverted would not apply or operate then in the insurrectionary States. The Government would have a right, and it might be its bounden duty, to embarrass and even destroy what in time of peace it would be bound to let alone and protect. The means, agencies, and instrumentalities, the government of the State, when employed in open war against the Union, are placed beyond the pale of that protection.

Mr. HAMMOND. The point to which I am trying to get the gentleman's attention, if he will permit me, is this: The direct tax levied by the act of 1861 was levied as much on Massachusetts as on South Carolina. Now, does the gentleman say that the Constitution meant one thing in South Carolina and another thing in Massachusetts; or was the same Constitution in force in both places?

Mr. RANNEY. I am dealing with the question now in its practical aspects. The loyal States paid their respective quotas, as a tax laid upon them, and which they might and should pay. The States in insurrection did not do it. I am not now blaming them, or casting upon them any unpleasant reflections. You now seek to reverse the action of the Government as regards the former when they have complied with the law and yielded to the rule complained of. The insurrectionary States had no governments which Congress could recognize as in legitimate relations to the Union. They were out of their normal relations to the same, and the theoretical State, to wit, the State in one of the other senses named, was all that Congress could deal with. What I say is that they ought not now to complain of the rule of law applied to them and the other States alike.

Mr. Speaker, my position, I hope, is understood. The theory which I have been attempting to maintain, however unsuccessful I may have been, is that by laying the tax upon the State a corresponding duty was imposed upon it, to provide for and pay its respective quota, this duty raising an implied obligation that rested on the State, primarily, and which, if not discharged, Congress had power to enforce by proceedings which reached the individuals at large.

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

Mr. RANNEY. Certainly; if it will not take up my time.

Mr. TILLMAN. It will occupy only half a minute. If this direct tax is to be levied against the corporations called States how can the money be made out of the individual citizens instead of out of the corporate property of the State?

Mr. RANNEY. I thought I had answered that question. I had likened the remedy provided by Congress by analogy to the proceedings had in the levy of an execution in the class of cases which I have before described. The tax is laid upon the State, and the remedy or mode

of enforcement provided by Congress is by a levy upon the individuals at large who constitute the political division or association called a State, because the corporate State can not as such be forced to pay perhaps. It is doubtful whether the United States could sue a State for any debt whatever. Congress first gives the corporate State, through its Legislature or other officers, the right and opportunity to pay the tax as a tax properly laid upon it, and which the State has a perfect right to do, because the money to be raised, being presumably for the benefit of all, the burden should be shared by all, and then if compliance is not had the process of collection goes on as against the collective people of the State, the individuals at large embraced within the purview of the act. This is the theory of the act of Congress of 1861.

But, Mr. Speaker, I do not care to spin fine theories. Refine as you may, the call by Congress was upon the States respectively, and the obligation rested upon them and was answered as such in States not in insurrection. Such is virtually and to all intents and purposes the character of the obligation. As I read the Constitution the taxing power conferred upon Congress was plenary, and justified it in laying a tax upon the States and in treating it as the duty of the State to pay it directly by the use of common funds, or by the application in payment of sums of money due and belonging to the corporate State, and in proceeding by force to collect the money out of the citizens at large in case the State did not respond. That is the theory under which the act of 1861 seems to have been framed and under which it has been administered.

Mr. Speaker, when I occupied the floor before in opposition to this bill I had proceeded in an endeavor to show two things: First, that the provisions of the bill were unwise and mischievous in their effect, in so far, at least, as they tend to overturn everything which has been done under the rule of law established in the Treasury Department in adjusting the mutual accounts between the National Government and the several States; second, that the rule of law as decided by the legal tribunal erected within that Department and invested with plenary jurisdiction in the premises was not so clearly wrong as to justify the proposed action by Congress. In continuation of the remarks, which were interrupted by the close of the morning hour, I beg leave to call the attention of the House to the fact that in the four acts of Congress laying a direct tax Congress has in each and every case laid the tax in express language, in the first instance upon the States, and in the last three of them, that of 1813, that of 1815, and that of 1861, provision was made that it was not to be enforced against individuals if the State paid the same, or satisfactorily provided for its payment. In the last act there was a further provision making the quota imposed upon each State liable to be paid and satisfied in whole or in part by the application or release of any liquidated and determined claim due from the Government to the State.

In the act relating to West Virginia, Congress provided expressly that a prescribed portion of the tax apportioned to Virginia should be charged to that State. In some of the acts passed the quota assigned is spoken of as payable by the State. In one instance the Legislature of the State was given power to change the assessment in some cases where it was being collected in distribution.

I will refer to these acts with more detail. Each act says the tax is laid upon the United States and the same is hereby apportioned to the States respectively, &c. Statutes of 1813, section 7, provides that each State may pay its quota into the Treasury of the United States if notice of the intention to do so is given within a prescribed time, and in case payment is made no further proceedings to collect the tax are to be taken. Section 2 says:

> The quotas or portions payable by the States respectively shall be laid and apportioned on the several counties and State districts as defined, &c.

Section 6 says:

> Each State may vary, by an act of its Legislature, the respective quotas imposed by the act on the several counties, &c., and the tax levied and collected as to varied or changed, &c.

Act of 1819, chapter 14, provides that in certain cases named there need to be no notice of the assumption of the quota of the State. Statute of 1815 says:

> Each State may pay its quota of the direct tax into the Treasury of the United States, and provides for discontinuance of proceedings to enforce collection in that event.

The act of August 5, 1861, section 53, provides:

> Any State * * * may lawfully assume, assess, collect, and pay into the Treasury of the United States the direct tax as its quota imposed by this act upon the State in its own way and manner.

Section 53 provides that—

> The amount of direct tax apportioned to any State, &c., shall be liable to be paid and satisfied, in whole or in part, by the release of such State, &c., * * * of any liquidated and determined claim of such State.

The act of May 13, 1862, copies this provision and extends it to other claims. In determining the quota of the direct tax of 1861 for West Virginia to pay, the resolution of February 25, 1867, says the Secretary of the Treasury was authorized and directed to charge the said State with the sum prescribed—that is, the accounting officers are to make the charge. In the act of July 17, 1862, it is provided that the State of Missouri shall be entitled to a credit against the direct tax apportioned to said State, for all sums expended by said State, &c.

Now I ask gentlemen to consider and say whether this legislation is not a significant and potent confirmation of the views of the Constitution which I have indicated and urged? It confirms my idea of the Constitution that it requires a direct tax, not only to be apportioned among the States, but to be laid upon them in a prescribed ratio. It also confirms my idea that the quota assigned to each State was what each State might lawfully and ought to pay as a burden imposed for the benefit of all the people of the State, and one which consequently all should share. It demonstrates also that Congress has always regarded itself as empowered to provide for the State paying the tax, and for a remedy to be enforced against the individuals at large only in the alternative. What repugnance is there in the idea that Congress can and does deal with the State in the first instance? Did it not do that altogether under the Confederation?

That made a requisition upon each State for its quota, and the State was to pay the same then, under this implied or express obligation of the compact. The Federal Constitution retained this feature of the Confederation, adopting a different rule of apportionment (that is to say, acording to population instead of the value of land), and expressly saying that the tax should be laid upon and apportioned among the States, instead of saying, as did the articles of confederation, that the States were to lay and assess the tax. The laying and apportionment of the tax under the Constitution are the equivalent at least of the requisition made under the Confederation. Instead of the extreme State-rights men being averse to the idea that the National Government was to thus deal with the States in the first instance, they sought diligently to retain the requisition system.

The extreme State-rights men, so called, desired to prevent the National Government from dealing directly with the individuals or the collective people of the State at all. But the necessity of conferring such a power upon Congress was manifest, demonstrated as it was by what had occurred under the confederation. It was concluded that the embarrassments experienced from long delays or an entire failure to respond on the part of the States should not be encountered again. Hence there was a combination of the two ideas, to wit, that of laying the tax upon the State and then the power to enforce payment by levying the tax upon individuals or individual property. Several States in ratifying the Constitution did so with a proposed amendment, which would serve to make it obligatory upon Congress, after laying the tax upon the States and assigning them their respective quotas, to provide for notifying the States and to accept the action of the Legislatures thereof if they formally voted to pay the tax and to provide for it.

But, sir, the Constitution was not so amended, and it was left so that Congress was invested with full power to provide for the collection of the tax when laid as it saw fit. It could do just what it has done in the last three acts, impose the burden on the States, with the duty to respond, and with an express provision for the State paying the same by a formal assumption or otherwise, and at the same time arm a body of assessors and collectors with power to proceed against the people at once if the State did not properly respond. The wisdom of investing Congress with such a plenary power was manifest and was exemplified in the late civil war. The National Government is allowed under that power to go to the State and say: "Pay me your quota as you ought to do and are bound to do, else the assessors and collectors will proceed and enforce payment out of individuals or individual property, in a proper subassessment or distribution thereof."

As said in the Federalist, page 214, by Alexander Hamilton:

> When the States know that the Union can supply itself without their agency it will be a powerful motive for exertion on their part.

It is a mistake to say that the provision for assuming the tax implies that this was necessary to the creation of any obligation on the part of the State. It was designed only as a formal expression of what was implied before that. If not a State burden, a State Legislature would have no legal right or valid power to assume and pay the tax. If the obligation exclusively of a limited class of individuals, common funds could not be legally used or appropriated for its discharge.

Those who insist that no implied obligation was imposed upon the State by the tax might with equal force say that the States were under no obligation to provide for and elect Representatives to Congress after they had been apportioned and allotted under the same clause of the Constitution. The corporate States could not be forced to do this more than they could be forced to pay the tax laid. But by adopting the Constitution was there no implied obligation to elect Representatives? Are not implied obligations just as strong as expressed ones? Inasmuch as a State might decline or fail to regulate the matter and choose Representatives to Congress, as was deemed possible or probable when the Constitution was framed, power was given Congress to regulate the matter to the extent of defining the districts, providing the ballot-boxes, and the men with which and by whom the election should be conducted and the result determined and certified to this House. The obligation existed on the part of the State, and Congress was given power to prescribe the remedy if the State failed to comply. That remedy reached the individual electors and gave them an opportunity

to fulfill the obligation the same as the prescribed remedy reaches individuals in the matter of a direct tax.

It is said that the State was under no obligation to pay the tax, because it could not be enforced against the corporate State. If that is a sound argument, then it follows that there is no existing valid obligation against the United States, because it can not be sued at all in the courts, except so far as is allowed by Congress. The citizens of a State can with that test have no valid debt against the same, for it can not be sued or forced to pay. But, sir, it is held by high authority that the United States can sue a State. Citizens of one State could once, before the Constitution was amended, sue another State. If judgment was obtained against the State in such suits, how could it be enforced as against the corporate State? It being an association for political and civil purposes, with corporate powers, but without corporate funds, would it not be competent for Congress to provide for the seizure of individual property owned by the inhabitants of the States on which a levy and satisfaction could be made and had? If so, would that be doing anything more than is done as the mode of collecting direct taxes, if the State does not pay its quota?

I know, sir, that eminent statesmen in arguing against the theory that the Union is a compact between States and not the people, in a more comprehensive sense, have referred to this taxing power as an illustration of the argument made. But it seems to me that the individual liability arising out of the mode of enforced collection has been made too prominent in such arguments, while the requirement that the tax should be laid first upon the State has been too often ignored on that side of the question. Any one who has read carefully the debates can not have failed to see that but for the provision last mentioned and the mode of apportionment provided the Constitution never would have been adopted or ratified by the extremists on one side. Dealing with the State was made necessary up to this very point where it might become necessary to provide an adequate mode of enforcement, and then in theory Congress was put in the place of the State Legislature.

But, sir, I am extending this discussion too much. It is enough to say that the Government has administered the law of 1861 on the theory that the tax could be properly charged against the States. It has been so adjudicated by a special judicial tribunal with full jurisdiction, and no other court has held otherwise. Congress has never interfered to change the law, but has impliedly sanctioned the rule adopted up to this time by not interfering, and meanwhile it has been executed as to most of the States. Most of the States have yielded to it as the law, and settled in accordance therewith.

Those who felt aggrieved by an adverse decision, like Kansas, Georgia, and Mississippi, have never felt confidence enough in their contention to carry the question to the Supreme Court through the Court of Claims and have this decision tested. It would ill become Congress now to sit in judgment upon this rule of law, acting in a judicial capacity purely, and proceed to reverse it, in retroactive, as well as prospective, operation, just for the purpose of practicing a piece of favoritism toward Georgia and Mississippi. I would not, for one, favor enforcing the rule in the future, as to any claims originating in the States since reconstruction of the States, but would draw the line there. Georgia since that time has once voted to assume the unpaid balance of her quota of the war tax in question, and thus shown that she regarded it as a proper debt to be paid by the State. The former Secretary of the Treasury, Mr. McCulloch, declined to accept the assumption, and proceeded to take an extreme view of the war tax, as not the debt of the States, and the long document on the subject found in Senate Document No. 24, Forty-sixth Congress, first session, and alluded to by the gentleman from Mississippi [Mr. BARKSDALE] appears to me to have more bulk than discriminating legal sense.

Judge Lawrence has dealt with the subject since then, with an opinion which is moderate and more in accordance with what seems to me to be sound principles. The law, as held by him, being arraigned now, I beg leave to insert as a part of my remarks certain portions thereof, because this House ought to read before it condemns the same. My friend from Georgia [Mr. HAMMOND], and my other friend from South Carolina [Mr. TILLMAN], in their fusillade of questions asked about the war powers of the Government. I did not care then to be diverted from my remarks into a general discussion on that subject. Neither do I care to thus indulge now. But I will insert what is said by Judge Lawrence on the point, and leave it there:

> The question whether, under the Constitution, a State can for all purposes be charged with a liability for a tax is not without difficulty. This may present different phases. Congress may exercise some powers in time of war which it may not in time of peace. Even in time of peace, if Congress can not charge a State with a liability to be enforced by any executive or judicial process against the property or credits of the State, yet it may so far declare a State indebted to the United States as to secure satisfaction of the debt by withholding from it by set-off, as in this case, money admitted to be due from the United States to such State. This does not assume that a State may be charged for all purposes with a corporate liability for the direct tax, but only for one purpose. Congress can undoubtedly prescribe the terms on or circumstances under which it will pay debts due from the United States to a State. And the ample discussion of the war power of Congress, growing ont of the late civil war, would seem to show that Congress can in time of such war charge a corporate State, which has renounced its allegiance to the Union, with a liability to aid the United States in carrying on the war, and may enforce it, if need be, by the sale of the real and personal property of such State, and may attach its stocks and credits.
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> Thus, it is said by the Supreme Court, in Miller *vs.* United States (in Wall., 305), that "the Constitution confers upon Congress expressly power to declare war, grant letters of marque and reprisal, and make rules respecting captures on land and water. Upon the exercise of these powers no restrictions are imposed. Of course the power to declare war involves the power to prosecute it by all means and in any manner in which war may be legitimately prosecuted. It, therefore, includes the right to seize and confiscate all property of an enemy, and to dispose of it at the will of the captor. This is and always has been a belligerent right." There are many authorities equally conclusive.
>
> Congress did not, by the direct-tax acts, seek to enforce the collection of tax against the corporate property of the State, but the power to do so in time of war seems undoubted. The direct-tax acts were war measures, and the validity of the judgment of the Comptroller of May 29, 1868, is not affected by any want of constitutional power in Congress to charge a corporate State with a liability when in the condition Georgia was in, in 1861 and 1862. But the action of the Comptroller in 1868 is only involved now for the sole purpose of set-off—not for any purpose of enforcing the collection of any charge against a corporate State.

Upon the question of the final and conclusive effect of the decisions made in the Treasury Department I quote the following:

> The First Comptroller, by his judgment of May 29, 1868, decided that the corporate State was liable to be and was so charged, for the one purpose named, and his decision is now conclusive on all executive officers.
>
> The action of the Comptroller, in certifying a balance against the State of Georgia, is conclusive on the accounting officers now. The authorities and usage settle this question.
>
> It was said by the Supreme Court of the United States on the question as to whether the Postmaster-General had authority to disallow credits in favor of a contractor, which had been allowed by his predecessor:
>
> The United States *vs.* Bank of Metropolis, 15 Peters, 400, 401.
>
> The conclusive effect of a decision of the Comptroller is recognized in Murray's Lessee *vs.* Hoboken Land and Improvement Company (18 How., 281) in which the court says, "The act of 1820 (3 Stat., 505) makes * * * provision for reversing the decision of the accounting officers of the Treasury. *But until reversed it is final and binding.*" (Ridgway *vs.* Hays, 5 Cranch, C. C., 23; Comegys *vs.* Vasse, 1 Pet., 193.)
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> The same principle has been affirmed by successive Attorneys-General.

I omit the long list of distinguished officers named. The same rule is recognized in the Court of Claims—Lavalettes case, 1 Ct. Cl., 147; Corston *vs.* United States, 17 Ct. Cl., 348. Rev. Stat., sec. 191, so makes it.

As to the right to withhold, and apply in set-off, claims due the States, the following will suffice:

> The provision of section 59 of the act of August 5, 1861, furnishes a special and specific mode by which "any liquidated and determined claim of such [any] State * * * against the United States," as the act says, "shall be liable to be paid" when the quota of direct taxes apportioned to the State remains unpaid. Here is a special mode provided for paying such "liquidated and determined claim." It was designed to do justice to each State, and to the United States. The citizens of Georgia are interested in having the claim of Georgia now applied as payment on the direct tax if their lands may yet be charged with the payment of direct taxes. And there is much reason for saying that the State of Georgia is confined to the statutory mode of redress. It is well settled that where a right is created by a statute, and a specific mode of relief is therein given to secure it, the parties are confined to that alone. Thus, it is said, that "where by a statute * * * a new right is given, and a specific relief given for the violation of such right the * * * remedy is confined to that given by the statute." (Sedgwick on Statutes, 2d ed., 76, citing City of Boston *vs.* Shaw, 1 Met., 130; Crosby *vs.* Bennett, 7 Met., 17; Smith *vs.* Lockwood, 13 Barb., 209; Dudley *vs.* Mayhew, 3 Coms., 9. And see State *vs.* Marlow, 15 Ohio St., 134; Haycrafts, 10 Court Cl., 114; S. C., 22 Wall., 81; State *ex rel.* Commissioners of Hamilton Co., 26 Ohio St. R., 369.)
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> The principle thus stated may have some application by way of analogy here. And, in view of all the circumstances, it may reasonably be inferred that Congress intended, that when the United States is indebted to a State, and the quota of direct tax apportioned to such State has not been paid, such quota as the statute says "shall be liable to be paid and satisfied in whole or in part" by the application thereon of such claim of the State. The manifest justice of such a construction, in reference to conditions which existed at the time said acts were passed, is an element which can not be overlooked, since it is to be presumed that Congress then intended to secure equal and exact justice among all the States. And it would seem that the idea which prevailed in Congress, in passing these acts, was, that it would not be equal justice for Congress to reward any States for refusing to assume and pay its just quota of the tax, by paying to it the claims it might present against the United States, and, at the same time, to withold the payment of such claims from States which had by law assumed the payment of their respective quotas of the tax. It may be stated also that sums due to the States of Kansas, Missouri, West Virginia, and other States, respectively, have been withheld and applied on the respective quotas of direct tax apportioned to said States, neither one of which assumed such quota. The Attorney-General refused to aid the State of Kansas in obtaining relief against the set off made.

Mr. Speaker, the decision of the Comptroller quoted does not go so far even as I am ready to go, as will be perceived from what I have already argued. There is no authoritative decision in point made by the courts of the land. Those made have dealt with the statutes in their operations upon individual property in administering the remedy. I come back then to the point first made, and still insist that whatever may be the law, or however much gentlemen may differ about it, it is at best only doubtful and there is no occasion now to disturb the rule adopted, because it has been executed in most every case likely to arise and the prior action of the Government can not be annulled without doing mischief. The responsibility rests with the quasi-judicial tribunal to which Congress had committed such matters. The thing has been done and should be let alone, so long as no proper court elsewhere has condemned the rule adopted. No substantial harm has been done in the past and much evil will ensue in the future if the bill is passed and becomes a law.

Mr. Speaker, the Senate has now passed a bill providing for the repayment to the respective States of the money paid and collected on the direct war tax of 1861. The Judiciary Committee of the House have duly considered the matter and by a report recommended the passage of the Senate bill with an amendment. I need only say that I am in favor of the plan devised and embraced in this Senate bill. If passed, the pending bill now in question will become unnecessary in any event.

Diplomatic and Consular Appropriation Bill.

SPEECH

OF

HON. WILLIAM J. STONE.

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 10, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. STONE, of Missouri, said:

Mr. CHAIRMAN: I, too, labor under the misfortune which embarrassed my friend from Mississippi [Mr. ALLEN] of being a new member. Still, if I can be honored with the attention of the House, I desire to discuss some of the features of the pending bill.

There may be those who will feel disposed to criticise the audacity of a new member in attacking so formidable a thing as an appropriation bill. However, I shall venture to do so. I do not believe there is anything dangerous in it. There is neither poetry nor philosophy in these appropriation bills, unless it be the poetry of mathematics and the philosophy of plain business. I have gone over the more important appropriation bills introduced at this session with some degree of care. I have devoted many hours of patient study to them, not for the mere sake of criticism or of searching out unimportant objections, but for the purpose of informing myself, as far as it is possible for me to do so, as to the nature, purpose, and necessity of proposed expenditures, in order that I may act intelligently in the discharge of my duty.

Naturally I would feel inclined to follow rather than criticise the suggestions of the appropriation committees, for, so far as my knowledge extends, I have every reason to repose the highest confidence in the capacity and fitness of the gentlemen who are on those committees for the discharge of the duties imposed upon them. Their recommendations ought to have and do have considerable weight with me. But for all that I do not feel disposed to follow their suggestions with a blind and simple faith. I am sent here as the agent of the people to attend to their public business. I am here not only as the representative of my local constituency, but in a larger sense as the representative of the whole people, charged with the responsibility of a vote, and I want to know what I am doing when I come to exercise that responsibility.

Mr. Chairman, it is an old Democratic dogma, as well as a sound economic principle, that taxation should be limited to public purposes, and that no more should be exacted of the people than is necessary for an economical and honest administration of public affairs. But if a gentleman stands on this floor and speaks a word for the poor people at home and protests against extravagant appropriations, against increasing taxation, and against the unhealthy conditions of public life he is blacklisted as a demagogue. We all have a great many high-sounding phrases in our platforms about honest administration, economy in expenditures, and the protection of the tax-payers from all kinds of wasteful extravagance. But it seems we are expected to forget all that after the election and when we reach the practical part of public work.

Those very gentlemen, those excellent statesmen, who will to-day turn up their noses with virtuous contempt for what they are pleased to denominate demagogy, will in the coming year lead the delegations from their States to national conventions, and their "fine Italian hands" will draft the magnificent platforms of their parties, and then they will go out into the campaign and absolutely froth at the mouth while they depict with mournful pathos the miseries of the poor and denounce with vehement eloquence the extravagances and corruptions of public life. But they will come back here with all their impetuous ardor cooled down to the same old temperature and their nasal organs adjusted to the same old curl of contempt for the "demagogue" who will upon this floor endeavor to redeem the pledges made in the platforms and upon the stump. One is the "demagogy" of promise and the other of performance. I prefer to stand among those "demagogues" who attempt to enforce here in practical legislation the pledges written in our platforms rather than among those who are prolific in promise upon the stump and sterile in performance here. It is altogether a matter of conscience and of taste, and we can choose as we prefer.

Now, sir, no sensible man would desire to cripple or embarrass any necessary or useful branch of the public service, and every sensible man desires to pay our public agents such compensation as ought reasonably to command a grade of capacity and talent commensurate with the responsibilities and necessities of the service. But when we go beyond that and maintain either a useless service or pay an exorbitant salary we are unfaithful and unjust to the great industrial classes of the country, the tax-payers, whose interests have been committed to our hands.

Now, I suppose a diplomatic and consular appropriation bill is a necessity. At least I am heartily in favor of maintaining a vigorous and well-equipped consular force, wisely distributed with a view to commercial ends, of aiding and advancing American enterprise and of protecting every proper American interest. And it is possible also that the maintenance of a diplomatic corps is a public necessity; though I will take the risk of incurring the ridicule of gentlemen better skilled in statecraft than I am by venturing to question either the necessity or utility of most of our diplomatic establishments.

The necessity for maintaining such establishments which existed before the days of Morse and Fulton have been greatly modified, if they have not largely disappeared, since steam and electricity have so radically changed the conditions of our civilization.

Mr. BELMONT. Does my friend suppose that there is any use of a minister in London at this time?

Mr. STONE, of Missouri. At this moment there happens to be some little friction between this country and Great Britain about the fisheries. If we had no minister there, and if the questions at issue are of so grave and delicate a character as to require the services of a great international lawyer or an expert in diplomacy, the President could appoint a special commissioner for the emergency, and in ten days he could be in London.

Situated as we are in this country, with the international conditions surrounding us, I am unable to discover now any duty ordinarily devolving upon that distinguished gentleman who represents us at the court of St. James which could not be transacted with equal dispatch and efficiency by an intelligent consul or consul-general. In point of truth, what real good do these ministers accomplish as far as the public interests of the country are concerned?

I speak now in a general way. There are some States, I am inclined to believe, where the maintenance of a permanent diplomatic establishment might serve some useful end, but the reasons therefor do not generally obtain. A hundred years ago, when it required two or three months to communicate with most foreign countries, and to learn what was going on, these establishments were a necessity. But to-day, in a moment of time, a whisper can be heard, or the touch of a finger felt around the world. To-morrow morning our Secretary of State can know what has happened to-day in London or in Paris about as well as our ministers resident in those capitals. But we are told this thing is a sort of international courtesy—a long established custom. I know that, and I know it is very expensive luxury. It is a custom, too, which would be more honored in the breach than the observance, if we could get down from our tall stilts long enough to consult the interests of the common people and the tax-payers of this country.

I have heard it said, also, that these ministers are sometimes the instruments of peace—the means of preventing war between nations. In a modified sense that may be true and possibly is. We have our ministers at these courts and we conduct our negotiations through them. Occasionally they have an opportunity to render a valuable service. But suppose we did not have them, how would we be any worse off?

If a question should arise where a high order of diplomatic talent would be required to meet the exigencies of some peculiarly delicate occasion we could, as I have said, appoint a special commissioner for the purpose, and in that way we could meet every end now accomplished by the ministers and thus rid ourselves of these perpetual and expensive diplomatic establishments.

I am talking now about the United States. I am not interested in the diplomatic establishments of other countries. As long as Europe keeps up her armies and the countries of Europe keep alive their enmities, jealousies, and hatreds they can not abolish their diplomatic establishments. But we are here in another hemisphere, remote from all those desperate entanglements, a free people, a simple people, a republican people, and a great and powerful people. Our conditions do not require it and our good sense should forbid our maintaining as a matter of choice what some other nations must maintain as a matter of necessity. It is simply a piece of bombastic tomfoolery.

My friend from Georgia says they are useful to American citizens who go abroad for business or pleasure. I expect the pleasure-seekers do find some comfort in the ministers, and I am glad of it. But that is not a matter of very great public importance. They may also be of some occasional value to our people who go abroad on business ventures, but I imagine the consuls are generally relied on in such cases. Plain business is too plebeian for a great minister plenipotentiary and envoy extraordinary. He represents the power, dignity, grandeur of the country; trade and commerce are too common for him. Those things can be attended to by our representatives of lesser grade.

Mr. Chairman, when it comes to grasping and pushing opportunities for the improvement and extension of our commerce I would not give one smart, prudent, enterprising, aggressive consul, stationed at any of the great foreign ports or marts, for an entire regiment of these great dignitaries, whose titles are described by a whole lexicon of large and euphonious words, galloping around the gay capitals of the world, ambitious to attract attention and excel in public display, exchanging flatteries with ministers, feasting with lords, or "capering nimbly in a lady's chamber to the lascivious pleasings of a lute."

At all events there is certainly no necessity for any increase or extension in this branch of the public service. This is a luxuriant tree

where pruning would be far more healthful than grafting. We have been without a minister to Austria for, lo, these many moons! Yet all Europe, and Austria especially, has been vibrating with premonitions of the most desperate wars in the world's history, and we have plodded along the old way without suffering either alarm or detriment. I see this bill has in it an item of $12,000 for the minister to Austria. I do not know just what need we now have for this minister, unless he shall be sent over to discuss the question as to what sort of person we may be graciously permitted to send to that court—a question I had supposed already settled when that splendid specimen of American manhood, our Democratic President, politely but urgently invited his Imperial Majesty the Emperor of Austria to go to—Halifax.

At all events this appropriation means we are not going to get rid of our minister plenipotentiary and envoy extraordinary to Austria. Of course not. We will not dispense with any of these great offices. They have come to stay. They will remain to the end. We have all talked much about reform, and will again, but none of these big fellows will ever be reformed out of their sinecures. But for the Lord's sake let us stop where we are. Let us not follow the committee in the proposition they make here in this bill to increase the extent or expense of this service.

The very first item in this bill, the first and the third items, are increases of the salaries of the ministers to China and the Argentine Republic. The salary of the minister to China was fixed at $12,000 by the act of 1856, and for more than thirty years has remained at that sum. The act of 1856 placed China in the second grade of foreign missions on a par with Austria, Italy, Spain, Mexico, Japan, and Brazil. It is proposed now to take China out of that class, where she has been for more than thirty years, and to exalt her to the very pinnacle of diplomatic grandeur, upon a par with the first powers of Europe.

Mr. COX, of North Carolina. Will the gentleman allow me to refer to the fact that at that time we had not the Burlingame treaty; no Chinese immigration, and the ports of that country had not been opened to our commerce.

Mr. STONE, of Missouri. Well, our minister certainly ought to have something to do, or the pretense of something to do. It surely will not be claimed that the poor fellow is overworked, even though it be contended he is underpaid. But my friend from North Carolina speaks of our commerce with China. Why, sir, I find by an inspection of the last report of the Chief of the Bureau of Statistics on the foreign commerce of the United States that during the last fiscal year the volume of our commerce with China was practically the same as that carried on between this country and Mexico, or between this country and Italy or Japan, and not one-half as much as the aggregate of our trade with Brazil.

If it is necessary or proper to increase the salary of our Chinese minister because of his arduous labors in connection with Chinese-American commerce, why not apply the same rule to Japan, Mexico, and Brazil? I am aware China is a vast country in area and in population; so, also, are the other countries named in a relative degree. I know we desire to extend our commerce with China; so, also, do we with Japan, Mexico, Brazil, and all the countries of the earth.

Mr. Chairman, why make this distinction in favor of China and against the great countries with which she has been associated in our diplomatic classifications for the last thirty years? Why take China out of the second grade and leave Austria, Italy, Spain, Japan, Brazil, and Mexico unchanged? Why prefer the Emperor of China to the Mikado of Japan, the Emperor of Austria, or the King of Spain? Why prefer Mohammedan to Catholic, Confucius to Christ, Pekin to Rome? Has anything occurred in the social, moral, political or commercial conditions of that empire within the last quarter of a century to justify it?

Mr. COX, of North Carolina. I think so, sir. There are now some of the most delicate diplomatic questions agitating this country pending between ourselves and China.

Mr. STONE, of Missouri. There may be delicate questions of diplomacy between the United States and China. My friend says there are. I do not know. I know the Chinese Government is very justly incensed at the monstrous butchery of her subjects which took place in one of our Northwestern Territories a short time since, and there has been some discussion as to the rights of Americans in China and of Chinese in America growing out of the Burlingame treaty, but I have not understood that it is serious. But is that the reason for proposing this increase? Is it because the minister is supposed to have something to do?

Mr. BELMONT. Will the gentleman permit me?

Mr. STONE, of Missouri. Certainly.

Mr. BELMONT. The reason I think is because of the expense of living in China and the expense of reaching the post. That is the real reason of the increase.

Mr. STONE, of Missouri. A moment ago it was diplomacy. Now we are told, in the crude classics of the far West, it is—"grub." But has the expense of living greatly increased within the last year or the last decade? I have never understood that living in China is very expensive or that the Chinese are a very luxurious people. They are generally understood to live on rice and rats. The noble, the mandarin, the ruler—all the great fellows—I suppose do live in luxury and splendor, and the millions who toil for a bare subsistence are taxed to pay the bills. Do you wish to follow that example and tax the plain, simple, working people of this country to enable our minister and his suite to imitate the pig-tail aristocracy of China?

Mr. BELMONT. Permit me again. The fact is our minister in China has been underpaid ever since the mission was established, and the gentleman will at once perceive it by a comparison of the salaries paid to the representatives of the other great powers. The United States is one of the great powers, if the gentleman will permit me to say so.

Mr. STONE, of Missouri. Yes, I do myself the honor to say I am well aware the United States is one of the great powers, and I am aware our scale of salaries is not up to that of the other great powers. But does my friend wish us to follow him into that sort of business? The British minister to this country, I am just informed, receives $50,000, has the use of a fine legation building, and receives other perquisites. Our minister to Great Britain receives $17,500. Do you wish to increase that to correspond with the salary of the British minister here? The President of the United States receives a salary of $50,000 per annum. The president of the French Republic receives a salary, I believe, of $200,000. The Republic of the United States is far greater in every respect than France. Shall we pinch and starve our poor Presidents? We are a great, rich, and proud people, and we "have a surplus in the Treasury." Why not go along the whole line and relieve the cramping necessities of all our officials—those self-sacrificing patriots who are starving on miserable salaries ranging from $3,000 or $4,000 up to $20,000—so that our dignity may suffer no impairment? Why not go along the whole line and raise all the salaries, and give "the other great powers" distinctly to understand that when it comes to salaries and dignity the United States don't propose to get left? The logic of my friend's suggestion as to the compensation paid by other countries to their ministers would lead to that. Now our ministers have managed to disport themselves, with becoming dignity I presume, among the Celestials for the last thirty years on a salary of $12,000 per year, and I do not see why they can not continue to do so. I see no necessity for raising this salary $5,500.

Mr. BELMONT. Will the gentleman permit me again? Would he insist they should continue to be burdened with expenditures themselves and to pay out of their own pockets what the Government should pay for them? For that is what they have been doing.

Mr. STONE, of Missouri. No, sir. I would not have them pay any proper expense which the Government ought to pay for them. As long as we have these establishments I am in favor of maintaining them at public and not private expense, and I am in favor of furnishing all moneys necessary for their honest, economical, and efficient administration. I am not disposed to be unreasonable, and if my friend could show me that there exists any necessity for any of these proposed increases I would yield my assent to them. But I am not aware that any such necessity exists, and do not believe it does. I am not advised that our Chinese ministers have been falling behind; and if they have we would like to know something as to the cause of it.

My friend from Georgia [Mr. CLEMENTS] and the gentleman from Illinois [Mr. HITT], replying to the criticisms of the gentleman from Mississippi [Mr. ALLEN], seek to excite our fears that the poor men of the country will be largely excluded from this ornamental though highly honorable service unless more liberal salaries are paid, on the theory that only the rich can afford to bear the enormous expense incident to diplomatic station. Mr. Chairman, I have no apprehensions of that sort. Talk to me about a man starving on a salary of $12,000 a year! I speak not in the language of my humorous friend from Mississippi, but I tell you in plain English that the tax-payers of this country do not want a man to represent them in China, or anywhere else, who can not live decently on $12,000 a year. Of course he can expend $100,000 if we give him free rein to run as he pleases, with all the toggery and tomfoolery, the fuss and feathers incident to these establishments.

Mr. BELMONT. Will the gentleman permit me again? It seems to me he should be aware that one of the most creditable representatives we have abroad is Mr. Denby, our minister to China. I think a gentleman of his character is certainly entitled to that amount of consideration. It might seem from what the gentleman from Missouri says, that the minister asks for an increase on account of extravagance and tomfoolery, as the gentleman states it. But I am willing to leave that matter to his record in the Department of State and his standing in China as an American minister.

Mr. STONE, of Missouri. I can not yield further. I can not yield for a speech.

Mr. Chairman, I suppose that the members around me here are, in the main, gentlemen of small means. There are gentlemen of small means upon the floor of this House who possess every qualification necessary to enable them to represent this Republic in China or elsewhere with distinguished credit and ability. I suppose there is not a gentleman upon this floor of moderate means who does not live within his salary of $5,000. Out of this we pay our election expenses, employ clerks to aid us in our duties here, and with the remainder

manage to support our families with modest respectability, although Washington is one of the most expensive capitals in the world.

How much greater is the cost of living—the absolute and necessary cost of living—abroad than here in Washington? If a Representative or Senator can live in Washington on $3,000 or $4,000 a year, I believe he can go to China and maintain himself and uphold his position with every proper degree of respectability on the present salary. It is useless to discuss the question in that view. It is the encouragement we are giving to the extravagances of public life that tends to exclude all but the rich from the public service of the country. When we start into public life we are prompted by a worthy and patriotic ambition to enjoy its honors and distinctions and to be useful in our generation; but when we feel we are firmly rooted in our places we are tempted into the dissipations and extravagances that surround us, and easily persuade ourselves that our services are not appreciated at their value.

No, sir; you may say what you please with reference to China, but there is no justification for this proposed increase of salary. The China of to-day is the China of 1856. I might go further and be safe in saying that no substantial change has taken place in the conditions of that empire, no material advancement in methods or civilization, since the great wall was built, two hundred years before the Christian era. I think we had better leave it where it is.

I desire now to call attention briefly to another item in this bill. It is this:

Chargés d'affaires *ad interim* and diplomatic officers abroad, $20,000.

I believe the point of order which will be made against that under the third clause of Rule XXI will be well taken. In the Supplement to the Revised Statutes, on page 331, I find this provision:

That hereafter chargés d'affaires *ad interim* shall receive no additional pay beyond that which the law provides for the regular offices which they hold in their respective legations.

And the closing provisions of the act of which that is a part are as follows:

And the salaries provided in this act for the officers within named, respectively, shall be in full for the annual salaries thereof from and after the 1st day of July, 1878; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

That is the act of 1878.

Prior to that the law was as follows:

Unless when otherwise provided by law, chargés d'affaires shall be entitled to compensation at the rate of 50 per centum of the amounts allowed to embassadors, envoys extraordinary, and ministers plenipotentiary to the said countries, respectively.

I read from section 1675 of the Revised Statutes. Does not the act of 1878 repeal this provision in section 1675? The act of 1878 is now incorporated into the permanent law of the country. It says that "hereafter" chargés d'affaires shall not receive additional pay beyond the salaries of their regular offices. If that provision be a part of the permanent law, then this appropriation, which proposes additional pay—an additional or different salary—beyond the salary of the regular office of a chargé d'affaires, is certainly in conflict with the limitations of the twenty-first rule.

But aside from any technical objection, is not the idea embodied in the act of 1878 a sound one? Why, indeed, should those gentlemen be paid an extra sum beyond their regular salaries for the services they render while temporarily in charge of a station? In the absence of the minister the secretary is usually left in charge. The position of secretary to most of our legations is a desirable one. They have *entrée* to public and social place, which otherwise would be denied them. They go abroad and are supported at public expense, and enjoy peculiar opportunities for studying the language, manners, habits, and civilization of the people to whose government they are accredited. If the minister is temporarily absent the secretary is left in charge. He has new and greater honors, which sit lightly upon him, without any real additional responsibility.

The idea of new responsibilities being imposed upon a chargé d'affaires *ad interim* is a dream—not a reality. What new responsibilities are thrown upon him? I would like to hear them enumerated for the information of the tax-payers of the country. The minister would not leave, or be permitted to abandon his post, if there should be any real necessity for his presence. I regard this simply as an abuse which has grown up out of this service, and it ought to be extirpated. At all events the amount should not be increased. During the last Congress only $12,000 was appropriated under this head.

And then here is an increase of the salary of the interpreter to the legation in Bangkok, Siam, although the office was created only last year. What is there of growing importance about his Siamese Majesty's court that makes Uncle Sam care to spread himself and strut in more gaudy feathers about the streets of Bangkok? In this same bill we are asked to appropriate $3,000 to repair the mansion of the minister, which we are told is the gift of the king. What will come next? I know the minister at Bangkok. He is from my State, and is a genial and accomplished gentleman. He was a plain, unwashed Missouri Democrat a few months ago, and like the rest of us, not given to much display. He was a gentleman of the highest character, of irreproachable morals, and in all virtuous behavior was, as Cæsar would have had his wife, above suspicion; and I can not believe that the voluptuous habits of the Siamese court have corrupted his morals or his manners. I am satisfied he will get along as well as his predecessors without any extra expense.

I call attention to one other item—that of the contingent expenses of the consulates, for which it is proposed to appropriate $200,000. At the first session of the Forty-eighth Congress $110,000 was appropriated under this head, and the same sum was again appropriated at the second session of that Congress—making a total of $220,000 appropriated for this particular purpose by the Forty-eighth Congress. Last year we appropriated $150,000; and now we are proposing to swell it to $200,000. If this proposition prevails it will make a total appropriation of $350,000 for the two sessions of this Congress against $210,000 for the two sessions of the last Congress—a difference of $130,000, or $10,000 more than was appropriated at either session of the last Congress. This may be all right, but it certainly needs explanation.

But, Mr. Chairman, I can not now call attention to these matters in detail, which altogether swell the aggregate of this appropriation $325,380 above the amount appropriated last year. Attention will be directed to them when we come to consider the bill by sections.

So far as the reorganization of our consular establishment is concerned, I am disposed to favor it. I am anxious to see this branch of the service as strong, thorough, and effective as possible. Wherever a consul is needed at all at any place to look after our ships or seamen, to protect our revenues, our commerce, or our people, we should have there an American citizen as our consul, and we should pay him a liberal salary. We should make it a business establishment, and put it on a sound bnsiness basis. I am in favor of that, and I believe the reorganization of that force, contemplated here in this bill, will be a great improvement. But there are many other things in the bill that ought not to be in it.

I now yield to the gentleman from Kentucky [Mr. McCREARY].

Death of Abraham Dowdney.

REMARKS
OF
HON. NICHOLAS MULLER,
OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 8, 1887.

The House having under consideration resolutions announcing the death of Hon. Abraham Dowdney, late a Representative of the twelfth Congressional district of the State of New York—

Mr. MULLER said:

Mr. SPEAKER: The State of New York has experienced the misfortune of losing during the Forty-ninth Congress three of her Representatives—Lewis Beach, of Cornwall, John Arnot, jr., of Elmira, and Abraham Dowdney, of New York city; and I come to join my voice with that of my delegation in this House, and of their associates generally from the several States, in the expression of our sorrow at the death of these three men, who by their high character and successful efforts during their lifetime had won the worthy renown of being good citizens and capable and faithful men in all the stations they were called to fill.

We have heard from their close and special friends how bravely and honestly and justly Mr. Beach and Mr. Arnot reached high positions of trust and confidence in their several Congressional districts, and with them I appreciate the State and nation will miss the sage counsel and patriotic efforts of those who have gone.

But my purpose is to address myself to the career and public services of Abraham Dowdney, whom I was proud to call my friend, and whose death was not only a public loss, but to me a personal one.

He was born in Ireland in 1840, but came early to America and cast his fortunes with so many hundreds of thousands of his countrymen in aiding to build up the prosperity of this free country. It gave him and them scope for the exercise of their ambition to get on in the world and make homes for themselves and families. He took advantage of his opportunities, and industriously pursued the way to independence so far as pecuniary means are concerned and in winning the respect and confidence of his neighbors and fellow-citizens.

His education was received at private schools, and, as we know, his calm, thoughtful, even-tempered mind turned it to the best advantage. He rose to be chairman of the public school trustees in his Congressional district for many years, and sought earnestly to spread the means and blessings of the most general diffusion of knowledge among the people.

He loved the fair and beautiful land which gave him birth, and his democracy took on a deeper and more earnest feeling when he remembered the cruel oppression under which it had unjustly suffered.

But, while he loved his native Ireland, his love for his adopted country and her free institutions was as true and far-reaching as that of her most devoted son. He was among the first to offer his services in her hour of distress and peril when war shook the foundations of our fair fabric of free government. He risked his life in her defense upon the battle-field, and no man could do more.

There is an old Spanish saying that a man is the child of his works. It is so plainly and palpably just that it must have come down from the earliest days when mankind labored and earned their bread by the sweat of their brows. It was specially true of the career of Mr. Dowdney. He learned a trade and followed it till he had gained a competence. He lived honestly and justly before all men, and his advancement in public positions came rather as a demand from those who knew and appreciated his virtues than from any seeking on his part.

His devotion to the Catholic faith of his ancestors was stripped of every sectarian feeling of intolerance; it was genuinely universal, and it had the effect of softening and mellowing his whole nature and enriching his manner and address with a quietness and repose which were as beautiful and enduring as they were attractive.

He filled out his days in honor and good works. His loss to his family is irreparable. His State and the nation may have millions of men who are as good citizens and as ready to do and dare what is necessary for right and country, but never a one of them could boast a purer, gentler, braver, nobler heart and head than my dead colleague and associate Abraham Dowdney.

Peace to his ashes.

Why a Great Navy?

REMARKS
OF
HON. WILLIAM S. HOLMAN,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1887.

The House being in Commitee of the Whole, and having under consideration the bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes—

Mr. HOLMAN said:

Mr. CHAIRMAN: There is an extraordinary demand at this time in certain sections of the country for the appropriation of large sums of money for the construction of ships of war, the building of forts, the manufacture of guns and torpedoes. Our present Navy is above the standard of our navies for many years. It is greatly beyond the strength and capacity of our navies of former years in time of peace.

The Naval Register of the present year shows that the following vessels of war compose our Navy at the present time:

List of vessels of the United States Navy.

Name, rate, and class.	Propulsion.	Guns.	Tonnage.	Displacement.	Station or condition.
SERVICEABLE.					
First rate.					
Tennessee	Screw	22	2,840	4,840	Navy-yard, New York, condemned.
Chicago	Screw	14	.....	4,500	Building at Chester, Pa.
Second rate.					
Powhatan	Paddle	14	2,182	3,980	Condemned by survey; navy-yard, New York.
Trenton	Screw	10	2,300	3,900	Norfolk, Va.; refitting.
Lancaster	Screw	10	2,120	3,250	Flag-ship, South Atlantic station.
Brooklyn	Screw	14	1,600	3,000	Flag-ship of Asiatic squadron.
Pensacola	Screw	16	2,000	3,000	Flag-ship, European station.
Boston	Screw	8	.....	3,000	Navy-yard, New York; not in commission.
Atlanta	Screw	8	.....	3,000	Navy-yard, New York; in commission.
Hartford	Screw	14	1,800	2,900	Mare Island, California.
Richmond	Screw	14	1,525	2,700	Flag-ship, North Atlantic station.
Omaha	Screw	12	1,122	2,400	Asiatic station.
Lackawanna	Screw	9	1,026	2,220	Navy-yard, Mare Island, California; condemned.
Vandalia	Screw	8	981	2,100	Pacific station.
Shenandoah	Screw	9	929	2,100	Condemned; Mare Island, California.
Third rate.					
Juniata	Screw	8	828	1,900	Pacific station.
Ossipee	Screw	8	828	1,900	On return to United States.
Quinnebaug	Screw	8	910	1,900	European station.
Swatara	Screw	8	910	1,900	Portsmouth, N. H.; repairing.
Galena	Screw	8	910	1,900	North Atlantic station.
Marion	Screw	8	910	1,900	Asiatic station.
Mohican	Screw	8	910	1,900	Pacific station.
Iroquois	Screw	7	695	1,575	Pacific station.

List of vessels of the United States Navy—Continued.

Name, rate, and class.	Propulsion.	Guns.	Tonnage.	Displacement.	Station or condition.
SERVICEABLE—c'd.					
Third rate—Con'd.					
Kearsarge	Screw	7	695	1,550	Portsmouth, N.H.; to be repaired.
Dolphin	Screw	1	.....	1,500	North Atlantic station.
Adams	Screw	6	615	1,375	Pacific station.
Alliance	Screw	6	615	1,375	South Atlantic station.
Essex	Screw	6	615	1,375	Asiatic station
Enterprise	Screw	6	615	1,375	Repairing, navy-yard, New York.
Nipsic	Screw	6	615	1,375	Repairing, navy-yard, New York.
Monocacy*	Paddle	6	747	1,370	Asiatic station.
Tallapoosa	Paddle	†6	650	1,270	South Atlantic station.
Alert*	Screw	4	541	1,020	Pacific station.
Ranger*	Screw	4	541	1,020	North Pacific (surveying).
Yantic	Screw	4	410	900	North Atlantic station.
Fourth rate.					
Michigan*	Paddle	4	450	685	Northwestern lakes.
Palos*	Screw	†6	306	420	Asiatic station.
Pinta*	Screw	†2	306	550	Pacific station.
Despatch	Screw	.....	‡730	560	Special service.
Thetis	Screw	†1	723	1,250	Special service.
TORPEDO RAMS.					
Fourth rate.					
Intrepid	.....	.....	450	1,150	Undergoing alterations at New York.
Alarm	(‖)	1	311	800	New York; out of commission.
First rate.					
‖Franklin	Screw	22	3,173	5,170	Receiving-ship, Norfolk.
‖Wabash	Screw	26	3,000	4,650	Receiving-ship, Boston.
‖Minnesota	Screw	25	3,000	4,700	Receiving-ship for boys, New York.
New York	Screw	.....	2,490	4,527	On the stocks, New York, unfinished.

*Iron vessel. †Battery of howitzers. ‡Old measurement.
‖Mallory propeller. §Not recommended for further sea-service.

IRON-CLAD VESSELS.

REQUIRING EXTENSIVE REPAIRS TO MAKE SERVICEABLE.

Name.	Rate.	Class.	Guns.	Tonnage.	Displacement.	Station or condition.
Ajax	Fourth.	Screw.	2	550	2,100	City Point, James River.
Canonicus	Fourth.	Screw.	2	550	2,100	City Point, James River.
Camanche	Fourth.	Screw.	2	496	1,875	Navy-yard, Mare Island.
Catskill	Fourth.	Screw.	2	496	1,875	City Point, James River.
Jason	Fourth.	Screw.	2	496	1,875	Navy-yard, League Island.
Lehigh	Fourth.	Screw.	2	496	1,875	City Point, James River.
Mahopac	Fourth.	Screw.	2	550	2,100	City Point, James River.
Manhattan	Fourth.	Screw.	2	550	2,100	City Point, James River.
Montauk	Fourth.	Screw.	2	496	1,875	Navy-yard, League Island.
Nahant	Fourth.	Screw.	2	496	1,875	Navy-yard, League Island.
Nantucket	Fourth.	Screw.	2	496	1,875	Navy-yard, Brooklyn.
Passaic	Fourth.	Screw.	2	496	1,875	Naval Academy.
Saugus	Fourth.	Screw.	2	550	2,100	Laid up, Washington; cond'd.
Wyandotte	Fourth.	Screw.	2	550	2,100	City Point, James River.

LAUNCHED AND AWAITING COMPLETION.

Amphitrite*	Third.	Screw.	4	1,276	3,815	Wilmington, Del.
Miantonomoh*	Third.	Screw.	4	1,276	3,815	New York.
Monadnock*	Third.	Screw.	4	1,276	3,815	Navy-yard, Mare Island.
Puritan*	Third.	Screw.	4	1,870	6,000	Navy-yard, League Island; in ordinary.
Terror*	Third.	Screw.	4	1,276	3,815	Philadelphia.

* New double-turreted monitor, iron hull.

TUGS.

Name.	Rate.	Class.	Guns.	Tonnage.	Station or condition.
Catalpa	Fourth.	Screw.	.....	191	Yard-tug, New York.
Cohasset	Fourth.	Screw.	.....	100	Newport, R. I.
Fortune*	Fourth.	Screw.	.....	306	Repairing at Norfolk, Va.
Leyden*	Fourth.	Screw.	.....	306	Yard-tug, Portsmouth, N. H.
Mayflower*	Fourth.	Screw.	.....	306	Laid up at Norfolk, Va.
Monterey	Fourth.	Screw.	.....	52	Yard-tug, Mare Island.
Nellie	Fourth.	Screw.	.....	.....	Mare Island.
Nina*	Fourth.	Screw.	.....	306	Special service.
Rescue*	Fourth.	Screw.	.....	111	Fire-tug, Washington; con'd.
Rocket	Fourth.	Screw.	.....	127	Yard-tug, navy-yard, Boston.
Speedwell*	Fourth.	Screw.	†1	306	Yard-tug, Norfolk, Va.
Standish*	Fourth.	Screw.	2	306	Annapolis (Naval Academy).
Triana*	Fourth.	Screw.	.....	306	Yard-tug, New York.

* Iron vessel. † Howitzers.

List of vessels of the United States Navy—Continued.

WOODEN SAILING-VESSELS.

Name, rate, and class.	Propulsion.	Guns.	Tonnage.	Displacement.	Station or condition.
SECOND RATE.					
New Hampshire	Sails.	16	2,600	4,150	Receiving-ship, Newport.
Vermont	Sails.	7	2,600	4,150	Receiving-ship, New York.
THIRD RATE.					
First class.					
Constellation	Sails.	10	1,236	1,886	School-ship, Naval Academy.
Constitution	Sails.	4	1,335	2,200	Portsmouth, N.H.; receiving-ship (not in commission).
Independence	Sails.	6	1,891	3,270	Receiving-ship, Mare Island, California.
Monongahela	Sails.	2	.....	2,100	Store-ship, Pacific station.
Second class.					
Portsmouth	Sails.	12	846	1,125	Apprentice training-ship.
Jamestown	Sails.	12	888	1,150	Apprentice training-ship.
Saratoga	Sails.	12	757	1,025	Apprentice training-ship.
Saint Louis	Sails.	.....	431	830	Receiving-ship, League Island, Pennsylvania.
Saint Mary's	Sails.	8	766	1,025	Public Marine School, New York.
Dale	Sails.	8	320	675	Receiving-ship, Washington, D.C.

There, sir, were four steel vessels of the new fleet provided for in 1884. In 1885, on the 3d of March, four vessels were authorized at a cost of $1,895,000. I believe these have been let to contract.

Mr. STORM. Yes, sir; I so understand.

Mr. HOLMAN. In 1886 we provided for five vessels, by the act of August 3, of that year, at a cost of $2,500,000, or rather we appropriated that sum of money to commence their construction.

Mr. BUCK. Six vessels were authorized in 1886.

Mr. THOMAS, of Illinois. No; but five were authorized.

Mr. HOLMAN. Five is the number, according to my recollection. And it seems that we appropriated at the same time and in the same act $1,000,000 for their armament.

I wish now to ask the gentleman from Alabama whether these five vessels, or any of them, have been let to contract; I mean those provided for under the act of August 3, 1886, for which $2,500,000 was appropriated?

Mr. HERBERT. Yes, sir.

Mr. HOLMAN. How many?

Mr. THOMAS, of Illinois. Five.

Mr. HERBERT. All five have been let to contract.

Mr. GOFF. All but one.

Mr. HOLMAN. Five millions three hundred and ninety-five thousand dollars have been appropriated for these vessels authorized under the acts of 1885 and 1886. Here, then, we have a total of nine war vessels provided for, in addition to those provided for in the act of 1884.

Now it is proposed, after providing for the construction of these fourteen ironclad vessels, in addition to the navy now in commission, a navy above the needs of the people of the United States at this time of profound peace—you are proposing, at a cost of $8,628,362, being the amount required for the completion of the ships authorized by the acts of 1885 and 1886, you propose to appropriate still further for seven war vessels which are to cost when completed $4,950,000.

[Here the hammer fell.]

Mr. REAGAN was recognized and yielded his time.

Mr. HOLMAN. I thank my friend from Texas. I avail myself of the privilege given by the House to extend remarks to more fully present the facts, but I must to some extent recapitulate.

In 1884 you provided for the construction of four steel vessels of war, the Chicago, Boston, Atlanta, and Dolphin, three of them cruisers of the greater capacity, at a cost of $4,098,000. These vessels are being completed, armed, and added to your navy.

In 1885, by the act of the 3d of March, you provided for the construction of two cruisers of from 3,000 to 5,000 tons displacement, at a cost of $1,100,000 each; one heavily armed gunboat at a cost of $520,000, exclusive of armament; one light gunboat at a cost of $275,000.

By the act of August 3, 1886, you have provided for the construction of two sea-going, bouble-bottomed armored vessels at a cost not exceeding $2,500,000 each, exclusive of armament; one double-bottomed cruiser of not less than 3,000 tons displacement at a cost of $1,500,000, exclusive of armament; one first-class torpedo-boat at a cost of one hundred thousand, and the same act provided for the completion of the double-turreted monitors Puritan, Amphitrite, Monadnock, and Terror at a cost, excluding armament, of $3,173,048; and the same act appropriates $1,000,000 for armament, including the other monitor, the Miantonomoh, previously provided for. The same act provides for the construction of a dynamite-gun cruiser at a cost of $350,000.

It thus appears that during the last three years you have authorized the construction of thirteen war vessels, in addition to continuing the construction of the monitors Puritan, Amphitrite, Monadnock, and Terror, and also the Miantonomoh, involving an expenditure of $21,319,000, excluding armament. And the pending bill proposes appropriations to the amount of $8,000,000 to continue these works and $1,000,000 on account of armament. Now, it is manifest that the amendment offered by the gentleman from Texas [Mr. SAYERS], evidently with the approbation of the Naval Committee, proposes the construction of seven more vessels of war at a cost, excluding armament, of $4,950,000, with an appropriation of $2,470,000 to begin with, will become a part of this bill and will pass this House and of course the Senate, making twenty-one vessels of war, including the Miantonomoh, provided for, and proposed to be provided for, in this brief period to deplete the Treasury to the extent of $26,269,000. And the gentleman from Maine [Mr. BOUTELLE] also comes forward with a further amendment to add ten steel cruisers to cost $15,000,000, exclusive of armament, and proposing to appropriate outright $15,000,000 for that purpose and $4,800,000 for the armament of the vessels, in all $19,800,000.

Now, this bill, without either of those amendments, is the largest naval appropriation bill that ever passed Congress in time of peace. It reaches $23,000,000, including $9,000,000 for continuing the construction of the vessels named, and for armament, while the amendment of the gentleman from Texas [Mr. SAYERS] will swell the vast amount up to $27,950,000. We are moving rapidly. Last year the entire appropriations for the Navy, including $452,695 embraced in the sundry civil bill, only reached $15,070,837, but the enormous increase is seen in the fact that only twenty-eight years ago the entire annual cost of our Navy was only $10,000,000.

And yet twenty-eight years ago we had as large a field for the employment of a navy as we have to-day, and indeed larger, for then the power and resources of our Government were not so well known, especially to remote nations, as they are to-day. This is rapid progression. Twenty-eight years ago $10,000,000, ten years ago $14,000,000, even last year $15,070,837, this year $27,950,000. Ingenuity itself is being exhausted for methods to reach the surplus in the Treasury and maintain the present high rate of taxation. Within a few days bills have been reported to us from the Senate providing for the expenditure of $51,000,000 for war ships, fortifications, and munitions of war. If we were actually on the verge of war with a great naval power gentlemen could not display a greater solicitude for warlike preparation; this $51,000,000 equals the entire cost of the Government thirty-five years ago.

The Army appropriation bill for the coming year increases the expense of that branch of the public service $130,000 over even the expenditures of the present year. This naval bill will increase the expenditure next year over the present year over $10,000,000. The Senate is demanding the expenditure of vast sums of money on fortifications which the experience of the late war shows would be of no value if an emergency for their employment should arise. It seems to be taken for granted that our people will tolerate these vast expenditures because they are demanded in the name of patriotism and for the public safety. Yet the experience of every war in which we have been engaged has demonstrated the fact that when the calamity of war comes our people are fully equal to the emergency, and that the supposed preparations made were of little or no value in actual war. Commodore Perry won his great victory with vessels which had been hewed from the forests in ninety days and after the tocsin of war sounded. In the late war it was the earthworks thrown up in the emergency and not costly fortifications that were of value. The vast accumulation of munitions of war were thrown aside and your Army in the main fought with arms furnished on the spur of the occasion by the resistless energy of our people.

When this Republic was still feeble and all of Europe and the continent of America, except our own portion of North America, was under kingly power and every crowned head viewed with jealousy and alarm the growth of free institutions, the then maxim, "In time of peace prepare for war," was an expression of prudent statesmanship. But with the United States, now the foremost of the nations and guaranteed by Providence and the laws of the geography of the earth from a great invasion, with no occasion for unfriendly relations with remote powers, that maxim is a term of unseemly timidity, not of patriotic solicitude.

But gentleman cry out, "the work of creating a formidable war navy must not be delayed. We must have such a navy at once, forts must be erected, munitions of war must be at once provided," and the metropolitan press points with alarm to the defenseless condition of our coasts—defenseless since the days of the Revolution!

During the last sixty years on several occasions the relations between the United States and Great Britain have been in sharp antagonism. The northeastern and the northwestern boundary questions gave rise to fierce controversies. On the latter question the demand of our people was "54° 40′ or fight." Public indignation against Great Britain was intense; that Government was then as now a great naval power, and yet on neither occasion did our people display the least anxiety in case hostilities should occur!

When we demanded of France and other European powers the abandonment of their scheme to give an imperial government to Mexico we were weakened by four years of intestine war, and yet actually disbanding our army. There the Government displayed its old-time confidence in its resources for any emergency; yet now, at a period of profound peace, there is a pretense of danger from abroad demanding prompt preparation!

Now, sir, what is the meaning of all this? It can not be pretended that our commerce requires the protection of a war navy. The protection of commerce is the common interest of all nations. Our restricted policy has ruined our carrying trade. That is a cosmopolitan employment in which those who carry the cheapest monopolize the trade, yet our commerce reaches every shore.

Our nation having no "entangling alliances" with other nations, and only related to them by the peaceful and friendly ties of commerce, and occupying such a commanding position not only on account of the number and intelligence of our people and the vastness of our resources but on account of the high sense of honor and justice which has from the beginning character ized our Government in its intercourse with the nations, that without an army or navy our people and our commerce are secure in every quarter of the globe.

If we imitated the policy of monarchies and impoverished our people by supporting the costly luxury of a great navy it would not add one particle to the honor and respect which gathers around our flag floating in peaceful security over our consulates from the ports of the half-civilized people of Corea to the most enlightened capital of Europe. Gentlemen who believe that a powerful navy would add to the respect and honor of the American flag abroad and our security at home underestimate the standing of their Government among the nations.

The mutterings of war between Germany and France recall an event which illustrates the moral power of a people too great and powerful to require the parade of armies or navies to command the respect of the world. In the closing hours of the death struggle between those powers over an issue which the petty ambition of kings had transmitted from age to age, when government was overthrown and the despotism of the commune overawed the capital of France, the flags of the nations supported by armies and navies went down and their representatives fled, while your flag floated over the ministerial residence of your ambassador, Hon. E. B. Washburne, in the midst of the storm of revolution, as secure from insult and dishonor as it does from the Dome of this Capitol. You had then three wooden ships in the European waters.

A feeble government may find it necessary to win respect by a display of power; this our fathers never did, even in the infancy of the Republic. It was not in harmony with their theory of government. The Republic they established rested and must ever rest on the moral power of a free and enlightened people.

The traditions of this Government are against a great military force. A few regiments to guard the frontier against savage tribes, and to form the nucleus of an army when an occasion for an army should arise, a small and respectable navy to keep up the traditional courtesies between ours and other nations, and furnish the Government with officers and men skilled in naval warfare, for any emergency has been the extent of our war preparations in time of peace for a century—to this extent, following the practice of all the former years of our history, I think both Army and Navy should be maintained. Our present Army and Navy are now full up to the requirements of prudent statesmanship. Great Britain is the only naval power with which by any and reasonable possibility serious complications can arise so long as we adhere to the traditional policy of this Republic of standing aloof from polititcal relations with other governments, and this alone can result from our relations to the dependencies of Great Britain on this continent; and yet the most improbable event in the history of the times that are coming is a war between us and Great Britain.

The events of centuries have so adjusted the relations between us and Great Britain that a war could only be fatal to her. We hold as guarantees for her fair dealing, and as a bond to keep the peace with us, her vast possessions on this continent north of us. Every year increases the value of the security. Her people have hundreds of millions of dollars of wealth invested in the Canadian Pacific Railway and other public works in her North American possessions. She has Jamaica and other valuable islands on our coasts.

Does any human being doubt that in the event of war between these governments every vestige of British possession on this continent would be wiped out within a year? Within sixty days of the first tap of the drum announcing war between the United States and Great Britain an army which could not be resisted by all the force that the combined navies of Europe could bring to these shores would occupy the British possessions from the Gulf of Saint Lawrence to Puget Sound and Jamaica and every other British island on the American coast. I do not speak extravagantly, but in moderation. Besides, such a war would be fatal to her carrying trade—her commercial navy. It would disappear from the ocean.

No, sir. We hold the highest guarantees ever held by a nation that Great Britain will not break the peace with us. Talk about a fleet entering the Northern lakes by the Welland Canal! We would occupy at once both sides of the line from the Welland Canal to the entrance of Lake Superior, and on west to Puget Sound. It is absolutely absurd to talk about a nation sending a navy into the absolute possession of its enemy. We would not destroy the Welland Canal in such an event, but hold it by an irresistible force. Gentlemen greatly underestimate the resources of their Government.

Our torpedo system will see to it that no enemy's vessel ever enters our ports; every year renders it the more efficient. Again, let me ask, what is the meaning of this extraordinary solicitude for the creation at once of a great war navy, building forts, and laying up munitions of war? I need not say it is a proceeding in striking contrast with the policy of our fathers and of the statesmen of modern times even down to a recent period. The European governments, still overmastered by the traditions of centuries, traditions from which even France, after the fierce struggle of a hundred years, can not escape, are armed to the teeth, not only to resist the aggression of neighboring States, but to overawe their people. So that Europe to-day, as in the past centuries, bristles with arms. Besides, the nobility and privileged classes which give strength to monarchy, could only be maintained by permanent military power. So that every state of Europe, except perhaps the free Swiss in their impregnable mountain fastnesses, leans on the sword, and armies and navies eat up the fruit of labor and fill the continent with poverty and wretchedness.

On every frontier of the nations armies watch each other, and every coast is patroled by ships of war. War navies are the police of the colonies held by European powers. No nation of Europe has a large war navy unless it has outlying possessions as well as cities on its own coasts to overawe. Great Britain, with a monarchical establishment to maintain at home and wide-extended colonial possessions, has the greatest of the war navies of the world. Have gentlemen who are moving in this effort to arm America and place this free Republic on a war footing considered the wonderful contrast between European states accursed by military government and this blessed land of ours, resting in safety on the patriotism and manhood of its people?

The history of the world presents no other such contrast. The despotism of feudalism formed the governments of Europe; peaceful industry laid the foundation of the States of this Union. In Europe the petty ambition of kings, the mean ambition of conquest and dominion, organized armies and navies; the fruits of this in the course of centuries is kings, nobles, and serfs—in America the recognized natural equality of men and the dignity of labor, organized government, its fruit free institutions, a free, intelligent, and prosperous people, who in the course of a few generations have developed the foremost nation on the face of the globe.

And now in a time of profound peace, with every guarantee of security from foreign interference increased beyond that ever known in the former years of our history, with no outlying possessions to require a war navy, it is proposed by gentlemen in the Senate and House to enter upon a system of naval and military preparation—ships, forts, and munitions of war as if a formidable enemy was actually threatening our shores. Now, sir, I ask again what is the meaning of all this? The expenditure of the vast sums of money proposed to be expended in ships, fortifications, torpedoes, and military supplies, suggested by the surplus in our Treasury—a surplus that excites the cupidity of the great multitude of men who seek to live off of the labor of our people—is an incidental and purely mercenary motive for this extraordinary movement, but this is but the impulse of the hour, the result only of sordid motives. If this was all it would simply involve the useless expenditure of millions of money for the benefit of the great capital interest of the East with inconsiderable benefit to labor. Nothing less, nothing more.

But, sir, there is no disguise as to the real meaning of all this. The unexampled accumulation of great fortunes during the last quarter of a century—the outgrowth in a large degree of partial and vicious legislation, for in the natural course of events and without favoritism in legislation no such result was possible—threatens an entire change in your system of government. Through all the former years your Government has rested securely on the patriotism of your people and their devotion to your free institutions. Occasional public disorders and the natural unrest of multitudes of your people, conscious of unjust legislation which has created and centralized the wealth of our Government to an extent never before known in history, has alarmed the great capital interests, naturally timid and unself-reliant.

The vast and dishonoring surplus in the Treasury excites the cupidity of that great and evergrowing number of men who are resolute in their determination to live off of the labor of other men. Besides these influences, the press of the country, always eager to create a sensation by cries of alarm for the public safety, excites the fears of the well-meaning and timid.

Here, sir, are the underlying forces which are precipitating this Congress into an unprecedented expenditure for warlike preparation. But the most powerful of all these forces is the silent and effective movements of the men of overgrown estates, the controllers of great monopolies and of centralized wealth, who have lost faith in the people and free institutions and seek the shelter of a strong Government, and the wealth drawn from labor is sought to be employed in vast sums to place

your Government, in imitation of the governments of Europe, on a military foundation. Our Government, in the opinion of the new statesmanship, must lean for safety upon the sword—not on the patriotism, intelligence, and manhood of our people.

This extraordinary movement has been for several years silently pressing its theories upon Congress, and now bills involving vast millions of the wealth of our people are demanding a hearing and forcing their way through the Houses of Congress. Warlike supplies, forts, ships of war! Can any man doubt that the ingenious methods by which the public mind has been prepared to accept these measures will soon enlarge your standing army as well as man your enlarged naval establishment? I protest against these measures. Your army as it is—although the occasion for it when established by our fathers, that of protecting our frontiers from the Indian tribes, has in the main gone by—I am willing to keep up, and a small and respectable navy, according to the traditional policy of our Government, to meet an emergency that might possibly arise—and such an emergency, according to our experience, may arise at remote intervals—and to keep up the occasional courtesies between our Republic and other nations—a cheap imitation of the customs of feudalism. In this way our small Navy has in our long periods of peace been heretofore mainly employed.

But I protest even against the beginning of the revolution, silent as it may be, that aims at placing this Republic on a military footing—a revolution involving a change in our system of government, of which even many of the chief actors are, or seem to be, unconscious. If our people, in the dream of peaceful security, shall permit this vast accumulation of wealth in the national Treasury to be the pretext and the occasion for entering upon this scheme of military power to bolster up the Government, instead of the old reliance on the patriotism of the people, a reliance sanctified by a century of prosperity and peace such as elsewhere the world has never witnessed, it will be the greatest misfortune that ever befell the human race. The day should be forever accursed that witnessed its beginning.

Pleuro-Pneumonia.

SPEECH

OF

HON. BENJAMIN T. FREDERICK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1887,

On the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

Mr. FREDERICK said:

Mr. SPEAKER: The subject of pleuro-pneumonia is a serious matter with the cattle industry of the United States; and the people of the West are terribly in earnest and feel deeply that it is the duty of this body to pass such laws as will give them protection. There is no class of people who are so deserving of the consideration of this body as those who till the soil, grow the grain, and feed and raise the cattle that fill the markets of the world. And yet there is no class of our citizens who receive less attention from our lawmakers, or are more easily satisfied. The farmer and stock-grower are the same, the interests of the one being identical with those of the other; and, therefore, when we protect the animal industry we protect the agricultural industry as well.

And, Mr. Speaker, is it not a fact that this industry has been asking of this House for several sessions that there be enacted such laws as would prevent the spreading of this dreaded disease among their herds? Ay, more! such laws as would exterminate it from the country? And, Mr. Speaker, it seems to me that when such interests—the largest in our land—are demanding our attention they certainly should be heard and given that recognition and protection they so richly deserve.

The passage of this bill, Mr. Speaker, will enable our Government to give protection to all alike. The district I represent contains but six counties, or about 4,000 square miles; but there is not a finer agricultural or cattle-growing region, covering the same amount of territory, on the face of the globe.

The cattle industry in my district in 1885 amounted to 334,953 head, of which was marketed during the year and slaughtered for home consumption 56,337 head; and in the district was harvested 16,777,926 bushels of corn, which is largely fed to cattle and marketed in that way. Is it any wonder that my people are terribly in earnest and calling for the extermination of pleuro-pneumonia? The cattle industry of Iowa is second to but one State in the Union, Texas alone being ahead of Iowa, yet the valuation of live-stock in Iowa is $124,715,103, while that of Texas is but $60,307,987; Illinois being largest in valuation, it being $132,437,762. This valuation includes all live-stock in 1880. And, Mr. Speaker, there is yet another industry that is loudly calling for relief and national investigation—the hog and pork industry. The cholera and trichina in our pork industry, if not eradicated, will eventually cause it to be entirely excluded from the foreign markets and should demand the attention of this House; and there should be employed by this Government two or more men who should be furnished with means and every facility to eradicate and stamp out the disease. Iowa alone is losing millions of dollars yearly by this much-dreaded disease.

The State of Iowa and other Western States are growing fast in the line of manufacturing, and to-day where forty years ago we had naught but naked prairies, we now have large manufactories of almost every description. This is the result of our growing agricultural and animal industries, and when we benefit one we benefit the whole. "As the laborer is worthy of his hire," so are the interests that produce all the wealth of the earth more than worthy of all the recognition, assistance, and protection that can be rendered them by this House, which is the servant of the people, convened here to attend to and transact their business.

This bill will benefit every farmer, stock-grower, mechanic, and laborer in the United States.

The prosperity of the one depends upon the prosperity of the other; and the more speedy the eradication and extermination of this much-dreaded disease, pleuro-pneumonia, the less will be the expense to the people of our country. If allowed to spread, the disease will bring distress, poverty, and want upon many who now have large herds of cattle; it will stop one of the greatest commercial interests of our nation, our railroads, and all transportation interests will be seriously injured.

Mr. Speaker, there is no end to the calamity this dreaded disease brings to a country where it once gets a start. Just imagine Texas, with her 3,084,600 head; Iowa, with her 2,613,063 head; Illinois, with her 2,384,322 head; and Missouri, with her 2,070,932 head of cattle quarantined against shipping a single animal out of their territory. Can this nation pause to think of such a calamity, when it lies within its power to avert it by passing a law giving to the proper authorities the power to prevent it? Can it pause, with an overburdened Treasury of the people's money, while they are asking for relief from all quarters of the Union, and while only a small appropriation is needed to satisfy their just demands?

Mr. Speaker, if the great Mississippi River were to become suddenly and permanently dry, the commercial world would be no more affected than it would were this dreaded disease to spread throughout the length and breadth of our land. And yet we appropriate yearly for the improvement of the Mississippi twenty to forty times the amount asked for by this bill. During the last twenty years the growing demand for beef from the increase of our population has been met by the extension of the beef-producing industry into the Territories. No such increase of beef producing can again take place on this continent, and the demand for beef in the future, for an ever-increasing population, must be supplied from the increase on small farms. This industry, therefore, is of vital importance to the political economy of the country.

The law as it stands on the statutes, enacted by the last Congress, provides briefly for a bureau of animal industry presided over by a skilled veterinarian, charged with the duty of inquiring into the condition of our domestic animals, especially with regard to contagious diseases, their prevention and cure. The present law limits the working force in the bureau to twenty persons. This limitation should be repealed. Two agents are provided for, who should be experts respecting live-stock in all their relations. The act provides that expenditure of public money for investigation, disinfection and quarantining, protection to the export trade, and prevention of all movement of diseased animals.

Federal courts have jurisdiction of offenses against the act, but the act itself falls short of what is required, inasmuch as it fails to provide for the extermination of the plagues imported from foreign countries. It may have been wise to limit its operations two years ago, when there was dispute concerning the very existence of the disease; but now that it has crossed the Alleghany Mountains and afflicted half a dozen of the Western and Southern States, causing the loss of millions of dollars, it would be criminal negligence to longer dally with it. The country knows no hindrance to commerce at all comparable to that which may be caused by pleuro-pneumonia. It is no trivial matter when half the States in the Union are declaring quarantine in the movement of cattle against the other half. Should Congress now refuse to act with sufficient vigor, the immediate future will see all the Western and Southern States quarantining against the seaboard States.

The law of self-preservation will compel it. No wise distinction of constitutional law will be considered to repel this foreign invasion. The immediate danger of the West and South is from the shipment of calves from the dairy districts of the East to the cheaper feeding grounds of the West and South; and also from the shipment West and South of imported pedigree milk-stock from the depots of importers in the Eastern seaboard States. Western importers shun the Atlantic seaports, and bring cattle through Canadian ports. This is no matter for

an American to be proud of, and certainly should appeal to the patriotism of every member of Congress.

The records of Congress show that any hindrance to commerce affecting our merchants, however trivial, commands at once the championship of the metropolitan press, and hasty relief from Congress, even should the interest be no more dignified than that of junk-bottles or moieties. Is it more than modest that the great cattle interest of the country should also receive protection from foreign invasion? The powers of our Government, through the State Department, are leveled at the Chinaman on the West and the emigrant pauper on the East. I am speaking of an invasion that threatens the whole country.

Experience has taught us that co-operation in the expenditure of money to stamp out this disease between the Federal Government and the States is not practicable. Some States are poor and find it difficult to repel an invasion of this nature. Co-operation with regard to valuation should be had. The experience of foreign countries that have been compelled to spend money to protect their cattle interests admonishes us that the valuation of animals to be destroyed must be on the basis of health before being exposed to bring diseased animals to notice.

Our foreign commerce is seriously interfered with in consequence of the existence within our borders of this plague of pleuro-pneumonia. Our animals shipped abroad must be slaughtered at the port of landing, consequently we lose more every year, twice told, than would be required to destroy affected and exposed animals in the United States; and it is conceded but for the restriction on account of disease our cattle would be taken to every county in England and there fed out and bring to us much more than now, which would be divided between the stockman and the farmer, and every year would amount to $2,000,000 more than we now receive.

Then is it any wonder that every stockman and farmer should demand of this House that such laws are given them that will insure their cattle clear bills of health to any port on the earth? The history of this disease shows that countries that do not import cattle can stamp it out and keep it out. Massachusetts in 1860 is an illustration. That State was visited by the plague, the Legislature was called together, money appropriated, and such steps taken as effectually eradicated the disease. Great Britain, that continually imports beef-cattle from the continent of Europe, is continuously fighting the disease. We can have safety only by stamping it out once for all and preventing all importations of cattle except through periods of such extended quarantining that it would be impossible to have it smuggled through.

The cattle industry to the people whom I represent is vital, and, as I have said before on this floor, the rich prairies of the West can not be maintained in their fertility if grain-raising be the only industry. And if they could commerce has extended by water and rail to the ends of the earth, bringing grain-raising of the West into competition with the cheaper transportation and labor of India and other countries. But if the fertility of the Western prairies is to be maintained cattle-breeding, grazing, and feeding must of necessity be a leading industry.

The manufacturing interests of the country are subserved by an abundance of cheap food. Serious interference with the raising of cattle will raise the price of beef so that our workmen will see it as seldom on their tables as workmen abroad. Distress can not strike any one of our great industries without affecting them all. Our Committee of Agriculture in asking for a secretary of agriculture and labor had in mind the mutual relations existing between the farmer and the workman, and think that a watchman should be placed on the national walls to look out for danger to either. I ask the gentlemen of this House to tax their memories and think how little has been done by the Federal legislation for either of these classes? And I again reiterate:

> The growth of our population and increase of our commerce are bringing to the front questions affecting our producers and workingmen—questions of capital and labor that can not be thrust aside.

The legislation of Congress for the last century has avoided all questions of this nature. It was observed by a Senator in his place, a few years ago, that for the last fifty years Congress had done nothing for the farmer. At no time in our history has Congress been called upon more urgently or more unanimously by this class than now. The danger is one the farmer can not by any foresight of his own prevent.

And here permit me to quote a resolution passed at the Farmers' Congress held at Indianapolis December 2 and 3, 1885:

> *Resolved*, That the Farmers' Congress recommend to the Congress of the United States that the sum of $3,000,000, or so much thereof as may be necessary, be appropriated to stamp out pleuro-pneumonia among cattle wherever it may exist; that the Legislatures of the several States of the Union are respectfully requested to enact such laws as may be necessary to supplement the act or acts of the Congress of the United States for the extinction of pleuro-pneumonia or other contagious diseases of cattle.

Also, resolution passed at late session of Farmers' Congress held at Saint Paul, Minn., August 25, 1886:

> *Resolved*, That the Farmers' Congress recommend to the Congress of the United States that the sum of $3,000,000, or so much thereof as may be necessary, be appropriated to stamp out contagious diseases among all domestic animals wherever such diseases may exist; and that the Legislatures of the several States of the Union are respectfully requested to enact such laws as may be necessary to supplement the acts of the Congress of the United States for the extinction of all such contagious diseases.

Also, extract of a lecture delivered by Dr. D. E. Salmon, chief of the bureau of animal industry, before the National Cattle-Growers' Association in Chicago, Ill., November, 1885:

MAGNITUDE OF THE INDUSTRIES AFFECTED.

The national importance of the two chief industries involved may be seen by condensed statement, as follows:

Cattle industry, 45,000,000 head	$1,200,000,000
Annual production, 7,000,000 head	350,000,000
Become a part of interstate commerce, 5,000,000 head	250,000,000
Veals, 3,000,000	15,000,000
Export trade, the greater part of which is under restrictions, 182,000 head	13,000,000
Total exports of cattle and cattle products	50,000,000
The swine industry, annual product, 29,000,000 head	340,000,000
Value of the product which goes into interstate commerce	243,000,000
Annual products exported	92,000,000

Upon figures like these it is unnecessary to comment. If industries and a commerce of such dimensions are not worthy of protection and encouragement, then there surely must be few subjects left of sufficient importance to engage the legislative mind. With such great interests involved, and such reports made from the highest authority, can we, the representatives of the people, afford to adjourn this House without giving them all the aid and appropriations necessary, even were it ten times the amount asked for? The time has come when these interests will have protection. The people are watching this body and will be on hand in the future at the polls to protect themselves if we do not do it here for them.

Mr. Speaker, I hope this House will pass this bill. It has been carefully prepared by the Committee on Agriculture, together with the aid of the committee sent to visit this body by the Cattle-Growers' Association of America—men who have made this subject a matter of study and thoroughly understand what is needed. Here should be concert of action, in this matter of all others. As I have said before, its interests are many and widespread. The commercial, manufacturing, and laboring interests all should work together to advance the prosperity of each. All are mutually interested.

Public Building at Portsmouth, Ohio.

SPEECH
OF
HON. ALBERT C. THOMPSON,
OF OHIO,
IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 2, 1887,

On the bill (H. R. 6976) to erect a public building at Portsmouth, Ohio.

Mr. THOMPSON said:

Mr. SPEAKER: During the sittings of this Congress twenty-five bills for the erection of public buildings in places where no Federal buildings have heretofore been erected have been passed and presented to the President. In addition to these many other bills have been passed to complete buildings already commenced, and to replace buildings which do not afford adequate accommodations for the public business, or which have been destroyed by fire or otherwise. Of the twenty-five bills first mentioned, sixteen have received the approval of the President and nine have been returned to Congress without his approval—have been vetoed.

The declared policy of these vetoes is that "the necessities of the Government should control the question," and "that new projects for public buildings shall for the present be limited to such as are required by the most pressing necessities of the Government's business."

The soundness of this doctrine will not be questioned, but the practical question is: What are to be regarded as "pressing necessities of the Government's business?" Ordinarily we would say that a city having fifty thousand people, in which many railroads center, where manufacturing is largely carried on, where population and wealth are rapidly increasing, where the revenue collected by the postmaster and the collector of internal revenue amounts to $2,000,000 per annum, and where the rents paid by the Government amount to more than $3,800 per annum—such a city as Dayton, Ohio, for instance—would present a case where the business needs of the Government would justify the erection of a public building.

But for the present, at least, we must be guided by the wisdom of the present Executive in deciding when a business necessity exists for the erection of a public building. It is important, therefore, to carefully examine and scrutinize his action upon the twenty-five bills presented to him in order to obtain the light we so much need in determining our action upon the bill under discussion, and in shaping our future policy in such matters.

It is said in the vetoes that the "necessity" does not exist when only a post-office is to be provided for; that statistics showing the population, extent of business, prospective growth, &c., of a city, while interesting, do not demonstrate the necessity for a public building;

and it is intimated that only such places as have United States courts should have public buildings.

It is also said that public buildings should not "be erected upon any principle of fair distribution among localities." Now, here are hints and suggestions putting us in the way of a solution of our question; and yet I apprehend that the Executive policy as evinced by the action taken on the twenty-five bills referred to will be best understood by comparing the apparent needs of the Government business at the different places affected by that action. Let us see, then, what places have been "selected for Federal decoration" and what places have been refused that distinction, and institute between them such comparisons as to wealth, population, business, growth, Government revenue, accommodations for the transactions of the public business, rents, and such other matters as may best illustrate the Executive action. The following is a list of the twenty-five places whose interests are affected by the bills referred to, and gives from official sources statistics showing the population, revenue, &c., of these places, and the action of the President upon the bills:

Name of place.	Amount to be expended.	Federal offices, &c., to be provided for.	Population of place.	Income of post-office, 1886.		Rent, light, fuel, &c.	Internal revenue collected, 1886.
				Gross.	Net.		
APPROVED.							
Fort Smith, Ark	$100,000 00	United States courts, post-office, and collector internal revenue.	3,099	$9,703 56	$5,762 56	$580 50	.....
San Antonio, Tex	200,000 00	United States courts and post-office	20,550	32,067 23	13,057 32	1,366 67	.....
El Paso, Tex	150,000 00	United States courts, post-office, and collector of customs.	736	12,221 59	7,384 29	682 25	.....
Jefferson, Tex	50,000 00	United States courts and post-office	3,260	3,743 64	1,843 64	.....	.....
Houston, Tex	75,000 00	Post-office only	16,513	33,007 36	12,788 09	1,314 10	.....
Jacksonville, Fla	150,000 00	United States courts, customs, post-office, and internal revenue.	7,650	42,977 99	24,012 29	2,940 00	$237,271 82
Wilmington, N. C	200,000 00	United States courts, post-office, and customs	17,350	20,322 93	8,356 92	1,862 50	.....
Augusta, Ga	50,000 00	Post-office and internal revenue	21,891	34,185 43	17,319 50	1,520 29	304,384 29
Savannah, Ga	200,000 00	United States courts and post-office	30,709	63,440 82	40,785 77	2,571 54	.....
Owensborough, Ky	50,000 00	Post-office and internal revenue	6,231	9,572 43	5,868 18	575 78	1,774,514 07
Huntsville, Ala	100,000 00	United States courts and post-office	4,977	5,954 17	3,696 41	.....	.....
Oshkosh, Wis	100,000 00	United States courts and post-offices	15,748	21,377 74	7,768 29	1,690 04	.....
Springfield, Mass	150,000 00	Post-office only	33,340	75,173 79	50,690 83	2,840 86	.....
Worcester, Mass	250,000 00	..... do	58,291	93,076 50	60,107 50	3,850 00	.....
Camden, N. J	100,000 00	Post-office, internal revenue, and customs	41,659	31,634 35	15,487 40	1,495 00	191,739 69
Los Angeles, Cal	150,000 00	United States courts and post-offices	11,183	51,868 09	32,427 93	1,090 00	.....
VETOED.							
Zanesville, Ohio	100,000 00	Post-office only	18,113	24,818 80	13,231 48	994 34	.....
Dayton, Ohio	150,000 00	Post-offices and internal revenue	38,678	68,729 03	39,344 41	3,850 00	1,893,894 64
Portsmouth, Ohio	60,000 00	..... do	11,321	11,639 71	7,455 41	655 03	1,165,356 49
Sioux City, Iowa	100,000 00	United States courts, internal revenue, and post-offices.	7,366	33,295 61	20,316 32	2,200 00	192,005 13
Lynn, Mass	100,000 00	Post-office only	38,274	47,426 65	25,537 49	1,919 25	.....
Springfield, Mo	75,000 00	Post-office and land office	6,522	16,128 15	10,935 28	150 00	.....
Duluth, Minn	100,000 00	Post-offices, customs, and land office	838	25,870 78	16,406 48	1,500 00	.....
La Fayette, Ind	50,000 00	Post-office only	14,860	23,820 68	10,208 41	1,750 00	.....
Asheville, N. C	80,000 00	United States courts and post-offices	2,616	8,155 56	5,155 56	800 00	.....

The population of those towns given here is from the census of 1880. Many of them have greatly increased their population since. Duluth for instance is now a city of 18,000 people, and Sioux City of over 20,000, while Dayton has more than 50,000 people.

Of the sixteen places receiving "Federal decoration," eleven are in the South and five are in the North, and of those denied it, eight are in the North and one is in the South. The places in the above list having post-offices only are:

1. Springfield, Mass.
2. Worcester, Mass.
3. Houston, Tex.
4. Zanesville, Ohio.
5. Lynn, Mass.
6. La Fayette, Ind.

The bills for the first three were approved and for the last three were vetoed. Just why Springfield, Worcester, and Houston should be "selected for Federal decoration," while Zanesville, Lynn, and La Fayette are denied it, does not very clearly appear. Lynn has a larger population than any of these cities except Worcester, and the net income of its post-office is $25,537.49, while that of Houston is only $12,788.09; and the rent which the Government is compelled to pay at Lynn is $1,919.25, while the rent paid at Houston is only $1,314.10. As between Houston and Zanesville the comparison is in favor of the latter place. At the last census the population of Zanesville was 18,113; while that of Houston was only 16,513. For the last fiscal year the net income of the Zanesville post-office was $13,231.48; while that of Houston was only $12,788.09. Worcester for the purposes of her post-office is "decorated" at an expense of $250,000; while Lynn is refused $100,000 for her post-office. So far the light thrown upon our question by these comparisons is confusing and not helpful.

The places having United States courts are:

1. Fort Smith, Ark.
2. Oshkosh, Wis.
3. San Antonio, Tex.
4. El Paso, Tex.
5. Jefferson, Tex.
6. Los Angeles, Cal.
7. Wilmington, N. C.
8. Huntsville, Ala.
9. Savannah, Ga.
10. Jacksonville, Fla.
11. Asheville, N. C.
12. Sioux City, Iowa.

The first ten of these are on the favored list and the last two on the vetoed list.

It may be a little difficult for the common mind to understand why Huntsville, with a population of 4,977, a net postal revenue of $3,696.41, and an office rent free, should be chosen, and Sioux City, with a population of 7,366, a net postal revenue of $20,316.32, and rent to pay of $2,200 per annum, should be rejected, especially when there is a collector of internal revenue to be provided for at Sioux City and none at Huntsville, and yet that was the result worked out by the executive policy.

The comparison between Owensborough, Ky., and Portsmouth, Ohio, is a very interesting one. At the census of 1880 Portsmouth had a population of 11,321, and her population is now estimated at 15,000, while Owensborough by the same census had a population of but 6,231, and the present estimate of her population is 10,000. The postal income of the Portsmouth office for the last fiscal year was gross $11,639.71 and net $7,455.41, while the income of the Owensborough office for the same time was gross $9,572.43 and net $5,868.18. The internal revenue collected at Portsmouth during the last fiscal year was $1,165,356.49, and at Owensborough $1,774,514.97. The rents paid at Portsmouth for the same time amounted to $655.03, and at Owensborough $575.78.

The differences are in favor of Portsmouth, yet Owensborough is "decorated" and Portsmouth is advised that "the Government is not an almoner of gifts among the people, but an instrumentality by which the people's affair should be conducted upon business principles, regulated by the public needs," and her appeal for reasonable accommodations for the convenient transaction of the public business is rejected. These comparisons still leave us groping in the dark for a rule or policy to guide us in determining what are the "pressing necessities of the Government's business" which justify the erection of a public building.

But were it not for the fact that we are told that public buildings should not "be erected upon any principle of fair distribution among localities" we might be warranted by the Presidential action in the deduction that the question of business necessity should be controlled by locality and that "Federal decorations" should mainly be distributed south of Mason and Dixon's line. So far as Ohio is concerned, while she is denied "Federal decoration," she is yet permitted to contribute liberally to the expenses of decoration in the other States. Last year she paid into the Treasury in internal-revenue taxes the sum of $12,921,349.10, being $2,362,488.09 more than was paid by all the Southern States, leaving out Kentucky and Missouri.

If we presume, as I think we are bound to do, that there was a pressing business necessity for the erection of a public building at

Owensborough, Ky., then surely the President was misled or ill advised when he returned to us the bill under discussion without his approval, and it would seem to be our duty therefore to pass it notwithstanding his veto. Indeed it should be presumed that, if properly advised, he himself would desire that result.

But I put it on broader ground. In my judgment the Government should furnish buildings to reasonably accommodate the Federal service in every town of 10,000 inhabitants and upwards in the country. It is extending its jurisdiction in every direction, and is constantly coming closer to the people, and should own and control the property and buildings in which it transacts its business, and extend to the people the facilities and conveniences that it, and it only, can afford, which private enterprise can not furnish without the aid of the Government or without some arrangement with the Government permanent in its character which will practically make it a Government enterprise. I submit the matter to the judgment of the House.

No Interference by the Federal Government in the Common School Systems Established and Controlled by the States.

SPEECH

OF

HON. GEORGE E. SENEY,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1887,

On the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. SENEY said:

Mr. SPEAKER: The bill under consideration proposes to give $77,000,000 to the States, Territories, and the District of Columbia to aid in the support of common schools. Of this sum $7,000,000 is to be given in 1886, $10,000,000 in 1887, $15,000,000 in 1888, $13,000,000 in 1889, $11,000,000 in 1890, $9,000,000 in 1891, $7,000,000 in 1892, and $5,000,000 in 1893.

This money it is proposed to distribute among the States, Territories, and the District of Columbia, according to their respective population, of ten-year old and upward who can not write.

The bill provides that one-tenth part of the appropriation ($7,700,000) may be used in the education of teachers for these schools, and that $2,000,000 thereof may be expended in building school-houses.

COMMON SCHOOLS ARE STATE INSTITUTIONS.

This measure ought not to become a law. The very title of the bill is suggestive of improper and unauthorized legislation. As to the bill itself it would be difficult, in my opinion, to put upon ten pages of paper more repugnance to the Constitution of the United States and more of evil to the two systems of government under which we live.

My opposition to this measure is free from sectional feeling and free from partisan bias. In opposing it no opposition is made to a free common-school system of education, for this every true American favors. My friendship for free common schools began early in life and has grown with my growth and strengthened with my strength. Their maintenance by the States, under State laws, regardless of their cost, I zealously favor, but to their maintenance or control by the General Government in whole or in part, for a time long or short, my opposition is fixed and unalterable. Common schools under our State and Federal systems are State institutions. The General Government has no power to establish, maintain, or control them.

This power belongs to the States, and by the States it has been exercised, exclusively and without question, since the Government began. Common schools have been maintained from the beginning by taxes levied, collected, and disbursed by the States. When the original States were colonies each, unaided by the British Government, maintained by taxation its own educational system. Those colonial systems were in force at the close of the Revolutionary struggle. When the colonies became States these systems were a part of the colonial laws, and without re-enactment they became the laws of the States.

These States in creating the General Government withheld from it all power to legislate respecting educational affairs. This power, wisely and well, the States reserved to themselves and to their people. Acting upon this understanding of constitutional right the original States have continued to control, without interference, direct or indirect, from the General Government, the education of their own people. The other States, or many of them, came into the Union obligated by their organic law to establish and maintain public schools for the education of their people.

For nearly a century the law-makers, State and Federal, enacted laws in the belief that common schools were local institutions, known to State and unknown to Federal authority. The statute-books of the States are full of laws establishing common schools and providing for their maintenance and control. No such enactments are to be found among the statutes of the Congress of the United States. In these laws are found the will of the people, and under their operation free common schools have been made the pride and the glory of the American States.

No institution, State or Federal, stands higher in public favor, and there is none to which the people are more warmly and devotedly attached. Free common schools ought to remain, as they are, local institutions of the States. Under the control of the States they are under the control of the people, and thus controlled they will be always thorough and efficient. Interference with this rule, friendly or unfriendly, directly or indirectly, from any quarter, under any pretense, is destructive of the best interests of the people.

REASONS FOR SUPPORTING THE BILL.

This measure is well calculated to secure public favor. All who love intelligence and hate ignorance naturally sympathize with whatever promotes education. It is not strange, therefore, that this measure attracts the attention of our people. It has friends everywhere. Gentlemen of the highest character advocate it. Men and women prominently identified with the educational interests of the country favor its passage. Year after year has it been urged upon Congress.

Once, perhaps two years ago, a bill substantially the same as this, passed the Senate. This bill, or one not materially different passed the Senate at the last session, and there is reason to believe that the measure has many friends, possibly a majority, upon this floor. The advocates of this bill tell us that one-eighth of our population is unable to read or write; that these illiterate people are to be found in every part of our country, and that their ignorance endangers the peace and perpetuity of the Government. Some of the States, it is claimed, are unable to give their illiterates proper educational advantages, while others, it is alleged, are unwilling to levy taxes sufficient for their education.

Many good people think that that part of our population the war made free ought to be taught to read and write at the expense of the General Government. Others say that it would be right to take from the large surplus in the Treasury enough to educate all illiterates and distribute it among the States for that purpose. These are the principal reasons urged in support of this measure.

AMOUNT OF APPROPRIATION WITHOUT PRECEDENT.

Twenty-five years ago the amount which this bill appropriates ($77,000,000) was considered a very large sum of money. It is a very large sum of money now, except, perhaps, in the minds of the most determined advocates of this measure. In what are called the earlier and better days of the Republic the annual expenditures of the Government were far below this sum. These expenditures for the year 1793 were $1,749,070.73. The largest annual expenditure prior to 1861 was in 1858, and amounted to $72,330,437.17. The average yearly expenditure for seventy-two years prior to 1861 was $22,603,395.36.

During the war of 1812 the largest expenditure in a single year was $30,127,686.38; and during the Mexican war the Government's expenses in 1847 were $53,801,569.37. Except for war purposes this appropriation is believed to be the largest ever made for a single purpose. It is almost one-half of the expenses of the public service for the year 1885. All of this comment, however, may be out of place. It may serve possibly to remind the representatives of the Democratic party upon this floor that they are under some obligation to see that the public revenues are not wasted in unauthorized appropriations.

In the last year of the administration of President Buchanan (1860-'61) the public expenditures were, in round numbers, $60,000,000. The Republican party, it will be remembered, indignated vehemently and terribly at this condition of affairs. In convention at Chicago, in May, 1860, that party resolved:

> That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government—that a return to rigid economy and accountability is indispensable to arrest the systematic plunder of the public Treasury by favored partisans—and that an entire change of administration is imperatively demanded.

Six months later, the people voted the sixty-million-dollar-a-year party out of power. Twenty-four years later, the annual public expenditures, excluding pensions and interest on the public debt, was $152,738,411, and the party responsible was rebuked by the people for its reckless use of the public revenues. The evils which this bill proposes to remedy have existed for twenty-one years. If, for this long period, the Republican party, having the power, was unwilling to add $77,000,000 to the money burdens of the people for the purpose of educating our illiterate population to read and write, why should it be done now by the Democratic party, pledged, as we all know it is, to keep the expenses of the public service within economical limits, and opposed, as it is, and always has been, to any interference upon the part of the General Government in the local affairs of the States.

Whom did the people hold responsible for the $18,988,875 appropriated in March, 1883, for river and harbor improvements? In the House that passed that bill there was a Republican majority of 11. In the House elected six months later the Democratic majority was 75. Pass this bill, as the river and harbor bill was passed, by votes from both sides of the House, and still the responsibility for making it a law is with the Democratic party. Enact this bill into a law, and my word

for it, in the next Congress to be elected, there will not be 71 Democrats from the twenty-two Northern States to answer at the roll-calls. Our political opponents even now are earth-raking and sky-scraping to defeat us in the great contest in 1892. In our follies are their hopes of success.

If an appropriation of near $19,000,000 for rivers and harbors cost the Republican party twenty-eight members of the House, how many members will the Democratic party lose by appropriating $77,000,000 to build thousands of school houses and educate thousands of school teachers to teach our illiterate population to read and write?

A correct solution of this problem can not be made here or now, but if this plunder bill passes this House, the problem will be solved by the people when the next general election is held.

THE BILL IS NOT CONSTITUTIONAL BECAUSE THE APPROPRIATION IS FOR SEVEN YEARS.

The bill, it will be noticed, appropriates money for the current year, and also annually thereafter for seven years. This provision of the bill alone ought to condemn the measure. That such legislation is unusual and extraordinary all will agree. That it is constitutional there are many who doubt. It is true that the Constitution does not in express terms require annual appropriations. For raising and supporting armies it forbids appropriation of money for a period longer than two years. That the spirit of the Constitution is unfriendly to permanent appropriations there can be no doubt.

The best interests of the Government, it is believed, require that that instrument be so read and construed. Cases may arise in which the necessities of the Government may be so urgent and pressing as to compel appropriations for a period longer than one year, but the appropriation contemplated by this bill is not of this character. It is more in the nature of a gift. It supplies no want of the Government, and meets no one of its obligations. It is a gratuity. Should this bill become a law a precedent is made respecting appropriations, which may be used in the future to promote schemes for plundering the Treasury more high-handed, if it is possible, than the one now being considered. If the General Government must aid the States in maintaining their common schools the appropriation for this purpose ought to be made as all other appropriations are made, annually.

There is no good reason for making this appropriation cover a period of seven years. Such legislation is without excuse, or justification. This measure, at best, is an experiment. Three years, or less, of trial will show it to be wise or foolish. If wise, appropriations may be continued. If foolish, the folly may then end. If the common schools in any part of our country need help, and the help must come from the General Government, it ought to be extended for the shortest possible period. Long before 1893 the schools now wanting help may be sustained without Government aid. The appropriation for the period fixed by this bill is believed to be without precedent in Federal legislation. To my mind every consideration suggestive of duty admonishes that it is best to make no appropriation, for any purpose whatever, for a period longer than that plainly and clearly contemplated by the Constitution.

Again, the money appropriated by the bill is not in the Treasury. True, there is money enough in the Treasury unappropriated to meet the entire demands of the bill. But it will be borne in mind that but $7,000,000 of the $77,000,000 is to be paid down. To meet this installment, I admit, the money is in the Treasury. But to meet the other installments, seven in number, annually, I deny that the money is in the Treasury. In the absence of law, $77,000,000 now in the Treasury can not be set apart to remain idle for years to come, in order to meet these installments as they mature.

To meet these deferred installments amounting to $70,000,000 taxes must be levied and taxes must be collected, yearly, for seven years to come. This burden I am unwilling to impose upon the tax-payers of the country. Taxes, State and Federal, are high, and bear heavily upon the people. To raise this seventy million of money almost every article we eat, drink, wear, or use, must be heavily taxed. Money is scarce, labor unemployed, business inactive, wages poor, and farm products low in price. Surely this is not the time to add seventy million to the public debt, now over fifteen hundred million dollars, and upon which the people pay, annually, nearly $50,000,000 for interest.

The money to meet these installments, I repeat, is not in the Treasury, nor is it in the pockets of the people. It is yet unmade. It is yet to be earned. Earned in the field, in the workshop, and elsewhere, where labor, trade, and business are done. Whether earned or unearned, made or not made, it must be paid. The Federal tax-gatherer will collect it, peaceably if he can, forcibly if he must. An appropriation of money for the period fixed by this bill can not be otherwise than repugnant to the Constitution. Who will say that such legislation is wise? It is bad legislation—it is inexcusable legislation to give away the revenues of the Government, held at the Treasury, to meet the demands of the public service.

This bill proposes to give away a considerable portion of the public revenues years in advance of their levy. The obligation to pay each year for seven years to come it is proposed to fix beyond recall by this bill. When these installments mature the money to meet them may not be in the Treasury, or if there, it may be needed for the most necessitous purposes. To give away $7,000,000 in 1887 will occasion no embarrassment. To give away $11,000,000 in 1890, or $7,000,000 in 1892, might strip the Treasury of its last dollar.

If we ought to make gifts of money to the States for their schools, let us give of the money we have, but make no engagements to give of that which is to be earned years hence by the people. We ought to be ordinarily prudent, at least, in the management of the revenues of the Government. To give away any portion years in advance of their levy and collection is wrong, and in the considerate judgment of the people it will be so regarded.

IN OTHER RESPECTS THE BILL IS REPUGNANT TO THE CONSTITUTION.

The Constitution of the United States prescribes the law-making powers of the General Government. Upon the subject of education this instrument is profoundly silent. The power to establish or maintain public schools is not expressly or impliedly conferred upon Congress by the Constitution. By the terms of this instrument this power belongs to the States. If free common schools are to be maintained in whole or in part, temporarily or otherwise, by the General Government, there will be a necessity hitherto unknown for the exercise of the taxing powers of the Government.

The Constitution, best read and interpreted, limits these powers to the purposes for which the Government was established. That a tax levied by the Government for the sole purpose of maintaining a free common-school system of education would be repugnant to the Constitution needs no argument to demonstrate. If Congress has no constitutional power to levy a tax for such a purpose, clearly it has no power to use for such a purpose the revenues raised by taxation for the Government's support.

Taxes levied and collected to maintain the Government can not be appropriated to purposes unknown to the Constitution. If the money proposed to be appropriated by this bill had to be taken from the pockets of the people by direct taxation, this measure would not, I verily believe, have a single advocate in this House. Or, if the bill named the articles to be taxed $77,000,000 in addition to the taxes they now bear, it would have very few friends.

The schools to be aided by this measure, it will be noticed, are established, maintained, and controlled by State laws. If Congress has no constitutional power to establish or maintain free common schools, upon what ground can it be claimed that it has the power to aid in maintaining those established and controlled by State laws? If there is power in Congress to maintain or aid in maintaining such schools, unquestionably Congress has power to control them.

If there is no power to control them, there is no power to maintain or aid in maintaining. The power to maintain and the power to control are inseparable. The very fact that these schools are under State control is a conclusive argument against the right of the General Government to aid in their support. If Congress has the power to levy and collect taxes to pay a part of the expense of maintaining schools established and controlled by State laws, it has power to tax, and use the revenues to pay the whole of the expense. If the one power exists, so, too, does the other.

Without the power to maintain these schools there is no power to help in their maintenance. To support or aid in their support concedes the power of Congress to create educational systems for the States. If Congress may raise revenue to aid in maintaining public schools under State control, it may establish and maintain its own system of free common schools different from that of the States, and control it independent of and against State authority.

GENERAL-WELFARE CLAUSE OF THE CONSTITUTION.

The advocates of this measure tell us that Congress has power to provide for the general welfare of the United States, and that in the exercise of this power it may legislate respecting the local affairs of the States whenever such legislation will promote the welfare of the General Government. Under the general-welfare clause of the Constitution, they say, Congress may rightfully interfere in the educational affairs of the States, if interference will conduce to the general welfare of all the States.

This interpretation of the general-welfare clause of the Constitution differs, widely differs, from that given to it by those who made that instrument, and by those who administered the government under it so wisely and so well for the first seventy-two years of its existence. Jefferson, Madison, and Hamilton in their day believed that Congress had no power to legislate under the general-welfare clause, except by such means and for such objects as are expressly or impliedly embraced in the Constitution. In later times, Story, Kent, Webster, and Wharton held that the general-welfare clause gave Congress power to impose taxes to pay for that which Congress was by other clauses clearly authorized to do.

Among the authoritative writers upon this subject there is no difference in opinion as to the meaning of the general-welfare clause of the Constitution.

In the local affairs of the States there can be no rightful interference, friendly or unfriendly, direct or indirect, upon the part of the General Government. This is forbidden by the letter and spirit of the Constitution of the United States. The spirit, if not the letter, of all State

constitutions oppose it. Against it is the understanding of fifty-six millions of people.

Non-interference in State affairs by the Federal Government and non-interference in Federal affairs by the State governments is a marked feature in legislation, State and Federal, from 1789 to 1861. All who took part in public affairs during this period agreed that within the limits of State authority the States were supreme and within the limits of Federal authority the General Government was supreme.

In those days the general welfare of the United States was promoted by keeping the legislation of Congress within the limits of Federal authority, and as well was the general welfare of each of the States promoted by confining their legislation within the limits of State authority. In these ways, and in none other, can our two systems of government be harmoniously maintained. The legislation proposed by this bill is a wide departure from this constitutional policy. It is little, if any, short of revolutionary. Within the limits of Federal authority I admit that Congress may legislate under the general-welfare clause of the Constitution, but within the limits of State authority I deny that Congress can legislate under this or under any other clause of the Constitution.

All laws enacted by Congress are supposed to be for the general welfare of the United States. Those enacted under the general-welfare clause of the Constitution stand upon the same footing as those enacted under the other clauses of that instrument. All must conform to the Constitution. In their construction, we are told, the spirit of that instrument is controlling. Opposed as this is to Federal interference in the local affairs of the States, how can the pending bill become a valid law? The general-welfare clause of the Constitution can not make it binding. Under no interpretation of this clause can Congress go beyond the powers granted to it by the Constitution.

Upon no pretense of providing for the general welfare can we legislate respecting that which the Constitution places under the exclusive control of the States. How can that be done under the general-welfare clause which another clause expressly or impliedly forbids. Certainly that which Congress has no power to do can not be done however much the act might promote the general welfare. We know that the Constitution provides in express terms that all powers not delegated or prohibited are reserved to the States or to the people. All will agree that one of the reserved powers is that of legislating respecting the educational or other internal affairs of the States.

Over all such subjects the States have, by the Constitution, exclusive control. If this be so, then it is perfectly plain that this control, in whole or in part, can not be taken from the States or from the people thereof by the legislation of Congress. The general-welfare clause in our Constitution has no annulling power, nor does it enlarge in the slightest degree the legislative powers which are expressed or implied in other parts of that instrument. When doubts arise as to the exercise of such powers this clause can not remove them. We may use the general-welfare clause to help execute the powers granted, whether expressed or implied; but when we have done this all the intent, force, and effect of the clause are expended.

We are asked by the pending bill to violate the Constitution and violate the oaths we have taken to support it upon no justifiable ground. We concede what the friends of this bill claim, that illiteracy is an evil, and that the States wherein it exists to any considerable extent fail, if not refuse, to remove it. But is this any reason why we should interfere? Illiteracy is not the only evil existing under State authority. If it was and could not be removed in any other way than by Federal interference there would be, possibly, some justification for the legislation proposed by this bill; but there are other evils in the States more threatening to the well-being of the people than illiteracy, and if we interfere for its removal now how soon will it be until we will be called upon to legislate for the extinction of the others?

This bill, in no constitutional sense, provides for the general welfare of all the States. Legislation which levies a tax of $77,000,000 upon fifty-six million of people, and when collected gives it away—$58,000,000 to sixteen States from whose people less than $23,000,000 was collected, and but $17,000,000 to twenty-two States from whose people full $54,000,000 was collected, is hostile to the general welfare of the United States. Such inequality in imposing burdens and distributing benefits can not promote the welfare of the States or the people.

In providing for the general welfare of the United States there can be no legislation for the support of free common schools established and controlled by State laws. If Congress, in providing for the general welfare of the Government may aid the States in supporting their common schools, it may aid the States also in maintaining either or all of the many good works established and controlled by State laws. Independent of the General Government and wholly free from its control or assistance the States maintain institutions for the education of the deaf, dumb, and blind. Institutions caring for the insane and for other unfortunates are maintained by the States.

And so, too, other institutions of a benevolent and charitable character. As well may the Government help either or all of those institutions as the public schools. To this Congress the friends of the illiterate appeal for aid. To the next the appeal may come from those friendly to the deaf and dumb. And in the next the friends of the blind and the insane may ask for help. Once begin legislating the public revenues into the States for State uses and for State disbursements and when and where will such legislation end?

In legislation precedents are the most potent of all arguments. Money given to the States for school purposes to-day means more money for the same purposes to-morrow, and money for other State purposes the day following. If, under the general welfare clause of the Constitution, we are authorized to vote money to the States for school purposes, the same clause authorizes us to vote the States money for every other purpose purely local in character.

We cannot appropriate money to help our illiterate population without incurring an obligation to give the same kind of help to other classes of our people equally deserving, and especially those classes who, from any cause, are unable to help themselves. But there are those advocating this bill who claim that there is no limitation upon the power to provide for the general welfare except the discretion of Congress.

Their construction of the general-welfare clause stated in other words is that Congress may do whatever a majority of its members believe will promote the welfare of the people. Unless the Constitution is so read, this bill if made a law can not be a valid enactment. Such a construction of our fundamental law it is to be hoped will never obtain. It ought to be resisted to the uttermost. When the mere will of a majority in the two Houses, which may be one way in one Congress and the opposite way in another, is substituted for the existing limitations upon legislative power, there will be no further use for all that part of our Constitution which delegates or limits the power of Congress.

Upon the vote of a bare majority taxes levied and collected for Federal purposes may be appropriated for State purposes, and laws suggested by the mere whim of a dominant party may be enacted to regulate any or all of the internal affairs of the States. It would be difficult, if not impossible, to conceive a doctrine more destructive of the principles upon which our two systems of government are based.

Sir, it will be a sorry day for the American people when their local affairs are regulated by laws enacted in this Capitol. Mr. Speaker, I am not one of those who believe that the powers of the State governments ought to be lessened and those of the General Government increased. If I did, this measure would have my hearty support. Between the rule which is nearest the homes of the people and that which is farthest away the contest is but fairly begun. For that rule whose seat is at this great political center stands the party out of power. For the rule of the people and nearest to their homes stands the party to whom power was so recently given.

The measure we are discussing opposes State rule in the educational affairs of the people, and for it substitutes the rule of the Federal Government. Such a radical and fundamental change in our State and Federal systems we are told the general-welfare clause in the Constitution authorizes Congress to make. If this be true, sir, then it follows that State control over State affairs is held only to be surrendered to the General Government whenever Congress chooses to assert its interfering power. The general-welfare clause thus construed opens wide and straight the way to centralization. Among the advocates of this bill are those who heretofore have opposed the centralization of power.

The section of our country with which they are identified and the political party to which they belong are distinguished in our history for a century's opposition to all legislation tending to strengthen the Federal Government by weakening the government of the States. Well do the men of the South understand that between their life-long convictions and the principles involved in this measure there is a deadly antagonism. Shall the common schools of the country remain as they now are, under the control of the people, or shall they be regulated by laws made at this Capitol? This is the question plainly and truthfully stated.

In this measure, artfully concealed, in my judgment, is the purpose to place the common schools of our country under the supervising control of the General Government. Against such a policy all opponents of centralized power ought to take a resolute stand. A vote for this bill may make a law more centralizing in its reach than can now be foretold, while a vote against the bill may end, here and now, all effort at Federal interference in the internal affairs of the States. It may be true, sir, that the South needs $58,000,000, for we know that many millions more than this sum it lost by the war.

But can the Southern States take this money and for it do what this bill requires—make it their law? Did the bill offer no inducement would these States make it their law, or would they indignantly resent the proposed interference in their local affairs? The Congress may pass this bill, and the Legislatures of some, if not all, of the States may pass it. One of the high contracting parties may pay the consideration money, and other high contracting parties may accept it, but will it then be a binding compact?

There may be those who will so regard it, but to the country at large it will appear as an unauthorized, if not a corrupt, bargain and sale.

In the general-welfare clause of our Constitution is the hope of those who believe that one government, instead of two, would best promote the welfare of our people.

The Democratic party believes in State rule and in Federal rule, and believes, also, that the two governments under which we live and

have prospered in a degree without a parallel in history should be maintained for the purposes for which they were established. The Republican party is full of bitter hate to State rule, and the speeches and writings of many of its leaders show a purpose to put the internal affairs of the States under the supervising control of the Federal Government. The measure we are discussing is a move in this direction.

Under a pretense of teaching a few illiterates in a few States to read, it assails the right of all the States, unquestioned for nearly a century, to regulate their educational affairs. This is done, not for the good which may result to these ignorant and harmless people or to the States in which they live, but for the purpose of securing, if possible, such an authoritative construction of the general-welfare clause of the Constitution as will enable ambitious and unscrupulous party rulers to subordinate State rule to the rule of the Federal Government. In their school of politics this clause has no higher dignity than that of the india-rubber clause of the Constitution.

While all other parts of that instrument refuse to bend or yield to their purposes, this part, they say, may be stretched and stretched until it covers all subjects of legislation, State as well as Federal. What a multitude of vicious and revolutionary schemes will be pressed year after year upon the attention of Congress if this bill becomes a binding law, and how many of them sooner or later will work their way into our statute-books?

Sir, it is too true that in these latter days the general-welfare clause has been put to uses never intended by those who made the Constitution and never thought of before the Republican party had control of the Government. Is it not time, high time, to call a halt? Here and now is the place and the time for the representatives of the people to protest against the further abuse of the general welfare clause of the Constitution. Now and here is the time and the place for us to say that it shall not be used to take from the people the control of their neighborhood affairs.

SUBVERSIVE OF STATE EQUALITY.

This measure is subversive of that equality of right which, under our system of government, exists among the people of the States and also among the States. The money to be distributed by the bill is to be collected from the people. In distributing it among the States the distribution should be made, if it is possible, upon a basis of exact equality. To give each State and Territory, including the District of Columbia, an equal share of the money, $1,617,021, or to distribute it upon the basis of property values would be far from satisfactory.

To distribute it by any rule suggested by the interests of a few States will not do, unless like interests in other States would be equally subserved. Population, it is believed, is the fairest basis of apportionment. This the bill ignores. It ignores, also, all equality of right. Illiteracy, instead of population or right, is the basis of apportionment adopted by the bill. Upon this basis the sixteen Southern States, with a population of 18,507,324, will receive $58,000,000 of the money appropriated by the bill, while the twenty-two Northern States, with a population of 30,866,016, will receive but $18,000,000.

The sixteen States will have $3.14 for each person, and the twenty-two States 55 cents for each person. Georgia, with a population of 1,542,180 will receive $6,448,482, or $4.18 for each man, woman, and child in the State. Ohio, with a population of 3,198,062, will receive $1,633,718, or 51 cents for each man, woman, and child in the State. Michigan and Kentucky have about equal population, 1,648,690. Michigan will receive $789,592; Kentucky, $4,316,930.

The three States of Indiana, Illinois, and Massachusetts, with 6,839,257 population, get $4,326,173, while Virginia, Tennessee, and North Carolina, with 4,454,674 population, receive $16,170,889. These are examples. Like inequalities will appear upon a comparison of other States. Distribute the money according to population, and the sixteen States will have $28,316,205, and the twenty-two States $47,225,004. Ohio will have $4,893,348, Georgia $2,359,535, Kentucky $2,500,495, Michigan $2,504,513, Indiana, Illinois, and Massachusetts $10,464,063, Virginia, Tennessee, and North Carolina $6,815,651.

The inequalities in the distribution of this money are the more apparent when it is considered that fully 70 per cent. of the public revenues are paid by the people of the twenty-two States, and about 30 per cent. by the people of the sixteen States. If $77,000,000 is to be distributed among the States, the twenty-two have a just claim to $54,000,000, and the sixteen have no claim beyond $23,000,000. That the distribution is in aid of common schools is no reason why it should be unequal or that illiteracy instead of population should be the basis. The people of the Northern States have an undoubted right to share equally with the people of the Southern States in any and all distributions of the public money.

This right no just act can defeat. It is no matter that one State is poor and another rich—that one needs help while another does not. Upon no basis except that of absolute and perfect equality can the distribution be properly made. The distribution is unequal, unfair, and unjust. Upon the basis of illiteracy the distribution will increase the school fund in some States about 12 per cent., and in others more than 200 per cent. The people in the Northern States will pay $54,000,000 of the $77,000,000 this bill appropriates, and they will receive back $18,000,000.

In other words the bill imposes a tax of $36,000,000 upon the people of the Northern States for the sole benefit of the people in the Southern States. Ohio's share of this tax may be estimated at $3,000,000. The share of the people I represent will be little, if any, less than $200,000. My people have their own schools to support, their township, county, State, town, and city governments to maintain. For all of these purposes they are heavily taxed.

To add to the burdens of taxation they now bear to build schoolhouses a thousand miles distant from their homes, educate schoolmasters and the children of a people they do not know, will never see, and to whom they owe no such duty would be, speaking mildly, an outrage without a parallel in our history, unless it be in the infamous act of George III imposing taxes upon the colonies preceding our Revolutionary struggle.

THE EXPENSE TO BE DIVIDED BETWEEN THE STATES AND THE GENERAL GOVERNMENT.

Should this bill become a law the expense of maintaining the different common-school systems of the States will be, for seven years to come, divided between the States and the General Government. Well may it be asked what part of the Constitution authorizes legislation of this character? Let it be pointed out by the friends of the bill. The Government's share of this expense is $77,000,000. It is given to the States in proportion to the number of their respective populations of ten years old and upward who can not write.

If this class of our population is to be used to get $77,000,000 out of the Treasury, this class, and this class only, should have all of the money. The money, it will be borne in mind, is apportioned upon the basis of illiteracy. It belongs, therefore, to the illiterates, and those not illiterates should be excluded from its benefits. The bill does not so provide. All persons of school age who can write share in the benefits of this measure equally with those who can not write. According to the census of 1880, the number of persons who can not write is 6,239,958.

Of this number more than one-half are beyond educating age. The number of school children, according to the last census, is 15,527,332. If the interests of the Government require that that part of our population which can not write and who are of educating age, numbering, say, 3,000,000, be taught to write at the expense of the Government, this can be done without taxing the people to give more education to about 12,000,000 who can read and write.

EDUCATION OF SCHOOL-TEACHERS.

One of the most offensive features of this measure is found in the ninth section. This section provides for the education of persons at the expense of the Government to teach public schools controlled by the States.

Ten per cent. of the money appropriated by the bill is to be used for the education of professional school-teachers. In other words, $7,700,000 is to be taken from the people, by taxation, for the purpose of educating men and women to teach in the common schools of the country. To educate these teachers the bill authorizes normal institutes and training schools to be established, and provides for their maintenance with the money appropriated.

Against such legislation the better judgment of the people will surely protest. Special legislation such as this will not have the approval of the farmers, mechanics, tradesmen, and laboring men we represent upon this floor. There will be just cause for complaint by all of our people if we allow this feature of this measure to become a law. If we are to pay out at the Treasury for eight years to come, $7,700,000 for the education of school-teachers, we might as well add several thousand names to the one hundred thousand and more now on the Government pay-rolls and every month open the Treasury for the payment of the additional drafts that will be made. The vote on this bill will test the sincerity of those who have given pledges to the people that under Democratic rule taxation and public expenditures shall not be increased.

In what manner I ask are these embryo school teachers to be selected and by whom are the selections to be made? The bill upon this subject is silent. Is this work to be done by the States or by the General Government? Are the sixteen Southern States to furnish all these dependents, or are the twenty-two Northern States, including the eight Territories and the District of Columbia, to share equally, or at all, in these spoils.

I had supposed that the people of the South had had enough of carpet-baggers and their rule. Do they want more? Appropriate $7,000,000 to make common-school teachers, and the North, in due time, will put a carpet-bag and a carpet-bagger into almost every school-house in the South. You gentlemen from the South who favor this measure, keep your eye on these Northern school-masters when they drop down among your people. You will find them to be intelligent, energetic, aggressive, and rising individuals.

They will be among you, not only to teach in your schools, but to use their opportunities to better their fortunes. Your schools will be made good, thorough, and efficient under their management, but they will not be content with this employment. Many of these carpet-baggers will show themselves worthy of higher trust and confidence. I have to repeat, when these schoolmasters respond to your invitation and quarter themselves among your people, keep one eye upon them

and the other upon your seats in this House. When they occupy your places here and the places filled by your friends at home you will know more of a Northern schoolmaster's character.

BUILDING SCHOOL HOUSES.

Another provision of the bill more offensive, if possible, than the one for educating thousands of school-masters at the Government's expense is that authorizing the expenditure of $2,000,000 of the public revenues for the building of a school-house in every sparsely-populated school district of the United States where the people in such district are unable to build it themselves. The lowest sum to be paid out of this appropriation toward the cost of a school-house is $150, and one-half of the cost is the highest.

The most striking feature of this house-building scheme is that all these school-houses are to be built in accordance with plans prepared and furnished by the Bureau of Education in Washington. Who is to own these school-houses in whole or in part when built, or who is to control them then or thereafter, the bill does not provide. If the builder be the owner, or if he who partly builds, partly owns, this scheme, if successful, will make the General Government the owner equitably, if not legally, in whole or in part of ten thousand school-houses situated in ten thousand different school districts of the United States. The popular cry, educate our illiterates, may possibly for a brief time mislead and deceive the people as to the true purpose of this legislation, but if they do not understand it now they will understand it after it becomes a law.

DOES ILLITERACY ENDANGER THE PUBLIC PEACE?

The friends of this bill say it ought to pass because the illiterate condition of so large a part of our population endangers the peace and perpetuity of the Government. This consideration, more than all others, is urged and emphasized. Let no one be misled by this argument. Against the authority of our Government our illiterate people will never rebel. The general peace of the United States will never be broken by this class of our population. If a general disturbance is to come, it is more apt to be brought on and carried forward by that class of our population whose education is not limited to reading and writing.

In the twenty-two Northern States the people who can not read and write number 1,414,210 in a population of 30,866,016. Of this number many are women and children. In these States free common schools are open from five to eight months in each year. With such advantages, it is believed that but few children will pass beyond school-age without learning to read and write. The men and women, many of them, are in middle life, and value peace, order, and law. Of the men, the largest number are industrious and exemplary citizens. Scattered as those people are, here and there, over twenty-two States, most of them engaged in honorable and useful pursuits, who can say truly that their inability to read and write endangers the public peace?

Under the liberal educational policy of these States the number of their illiterates must gradually grow less. The illiterate people of these States could not if they would, and would not if they could, offend against the peace and dignity of their Government. What, then, is to be feared from our illiterate population? Nothing, in either of the twenty-two States. In the other sixteen States, it is said, there is cause for alarm. If so, let the cause be removed. Removed, not by the legislation of Congress, but by the legislation of each of the sixteen States. Each of the sixteen States can lessen the number of its illiterate people. This can be done without the unconstitutional and revolutionary methods employed by this bill.

A judicious exercise of the taxing power in these States would secure as good educational advantages as the other States enjoy. Heavy taxation for school purposes is the rule in twenty-two States. Insufficient taxation appears to be the rule in sixteen States. It is said that the sixteen Southern States were made poor by the war. It is said, also, that the slaves made free by the war and their descendants have educational claims upon these States, which their tax-paying people are unable, if not unwilling, to meet.

Whether or not it is the duty of the General Government to better the mental condition of those made poor by the war or their descendants is a question unimportant at this time to discuss. Upon this point it is sufficient to state that if the General Government is under obligation to educate the freedmen and their descendants this may be done without educating those who are neither freedmen nor the descendants of freedmen. That this bill intends to do more than to teach those who were slaves to read and write is shown by the fact that nearly sixteen million persons are entitled to share in its benefits, and of this number less than three million are emancipated slaves.

It is safe to say that one half of these slaves are beyond educating age. To appropriate money to educate this half is useless. The 1,655,149 illiterate white persons in the sixteen States have no educational claims upon the General Government. For their education their States should provide. The twenty-two Northern States provide amply for the education of 1,272,208 white illiterates, and also for their 46,191 colored illiterates. The schools in these States are open and free to all, white or colored, and if their illiterates do not learn to read and write the fault is their own and not that of the States. The bill in this respect is false, because, under a pretense of educating less than 1,500,000 of slave descendants, it aims at the education of over fourteen million persons whose claims to education are upon the States and not upon the General Government.

ARE THE FORMER SLAVE-HOLDING STATES POOR?

That the sixteen States were made poor by the war I admit. That they are poor now I deny. The census of 1880 shows their population to be 18,507,324. Their taxable values are $3,460,978,384; school taxes, $12,472,824. For school purposes their taxes are less than 68 cents for each man, woman, and child. The same census shows the population of the other twenty-two States to be 30,866,016; their taxable values, $13,214,399,739; school taxes, $59,028,918.

For school purposes the twenty-two States tax themselves over $1.89 for each man, woman, and child. Ohio school tax for 1880 is $7,707,630. The school tax for 1880 of the sixteen Southern States is $12,472,824. In 1880 Ohio paid more taxes for the education of her people than the sixteen Southern States, Missouri and Maryland excepted, paid in the same year for the education of their people.

In the same year Ohio taxation, upon a taxable valuation of $1,534,360,508, amounted to $25,756,658. The taxation for the same year in the sixteen Southern States, Maryland and Missouri excepted, upon a taxable valuation of $2,291,867,557, amounted to $42,552,136. Ohio white population is 3,117,920. The white population of the sixteen Southern States, excepting Missouri and Maryland, is 9,737,325. Need more be said upon this point? The district I have the honor to represent, according to the census of 1880, shows population 151,023; taxable valuation, $79,648,839. Compare this district with the population and taxable valuations in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and South Carolina:

	Population.	Valuation.
Alabama	1,262,505	$122,867,258
Arkansas	802,525	86,409,364
Georgia	1,542,180	239,472,599
Mississippi	1,131,597	110,528,129
North Carolina	1,399,750	156,100,202
South Carolina	995,577	133,560,135

These facts justify the belief that the States most to be benefited by this measure are more unwilling than unable to tax themselves for the support of a thorough and efficient system of common schools.

DISTRIBUTION OF THE SURPLUS MONEY.

There are those who say that the surplus in the Treasury ought to be distributed among the States. Some say for one purpose, some say for another. Better if this surplus was where it belongs, in the pockets of the people. More than ten thousand bills have been introduced into the Senate and House this Congress. How many of these bills propose to legislate the surplus out of the Treasury I am unable to state. That some of them do is a fact well known to the House and the country. Pass the one we are now considering and a few others and the surplus is gone. Distribute the surplus among the States, say many high in control.

The surplus revenue in 1836, they say, was distributed to the States. Why not distribute to the States the surplus revenue in 1887? My information is that in 1836 the surplus revenue was loaned to the States, and subsequently the loans were repaid. That some of the States used the money for educational purposes has nothing to do with the merits of the bill under discussion. The act of Congress authorizing the distribution did not specify the purpose for which the money should be used. The States were free to do with it as they pleased.

The history of the legislation in 1836 shows that the passage of the bill was resisted upon the ground that it was repugnant to the Constitution. The precedent is not binding, for it is lacking in principle. Whether or not the General Government may loan its revenues to the States is a question not involved in this debate. This bill proposes to make no loan to the States. The $77,000,000 it appropriates is an out-and-out gift to the States. If Congress has the power either to loan or give away the revenues of the Government, I am free to admit that my understanding of its constitutional powers are wrong.

The Constitution, as I read it, contemplates no surplus in the revenues. I know of no part of that instrument which authorizes the loaning of the public revenues. The Constitution makes no provision for getting rid of revenues by gift, or for returning it to the States or to the people.

GOVERNMENT EDUCATES FOR THE ARMY AND NAVY, INDIANS AND FREEDMEN, AND DONATES LANDS FOR EDUCATIONAL PURPOSES.

We are told that because the Government educates young men for the Army and Navy it ought to assist in teaching every illiterate person in the States and Territories and the District of Columbia to read and write. We are told, also, that the Government has given money to improve the minds and the morals of Indians and freedmen, and therefore it ought to give money to the States to aid them in maintaining their common schools. The policy of the Government respecting the maintenance of an army and navy is not to be considered when discussing the merits of this bill.

It is wanting in everything that is essential to make it a precedent, and as to principle, it has no place in this contention. If the friends of this measure would bring before the House the claims of Indians and freedmen upon the Government for the improvement of their mental condition, let them withdraw this bill and in its stead present one for that purpose only. If the Government has assisted Indians and freedmen to better their condition, a high duty it owes to these people has been partially performed. In the discharge of this duty there is neither principle nor precedent for the support of this measure.

Much is said about what the Government has done for some of the States for educational purposes. That lands have been granted to nearly one-half of the States to aid in the education of their people is true. Who will say that the grants of land made by the Government for educational purposes make a precedent which obligates the House to vote more taxation upon a tax-ridden people for educational purposes. This bill asks for no lands. Its demand is money.

If lands were sought in aid of education by States to whom none have been granted the grants made to the other States would be precedents supporting the claims. The other States have had no money from the Government for educational purposes. None of the States have had money help. They ask for none. There is, then, no precedent for the legislation proposed by this bill.

Mr. Speaker, we are told that this bill involves a problem of no ordinary magnitude. Let no one suppose that the problem, whatever it is, is solved by this bill. Legislative problems are not solved by unconstitutional or revolutionary methods. The problem, if such it be, may be easily solved by the States. No just solution is possible by the General Government. Ohio has 131,847 illiterates. This fact is humiliating at home, and equally so abroad.

The State is not at fault. The illiterates, themselves, are to blame. They could learn to read and write if they would. The schools are open to them, as they are to all others of school age. Still they will not attend. Laws have been enacted compelling attendance at school. Yet in the face of this legislation illiteracy exists. In a word, the illiterate population of Ohio, small as it is, will not attend school, and for this reason, and this reason only, it is unable to read and write. There is nothing in this bill inducing or compelling a single illiterate to attend school, or to educate himself to read and write.

Make the bill a law and the illiterates in Ohio will be illiterates still. Their number will not be one less, whatever the legislation of Congress upon the subject may be. What is said of illiteracy in Ohio in this connection may be said of each of the other Northern States. It may be said also of three if not more of the former slaveholding States.

What, then, will it profit the people of Ohio to make this bill a law? There is nothing to be gained. There is much to be lost. The people of Ohio are opposed to all interference, friendly or unfriendly, direct or indirect, in their educational affairs. In the educational work in that State her people need no help. This labor of love they would do themselves. In it every hand and every heart are joined. The educational system of Ohio is very dear to her people. They love their common schools. They made them. They maintain and control them. No better system of common-school education has been devised by the genius of man. There can be none more thorough, none more efficient. These schools are free.

All of school age, rich and poor, high and low, white and colored, are welcome scholars. The burdens they impose upon the tax-payers of the State are heavy, but they are cheerfully borne. Full $60,000,000 represent the value of school property in Ohio. Nearly $8,000,000 was the cost of mainfaining her common schools in 1880. Over 1,000,000 of the State's population are of school age. Upon the quiet hillsides and in the peaceful valleys of that State stand more than 13,000 school-houses. In these humble temples of learning assemble each school-day, for six to eight months in each year, the coming men and women of that great commonwealth.

Twenty-four thousand teachers are there to greet them, and the days are passed in teaching and in learning all that need be taught and learned to do life's ordinary duties usefully and well. No statement of what Ohio is doing for the education of her people would be complete if it omitted the fact that in the eighty-eight counties in that State there are over one hundred academies, seminaries, colleges, and universities, and to all these must be added many private schools of low and high grade.

What can Federal legislation do more, or better than this for the education of the people of my State? Untouched by Federal hands the common schools of Ohio will ever be, as they are, noble and grand institutions of that State. Federal interference, slight as it may be thought this bill proposes, can not promote their usefulness and may do much to mar their prosperity.

Of the common school system of my State I speak with more than ordinary pride. Excited somewhat I may be by the reflection that this system of education is the work of the political party with whom I have acted through life. A little more than thirty-five years ago the Democrats of Ohio made the organic law of that State. The educational foundations they laid broad, deep, and strong.

Upon them Democratic legislation reared the structure which now stands, admired wherever learning is valued and wherever the rule of the people has a friend.

Honest Elections—New England vs. Georgia.

SPEECH
OF
HON. JACOB H. GALLINGER,
OF NEW HAMPSHIRE,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 25, 1887.

The House having under consideration the report of the Committee on Elections upon the contested-election case of Page vs. Pirce, from the State of Rhode Island—

Mr. GALLINGER said:

Mr. SPEAKER: There has never been, in the history of this Government, a flimsier pretext upon which to unseat a Representative than is contained in the report of the majority of the Committee on Elections in this case. The sitting member [Mr. Pirce] received 1,751 more votes than his Democratic competitor, and 16 votes more than were cast for the combined opposition, including Democrats, Prohibitionists, Greenbackers, and scattering. Notwithstanding this it is proposed to declare the seat vacant, and to accomplish this outrage the gentleman from Georgia [Mr. TURNER], chairman of the committee, boldly proclaims that fraud and intimidation have been proven.

Just think of it. "Fraud and intimidation" in a Congressional election in New England, and the allegation made by a gentleman representing a district in which at the last election the aggregate vote cast was 2,418, only 7 of which were Republican! "Fraud and intimidation" in a New England election, and the allegation made by a gentleman from a State the aggregate vote of the ten Congressional districts of which was 27,553, or less than the average vote of a single Congressional district in the New England States!

"Fraud and intimidation," and the allegation made by a representative from a State that only a few years ago was Republican, but the citizens of which, at the last election, under a condition of things gradually brought about by Democratic election methods, cast only 1,960 Republican votes in the entire State! Surely the gentleman has not stopped to reflect upon the ridiculously absurd position he occupies in this discussion. When Georgia assumes to lecture New England in the matter of honest elections, then certainly it is time for us to seriously inquire into the facts, with a view of vindicating the truth.

But not only does the gentleman from Georgia charge, by implication at least, that the people of New England are bribers and bribe-takers—that they practice fraud and intimidation—but he makes the additional accusation of "bulldozing" against the Republicans of this particular Congressional district in Rhode Island. How strange that word sounds when applied to New England by men who, when popular government was overthrown in the South after the reconstruction period, had the reputation of not only understanding its significance, but likewise its practical value to the Democratic party.

What proof does the gentleman bring to sustain the charge? Only the fact that some of the manufacturers of the district remained at the polls during a portion of the day, and that one man who employed labor advised his men to vote the Republican ticket. That is the sum total of the offending that troubles the virtuous political soul of the gentleman from Georgia. Let us hope that the manufacturers of New England may never forget to exert themselves against the free-trade heresies of the Southern Democracy—heresies that, if enacted into law, would largely wipe out the industries of the North, and bring desolation to the busy cities and villages of New England.

The charge of "bulldozing" against New England is supremely ridiculous, and the effort to unseat a Representative upon an accusation of that kind would be laughable were it not likely, as in this case, to accomplish its purpose. When the South renounces all forms of election frauds, and gives every voter an equal right at the polls, then she may turn her attention to New England and find, if she can, practices deserving of condemnation; but so long as the existing condition of things continues in that section it does not lie in the mouth of any Southern Democrat to parade before the country charges of bulldozing against a community which knows the term only because of its proper and legitimate application to Southern election methods.

The gentleman from Georgia in endeavoring to bolster up the report of the Committee on Elections has seen fit to malign the character of the citizens of New England. I have no desire at this late day of the session to engage in a sectional discussion, nor to retaliate by telling in detail the true and familiar story of how Southern States, naturally Republican, have been transformed into solidly Democratic States by means of fraud, corruption, intimidation, bulldozing, and almost every conceivable crime, but when the gentleman says—and this is the purport of his language—that the men of New England are so lacking in manhood, so indifferent to their political rights, and so wanting in patriotism and honor, that they will yet demand pay for the time they lose in celebrating the Fourth of July, I feel bound as a citizen of New England, and one of its Representatives on this floor, to refute the slander.

It is nothing new for men of the South to sneer at the laboring men of the North, and to hold in contempt the toiling masses of New England, but it comes with poor grace for men whose patriotism, to-day, seems to be measured by the extent of the appropriations that are secured for their section of the country to impeach the virtue and integrity of those whose courage and valor helped to preserve the Union which the South tried to destroy, and to whose courage, valor, and magnanimity they owe the opportunity of occupying seats on this floor.

It is true that most of the citizens of New England earn their bread by the sweat of their brow; that their hands are hardened by honest toil, and that in a rigorous climate and with a sterile soil they have been obliged to be frugal to meet their obligations; but labor, however plebeian, never corrupted their souls nor lessened their love of liberty and justice. Neither political crimes nor repudiation ever stained the escutcheon of their States. Their ancestors, of the best blood of Old England, left comfortable homes to secure for themselves and their descendants both civil and religious liberty; and when oppression followed them here they were the first to rebel against tyranny. They have ever been jealous of the rights secured by the blood of the Revolution, and when bad men and unprincipled leaders have attempted to betray those rights they have been repudiated and overthrown.

I say to the gentleman from Georgia that New England invites the closest scrutiny of her elections. They are held in open day, in strict compliance with law, with the fullest opportunity for every vote to be cast and honestly counted. Her courts are open to the black and white man alike, to the poor and the rich, and to the minority party in politics as well as to the majority. Look through her whole history, and you will find no record of intimidation to voters, of oppression for opinion's sake, of midnight assassination, of fraudulent ballots, of suppression of votes, of complicated election machinery set in force to bewilder and disfranchise the weak and ignorant; and it is a matter of history that whenever a crime against suffrage has been attempted within her borders it has been at the instigation of the leaders of the party to which the gentleman from Georgia belongs.

It ill becomes the gentleman to impugn New England when he represents in part a State where elections are a mockery and a farce, and where the minority party has been terrorized into silence and almost blotted out. Why, in the entire State of Georgia, sending ten Representatives to this House, the opposition to the Democratic party at the last election, including Republicans and independents of all descriptions, was returned as casting only 2,083 votes, an average of less than 209 votes for each district.

To account for this phenomenal condition of things the gentleman says that at the last election some leading Republicans gave him their support, and that throughout the State the election was merely a "dress-parade" affair in honor of the Democratic candidates. It certainly is singular, if the gentleman's offensive allusion to New England is correct, that we fail to find in the North any State or district where a similar condition of things exists—where the dominant party utterly blots out the minority. He intimates that suffrage in New England is so corrupt—that her citizens are so destitute of patriotic impulses—that very soon they will have to be paid to celebrate the Fourth of July, and yet the simple and undeniable facts are that ten times as large a proportion of the voters of New England cast their ballots at the last election as did those of Georgia.

To show the difference between the North and the South in reference to suffrage, it is only necessary to look at the district represented by the gentleman from Georgia, where only seven Republican votes were cast, and at that represented by the gentleman from Massachusetts [Mr. COLLINS]. The latter is a hopelessly Democratic district, and Mr. COLLINS is accounted as acceptable to his Republican constituents as the gentleman from Georgia can possibly be to his. Massachusetts is a State where parties often merge in the personality of their candidates, yet in Mr. COLLINS's district, with all his personal following, with all the respect that his ability and industry have won, the Republicans polled 3,829 votes to his 11,201, and the entire opposition to him was over 4,000, or more than twice the entire opposition vote of Georgia.

In the State of Vermont, where Democracy grew faint waiting for a national triumph of its party, where the organization has sometimes been too poor to send ballots into all the towns of the State, and where election day is without solace to ambitious Democrats, the party mustered in the late Congressional election 13,831 votes in the two districts into which the State is divided, or nearly seven times the vote cast by the Republicans in the ten districts of Georgia. The Republicans of Vermont came to the polls as well. The total vote for Congressmen in the State was 48,473, or nearly twice the total vote in the ten Congressional districts of Georgia.

In New Hampshire, which is allotted only two seats in this House, the total vote for Congressmen at the last election was 76,993, or nearly three times the total vote for ten Congressmen in Georgia. In my own district, where it was generally conceded that a Democratic triumph was out of the question, 39,559 votes were cast, or more than one and a half times the entire vote in the ten Congressional districts of Georgia.

In this connection I have prepared a table showing the vote in every district of Georgia at the last election, and the vote in ten districts of New England, including the northern half—Maine, New Hampshire, and Vermont—and the State of Rhode Island, where suffrage is restricted by the State constitution. I find that in these ten New England districts there was cast at the last election 271,617 votes, or ten times as many votes as were returned in the ten Congressional districts of Georgia. In other words, it takes ten times as many votes to elect a Congressman in New England as in Georgia. I also find that in the ten New England districts the minority parties cast 122,065 votes, or about sixty-one times the vote of the minority parties in Georgia.

Yet there is hardly a district in Georgia that the Republicans, in a free and fair election, and with an honest count, do not stand at least an equal chance of carrying than do the Democrats of carrying any one of the New England districts used for this comparison. I invite attention to the following table and the deductions that can be drawn from it, and especially desire the gentleman from Georgia, who talks so flippantly about the indifference of the voters of New England to the privileges of the elective franchise, to give it a careful and conscientious study:

Vote for Congressmen in the ten Congressional districts of Georgia in November, 1886.

Districts.	Republican.	Democratic.	Scattering.	Total.
First	17	2,061	.....	2,078
Second	7	2,411	.....	2,418
Third	.....	1,704	.....	1,704
Fourth	330	2,909	.....	3,239
Fifth	1	2,999	.....	3,000
Sixth	1	1,722	.....	1,723
Seventh	1,537	5,043	100	6,680
Eighth	33	2,322	23	2,378
Ninth	27	2,355	.....	2,382
Tenth	7	1,944	.....	1,951
Total	1,960	25,470	123	27,553

Vote for Congressmen in ten Congressional districts of New England in November, 1886.

Districts.	Republican.	Democratic.	Scattering.	Total.
First Maine	15,625	14,299	1,120	31,044
Second Maine	18,240	11,811	3,929	33,980
Third Maine	17,994	13,003	755	31,752
Fourth Maine	17,240	13,666	685	31,591
First New Hampshire	18,165	18,370	899	37,434
Second New Hampshire	19,715	18,549	1,295	39,559
First Vermont	15,632	5,655	264	21,551
Second Vermont	18,685	8,176	61	26,922
First Rhode Island	3,517	2,372	747	6,636
Second Rhode Island	4,849	5,426	983	11,258
Total	149,662	111,327	10,738	271,727

An analysis of the table gives the following startling and instructive facts:

Total vote in the ten Congressional districts of Georgia	27,553
Total vote in ten Congressional districts of New England	271,727.
Total Republican vote in the ten Congressional districts of Georgia	1,960
Total Democratic vote in ten Congressional districts of New England	111,327
Total opposition vote to the Democratic party in the ten Congressional districts of Georgia	2,083
Total opposition vote to the Republican party in ten Congressional Districts of New England	122,065
Total opposition vote to the Democratic party in the ten Congressional districts of Georgia	2,083
Third party and scattering vote in ten Congressional districts in New England	10,738
Total vote in the ten Congressional districts of Georgia	27,553
Total vote in the second Congressional district of New Hampshire (Mr. Gallinger's)	39,559
Total vote in the second Congressional district of Georgia (Mr. Turner's)	2,418
Total vote in the second Congressional district of New Hampshire (Mr. Gallinger's)	39,559
Total vote in the ten Congressional districts of Georgia	27,553
Total vote in the two Congressional districts of New Hampshire	76,993

Surely the gentleman from Georgia will not fail to find in these facts and figures food for sober reflection. They certainly furnish indisputable evidence that his slurs and innuendoes, aimed at New England, ought to have been applied to his own State. One of two things is absolutely certain: Either the voters of Georgia are not allowed to exercise the right of suffrage or there is an alarming decadence of interest in the matter throughout the State; and the figures conclusively show that there is a strong probability that in the near future either every voter of the State will have to be paid to vote or there will be no voting at all, while the matter of celebrating the Fourth of July by citizens who are not patriotic enough to vote at a Congressional election is a contingency quite too remote to be taken into account at all.

If the voters are not allowed to vote, then all talk about fraud and intimidation in the North should cease, while if the smallness of the vote is due to indifference as regards the suffrage, then surely the energies of the gentleman and his colleagues should be employed to bring about a different state of affairs. When only one voter in ten goes to the polls (supposing they are permitted to do so) there is certainly an

apathy that bodes no good to the Republic—an apathy that, unless corrected, may again estrange the State from the Union and bring about a renewal of the controversies of a quarter of a century ago.

Thank heaven, New England is not responsible for Hamburg, Danville, or Copiah, or for the recent outrages that have driven from their homes in Texas well-known citizens of that State simply because they were Republicans. Thank heaven, New England is not responsible for the tissue-ballot frauds, the multiple-box scheme, the false counting, the threats, intimidations, and political murders that more than one Southern man has defended on the ground that they were necessary to keep the South solid for the Democratic party. Elections in New England have always been conducted fairly. No voter, black or white, rich or poor, foreign-born or native, has been denied his right or driven from the polls. Proud of her magnificent system of town government, proud of her schools and her churches, her mills and her homes, and proud alike of the fairness of her elections, she stands to-day as the best illustration of an enlightened and progressive republicanism. Men may sneer at her on this floor or elsewhere, but her achievements are too well known to need eulogy from me. Secure in the glory of her fame she will withstand all attacks upon her integrity and loyalty to the right.

Rhode Island is a small State. She has but two Representatives on this floor, and it is proposed to deprive one of them of his seat. But while small in area and population, the hum of the industries of Rhode Island is heard around the world, and every State of New England is distinguished for thrift, enterprise, and prosperity.

Nestled among the hills—with a rough soil and cold climate—is the little State of New Hampshire. A good State, many say, to emigrate from. Yet so long as the Merrimack continues to carry more spindles than any other river in the world, so long as the savings banks of the State can show nearly $50,000,000 as the surplus earnings of her common people, so long as her churches and schools and homes will favorably compare with any to be found in the world, so long as her judiciary remains incorruptible and her elections are untainted by fraud, just so long will the Old Granite State have reason to be proud of her name and her fame. It was Homer, I believe, who said of Ithaca, "Rugged are her hills and sterile is her soil, but she is the nursing mother of great men."

And so with a sterile soil and rugged hills New Hampshire can point with pride to Daniel Webster, Salmon P. Chase, William Pitt Fessenden, Horace Greeley, John A. Dix, Zachary Chandler, John P. Hale, Levi Woodbury, Lewis Cass, Franklin Pierce, and a host of other illustrious men as specimens of her productions.

It is being claimed in certain quarters that the South of to-day is a "New South," and that New England is governed by prejudice toward her. Let us hope that a new light has burst upon the Southern States, that the wrong of secession and the crime of rebellion are at length to be acknowledged, that the fundamental and vital principles of constitutional government are to be exemplified in the free and fair exercise of the elective franchise, and in the recognition of the universal brotherhood of man. New England will hail such a change. But that change never will come in fact so long as a portion of her vote is suppressed, and a large percentage of her people are kept in political slavery. That change can only come through a repudiation of all wrongful election methods, all devices to cheat and defraud the voter, all schemes of disfranchisement and persecution for opinion's sake. When it comes in reality, when the worship of Jefferson Davis and the confederacy is laid aside forever, then New England will gladly welcome the New South, and with hope and pride point out to her the grand possibilities and magnificent achievements that lie in her path.

But it must be a new South in fact as well as in name, and not a relic of the South of ante-bellum days. God speed the time when the new South of the eloquent Grady will repudiate the South that avails herself of 30 votes in the electoral college and 30 votes on this floor, which represent a constituency living under the despotism of political hate, and practically denied the exercise of the suffrage upon which is based the right of this representation, and through which the election of a Democratic President and Democratic Congress was made possible in 1884.

New England only asks that the South shall imitate her fair and honorable election methods, and that Southern men on this floor shall not attempt to hide from view the wicked political practices of their own section by making accusations against New England or the North which every well-informed man knows to be incorrect and unjust. If a Representative from any district of New England is to be unseated, let the issue be made upon the facts developed in that particular case, rather than to be made an occasion for sweeping condemnation and denunciation of a section of the country where election frauds are never justified, and where every voter is given the utmost facility to express at the ballot-box his individual preference. That is all New England asks, and for that right New England will contend here and elsewhere, no matter who her accusers may be. Her voice will ever be raised in advocacy of honest elections in every State of the Union, believing, as she does, that the suppression of the right of suffrage in the South is a blow at the very fundamental principles of our Government, and a wrong that, unless righted, will endanger the perpetuity of the Republic.

Death of Hon. Abraham Dowdney.

REMARKS
OF
HON. PETER P. MAHONEY,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 8, 1887,

On the resolutions of respect to the memory of the late Hon. Abraham Dowdney, a Representative in Congress from the State of New York.

Mr. MAHONEY said:

Mr. SPEAKER: It would be very much against my desires were this occasion to pass without at least a word or two from me regarding the man whose life and character we are considering to-night. I had known him for many years, and had learned to admire his character as one full of sincerity, unaffected simplicity, determination of purpose, and honesty of intent, which could not fail to appeal to the appreciation of all with whom he was brought in contact.

His kindness of heart was proverbial. Nothing pleased him more than to be able to perform a good act, and to do it in his own unassuming way, without noise or self-acclaim. He took a deep interest in the educational affairs of New York city, and by his painstaking and persistent attention to this subject did much to promote the excellent educational facilities now enjoyed in the metropolis.

He was a man of intense conviction, and possessed a mind capable of dealing with questions in a broad and comprehensive sense. There was no smallness in his nature. In his business relations he was plain, direct, and scrupulously conscientious; while in the domestic circle he was loved and honored as a devoted husband and parent.

Here in Congress Mr. Dowdney was esteemed for his carefulness, his conservatism, and his attention to duty. His was in every sense a manly character, beautiful in many of its attributes, always just, always frank and sincere, always kind and generous. If the record of a life fragrant as this with worthy aspiration and good deeds and generous intent be claim to rest and happiness hereafter, then they are his forevermore.

Veto Message—Simmons W. Harden.

SPEECH
OF
HON. ARCHIBALD J. WEAVER,
OF NEBRASKA,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1887.

On the bill (H. R. 1406) granting a pension to Simmons W. Harden—

Mr. WEAVER, of Nebraska, said:

Mr. SPEAKER: At the outset in this case, and as a good and sufficient reason why this bill should be passed, the objection of the President to the contrary notwithstanding, I will send to the clerk the veto message of the President and the unanimous report of the Committee on Invalid Pensions, and ask that each be read. This report which I send to the desk is numbered 3204, and contains the veto message, the report of the committee recommending the passage of the bill over the veto, and the act as it passed the House and Senate.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 1406) granting a pension to Simmons W. Harden, submit the following report:

The objections of the President are set forth in his message (Ex. Doc. 252), which is as follows:

To the House of Representatives:

I hereby return, without approval, bill No. 1406, which originated in the House of Representatives, and is entitled "An act granting a pension to Simmons W. Harden."

The claimant mentioned in this bill enlisted as a private December 30, 1863, and was discharged May 17, 1865.

He filed an application for pension in 1866, in which he alleged that he was injured in the left side by a fall from a wagon while in the service.

In 1880 he filed another application, in which he claimed that he was afflicted with an enlargement of the lungs and heart from overexertion at a review. His record in the Army makes no mention of either of these troubles, but does show that he had at some time during his service dyspepsia and intermittent fever.

The fact that fourteen years elapsed after he claimed to have been injured by a fall from a wagon before he discovered that enlargement of the lungs and heart was his real difficulty is calculated to at least raise a doubt as to the validity of his claim.

The evidence as to his condition at the time of enlistment, as well as since, seems quite contradictory and unsatisfactory. The committee to which the bill was referred report that "the only question in the case is as to his condition at time of enlistment, and the evidence is so flatly contradictory on that point that it is impossible to decide that question."

Notwithstanding this declaration it is proposed to allow him a pension of $16 a month, though he has survived all his ailments long enough to reach the age of seventy-two years.

I think, upon the case presented, the action of the Pension Bureau overruling his claim should not be reversed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1886.

It appears from the papers submitted to your committee that Simmons W. Harden enlisted in Company L, First Iowa Cavalry, December 30, 1863, and was discharged May 17, 1865. On the 23d day of July, 1866, he filed an application for a pension, alleging "that on the 25th day of March, 1864, while dipping water from the Mississippi River for the use of the company he was standing on the spoke of the wagon wheel and fell on his right side on the tire of the wheel. It was a cold day—as fast as water was spilled on the wheels it froze, causing him to slip. He was so disabled that he was sent to the post hospital at Davenport, March 30, 1864, where he remained eleven days. He was then sent to his company and detailed as cook, which duty he performed until he was discharged, with the exception of the time from March 1, 1865, to May 16, 1865, during which time he was in Overton hospital, Memphis, receiving treatment for this injury." Subsequently, in June, 1880, he filed a supplemental declaration, alleging that at Little Rock, Ark., on the 24th day of June, 1864, his company was dismounted and marched on double-quick two miles, causing him to become overheated, and resulting in enlargement of the heart, producing organic heart trouble, pain and palpitation of the heart, fullness in the cardiac region, excessive and great nervousness, and frequent unconsciousness.

The following is a complete summary of the evidence on file in the case:

Dr. D. C. Hastings testifies that he was personally acquainted with claimant from 1835 till enlistment, and that he was during all that time free from disease.

A. D. Hastings testifies that he knew claimant for the seven years prior to enlistment, and that he was sound.

E. A. Harden testifies to prior acquaintance with claimant, and to his soundness at enlistment.

W. H. Keeling testifies that he became acquainted with him in 1861, and in the winter of 1861 and 1862 he employed him to take recruits from Quasqueton to Dubuque when the railroads were blocked with snow, and from the nature of the service knows that he must have been a stout, healthy man. He met him again in 1863, and saw nothing to lead him to suppose he was not a sound man.

David Swartz and Felix Kitch testify as to his soundness at time of enlistment, and that on March 25, 1864, while standing on the hub of the wheel of a wagon, while getting water for his company, he fell, striking on the top of the wheel, causing severe injury; also that at Little Rock, Ark., June 24, 1864, he became overcome with heat from marching two miles on double-quick, injuring him so as to unfit him for duty, and rendering it necessary to send him to the hospital. Subsequently, in answer to an office letter, this witness says he knows positively that claimant was so overcome with heat that he fell in a fit, and was thereafter unfit for duty; that he, witness, and another comrade caught him as he fell; that afterwards he complained of his lungs, was unable to wear a belt, and was detailed as cook. C. S. Newell, another comrade, testifies to claimant's being overcome with heat as claimed.

George M. Minkler testifies that in December, 1863, we enlisted together in the First Iowa Cavalry; had known him for several years, and his health was good, and he could do any kind of manual labor. I never knew him to suffer from sickness until the 24th of June, 1864. At that time we were marching from Fort Cotton to the arsenal grounds, 2 miles east of the fort, at Little Rock, and when we formed into line he was suddenly taken sick and almost fainted. David Swartiel and I caught him in our arms and had to hold him up. We requested him to go to hospital, and, if I remember right, we accompanied him to the hospital. I thought at the time that he had a sunstroke. He was on the sick list a long time, and was cupped and blistered several times. From that time he was never fit to do a soldier's duty. He could not ride on horseback nor wear a belt. He was detailed to do light work, cooking for the mess, &c.

R. W. Bodell testifies that he went with claimant to enlist; that both were stripped naked and passed as sound, which he believes they both were at that time.

William Miller, another comrade, testifies that he knew claimant intimately from 1856, living within 40 rods of him, and boarding for a long time at his house; knew him to perform all kinds of hard labor; the country was new at that time, and he did a great amount of chopping and logging; knew him to be sick in service; visited him in hospital in Memphis; would not be positive what he was treated for, but think it was some kind of heart disease.

J. M. Simerol, lieutenant of the company, testifies as to the incurrence of sunstroke, and his subsequent unfitness for general duty; that he remained with the company and did such light duty as he was able to do until March 1, 1865, when he was sent to hospital, and remained until May 17, when he was discharged.

A. G. Hastings testifies that claimant was an able-bodied man at time of enlistment, and that since his discharge he has been unable to perform manual labor, and that he is now wholly disabled from earning his support.

Dr. D. C. Hastings testifies to treatment for heart disease from soon after discharge until 1867.

Dr. E. M. Wilson testifies that he is well acquainted with claimant, and that he has suffered with heart disease ever since discharge.

Emily Summers and Emerson Harding testify that claimant was absolutely free from any heart disease at time of enlistment and has been affected ever since discharge with that disability.

Thomas Lore testifies that claimant has been unable to perform any manual labor since 1870.

H. B. Grable testifies that he has known claimant since 1872, and that he has been unable to perform any manual labor.

A. G. Hastings, E. A. Harden, Felix Kilet, and G. G. Newell testify that claimant has been unable to do any manual labor since discharge on account of heart disease. The examining surgeon at Independence, Iowa, reported June 30, 1867, that he is three-fourths disabled from heart disease.

The examining surgeon at Fall's City, Nebr., reported September, 1881, that he was one-half disabled from same disability. A subsequent examination at Pawnee recommended a third of a third grade pension for same cause. The adverse testimony is as follows:

E. W. Hastings testifies that claimant was troubled in breathing when overworked before he enlisted.

H. G. Chamberlain testifies that he had heard that claimant had heart disease before enlistment, but that his memory is not clear in the matter.

A. P. Bunhus testifies that claimant was sound at enlistment, and he did not hear him complain of heart disease until 1867.

W. F. Wallace testifies that he did not consider him fit for service at enlistment, and that he never performed much duty. (Special examiner says this witness is unreliable.)

Hugh Henry testifies that claimant complained before enlistment of his heart fluttering when he overworked; that he had seen him frequently when he would be short of breath after getting excited.

The special examiner in the case reports that he is reliably informed that Dr. Hasting's reputation is not good.

The special examiner closes his report as follows: "From the evidence before me, and the impressions I have formed of the honesty and reliability of the claimant and his witnesses, I am of the opinion that the claim is meritorious."

From the evidence submitted it would seem to be clearly proven that this man, nearly fifty years of age when he enlisted, was at that time able to do all kinds of hard manual labor; that he received an injury and a sunstroke in the service, and was ever after unable to labor for his subsistence; that the disability has continued ever since, and that he is now, at the age of seventy-two years, destitute and dependent on friends for support. That he was suffering at discharge, and has suffered ever since, from heart disease is well established. It would seem that a pension can only be denied him on the theory that the disease existed at the time of enlistment.

The act of March 3, 1885, provides "that all applicants for pensions shall be presumed to have had no disability at the time of enlistment, but such presumption may be rebutted." This, in the judgment of your committee, has not been done. Only three witnesses testify on this point, and they say that when overworked or excited he was short of breath. How many members of this body could work earnestly at hard manual labor for an hour without being affected in the same way? Nearly a dozen witnesses testify positively that he was not only able, but did perform the most arduous labor prior to enlistment. When the Government accepted this man its chosen agent stripped him and, giving him a thorough examination, pronounced him sound. After seventeen months of service they discharged him, broken down and unable to earn a livelihood, and now, after writing twenty years, he is denied the pittance which would enable him to eke out a scanty subsistence upon the petty evidence that when he overworked or got excited he seemed troubled with shortness of breath. It is contemptible for a rich and powerful Government to interpose such a trivial plea to avoid the payment of a small pension to a man who cheerfully offered his life in its defense.

Your committee therefore recommend the passage of the bill, the President's veto to the contrary, notwithstanding.

[H. R. 1406, Forty-ninth Congress, first session.]

An act granting a pension to Simmons W. Harden.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Simmons W. Harden, late a private in Company L, First Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws, at the rate of $16 per month.

Mr. Speaker, the House having heard the report of the committee on the message of the President vetoing the bill, as a preliminary statement in this case I desire to call attention to the frequent assertion of the public press "that this special legislation on behalf of soldiers is political capital made use of by Congressmen to enhance their chances of a return to the Halls of Congress," and to deny the truth of the charge.

Of the bills I have introduced to grant pensions to my constituents where the claims had been rejected by the Pension Office, three have received the favorable consideration of the House and Senate; and of these three two were for Democrats.

I have introduced as many bills for soldiers that I have never seen and who never lived in my district nor in my State as for soldiers that live in my district.

Whenever a rejected case has been presented to me, the proof in which, in my judgment, would sustain a favorable finding, I have introduced a bill to the end that the case might be fairly considered. I have never made the inquiry as to whether the soldier was a Democrat or a Republican.

If time and pressure of business were an element that was to determine as to whether I should act for a constituent or one residing out of my district, where one only could be served, I have no hesitancy in saying that I would give preference to my constituent; yet I have always found time to give attention to every call that has come from any soldier in the whole country, and while I live I pray God to give me sufficient gratitude for the preservation of this nation to never turn my back upon its defenders.

Now to the case under consideration. I do not think that this is an occasion for throwing mud at the President of the United States from this side nor for an effort on the part of the other side to sustain him without regard to whether he is right or wrong.

I challenge the attention of this House to the facts in this case as reported by the committee, and especially invite the House to notice that of all this long and exhaustive report—all of which tends to show that this soldier is entitled to a pension—the President singles out one isolated sentence, which sentence is modified by the same paragraph, and tearing it loose from everything else because it seems to make against the old soldier, rests his whole judgment upon this sentence and places his seal of condemnation on this claim. Why did not the President, who draws as much salary for one day while recruiting at Deer Park or down the Potomac as is proposed to grant this old soldier on which to subsist for a whole year, call attention to that part of the report of the committee which says "until he received his injury" in the Army, "there is no record or evidence that he was in any way disabled," or that part which says "the case is a strong one with the exception of the doubt as to soundness at time of enlistment," and that "your committee believing the old soldier should have the benefit of the doubt recommend the passage of the bill?"

Why did not this immaculate man of destiny speak of the uncontradicted testimony of Lieutenant Simeral and William T. Wallace, who say that this old soldier, dismounted, after a forced march of two miles through the heat at Little Rock, Ark., was thereafter unfit for duty; or, of D. S. Levastrel, who says that after this forced two miles run the old man fell in a fit; that he and another comrade caught him as he was falling; that he was taken to the hospital, and was thereafter unfit for any duty.

At the time of this forced march of two miles through the midday heat of a July sun, this old veteran was older than President Cleveland is

to-day; and I venture the assertion that if the Executive who wrote the veto were required to make one trip on double-quick, from the Capitol to the White House, which is only one mile, and then read this report he would say that we have a good case—that is, if he had breath enough left to say anything; but one thing sure, under such a test, he never would sign the veto.

It is agreed by the committee and fully established by the proof, and no conflicting testimony on this point, that when this seventy-two-year-old veteran was discharged he was broken down and unfit for service, and the Government ought to be estopped from gainsaying this point because he was discharged for disabilities which rendered him unfit for the service; and now, Mr. Speaker, the only ground on which this claim can be rejected is the possible unsoundness of the soldier at time of enlistment. And upon this point the testimony preponderates strongly in favor of prior soundness.

The only physician who testifies in the case, and who was the family physician of this man from 1855 to the time of enlistment, says the soldier was sound, and others support this statement by testifying to the ability of this man to constantly follow the occupation of farming and to daily perform a full day's work.

The testimony of the two witnesses who say they had heard the old man complain before going into the war is entitled to no weight, because if true it amounts to nothing, and like testimony could be procured against nine-tenths of the soldiers who fought in the war, and especially when procured by special agents who conceive it to be their duty to find adverse proof to the end that their services may be made apparent in the protection of the Treasury. This *ex parte* gossip should go for nothing, and this old soldier should be given a pittance for bread and clothes for the short time he may have to live.

Who, save Grover Cleveland, would attempt to say that if this question were to turn upon a doubt that the doubt should not be solved in favor of this old soldier?

Now, sir, one special examiner said that the claim is meritorious, and the committee of the House said the same and the House approved of it; the Senate committee say it is meritorious and the Senate approves of the finding, and only the President fails to concur.

The judgment of this people has not always been in accord with the views of Grover Cleveland—not in accord with him when he said by his veto there was no relief against the thieves that were running the elevated railroads in the city of New York, nor when he said that the coinage of silver should be discontinued, and I trust this House will have the courage to do justice in this case regardless of the views of the President.

This claimant was voting the Democratic ticket before Grover Cleveland was born, and has voted it to this day; and while this is only an evidence of a want of early training and an education, yet I feel that this ought to be overlooked by the Democratic majority in this House who should join the Republicans in doing justice to this old soldier.

Mr. Speaker, during the first session of this Congress the President of the United States vetoed more than one hundred individual pension bills for the relief of poor disabled soldiers whose services contributed to the preservation of this great and glorious nation and made it possible for Grover Cleveland to become the chief executive of our undivided country; and now to give full proof of his loyalty to the moneyed aristocracy of this country and his contempt for the twelve hundred thousand surviving soldiers whose valor and patriotism has been attested upon a hundred battlefields he places his seal of condemnation upon the general pension bill "for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support."

Mr. Speaker, the opposition to this just measure does not come from the honest, hard-working masses of this country, but from those who, when the battles of our country were being fought, were coining money out of blood—who have amassed uncounted millions out of speculations in Government securities at a time when the nation's life had to be saved at great sacrifice.

The President in his message says:

> I can not but remember that the soldiers of our civil war, in their pay and bounty, received such compensation for military service as has never been received by soldiers before since mankind first went to war.

What is this but a suggestion that the soldiers of this country have received all they are entitled to; and this brings us to an inquiry as to what has become of the revenues of this nation for the last twenty-five years? The President says 2,772,408 soldiers were engaged in the war, and the Commissioner of Pensions says that there has been paid out in pensions $765,092,640, which, if distributed among the whole soldiery, would be less than $275 each, while the bondholders in interest alone have received $2,205,019,419.19, seven times as much for interest as has been paid the two and one-half million of soldiers, but money is more sacred than flesh and blood, and the patriots who staid at home to save the country and take advantage of her distress have received not only all they contracted for, but new laws have been made that legislated into their pockets hundreds of millions to which there was no shadow of claim.

To show more fully the actual situation and relation of the bondholders and soldiers to the public Treasury I here quote from a speech made by myself in this House on the 27th of February, 1886:

> Now, Mr. Speaker, for an answer to the inquiry as to whether or not the bondholders have had more or less than what they are entitled to by the law under which the Government became obligated, let the facts bear witness and attest to the wrongs that have been inflicted upon the people and the favors that have been extended to the bondholders by a failure to execute the law in the first instance, and in the second instance by Congress yielding to the importunities and influence of the bondholders and passing the law of 1869 which pledged the faith of the Government for coin in the discharge of this indebtedness.
>
> Up to that time legal tenders, commonly known as the greenbacks, was lawful money for the discharge of the bonded obligations of the Government, and no one could plead a want of knowledge of this fact, because written upon this circulation, on each and every dollar, we find "This note is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt."
>
> This was the money that paid for the bonds when gold ranged from $1.17½ to $2.18. From 1862 to 1866, inclusive, the price of gold in greenbacks was:

1862	$1 17½
1863	1 47½
1864	2 18
1865	1 81
1866	1 46

> During the five years, on an average, it took $1.62 in legal tender to buy $1 in gold, so that on an average for all these years $100 in gold, by first converting it into legal-tender notes, would buy $162 in bonds, and this is the way in which the bonds were bought—bought with greenbacks and were payable in the same money; and yet not a dollar in greenback currency was ever paid in discharge of bonded indebtedness, and notwithstanding the greenback had paid for the bonds and paid the Army of more than two and one-half millions of soldiers who saved both the country and the bonds and had greatly appreciated in value since the purchase of the bonds, yet the rapacity of this species of pediculi that has been sucking the blood of the nation (the bondholders) was not satisfied until the passage of the act of 1869 pledging the Government to the payment of the bonded obligations in coin. By this wicked and unpatriotic legislation from twenty to thirty cents on every dollar of bonded indebtedness was legislated into the pockets of the bondholders and out of the pockets of the tax-payers of this country, because at the time of this legislation the greenback dollar would buy only about 70 cents in coin.
>
> One would suppose that the national devil-fishes, with whose tentacles has already been clawed out of the national Treasury several hundred millions of dollars by the legislation of 1869 without any consideration received on the part of the Government, could see it to their own interest to rest content with the one grand larceny so successfully consummated, lest by their continued efforts to absorb all the national revenues by making money scarce they might so paralyze the hands of industry as to make doubtful the ability on the part of the Government to pay their continued exactions; but their greed seems to have no limit.
>
> We are constantly reminded of the great drain upon the national Treasury by the payment of such immense amounts of pensions to our soldiers, but the amount paid in pensions is comparatively small when compared with the amount that has been paid to the bondholders.
>
> There has already been paid to the bondholders four times the amount of money that has been paid to the soldiers, their widows and orphans, as may be seen by the report of the Commissioner of Pensions.

Year.	Pensions.	Interest.
1862	$852,170 47	$13,190,344 84
1863	1,078,513 36	24,729,700 62
1864	4,985,473 90	53,685,421 69
1865	16,347,621 34	77,395,090 30
1866	15,605,549 88	133,067,624 91
1867	20,936,551 71	143,781,591 91
1868	23,782,386 78	140,424,045 71
1869	28,476,621 78	130,694,242 80
1870	28,340,202 17	129,235,498 00
1871	34,443,894 85	125,576,565 93
1872	28,553,402 76	117,357,839 72
1873	29,359,426 86	104,750,688 44
1874	29,038,414 66	107,119,815 21
1875	29,456,216 22	103,093,544 57
1876	28,237,395 69	100,243,271 23
1877	27,963,752 27	97,124,511 58
1878	27,137,019 08	102,500,874 65
1879	28,121,482 59	105,327,949 00
1880	56,777,174 44	95,757,575 11
1881	50,059,279 62	82,508,741 18
1882	61,345,193 95	71,077,206 79
1883	66,012,573 64	51,436,709 50
1884	55,429,228 66	47,926,432 50
1885	65,733,094 27	47,014,133 00
Total	765,092,640 18	2,205,019,419 19

> In addition to the interest, $389,054,445 has been paid upon the principal, so that the account stands thus:

Total amount paid to bondholders	$3,094,073,864 19
Total amount paid to pensioners	765,092,640 18
Excess paid bondholders over pensioners	2,328,981,224 01

> The soldier was paid for his services when it took on an average during the war $1.62 in greenbacks to buy $1 in gold, but while the greenbacks saved the country and bought the bonds it was not good enough for the privileged class, and was in 1869 actually demonetized so far as being applicable to the bonded indebtedness is concerned, and then for the first time the nation was pledged to pay coin.
>
> And again by the act of 1870 the national debt was refunded, and again the bondholders exacted a pledge at the hands of the Government that the bonds should be paid in coin of the standard value prescribed by the act of July 14, 1870, and to the end that no one should be able to gainsay the fact, upon the face of the bond was written the pledge of the Government to pay both the interest and principal in coin of the standard value of the United States of July 14, 1870.
>
> Our silver dollar was an unlimited legal-tender then, and is now, and contained the same amount of silver with the same degree of fineness then as now; yet for all these years not one dollar in silver has been paid the bondholders, while the

Secretary of the Treasury is constantly complaining that the vaults of the Treasury are overloaded with silver dollars, and this in the face of the fact that more than one hundred and ninety-four millions of the national debt are option bonds and drawing interest, and can be paid at the pleasure of the Government, and are payable in silver coin of the present standard.

From this state of facts what should be the judgment of the country upon this kind of management?

It should be what it is, that the conspiracy of the bondholders to make a second raid upon the Treasury by repudiating the written contract and demonetizing silver, and thus double the value of the bonds, is being aided and abetted by the Secretary of the Treasury.

Mr. Speaker, there is no use of trying to cover up the actual situation. The President of the United States, in the matter of pensions, is in absolute harmony with the solid South. Look at the vote on the question of passing the general pension bill over the President's veto and you see at once that, with the President against the soldiers, it is absolutely impossible to have legislation in favor of the Union soldiers, because the solid South is always more than one-third of the vote upon this floor.

As shown by the vote upon this floor, in all these pension bills, where the test has been as to whether or not the bill should be passed over the President's veto, every bill would have passed not only by a two-thirds vote, but by a three-fourths vote, if we exclude the vote of the recent confederacy; yes, the general pension bill would have passed over the President's veto, if we could exclude only the vote of those who served in the confederate army.

The soldiers who kept the country together are now, by the aid of the President, in the power of those who fought to destroy the Union. This is the simple, plain fact, and the responsibility rests with Grover Cleveland.

The Mexican pension bill was a movement for the solid South, where nearly all the beneficiaries of this bill reside, and while its provisions are twice as broad and liberal as the provisions in the bill for the soldiers of the civil war, yet the President gives this measure his approval. When we come to money matters the President and his Secretary of the Treasury are with the Wall-street brokers. I only have to call attention to the effort on the part of the President and his Secretary to discontinue the coinage of silver and retire the $346,000,000 of non-interest-bearing greenbacks to prove this. The people of this country will have an opportunity to express their opinion of the action of the President and this administration in 1888.

Agricultural Experiment Station.

SPEECH

OF

WILLIAM W. GROUT,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1887.

On the bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. GROUT said:

Mr. SPEAKER: The Legislature of the State which I have the honor to represent in part on this floor at its recent biennial session adopted the following joint resolution relative to the bill now under consideration, which I will thank the Clerk to read.

Resolved by the senate and house of representatives, That—

Whereas there was introduced at the first session of the Forty-ninth Congress a bill, commonly known as the "Hatch bill," and entitled "A bill to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplemental thereto;" and

Whereas said bill is still pending before Congress: Therefore,

Resolved, That our Senators and Representatives in Congress are respectfully requested to lend their aid and influence to secure the passage of the said bill.

Resolved, That a copy of these resolutions be forwarded to each of the Senators and Representatives in Congress from this State.

JOSIAH GROUT,
Speaker of the House of Representatives.
LEVI K. FULLER,
President of the Senate.

Mr. GROUT. This resolution expresses the sentiment of a people engaged largely in agriculture; a people who inhabit a tract of land the original fertility of which drew to it a hardy set of pioneers in the latter half of the last century—immediately upon the close of the French and Indian war. Hence much of this land has been under cultivation something more than a hundred years, and as the result of that wasteful husbandry—I mean wasteful of the resources of the soil—incident to all new countries, it is a fact, sad but true, that the green hills of Vermont are not now as green as once they were.

A hundred years and more of constant cropping, with no adequate return of the elements of plant food to the soil, has sapped much of it of a great share of its original fertility. Especially is this true of the hill-sides and the hill-tops. The bottoms and the hollows, not a large portion of the whole area of the State, are in better condition, but still somewhat worn. In short, the time has come in the history of Vermont farming when if there is anything in agricultural chemistry the Vermont farmer needs the benefit of it. The time has come when a hap-hazard system of cropping and of fertilizing for the crop bring results altogether too uncertain for successful husbandry. And what is thus true of Vermont is equally true of all New England and of the Middle States also, and, in fact, of the whole Atlantic seaboard, from Maine to the Gulf of Mexico. Not only this, but it is rapidly becoming true of the newer States throughout the great West.

In all the older portions of the country the time has come when the problem is no longer what it was when the soil was first brought under cultivation, and was still loaded with that rich mold which the vegetable growth and decay of centuries had left upon it. Then the planting and the harvesting were the only conditions of the crop. Now the question of fertilization has become a leading one, and involves not only the inquiry of how most completely to save the waste from the farm and transfer it without loss of quality to the soil, but how to supplement this home-made fertilizer with such commercial elements as may be necessary to produce in perfection a given crop; or perchance to supply the particular ingredients in which the soil may be wanting, and fit it for a profitable production of all crops.

Now, this is the great question to-day with the tillers of the soil in all the older States of the Union; and in undertaking to solve this question they pay millions of dollars every year for commercial fertilizers. And right here a question arises which is vital not only to the farmers but to the whole country, for if the farming industry suffers every other industry suffers with it; and that is, is this vast outlay profitably made? The answer to this question depends upon whether it is understandingly made; whether it is made with special reference to the necessities of the soil. It depends, for instance, upon whether that soil requires nitrogen, nitrate of sodium, potash, phosphoric acid, or superphosphate of lime—my chemistry fails me to go through the entire list—and whether its particular wants are supplied. Now, all this belongs to the domain of agricultural chemistry.

But what does the average farmer know of agricultural chemistry? Confessedly, nothing whatever; and as the result he is proceeding at random and may be paying $40, perhaps, $80 per ton for a fertilizer, when one costing one-half or a quarter as much would answer the same purpose in producing a crop; for it is sometimes the case that the chemical condition of the soil is such that it needs only some simple, inexpensive substance to set free the wealth of plant food which it already contains, but which is so locked up by some other substance as to render such soil unproductive until a chemical change is produced by the union of these two substances. But to know all this one must understand chemistry, must possess the expensive apparatus for chemical analysis, and must have command of much time to bestow upon experimenting.

But every one knows that these things are wholly out of the question with the average farmer. Every one knows that he is without knowledge of chemistry and has neither money nor time for experiments.

In his struggle to pay off the mortgage upon his farm and feed and clothe and educate his children he has all and frequently more than he can do.

Nevertheless, this information is essential to his success; and how is he to acquire it? How, except from the agricultural experiment station, such as is provided by this bill, to which he may send samples of his soil for analysis and from which he may learn the relative value of fertilizers and their adaptability to the wants of his soil? The work of the experiment station is educational in character, and upon every principle of sound public policy entitled to the support of the State.

Talleyrand, prime minister under the great Napoleon, said:

Both education and agriculture ought to be assisted by government; wit and manufactures will come of themselves.

Now, while the American people, following, in part, the formula of this noted French statesman, find themselves famous for "a plentiful lack of wit," they can not be said to have left manufactures to themselves. Under a very liberal protective tariff, consistently maintained for now more than a quarter of a century, the manufactures of this country long since left "the day of small things." The manufacturers of goods from iron and brass and copper and cotton and wool, and of lumber and other staple articles are among the wealthiest citizens of the Republic; while the labor employed in these manufactures is well fed and well clothed and housed, and as a rule is contented and happy.

Nor are the products of agriculture wholly without protection, but I assert not as well protected, practically, as are the manufactures of the country. This is not because the rate of duty is relatively lower, but because our markets are not exposed to any such volume of the products of husbandry as of manufactured articles; or, in other words, because the American people are by a large balance exporters of farm products, as will more fully appear before I close, whereas we are importers of manufactured articles; and our tariff system works protection only against imports.

But the principle of protection for American industries and American

labor, though perhaps sometimes difficult of application in a way to protect every interest equally, is nevertheless essentially helpful to the development of our resources as a nation, and, because of the general prosperity which it produces, it confers certain indirect benefits upon the agricultural classes which they are unwilling to relinquish, and as the result the agricultural sections of the country, as well as the manufacturing districts, stand resolutely by our protective tariff. Such, at least, is the case with the people I represent.

But, I repeat, the agriculture of this country does not share equally with our manufactures in the direct benefits of the tariff; and in this fact alone I find ample justification for the passage of this bill, which, it will be observed, does not grant direct pecuniary aid to agriculture, but still materially assists it by furnishing the necessary information whereby the farmer may the better act his part, make fewer mistakes, and suffer less imposition, especially in the purchase and application of commercial fertilizers. Nor is the information proposed to be furnished by it confined to the subject of fertilization alone. Section 2 of the bill is as follows:

SEC. 2. It shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation within the isothermal limits represented by the climate of the several stations and their vicinity; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

Now here is provision for experiments entering into every department of agriculture. And section 5 provides as follows for giving to the public all information gained from these experiments:

SEC. 5. That in order to make the results of the work of said stations immediately useful, they shall publish at least once in every three months bulletins or reports of progress, one copy of which shall be sent to each newspaper in the States and Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

Section 6 authorizes an annual appropriation of $15,000 to each State and Territory for the establishment and maintenance of an experiment station therein and the promulgation of this important information. Does some one ask why this should be done at the public expense? If so, then I answer, for the reason that on all accounts the public is interested in a thrifty, progressive agriculture. For the reason, also, that those engaged in the toilsome pursuit of cultivating the soil, from which only small profits are realized, are entitled to the assistance which this information would furnish them; information not otherwise within their reach and valuable to them beyond all proportion to the expense of it to the Government. And not alone valuable to them, but valuable to the Government itself; for by how much the agricultural lands of the country are increased in fertility and productiveness by so much is the total taxable wealth of the country increased.

By so much, also, is our export trade increased, for any surplus of production is sure to find outlet in foreign markets, and bring back into the channels of trade so much more gold and silver, thereby increasing by so much the circulating medium of the country, making money more plenty and the rate of interest lower. Does some one say this is magnifying too much our agricultural products in the trade of the world? Let us see.

In 1880 the total export of domestic productions from the United States was $823,946,353, of which the products of the farm were $685,961,091, or 83.25 per cent. of the whole amount.

Think of that a moment. More than four-fifths of all we sell to foreign countries is the product of agriculture. And remember that as with the individual so it is with us as a nation; we are richer, not by what we produce and ourselves consume, but by what we sell to the other nations of the earth; for that and that alone draws from their supply of cash and adds to our own. Surely in an economic point of view alone it must be for the interest of the American people to foster and keep thrifty an industry which enables us in our trade with the world to keep a balance constantly in our favor. And who will say that an industry of this national consequence is not worthy of national protection? Who will say that it can be safely neglected in the administration of the affairs of the Government? Who will claim that it is sound public policy, saying nothing of what is fair, to leave to its own strugglings the agriculture of this country, with a soil every year growing less fertile and consequently more dependent upon the mysterious aid of chemical qualities which it does not possess, as well as a more thorough cultivation; all of which depends in turn upon more hard work and a more careful inquiry into the secret operations of nature, including the occult question of plant food and the mystery of plant growth?

I say, who will claim that an industry in which center such vast possibilities of wealth, not because of its extreme profitableness, but because it aggregates the small individual earnings of just about one-half our entire population; an industry involving so largely questions of demand and supply, of taxation and labor, and trade and finance, and whose province it is, through its vast army of hard workers, "to keep and dress the earth," and gather the fruits thereof for all men; who will say, in short, that this industry, essential alike to the success of government and the support of the race, is not entitled to the small assistance afforded by this bill?

Mr. Speaker, this is one of the most important measures, if not the most important, which has engaged the attention of this Congress. It takes by the forelock the problem which is now perplexing the older nations of the earth, and which sooner or later will be brought home to the American people, namely: How to subsist a dense population upon land that has been a long time cropped. It will not be forgotten that population is a prime element of empire, but with population comes always the problem of food and raiment and shelter. And that legislation is wisest and best which deals with these questions fundamentally and in a way to prevent threatening dangers rather than wait till those dangers ripen. The experiment station, assisted by chemistry, the handmaid of agriculture, in looking into the hidden processes of nature, which work it is set to do, can hardly fail to glean information, and, perchance, make discoveries, which shall overcome nature and make her contribute in some new way to the wants of man; and possibly in a way as notable as did the five schools of chemistry to which Napoleon, under the advice of Talleyrand, assigned the duty of finding out how to make beet-sugar, offering 1,000,000 francs to the chemist who should succeed, which straightway brought success; and to-day more than one-half the entire sugar product of the whole world is made from the beet.

But suppose no great victory like this attend the work of these experiment stations, they must still result in adding, to some extent at least, to the agricultural products of the country.

Dean Swift, one of the ablest and most original of English writers, said "that whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together."

Mr. Speaker, this occasion gives every member of this House a chance to take himself out from among Dean Swift's "race of politicians" and perform an "essential service to his country" by voting for this bill. If we would "deserve" well of the American people we shall do it.

How?—The Democratic majority in the House of Representatives found a way not to reduce the revenue.

SPEECH

OF

HON. SERENO E. PAYNE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1887.

The House having under consideration the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. PAYNE said:

Mr. SPEAKER: But two more days of life remain to the Forty-ninth Congress, and what a record this branch has made. To the House is conceded the origination of all appropriation and revenue bills, and the Democratic majority of this House is alone responsible for all the delays and failures that have disgraced and brought into disrepute this Congress. This, the most important appropriation bill, carrying more than $20,000,000, and without which the Government could not run for a single day after the 30th of June next, although reported by the committee on the 3d day of last month, was never before the House for consideration until the 26th of last month.

No attempt was made to call it up until the 22d day of last month, and then the half-hearted attempt of one member of the Committee on Appropriations was antagonized by the chairman of the committee. And now, when not half of the bill has been read for amendment, the committee come in begging the House (the second time on this bill) to pass it under the suspension of the rules, with only an hour's debate; and not only that, the gentleman in charge of the bill agrees to strike out all the changes from the appropriation bill for the current year, changes which have resulted from a whole winter of incubation, and to leave the bill in this respect precisely where the last one was.

Already another appropriation bill (the deficiency) has been passed this very day under a suspension of the rules, and it is proposed to

dump these two bills, containing more than a hundred and fifty pages of printed matter, upon the Senate, which they can not reach until to-morrow, and so give "the co-ordinate branch," one whole legislative day for consideration in the committee, debate and amendment in the Senate, conferences, and final passage of these two important measures. This leaves the Senate but one alternative, to pass these bills without consideration, or an extra session of the Fiftieth Congress. No one will have the hardihood to deny that such conduct is both a disgrace to the House, and an insult to the Senate, as well as to the President, who seems to enjoy so thoroughly the free use of the veto power.

But, Mr. Speaker, I arose not so much to advert to the appropriation bills and the shameless manner in which they have been brought before the House or the utter neglect of the majority to meet the universal demand of the country for a navy, fortification of our defenseless coasts, and the production of ordnance equal to any in the world. I wish to call the attention of the House to another subject wherein the Democratic party has signally disappointed the just expectations and demands of the country.

In the report submitted by the Secretary of the Treasury to Congress for the year 1886 it is stated:

> Shortly after the term of the present Congress expires, and long before the Fiftieth Congress in the natural order of events would assemble, organize, and determine upon new legislation, it is probable that existing tax laws (at a time when in the annual larger commercial need and use of money, in moving the crops, gives their operation the most serious consequence) will be withdrawing from circulation and pouring into the Treasury the proceeds of a surplus taxation beyond all sums of which the present Congress has heretofore considered or prescribed the employment. During the years of the immediate future, under the operation of the existing tax laws, this surplus and taxation would be at least as onerous and excessive as now. A world-wide monetary dislocation the present Congress can assist to cure. A needless depletion of the people's earnings at the rate of $125,000,000 a year the present Congress can completely cure.

The President in his last annual message informs us "that the revenues of the Government exceed its actual needs," and it was suggested "that legislative action should be taken to relieve the people from the unnecessary burdens of taxation thus made apparent." In view of the pressing importance of the subject the President said, "I deem it my duty to again urge its consideration;" and he proceeds at length to impress upon Congress necessity for the reduction of our revenues. I make these references to illustrate more forcibly the divisions in the Democratic party which I am about to refer to.

We have now reached a period in the life of this Congress when it may safely be assumed that there is to be no reduction of our revenues and none attempted by this House. By the Constitution the 3d of March terminates the Forty-ninth Congress.

On this 1st day of March, as we have seen, it has become a serious question whether, in the two days remaining, we can perfect and pass the appropriation bills. It is not improbable that the failure of one or more of them may render necessary an extra session of the Fiftieth Congress to provide the needful supplies for the Government; but however that may be revenue reduction is out of the question.

The Democratic party is here with a majority of 43, and from our first organization to the present time nothing in that direction has been accomplished, and I charge that nothing has been earnestly attempted. All measures of this nature must originate in the House of Representatives, and there has been an absolute refusal to bring before it any measure or any proposition upon which a majority could arrive at an agreement by fair concession and compromise. This is the record of that "great reform party" that carried the country in 1884. Up to the present time, without principles of government in common upon financial questions, it has divided into factions, at variance and warring with each other, in sympathy only in their greed for the spoils of office. But I did not arise for the purpose simply of noting the shortcomings, divisions, and incompetency of the Democratic majority, but to call the attention of the House and the country to, and to place in our records that most remarkable correspondence between, the representative leaders of the two factions or wings of the Democratic majority here, by which all that I have charged is made apparent.

It has seemed to me, sir, that declarations by gentlemen so distinguished, so representative, upon a question of vital interest to the country, should be preserved as a part of our official records, especially as it will appear to be at least semi-official in its nature, and I invite the attention of the House, first, to the letter of the Speaker, dated from his room, House of Representatives, the 31st day of January last, addressed to Hon. SAMUEL J. RANDALL, Hon. GEORGE C. CABELL, and others, and their answer to it:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 31, 1887.

GENTLEMEN: In accordance with the understanding between us yesterday afternoon, I have to-day consulted with the Democratic members of the Committee on Ways and Means in the House of Representatives for the purpose of ascertaining whether or not some measure for the reduction of taxation can be agreed upon which will receive the support of all our political friends in the House, and I am directed to request you to submit at your earliest convenience for our consideration some definite proposition.

There is pending upon the Calendar of the House a bill (No. 9702) introduced during the last session by Mr. RANDALL, which proposes legislation upon the subjects of the tariff and the internal revenue, and within the last few days we have been furnished with a copy of a bill which appears to be intended as a substitute to the one now pending, which also relates to both the subjects mentioned above. Whether you desire to make one or both of these bills or some other measure the basis of our action we are not advised, and being anxious to make every effort in our power to secure harmony and concert of action upon these important subjects, we respectfully submit the foregoing.

Yours respectfully,

JOHN G. CARLISLE.

Hon. SAMUEL J. RANDALL, Hon. GEORGE C. CABELL, and others.

MR. RANDALL WILLING.

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 1, 1887.

DEAR SIR: Your communication of January 31, in pursuance of a previous understanding respecting an effort to reach a concurrence on some measure for the reduction of revenue, is now received.

The bill you refer to as a modification of our substitute for House bill 9702 of last session, embracing both tariff and internal-revenue tax reductions, is the measure which the friends with whom we are acting submit for consideration. These gentlemen are prepared to consider in a friendly spirit, and with a view of uniting the party on a revenue-reduction measure, any modification of the proposed bill which the friends of other measures may have to present.

I inclose copy of bill referred to.

Yours very respectfully,

SAMUEL J. RANDALL,
GEORGE C. CABELL,
For selves and others.

Hon. JOHN G. CARLISLE, *Speaker House of Representatives.*

The Speaker's letter professes a disposition on his part to unite with his brethren upon some measure for the reduction of taxation, and the reply gives the unqualified assurance of Mr. RANDALL, Mr. CABELL, and the gentlemen with whom they were acting of a purpose to unite the party—the Democratic party—in a measure for revenue reduction; and, sir, let us bear in mind, all these gentlemen are members of this House; daily, hourly, we note their meeting and their cordial greetings to each other, and upon all bills that will increase the Federal patronage that can be bestowed upon faithful followers in their respective districts standing solidly in their support; for a public building that will strengthen one of their number with his constituency they will give a united vote.

Why, then, was this correspondence initiated, if these gentlemen were honest in their professions, and expected to unite their party upon a policy? Why correspond at all? Why did they not meet and consult with the same freedom as they would if it had been about the creation of a new office for some half-starved Democrat? Well, we shall see a little later on; for the correspondence does not stop here.

Next follows a letter from the Speaker to Mr. RANDALL and Mr. CABELL; I will read it in full.

OPPOSING INCREASED DUTIES.

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 3, 1887.

GENTLEMEN: Your favor submitting for our consideration the bill recently prepared as a modification of our substitute for House bill No. 9702, introduced by Mr. RANDALL at the last session of Congress, was received by me late in the afternoon day before yesterday, and was at once submitted to the gentlemen mentioned in my first communication.

We have considered the measure as carefully as its comprehensive character and the limited time at our disposal would permit, and herewith submit it, together with the modifications and changes which, in our opinion, are necessary in order to do it acceptably, as a compromise measure to those who desire to secure material reductions in tariff taxes.

You will observe that we propose to add several articles to the free-list and to strike out of the bill every provision which increases the rates of duty now imposed by law upon imported goods. These increases are numerous and in some cases very material, as will be seen by the memorandum hereto appended. In our opinion the existing financial condition of the Government and the people does not demand, and would not even excuse, an increase in the rates of taxation upon any article embraced in our tariff or internal-revenue laws, and we can not, therefore, agree to support any measure which has that effect.

We propose also to strike out of the bill all provisions abolishing the internal-revenue tax on manufactured tobacco, snuff, and cigars, weiss beer, fruit brandies, and reducing the tax on distilled spirits from 90 cents per gallon to 60 cents, and the provision abolishing the tax on alcohol for use in the arts and manufactures. In lieu of these repeals and reductions we propose to repeal all statutes and parts of statutes imposing restrictions upon the sale of leaf tobacco by planters and farmers, and to so amend the internal-revenue laws as to dispense with the employment of gaugers and storekeepers at distilleries which mash five bushels of grain or less per day, and to permit such distilleries to pay tax only upon their surveyed capacity.

We also propose to so amend the internal-revenue laws as to prevent the destruction of stills and other apparatus seized for alleged violations of the internal-revenue laws, and so as to prevent the issuing of any warrant for alleged violation of those laws unless the affidavit therefor is first approved by the district attorney and written instructions given by him for the issuance of the warrant.

In lieu of the administrative part of the bill submitted to us we propose to substitute the bill introduced by Mr. Hewitt, as finally revised and corrected at the Treasury Department and heretofore agreed upon by the Committee on Ways and Means, but not yet reported.

We find, upon examination, that the substitute which we recommend relates alone to the administrative features of the law, while that part of the measure submitted by you to us increases the rates of taxation. While we submit the accompanying modifications of the bill referred to us in the sincere hope that it will meet the approval and secure the united support of our political friends, yet in case it should not be agreed to by you and the gentlemen with whom you are acting, we respectfully submit the following alternative propositions:

First. If the reduction of internal-revenue tax upon distilled spirits is to be made a condition upon which you and the gentlemen acting with you will consent to the reduction of tariff taxes, then we shall insist that the rate of taxation shall be the same upon all kinds of distilled spirits.

Second. If the repeal of the internal-revenue tax upon manufactured tobacco, snuff, and cigars, in whole or in part, is to be made a condition upon which you and the gentlemen with whom you are acting will be willing to agree to a reduction of tariff taxation, then we shall insist that in the same bill an equal amount of reduction shall be made in the revenue derived from customs, and that this reduction shall be made upon such articles as those with whom we are acting shall indicate.

Third. We are willing to submit the measure which you have referred to us to a caucus of our political friends for its consideration, all parties to be bound by such action as it may take upon the subjects to which this bill relates.

Fourth. In case none of the suggestions hereinbefore made are accepted by you and the gentlemen with whom you are acting, we are willing at any time, upon reasonable notice, to support a motion to go into the Committee of the Whole on the state of the Union for the consideration of House bill No. 9702, introduced by Mr. RANDALL at the last session of Congress and now on the Calendar.

Very respectfully, JOHN G. CARLISLE.

Hon. SAMUEL J. RANDALL, Hon. GEORGE C. CABELL, and others.

This letter is a very important one, for it contains propositions from the Speaker for the reduction of the surplus, and in writing it he represented the vast majority of his party here. I do not intend to examine or criticise the propositions at this time, but only to make them of record. I also place in the record the letter of Mr. WISE, Mr. HENDERSON of North Carolina, and Mr. RANDALL, to the Speaker, and I call your attention to the fact that the correspondence is with the Speaker, officially; also the Speaker's reply, the letter dated February 5, and the reply the 7th. (Possibly the chairman of the Committee on Appropriations was so busy with correspondence of this nature at this date that he had no time to call up this appropriation bill reported the 3d.)

HOUSE OF REPRESENTATIVES, WASHINGTON, *February* 5.

DEAR SIR: At the instance of many Democratic members of the House, we appeal to you most earnestly to recognize, on Monday next, some Democrat who will move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal-revenue taxes on tobacco. Many Republican members, we have reason to believe, are anxious to make such a motion. We believe the country is ready for the repeal of these taxes, and that a large majority of the House will so vote when an opportunity occurs. For a Republican to make the motion would give the Republican party all the credit accruing therefrom, and would almost certainly cause the loss to the Democracy of not less than two Southern States at the general election in the year 1888. This is an isolated proposition, and we believe will command more votes than any other measure pending before the House looking towards a reduction in taxation; and favorable action on this proposition will not interfere with other efforts that are being made to reduce the burdens of the people.

Yours respectfully,

GEORGE D. WISE.
JOHN S. HENDERSON.
SAMUEL J. RANDALL.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

MR. CARLISLE'S REPLY.

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, February 7, 1887.

GENTLEMEN: Your favor of the 5th instant requesting me to recognize some Democrat "who will move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal-revenue tax on tobacco," was duly received and has been carefully considered.

A week ago, in compliance with the request made by you and other gentlemen, I consulted fully with the Democratic members of the Committee on Ways and Means for the purpose of endeavoring to formulate some measure for the reduction of taxation which would meet the approval of our political friends, and enable us to accomplish something practical in that direction during the present session of Congress. The bill which you then submitted for their consideration proposed legislation upon both branches of our revenue laws, and on the 3d instant it was returned to you with such modifications and changes as were necessary in order to make it acceptable to the gentlemen to whom it had been submitted.

In order, however, that our efforts to secure reduction of taxation might not fail on account of our inability to agree upon a measure in advance, we at the same time submitted certain alternative propositions, some one or more of which we hoped might be acceptable to you. Among other things we proposed to submit the entire subject to a caucus of our political friends, with the understanding that all parties would abide by the results of its action; and in case that course was not satisfactory to you, we informed you that we would at any time, upon a reasonable notice, support a motion to go into Committee of the Whole on the state of the Union for the purpose of considering House bill No. 9702, introduced by Mr. RANDALL at the last session. That bill relates to internal revenue, as well as tariff taxes, and proposes to repeal the entire internal-revenue tax on manufactured tobacco, snuff, and cigars. We have received no response to that communication, and I consider that it would not be proper, under the circumstances, for me to agree to a course of action which would present for the consideration of the House a simple proposition for the repeal of the internal-revenue tax on tobacco, snuff, and cigars, to the exclusion of all other measures for the reduction of taxation.

Sincerely hoping that some plan may yet be devised which will enable the House to consider the whole subject of revenue reduction,

I am, very truly, yours,

J. G. CARLISLE.

Hon. GEORGE D. WISE, Hon. JOHN S. HENDERSON, Hon. SAMUEL J. RANDALL.

We have here a proposition on the part of Messrs. WISE, HENDERSON, and RANDALL to repeal the internal-revenue taxes on tobacco, and a refusal on the part of the Speaker to harmonize the party upon that proposition, to even give it consideration.

Without further comment upon these letters, I will proceed to the communication from Mr. HENDERSON, Mr. WISE, and Mr. RANDALL to the Speaker officially, February 8:

WASHINGTON, *February* 8, 1887.

DEAR SIR: We regret exceedingly that you could not see your way clear to give recognition on yesterday to some Democrat to enable him "to move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal-revenue tax on tobacco." Your refusal to give this recognition, together with your letter of the 7th instant, deserves more than a passing notice. If two-thirds or more of the House are in favor of such repeal, it was a grave responsibility for you to oppose such a large majority of the Representatives of the people. Assuming, however, for the sake of the argument, that the friends of the proposition constitute a less number than two-thirds, their strength is certainly such that they ought to have been permitted to test the sense of the House upon the question, especially since the country is watching with intense interest the action of the House in respect thereto, and the constituents of a large number of the members of the House have been urging them to obtain, if possible, a consideration of this subject.

We do not wish to be misunderstood. We earnestly desire from a party standpoint that recognition should have been given to a Democrat to make the motion, but we would vote cheerfully for the proposition whether made by a Democrat or by a Republican.

You assume in your letter to us that we ignored your communication of the 3d instant, and had deliberately failed to make a response thereto. Our friends did not have an opportunity of considering that communication until Friday evening, the 4th instant. It was of such a character as to require more than a formal reply. We called at your hotel the next day, Saturday, but, through no fault of yours or ours, we did not succeed in obtaining an interview until the day after.

We believed that the friends of the repeal of the tobacco tax were so strong in the House that we would save to the oppressed tax-payers of this country an annual reduction of taxation to the extent of $28,000,000 if the motion for repeal could be made in the House on Monday of this week, the latest day when such a motion, to be effective under the rules, would be in order during the Forty-ninth Congress. The motion, if made during the last six days of the session, would almost certainly be too late to secure favorable consideration for the question in the Senate.

We did not anticipate refusal of recognition for the purpose intended. We understood you to say to us verbally that if you gave to any one of our friends the desired recognition, fair play all round would require you to give other Democrats an opportunity to make a like motion to pass some distinct proposition having relation to a reduction of the tariff duties. To this we assented. You instanced as one such proposition the putting of salt on the free-list. We think that a revision of the tariff and of the internal-revenue laws can be attained from time to time by reforming the obvious and greater grievances of the two systems, and that we should not refuse to make such reforms because sweeping changes have not been practicable.

The country is expecting to obtain from this Congress relief from the grievous burdens of taxation. If some of us can not get all we want we should take what we can get. Our single proposition for the repeal of the tax on tobacco was not intended and can not fairly be construed as intending to exclude from the consideration of the House "all other measures for the reduction of taxation." We wished to obtain consideration for that proposition, but we were not pressing for the reduction of the internal-revenue taxes to the exclusion of other measures for the revision and reduction of the tariff.

A Democratic caucus can not successfully deal with "the whole subject of revenue reduction" at this late stage of the session. That suggestion comes too late. If the caucus could have controlled the legislation of the Forty-ninth Congress from the beginning the country might have been much better off. If the House was considered competent to deal with the silver question, with the pension question, and with the oleomargarine question, free from the dictation of a Democratic caucus, we think it ought to be competent to deal with the question of a reduction of taxation. The caucus ought not now to be invoked to justify a policy of delay and non-action on this subject.

We sincerely hope "some plan may yet be devised which will enable the House to consider the whole subject of revenue reduction" and revision "in a spirit of fairness to all interests," and in accordance with the letter and spirit of the platform of the national Democratic party adopted at the convention held at Chicago in 1884; and we assure you that we are ready to meet any of our Democratic associates who are prepared to treat with us on such basis.

JOHN S. HENDERSON.
GEORGE D. WISE.
SAM. J. RANDALL.

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

This letter is somewhat in review of the situation; is disposed to discussion, and is still professedly hopeful in spirit. Under the same date, however, we have a letter more numerously signed by the gentlemen engaged with the Speaker in this dicker of principles, in this unnatural, unconstitutional attempt to legislate (if it was the purpose to agree) in regard to great economic questions freighted with the fortune, the destiny of the country, of vital interest to our people, they having in view only (how contemptible by way of comparison) the maintainance of their party in power for the places it gives them—even if their conference had as exalted a purpose as that and, I freely admit, I doubt it. But let us come to the last letter in this remarkable series:

WASHINGTON, D. C., *February* 8, 1887.

SIR: The gentlemen present at our recent conference, representing States South, West, and North, were led to hope that the way had finally been opened for an agreement on a measure that could be generally supported by our political friends, and we sincerely regret, in view of the importance of the adoption by this Congress of some measure that would materially reduce the revenues and prevent the further accumulation of a Treasury surplus, that differences so wide as appear in your communication should still exist. It was hoped that a basis of compromise could be reached without requiring of any one a sacrifice of principle or of convictions entertained on the subject of tariff and internal taxes. To do this it is evident that those things respecting which radical differences exist in the minds of men must be excluded from a bill intended as a compromise measure. It was believed there could be found room inside of these limits for an agreement on a list of articles to be remitted to the free-list as well as upon many on which the tariff could be reduced, thereby effecting a material reduction of the revenues without injuring or endangering any important industries or impairing the earnings of labor in this country. It is believed yet that such a measure ought to be agreed upon and carried through the House at this session.

As to the items in the proposed bill on which it is claimed that an increase in the tariff would result, we have to say that the apparent increase arises in most instances from a change from ad valorem to specific duties, made in accordance with recommendations from the Treasury Department. The principal object in making duties specific where they are now ad valorem is to prevent the deception and dishonesty practiced by undervaluation, and while in fixing what is deemed to be fair specific equivalents an apparent increase may arise it is believed to be apparent only and not real. However, on all these matters, inasmuch as the proposed bill is not intended to be a revision of the tariff, but a bill for the reduction of revenues and the correction of certain inequalities only, we think there will be no difficulty in agreeing either to strike out of the bill such articles or to reduce the proposed rates so as to insure no increase in the actual duties in any case. A careful examination of the list shows, we think, that, except as to a very few articles, you are in error in the statement that the duty is increased.

A CONCESSION THAT CAN NOT BE MADE.

Certain of the things which you ask to be placed on the free-list, as proposed in the Morrison bill, raise at once those vital questions which have heretofore prevented harmonious action on the tariff question. As many of us believe that such a step, if carried to its logical conclusion, would be destructive of very many of our most important agricultural as well as mechanical industries, and as we are in this matter representing not only our own convictions but the interests of the people we represent, we could not, of course, make this concession, and we did not expect to be asked to make it.

THE HEWITT BILL.

With respect to the proposition to adopt a modification of the Hewitt bill in place of the administrative sections of the bill proposed by us it may be stated that the latter contains all of the administrative sections of House bill No. 7052 (with certain verbal modifications) favorably reported by the Ways and Means Committee at the first session of the present Congress, except the section extending the warehousing period, &c., which we did not adopt. Certain of the provisions since recommended by the Secretary of the Treasury have been added also, together with certain additional provisions which we have deemed needful and think ought to be adopted. You say that the substitute which you recommend relates alone to the administrative features of the law, while that part of the measure submitted by us increases the rates of taxation. A careful comparison and an analysis of the two measures does not, we think, sustain this statement. On the contrary, the administrative measures proposed by us make certain distinct reductions of rates which the bill presented by you does not, and in some instances it increases the rates.

MARKED DIFFERENCES IN THE MEASURES.

The most important difference between the administrative features of the two measures is in the section relating to coverings which, although embodied in the bill favorably reported by the Committee on Ways and Means at the last session, is now omitted from your bill. This section provides for the correction of the unfortunate phraseology of section 7 of the tariff act of March 3, 1883. As is well known, that section was intended to except from duty charges for the packing cases used for the transportation of merchandise, but under the rulings and opinions of the Supreme Court and the Attorney-General a large part of the value of the merchandise as purchased by the importer, or as shipped by the consignor, is held to be non-dutiable under that section. The correction of this legislative blunder was regarded by the Treasury Department as the most important and essential feature of the bill proposed by Mr. Hewitt.

In striking from the proposed compromise measure the repeal of the tobacco tax, the tax on fruit brandies, alcohol used in the arts, weiss beer, and the alternative proposition to reduce the tax on all distilled spirits from 90 cents to 80 cents a gallon, you eliminate from the bill all propositions to reduce internal-revenue taxes except the retail license provision, and this you do not in terms agree to.

In lieu of these provisions in our bill you propose to repeal all statutes imposing restrictions upon the sale of leaf tobacco by farmers and to modify the laws relating to storekeepers and gaugers at small distilleries and the destruction of stills, also to modify the administrative features of the law relating to the issue of warrants, &c.

While to all these proposed modifications of the present law we readily assent, we do not see in them alone how the revenue is to be reduced.

A DOUBLE OBJECT AIMED AT.

Our object, in the matter of internal taxes, is twofold; first, to reduce the revenues, and second to relieve the people of vexatious and inquisitorial methods of taxation, and to do this without offering temptations to frauds or to the evasions of the law. Furthermore, in proposing the abolition or reduction of internal-revenue taxes, we believe we are acting in harmony with the principles and declarations of the Democratic national platform. The internal-revenue tax in that platform is declared to be a war tax, and the repeal of crushing war taxes is demanded. It has, moreover, been the policy of our Government after each war to abandon this form of taxation first, as evinced under administrations of Jefferson and Jackson; and a tax that requires an armed force to execute it can never be popular in a free country.

A BROAD CHASM.

Your demand that if the repeal of the tobacco tax or other internal taxes in whole or in part is insisted upon by us, then you and those acting with you will insist that "in the same bill an equal amount of reduction in revenue derived from customs" shall be made, if it presented otherwise debatable ground, for a compromise seems to us to forestall such action by your further demand that the reduction in the tariff shall be made upon such articles only as those with whom you are acting shall indicate. This is equivalent to saying at the outset that those holding different views from your own and the views of those acting with you shall be precluded from having any voice in determining what things duties shall be reduced on. But, in the first place, internal taxes and customs have never stood on equal ground in our system of taxation. Tariff taxes have been always our chief reliance for revenue; internal taxes have been the exceptional taxes.

In the next place, we hold it next to impossible to so adjust tariff rates as to secure a definite reduction of revenues, such as the repeal of reduction of an internal-revenue tax will produce. When a direct tax is repealed we know what the loss to the revenue will be; so when dutiable articles are placed on the free-list, but a reduction of the rates of duty may be followed by an increase in revenue and not a decrease.

PROTECTION OF AMERICAN LABOR.

Between the two extremes of free trade on the one hand and a prohibitory tariff or no trade on the other, there are three principles and only three, one or the other of which must govern when duties are intelligently laid. These may be represented by three lines. First, a horizontal line, representing an even rate laid upon all imports for the purpose of revenue only; next an irregular line, representing maximum revenue, and, third, the line representing the difference in the cost of production arising out of the different conditions under which production is carried on in this and other countries.

We are ready to join in reducing the tariff on all articles that are above the line of difference in cost of production and on those things on which the rate of duty is now above the line, thus permitting monopolies to be formed to arbitrarily raise prices to the consumer, without benefiting labor, we think it the imperative duty of Congress to reduce the tariff so as to prevent the possibility of monopoly combinations to put up prices above the competing point.

Labor has no interest above the competing line, or line that marks the difference in cost of production; but up to this point wage-earners are vitally concerned, and we believe that only by maintaining duties up to this line on importations in the production of which there is competition between this and other countries can labor continue to receive the larger share of what it produces, which our industrial system affords as compared with the industrial systems of other countries. The continued importation of any competing product, notwithstanding the tariff, is proof that the duty is not above the line of difference in cost.

Our national party platform, recognizing this controlling principle, declares that "the necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages existing in this country." In the face of this declaration and in the light of political events which have transpired since the last national convention sustaining this principle, we would not feel justified in departing from it in any division of our tariff laws, and we certainly do not think, as a political measure, it can properly be asked of us. There is, however, ample room for a reduction of tariff and a corresponding reduction of the revenues without contravening this important principle. All that is needed, in our opinion, is a disposition to meet the question fairly and deal with it as a matter of business, and not of politics.

A CONFERENCE PROPOSED.

Respecting your proposition to submit the measure proposed by us to a caucus of our political friends, "all parties to be bound by such action as it may take upon the subjects to which the bill relates," is one, it seems to us, that ought not to be asked. The question is not a political question; it is not a party question, for Republicans differ on it as do Democrats; the differences between us are not political differences, but differences on important economic and industrial questions, and we submit that it is not usual in either party nor right to attempt to bind men by caucus action on such questions, and thereby not only to take from them their right and duty to act in accordance with their own convictions, but compel them to act contrary to their obligations as faithful representatives of the people who have sent them here.

These, too, are the very matters respecting which we are attempting to effect a compromise. In lieu, therefore, of a caucus we suggest that a committee composed of members representing different phases of the question involved in the two measures under discussion should be appointed to take up these differences in a spirit of fairness, with a view of coming together on a measure all can support, without either side being called upon to surrender convictions, or to prove derelict in their duty to their constituents. We urge the suggestion of a conference the more because many of the gentlemen acting with us in the matter of internal taxes do not agree on all matters pertaining to the tariff.

In accordance with your fourth suggestion, that in case no other arrangement is arrived at upon reasonable notice a motion be made to go into Committee of the Whole on bill 9,762, introduced by Mr. RANDALL at the last session of Congress, we have to say that due notice will be given of the time when it is proposed to make such a motion, so that it may be generally known. We can not, however, close this communication without expressing again the hope that an agreement on a measure which our political friends can generally support is not yet impossible.

Hon. JOHN G. CARLISLE, *Speaker House of Representatives*.

The foregoing letter was signed by S. J. RANDALL, A. J. WARNER, B. HENLEY, WILLIAM MCADOO, JNO. S. HENDERSON, GEORGE D. WISE, EDWARD J. GAY.

I will call attention briefly to the issues between these contending factions. Mr. RANDALL and his associates favor the abolition of the internal-revenue taxes upon domestic tobacco and the reduction of the taxes upon distilled spirits; the Speaker and those for whom he writes, resisting those propositions and favoring the repeal of the provisions, that experience has demonstrated are indispensable to the execution or enforcement of the revenue laws in respect to alcohol and tobacco. I will not dwell upon the minor issues between the two factions, as they only involve a certain license to cheat and defraud the Government, and doubtless our friends upon the other side would be able to reach an understanding upon these points. I understand the correspondence to say as much.

"The broad chasm" claims attention and must have it.

The Speaker, in his letter of February 3, gives, as an alternative proposition, "if the repeal of the internal-revenue tax upon manufactured tobacco, snuff, and cigars, in whole or in part, is made a condition upon which you and the gentleman with whom you are acting will be willing to agree to a reduction a tariff taxation, then we shall insist that in the same bill an equal amount of reduction shall be made in the revenue received from customs, and this reduction shall be made upon such articles as those with whom we (the Speaker) are acting, shall indicate." The Speaker should have furnished a list of those with whom and for whom he was acting. True, we know who they are; but the record would be more complete, the history more interesting, if it contained these names and the Congressional districts represented. The letter of Mr. RANDALL and his associates, of February 8, confronting the Speaker's proposition, reveals a "broad chasm." I do not wonder at it; and, gentlemen, if you have been sincere, you can not bridge it. One faction of the Democratic party must go down, and I do not doubt which it will be.

Do you say the Speaker was arrogant? I grant it. Contemptuous of your rights, I grant; and that which he proposed is without parallel in American politics or legislation: that he and his friends alone should indicate the articles upon which a reduction of our customs duties should be had, without the advice or influence of their party associates, much less of the very respectable Republican minority here.

Messrs. RANDALL, WARNER, HENLEY, MCADOO, HENDERSON, WISE, GAY, and their associates may not look to us, to the Republican side of the House, for help. The Democracy of Pennsylvania, Ohio, California, New York, New Jersey, North Carolina, Virginia, and Louisiana are now informed by official letter that on this question of protection, between our Democratic administration, this and the next Democratic House, and a coterie of Democratic statesmen here, there yawns a broad, deep, impassable chasm; this coterie holds so many seats here that they are a balance of power between the two great parties. They influenced votes enough in the last national election to control it.

Their constituencies and voters were deceived by their speeches into the belief that the Democratic party was and that Mr. Cleveland's administration would be in favor of the protection of American industries. In fact, the distinguished gentleman from Pennsylvania [Mr. RANDALL] boasted during the present Congress that in the last national campaign the dominant wing of his party sent him to New York and other protection States, where they did not dare to go themselves and proclaim their free-trade doctrines. And no one was found in the House to deny that New York was carried in 1884 on these false pretenses.

But, gentlemen, the partnership seems at last dissolved; the foothold in the Democratic party that you have so long precariously held by makeshifts you are now forced to surrender, and you must stand not upon the order of your going but go at once, unless you will meekly

consent that the Speaker and the Administration may settle the question of the protection to be continued to American industries with your votes, but without your advice or the exercise of any judgment or discretion on your part. And "what are you going to do about it?" The offices are on the other side of the "chasm." Do you think it very deep and broad after all? Are you quite sure there is a chasm? Next December will you not go into a caucus, foreordained from the beginning to make the present Speaker his own successor? We shall see! Time will tell!

The protectionists, or that there may be no mistake, the tariff Democracy of the States I have named, from this correspondence, have received notice that they must depend upon the Speaker and his (to them) unknown friends for the protection of their industries, or else accept their complete destruction without a murmur or a protest.

The Speaker must have believed his letters to have been in accord with the views of the Administration. Who imagines for a moment that the Speaker would have given them to the public if the policy he indicates is not to be adopted by the President towards the Speaker's correspondents? We all do know that these letters are in line with the President's messages and with Mr. Manning's reports. Who has heard a whisper of dissent from the White House? Mr. Manning, on the 20th of May last, in his letter tendering his resignation to the President, says:

> Our present tariff laws are a needless oppression, instead of an easy burden.

I charge that the Speaker and the Administration are in accord upon this question; and who of those who signed these communication to the Speaker will contradict it? Here and now I give them the opportunity.

They state the question fairly when they characterize it as a "broad chasm," and in too evident alarm protest, "this is equivalent to saying at the outset, that those holding different views from your [Mr. CARLISLE'S] friends shall be precluded from having any voice in determining what things duties shall be reduced on." Gentlemen, you understood the Speaker—and I believe he intended that you should; the party lash is to be applied. Again I refer you to the President's messages, and the reports of the Secretary of the Treasury, as well as to his letter. Is it not obvious to you that the Administration is to support the Speaker and his friends?

I have expressed a doubt if at the commencement or at any point in the correspondence the parties expected to agree upon a measure for the reduction of our revenues, and I now charge it to be a fact that they did not, without fear of contradiction by the responsible parties. The Morrison bill was introduced here to reduce customs duties, as he estimated, only $25,000,000, and was so proposed and prepared that, under our rules, we could not under or by it reduce internal-revenue taxes. The Treasury Department recommended a reduction of $125,000,000; nowhere does the administration favor the reduction of the internal-revenue taxes. Exclusive of the duties on sugars, the removal of which the administration opposes, the reduction of customs taxes $125,000,000 will place upon the free-list every article for consumption produced in the United States. Neither the administration or the dominant faction dare attempt that.

The Speaker offered to go to the consideration of Mr. RANDALL'S bill, when the whole question of customs and internal-revenue reduction would by its terms be before the House, and Mr. RANDALL did not accede to the proposition. Who believes that there was ever any possibility of his acceding, or that the Speaker would consent to the reduction or abolition of the revenue from manufactured tobacco? Was this correspondence anything more than a piece of diplomacy, thinly disguised, not for the purpose of reaching an arrangement, but to enable these gentlemen to get before their respective constituencies the fact of a failure to agree as the fault of the other wing of the party; or was it, still more contemptible, a struggle for popular favor, involving the absolute surrender of the people's interests?

There has been no day when a bill for the reduction of both customs and internal revenue would not have obtained consideration, but the gentlemen upon the other side have not permitted any such bill to be brought before the House for consideration.

The controlling forces in the Democratic majority here have been willing to go upon record in this correspondence, refusing reduction unless one faction surrendered to the other the right to voice or vote their individual judgment, or the preferences and sentiments of their constituency, and refusing any consideration whatever to the Republican side of the Chamber. The correspondence was conducted upon the understanding that Republicans should be excluded from the consideration of the question. The capital, the labor, the intelligence, the constituencies that have achieved the present prosperity of the country were to go unrepresented. The question was to be settled by a dicker, a trade between party chieftains in a committee-room, away from the light of day. Gentlemen, permit me to thank you that you have made this correspondence public. It places the responsibility where it belongs.

While my surprise at the temerity of the proceeding is boundless, my gratification is equally so. You have refused to permit us even to aid you in the reduction of the revenues, and have confessed to the country that you can not agree how to do it, and therefore can not do it; though incompetent, your obstinacy is potent to prevent action. At last we have this party of hollow, empty profession before the country in its true character.

The last tariff legislation was accomplished by the Forty-seventh Congress, where the Republican party were in a majority by about a half a dozen votes. It looks now as if there would be no more revenue legislation until the people again restore that great party to power. To the Fifty-first Congress, then, must the people look for the proper adjustment of the revenues to the wants of the Government and for continuing protection to American industry.

Oklahoma.

SPEECH
OF
HON. JAMES H. WARD,
OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES.

Saturday, December 18, 1886,

On the bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes.

Mr. WARD, of Illinois, said:

Mr. SPEAKER: The principal questions that this House ought to well consider before this bill is put upon its final passage are:

First. Is the design of this bill expedient?

Second. Are the objects therein contained equitable; does the bill deal fairly with the Indian?

Third. Has this bill merit sufficient to receive the support of fair-minded and just jurists?

And, Mr. Speaker, I believe that the answer to all these questions must be in the affirmative. And, as one member looking towards the advancement of his country, and without wishing injustice done to the red man, I heartily support this measure. I believe it will civilize him, educate him, Americanize him.

Sir, all legislation should be for the benefit of the masses, without regard to color or condition.

In our consideration of this bill, that truth should not be lost sight of. It should be kept specially prominent. The necessities of both the red and the white man, the demands of commerce, and the destiny of civilization on this continent must be considered. The troublesome Indian problem is rapidly approximating solution in the advancing strides of civilization, and the Indian can neither stem nor stay that encroachment. The moral feature has nothing to do with the case. The right or wrong of either party in the century-conflict is now an insignificant factor in the problem. From the Eastern to the Western margin of the world the onward, irresistible march of the Caucasian has been the "manifest destiny" settling all proprietary rights. We can not, if we would, stop that march.

In the great family of man we as the stronger should protect the weaker, and common philanthropy suggests that in the case of the Indian, as affected by that onward march, we so shape our legislation that the tramp of civilization's soldiery may not exterminate. We should study to soften the inevitable. We can not stop to weep over the anomaly in history that the path of our boasted civilization has been wet with tears—too often with blood. The weaker has been trampled under and sometimes annihilated. In this instance the history of the past century teaches that the salvation of the weaker tribes who have peopled this continent depends immediately upon their assimilation with the great citizenship of the stronger. Utter annihilation of the Indians can only be prevented by absorption. If the red men are the "wards of the Government" then Government should save them from extermination.

Sir, it is idle for gentlemen to talk about "original rights." Sickly sentimentality will not stem nor stop the tide of civilization. The celebrated jurist, the world-accepted Kent, has settled the proprietary question of Indian title. In volume 3, pages 377–400, in his chapter on the "Foundation of title to land," he lays down the axiom that—

> It is the destiny and duty of the human race to subdue the earth and till the ground. * * * And if unsettled and sparsely scattered tribes show no disposition to perform that duty, their right to keep some of the fairest portions of the earth as a wilderness, simply for hunting, becomes utterly inconsistent with the civilization and moral improvement of mankind.
>
> If such a people will usurp more territory than they can subdue and cultivate, they have no right to complain if a nation of cultivators put in a claim for a part, and confines the natives within narrower limits.

He specifically applies this argument to the establishment of the French and English colonies in North America as being entirely lawful, because of this duty of mankind to till the whole earth. Discovery was

conquest. Conquest is the basis of all government title to land. And it is now too late to question the validity of such title, for it is the foundation of all real property.

"If the hunter state is a necessity to the Indian, then," says the above-quoted authority, "let him be confined to the narrow limits necessary to the hunter state." And he but echoes the decisions of Chalmers, Vattel, and other legal writers.

So much for the sentimentality that would upset and disturb title to all real property on this continent, or wrest that title from Government and vest it in the Indian.

But, sir, for the benefit of these sentimentalists, let me assure them that this bill does not propose to rob the Indian of a single acre of his present reservation. It is no longer hunting-grounds, for the approach of civilization has destroyed the game; so the red hunter does not claim it for that "necessary state." He can not till it; more, he does not and can not occupy it. But it lays there a broad ocean of wasting grass. It is a bar to commerce because of the blind policy of the Government, which, until the last Congress, forbade the construction of a railroad through the Indian Territory without the consent of the Indian councils—checking the commerce of sixty million people to satisfy a handful of Indians.

The world's commerce stopped by the barrier of this missing link in transportation. From the Lakes to the Gulf, from the Atlantic to the Pacific—north, south, east, and west—sixty million people crippled in their commercial rights in order that seventy-five thousand Indians may keep as a desert wild thousands of acres of land that should thrill with the music of industry and progress.

The report for 1886 of the Commissioner of Indian Affairs, pages 428 and 429, gives to the Indian reservations of Indian Territory 4,741,038 acres of tillable land, of which the Indians cultivated last year 26,098 acres and the Government 731 acres. Here is over 4,000,000 acres of idle land, untilled for want of white labor, and all of it reported by the commissioners as tillable land, inside the Indian reservations of this Territory. Kent had in mind just such vast territories as this idle waste, kept so by a few nomads, when he forever settled the legality of civilization's stepping in and rescuing it to industry.

What are the facts in the case? There are over 41,000,000 acres of land in the Indian Territory, and a great part of it untrodden by foot of man.

The "five civilized tribes"—Cherokees, Seminole, Creek, Chickasaw, and Choctaw tribes—occupy the eastern, northeastern, and southeastern borders. A few scattered tribes adjoin them. The Cheyenne and Arapahoes have their reservation on the western border, and all between a waste of grass, and comprising the portion proposed by this bill for the new territory.

Commissioner Atkins, in his 1886 report, gives the following population in Indian Territory:

Cheyenne and Arapaho agency	3,434
Kroma, Comanche, and Wichita	4,182
Osage	1,905
Ponca, Pawnee, and Otoe	1,968
Quapaw	1,049
Sac and Fox	2,261
Union (five civilized tribes)	61,000
	75,799

The same report gives the number of acres of land in Indian Territory at 41,102,546. Divide this rich heritage among this population and you give to each 541 acres and a fraction. Every Indian and squaw and papoose 541 acres of land! Verily a happy hunting-ground—a hunting-ground without game! Not a buffalo to shake his shaggy mane in all this wilderness of waste!

The bill lately passed by Congress giving lands in severalty to Indians has settled it that 160 acres of ground to each adult and 80 acres to each minor child is sufficient for the necessities of the Indians—more, sir, than they can or will till and render productive.

The principles involved in this bill, under section 8, and guaranteed by the "lands in severalty" bill, enacted this Congress, goes further yet in favoring the Indian. After allowing him to locate his quota as he may please, and have the first pick of the soil, it offers to pay him for the surplus of the land. Such munificence would make the Indians of Indian Territory the richest people, as a whole, in the world.

But, sir, this bill does not propose to divide all of Indian Territory. It simply takes the waste lands unoccupied by the Indian and comprising in all 17,044 square miles, or 11,583,295 acres, embracing the Cherokee Strip or Outlet of 9,410 square miles, or 6,022,855 acres; Oklahoma, amounting to 2,934 square miles, or 1,887,800 acres, and the Public Land Strip, 4,700 square miles, or 3,672,640 acres.

And, sir, I will here state that Oklahoma was originally part of the Creek and Seminole purchase, and was by them ceded to the United States, and the Secretary of the Interior reports it as paid for. That Cherokee Outlet was ceded by the Cherokees to the United States in 1866, and $300,000 of the purchase money has been paid. The Government, however, reserved to the Cherokees the right to use it as "an outlet" to the salt fields and hunting grounds west—a use no longer needed or utilized. And that the Public Land Strip was ceded by Texas to the United States in 1860. It is, however, in disputed title, consequently has no jurisdiction, and no one owns it; hence its title, "No Man's Land," or as on the Government map, "Public Land Strip."

Now, sir, as to the effect of such legislation upon the whites, for if it only benefits the Indian it would be class legislation. Our people are clamoring for homes. Our over-crowded cities are producing labor riots, mobbism, anarchy, and all the miseries of landless, homeless, idle poor. The minds and hearts of statesmen are burdened searching for a remedy for these evils.

House these homeless ones on this surplus 17,044 square miles. Let the land teem with the hum of labor, people it with industrialists, enlighten it with school-houses and churches, touch it with the wand of progress, and make the wilderness blossom like the rose. Drain your crowded cities of their surplus people and make of this a State. This surplus 17,044 square miles or 11,583,295 acres of land divided into homesteads would create homes for thousands of American citizens. Many of our people have been so long knocking to be admitted into that Territory that, if this bill should become a law, a State would spring up there as if by the magic of a night, and by opening up this Territory you also benefit the Indian.

Take, for instance, the Cherokees, many of whom are far advanced in all that makes up civilization; they have churches and schools. Those thus advanced were and are in daily contact with and surrounded by white enlightenment. So much has been done for the Cherokees by limited contact with white advancement.

An agent for the Indian Defense Association lately visited Indian Territory, and says in his report, speaking of the Chickasaws: "These people are slowly but surely progressing in industrial arts and in general education."

Do not forget, sir, that these Chickasaw Indians have been in daily contact with white civilization for a number of years. He speaks similarly of the Creeks—another of the five civilized nations—and of their progress, by the fact evident of the influence of white men's examples in industry and economy.

The sore problem of what shall we do with the Indian finds apt solution in that sorer problem so happily solved by President Lincoln's treatment of the negroes. With one stroke of his pen four million slaves were made freedmen—citizens—and they have flourished under that treatment.

So treat the Indian. Let him reserve his homestead. Buy his surplus lands. Protect and check him with the rights and duties of citizenship. Give him the franchise when you give him a home. Citizenize him, make him a free man. Let the ballot lift him still higher. And throw around him the restraints as well as the protection of law.

Homes for the homeless is what this bill promises the white man. A thrifty, busy, prosperous State where now is a wilderness is promised for the country. Unimpeded commerce to our sixty million of people is the promise to the nation.

And, sir, as to the law in the case: There is a large portion of the Indian Territory embraced in these 17,044 square miles upon which neither Indians or whites are settled and have no legal rights to settle, but without authority they are leased to cattle syndicates. And these "leases" are from Indians who by statute law of the United States have no authority to sell or lease a foot of the reservations allotted to them. But they are so leased and are thus occupied.

In 1883 the Cherokees leased to the Cherokee Live-Stock Association 6,000,000 acres of land west of 96° (or Indian meridian) known as the Cherokee Outlet, and located within this proposed territory, notwithstanding the statute declares such lease to be illegal, and as the Attorney-General has since decided.

This lease gave, for $100,000 per annum, 6,000,000 acres of the finest grass land in the world to the Cherokee Strip Live-Stock Association.

This Cherokee Outlet comprises a part of the public domain described in the bill before us for consideration, and to which I have above referred.

These 6,000,000 acres of land were ceded by the Cherokees to the United States, July 19, 1866, and is most unquestionably public domain. Yet it is unoccupied by Indians or whites, except by the cattle barons, who lease it at $100,000 per annum from the Indians.

Six million acres of land desecrated by dedication to cattle and cowboys!

These millions of acres of the people's domain are being leased out to cattle barons contrary to section 2116 of the Revised Statutes, which is as follows, to wit:

> No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution.

This unoccupied 17,044 square miles of land is nearly in the center of this Union. It lies upon the path of commerce over the continent. It is a vacant waste because of its inoccupancy, except by cattle and cow-boys as I have stated, but admirably adapted by nature in gifts of soil, climate, and mineral wealth for a prosperous territory. Thousands of our producers are clamoring for homes and leave to till the soil. Here it lays, waiting for them. This bill proposes to grant them the legal right to make of it a great State. And why object to such concession?

Pleuro-Pneumonia.

SPEECH

OF

WILLIAM M. SPRINGER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 28, 1887.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884—

Mr. SPRINGER said:

Mr. CHAIRMAN: This bill has been attacked by gentlemen on both sides of the House as being unnecessary and also unconstitutional. The gentleman from Ohio [Mr. WARNER] and the gentleman from Tennessee [Mr. MCMILLIN] have both asserted that it violates the Constitution, and Article IV of the amendments has been quoted for the purpose of fortifying that position. The article quoted by the gentleman from Tennessee has reference only to criminal prosecutions.

The article is as follows: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause," &c. Probable cause of what? Of guilt. It prohibits unreasonable searches. It was never supposed to apply to those questions which relate to the public health, and it has never been quoted in that connection, so far as I know, until to-day. This bill relates to another subject entirely, and has no reference whatever to the provision in the Constitution which is designed to protect the citizen from persecution on account of alleged criminal offenses.

Mr. MCMILLIN. Will the gentleman permit me to interrupt him?

Mr. SPRINGER. I can not yield, Mr. Chairman; I have no time. I desire to call the attention of the gentleman from Tennessee to that maxim with which he is undoubtedly familiar, *salus populi suprema est lex*. I have never known an occasion, sir, where the public health required the intervention of extraordinary power, that power was not found to exist adequate to the demands of the occasion.

Mr. MCMILLIN. I suppose, then, that if a man has a contagious disease, you can do anything you please on his premises without constitutional warrant?

Mr. SPRINGER. The Constitution does not require a warrant to issue in order to authorize an officer to board a vessel entering our ports, search it to ascertain whether there is a contagious disease aboard, or to hold the vessel in quarantine until the danger has passed. In the gentleman's own State, sir, when the yellow fever raged in Memphis, the agents of the General Government went there and exercised extraordinary powers in order to prevent the spread of the disease. They did it with the consent of the gentleman from Tennessee, no doubt, and when pleuro-pneumonia shall invade his State, the power of the General Government will be there, under the provisions of this bill, to protect his property and that of his fellow-citizens, as it was there to protect them against the contagion of yellow fever.

The honorable gentleman from Ohio [Mr. WARNER] has asserted that no intelligent farmer in the United States desires this legislation. My friend from Ohio has not been reading the papers recently. If he will look over the newspapers which have been received by him but which he has probably been unable to find time to examine, he will discover that the following associations of "intelligent farmers" in this country have asked for legislation upon this subject:

The Consolidated Cattle Growers' Association of the United States, embracing in its membership the American Short-Horn Breeders' Association.
The American Holstein Breeders' Association.
The American Hereford Breeders' Association.
The American Jersey Cattle Club.
The American Aberdeen Angus Breeders' Association.
The Illinois State Board of Agriculture.
The Kansas State Board of Agriculture.
The Iowa State Board of Agriculture.
The Ohio State Board of Agriculture.
The Iowa Improved Stock-Breeders' Association.
The Iowa Short-Horn Association.
The Kansas Short-Horn Association.
The Ohio Short-Horn Association.
The Farmers' Congress.
The Nevada Live-Stock Association.
The Missouri Short-Horn Association.
The Chicago Live-Stock Exchange.
The Wyoming Cattle-Growers' Association.
The Montana Cattle-Growers' Association.
The Dakota Live-Stock Association.
The New York State Board of Agriculture, and a great number of local organizations throughout the United States.

The Miller bill, having the same object in view, is also indorsed by joint resolutions of

The Illinois Legislature.
The Michigan Legislature.
The Minnesota Legislature.
The Kansas Legislature.

By Col. R. G. Head, president of the International Range Association.

J. N. Simpson, president of the Texas Cattlemen's Association, and many others.

These, Mr. Chairman, are the associations and individuals in the United States which have petitioned Congress for some measure of relief upon this very subject and during this very session.

In addition to the numerous petitions received members are in receipt of letters from prominent breeders and farmers. To show the feeling among farmers on this subject, I will print in my remarks the following letter from Messrs. James N. Brown's Sons, of Grove Park Farm, near Berlin, Sangamon County, well-known stock-breeders in Illinois:

BERLIN, ILL., *January* 28, 1887.

DEAR SIR: We, as well as a large majority of the cattle-men and farmers of our State, are very anxious that some measure may be passed by the present Congress for the protection of our cattle from pleuro-pneumonia by proper quarantine and any other regulations that may tend to suppress it wherever it may spring up; and in order that the owners of cattle may promptly report any disease among their herds, it is very proper and right that the owners of afflicted herds may be compensated for losses that may occur. The cattle interests of our country are vitally interested in the matter and feel that, since they are large bearers of the burdens of taxation, their Representatives in Congress should do all in their power for them at this time. The Miller bill fills the bill, and we earnestly hope that you take a warm interest in its success.

Hoping that you are quite well, we remain as ever,

Your friends,

JAMES N. BROWN'S SONS.

Hon. WM. M. SPRINGER, *Washington, D. C.*

Mr. CUTCHEON. Are not those all, or nearly all, organizations connected with the breeding of blooded stock, which would bring a high price under this bill?

Mr. SPRINGER. Many of them are, but all the live-stock organizations in the United States are represented, and the cattle interests everywhere are deeply interested in this legislation.

Mr. WARNER, of Ohio. Those gentlemen will get a high price for their stock if any of them have to be destroyed.

Mr. SPRINGER. The Stock Exchange of Chicago, which formerly resisted legislation of this kind, is now petitioning Congress for efficient legislation on this subject. In addition to the action of the cattle-growers' associations I call attention to the action of the State Board of Agriculture of the State of Illinois, which represents the farmers of that State. Among the resolutions recently adopted by that association I call special attention to the following:

That in view of the nature and importance of this bill nothing should be permitted to stand in the way of affording prompt measures of relief, and we are of the opinion that the general welfare of the people of these United States imperatively requires this legislation.

Here are the resolutions in full, which I will ask to have printed as a part of my remarks:

Resolutions adopted by the Illinois State Board of Agriculture, January 4, 1887.

Whereas the continued existence of contagious pleuro-pneumonia among cattle in this country is due solely to the failure of the National Government in maintaining proper quarantine regulations on the seaboard; and

Whereas said disease has now, in the opinion of prominent veterinary surgeons, got such foothold as to seriously affect a great business industry and threaten a serious interruption to interstate and foreign commerce in cattle; and

Whereas State laws alone have seemed to be unavailing in dealing with this disease: Therefore,

Resolved, That we regard it as the duty of the Congress of the United States to speedily enact a proper law for the suppression of all contagious diseases among cattle in the United States, placing the execution of such a law in the hands of able and energetic business men, whose sole efforts and energies shall be directed to the one task.

Resolved, That in view of the nature and importance of this subject, nothing should be permitted to stand in the way of affording prompt measures of relief, and we are of the opinion that the general welfare of the people of the United States imperatively require this legislation.

Resolved, That copies of these resolutions be sent to each member of Congress from Illinois, and that each individual member of this board is hereby requested to write a personal letter to his Representative, urging him to support the bill for the suppression of exotic diseases, introduced by Senator MILLER and Delegate CAREY.

I have also a joint resolution passed by the Legislature of Illinois, the greatest agricultural State in the Union, a body containing a large number of intelligent farmers.

Mr. WARNER, of Ohio. The newspapers——

Mr. SPRINGER. No, sir, not controlled by the newspapers. The gentleman impeaches the intelligence of the legislators of the State of Illinois when he assumes that they are controlled by the newspapers.

Mr. WARNER, of Ohio. That is where the gentleman is getting his authorities and his constitutional law.

Mr. SPRINGER. The Legislature of the State of Illinois, composed of farmers and the representatives of farmers, have adopted this joint resolution:

Joint resolution adopted by the thirty-fifth General Assembly of the State of Illinois.

Whereas the existence of contagious pleuro-pneumonia among cattle in the United States is the result of negligence upon the part of the Federal Government, in failing to enact and enforce proper quarantine measures on the seaboard; and

Whereas the various States and Territories of the Union have, for their own

protection, been compelled to resort to embarrassing quarantine regulations, thereby seriously obstructing interstate commerce; and

Whereas this disease has during the past two years made rapid progress in spite of the utmost endeavor of State authorities: Therefore,

Resolved by the senate (the house concurring herein), That we do hereby urge upon Congress the speedy enactment of the bill now pending in the United States Senate for the suppression of exotic contagious diseases among cattle, to the end that one of our greatest business industries may be relieved from an impending calamity, that the meat supply of the nation may be saved from losses which would directly affect every consumer of meat, and that the foreign stigma now attaching to one of our principal articles of export may be removed.

Resolved, That the vigorous measures proposed in the Miller bill should be made to apply only to diseases of foreign origin, and not to the common diseases to which the cattle of the United States are subject, and which are only equivalent to the ordinary dangers to which other branches of business are subjected.

Adopted by the senate January 12, 1887, and concurred in by the house of representatives January 13, 1887.

A certificate in due form is attached, signed by Henry D. Dement, secretary of state.

Mr. MCMILLIN. Is not the Senate bill which is referred to in that resolution entirely different from this?

Mr. SPRINGER. It is much more radical and thorough than this. It goes further than this bill goes.

Now, I wish to call the attention of members of the House to the fact that all the farmers' associations of the United States, embracing the great bulk of the intelligent farmers of this whole country, are petitioning Congress to pass some effective measure for the suppression of this contagious disease, which is threatening to destroy one of the great industries of the country.

Now, gentlemen who are quibbling about constitutional limitations may make a serious mistake. The farmers in the country comprise one half of the population of the United States. Their interests are immense, and especially their interests as involved in this question. If gentlemen suppose the intelligent farmers of this country are not in favor of the extirpation of this cattle disease through the agency of the Government of the United States they are acting under an erroneous impression. The farmers will learn who are their friends, and will also learn who are hostile to or indifferent as to their interests. When some gentlemen are candidates for re-election they may find it difficult to explain their records on this bill.

[Here the hammer fell.]

The Trade-Dollar.

SPEECH
OF
HON. SAMUEL J. RANDALL,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, February 12, 1887,

On the bill (S. 199) for the retirement and recoinage of the trade-dollar.

Mr. RANDALL said:

Mr. SPEAKER: This is a question within narrow limits. The principle involved is whether a great Government like this should inject into the circulation of the country a coin and thereafter refuse to redeem it at the value for which it was issued.

It should not be considered as to whether it is inside or outside of the limits fixed by the coinage law which authorized what is known as the standard dollar. I would prefer not to involve it in that connection, but permit it to be in excess of what the law provides in that respect. I have lived long enough to get rid of some of my graver apprehensions as to silver coinage. [Applause and cries of "Good!"]

It has been said here that this is a proposition to vote money out of the Treasury into the pockets of individuals—of speculators. It is not a matter of consequence to me whether Jew or gentile, individual or corporation, holds these trade-dollars. The original benefit was perhaps in some degree to the bullion owner; but the very moment the Government sent this coin out among its citizens as a coin of the United States, and the citizens in the interchange of their commodities used it as a measure of value among themselves, the matter of profit ceased to be a factor.

There are about two millions, if I am advised correctly, of these dollars held by banks, and the balance, or about five and a half millions, are held by individuals. The Government should meet its obligations with reference to them. To my mind the principle of honesty is involved in behalf of their redemption, whether they were issued under the legal-tender clause or not; they were actually issued as money by the Government and used as such by the people, and therefore it is, in my judgment, right that the Government of the United States, as I said when I began, should take back its own coins issued by virtue of its own laws, which laws compelled the citizen to take them at a fixed value—at exactly the same rate at which it required the citizens to take them.

[Here the hammer fell.]

Agricultural Experiment Stations.

SPEECH
OF
HON. JAMES D. BRADY,
OF VIRGINIA,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, February 26, 1887,

On the bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. BRADY said:

Mr. CHAIRMAN: I desire in the first place to invite attention to House bill 2933, known as the "Hatch agricultural experiment-station bill," which is as follows, the amendments to said bill agreed upon by the Committee on Agriculture being in italics:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid the Department of Agriculture in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, in connection with the college or colleges in each State established, or which may hereafter be established, in accordance with the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, *or such college which has been or may hereafter be established and operated under the laws of any Territory in conformity with the provisions of this act*, a department to be known and designated as an "agricultural experiment station:" *Provided*, That in any State in which two such colleges have been or may be so established the appropriation hereinafter made to such State shall be equally divided between such colleges, unless the Legislature of such State shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation within the isothermal limits represented by the climate of the several stations and their vicinity; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States *and Territories*.

SEC. 3. That the said experiment stations shall be under the direction and control of the trustees or other governing body of such colleges, who shall have power to appoint a director and such assistants as may in each case be necessary.

SEC. 4. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to determine annually a standard of valuation of the ingredients of commercial fertilizers, upon which the analysis of such fertilizers, as far as made by said stations, shall be based; to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act; but nothing herein contained shall be construed to authorize said Commissioner to control or direct the work or management of any such station except as to the standard of valuation of commercial fertilizers. It shall be the duty of each of said stations, annually, on or before the 1st day of February, to make to the governor of the State *or Territory* in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 5. That in order to make the results of the work of said stations immediately useful, they shall publish at least once in every three months bulletins or reports of progress, one copy of which shall be sent to each newspaper in the States *and Territories* in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

SEC. 6. That for the purpose of paying the salaries and wages of the director and other employés of said stations, and the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of $15,000 per annum is hereby appropriated to each State *and Territory*, to be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the aforesaid boards of trustees to receive the same; the first payment to be made on the 1st day of July, 1886; but no such payment shall be made to any station until the trustees or other governing body of the college at which such station is located shall have executed, under their corporate seal, and filed with the Secretary of the Treasury *of the United States* an agreement to expend all moneys received under this act for the sole and exclusive purpose and in the manner herein directed, and to maintain a farm of at least 25 acres in connection with such college, and shall also have executed and filed with said Secretary their bond, in the penal sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State *or Territory*, conditioned on the faithful expenditure of and accounting for all moneys so received: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding 5 per cent. of such annual appropriation may be so expended.

SEC. 7. That whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations, that a portion of the preceding annual appropriation remains unexpended, such

amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 8. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States *and Territories* in which they are respectively located.

The report of the Committee on Agriculture upon the foregoing bill is as follows:

The Committee on Agriculture, to whom was referred the bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, having had the same under consideration, submit the following report:

The object of the bill is to aid agriculture by the establishment of what are known in Europe and the United States as experiment stations. The Agricultural Department was established, among other things, "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants." Experiments in the Agricultural Department at Washington are reliable only for such portions of the country as present the same conditions of temperature, moisture, soil, &c. A large proportion of seeds and plants tested at Washington fail in other portions of the country where the conditions are different. Agriculture is so variable in the different States that it is impracticable for one station to cover the field of needed investigation. The cotton and rice States have their climate, their peculiar crops, their insect enemies, and their special problems. The great prairie States have their peculiar wants and difficulties, and so of the several sections. Experiments that are at all reliable can only be performed in the several localities and under their varying conditions.

The amount of annual appropriations for the Agricultaral Department are not sufficient to justify the commission to employ agents who possess the necessary scientific acquirements, and who can devote sufficient time to make accurate reports. The result has been that voluntary lay correspondents have been employed, without compensation, whose reports of crop prospects, soils, &c., have often been inaccurate and conflicting. The experiment stations provided for in this bill would furnish scientific data on all matters contemplated in the bill, and would enable the department to disseminate reliable and valuable information.

When we consider the vast area of our country it will not be seriously contended that one such station in each State would be too many. In some of the larger States two could be maintained with profit. In such case it is provided that the amount appropriated to the State be equally divided unless the legislature of the State shall provide otherwise. It is believed that this discretion would be proper, and that the public sentiment of the State would be sufficient to prevent its abuse.

It is becoming apparent from year to year that the United States have not the undisputed monopoly as the producers of cereals. For many years, owing to newness and richness of our soils, we had a decided advantage over our competitors, much of which was due to advantages in transportation as well as cheapness of production, and we held the markets of Southern Europe and Great Britain. Of late years Russia has become a large producer and exporter of wheat, while Australia and India are rapidly developing as in wheat-producing and exporting countries. The same is true of meat and other agricultural products. While this competition is sharp, and becoming more so as transportation facilities are afforded our competitors, it would seem that every encouragement consistent with economy derived from science and experiment should be given in aid of this great industry. The object should be to increase production at a decreased cost and at the same time to preserve the fertility of our soils.

But the committee deem it unnecessary to enlarge upon the importance of the end to be attained. No principle is better established among civilized nations than that the prosperity of agriculture involves that of every other interest. No conviction is stronger or more universal among our own people than that it is the duty of the Government, by every legitimate means in its power, to aid in preserving and developing the agricultural resources of the country, thereby promoting the welfare not only of those who make this branch of industry the business of their lives, but that of every other class of citizens.

Equally beyond question, in the judgment of the committee, are the wisdom and effectiveness of the means proposed by this bill to accomplish the desired results. Upon this point we need not resort to conjecture. We can appeal to what has already been done, here and elsewhere, as the surest indication of what may reasonably be expected in the future. Experiment stations have been in operation in Europe upwards of thirty years, not including in this statement the establishment of Sir John Bennet Laws, of Rothamstead, England, who has spent much of his life and a large part of his princely fortune in experimenting in agriculture for the benefit of mankind. His experiment station was fully organized in 1843, with Dr. Gilbert, one of the first agricultural chemists in Europe, at its head, and has probably done more work of permanent importance than any similar station in the world.

Mr. Laws has made arrangements in his will for carrying on the station he has so nobly established after his death by giving sufficient land and donating near a half million of dollars in money. The first experiment station after that of Mr. Laws (under that title, "Versuchs-Station") was established at Moeckern, Saxony, in 1852. Since that time only two years have passed without witnessing the establishment of from one to twenty of such stations, until at the end of the year 1884 there had been 148 established on the continent of Europe—81 in the various states of Germany, and 67 in other countries. About a dozen of these have either been discontinued or, as in several cases has happened, been merged in some other organization. The rest continue in successful operation. They have created processes and produced results which are everywhere accepted as introducing a new era in agricultural advancement.

It would not be possible, within moderate limits, to give any full detail of these results; but the lines they have followed and the extent of the field covered may be indicated by a few summary statements. Sixteen stations, for example, are principally devoted to soil investigations; 23, to investigations in modes of cultivation and fertilization; 13, to questions connected with viticulture and the manufacture of wine; 3, to horticulture; 1, to olive culture; 9, to silviculture; 2, to methods of cultivating moor, swamp, and waste lands; 28, to researches in plant physiology; 11, to diseases of plants; 21, to investigations in animal physiology, feeding, digestion, &c.; 11, to dairy investigations; 6, to the scientific points in silk culture; 3, to the sugar industry; 2, to alcohol manufacture, the chemistry of fermentation, &c.; 2, to beer manufacture; 22, to technical researches in agricultural chemistry; and 5, to questions respecting some minor agricultural industries.

All the foregoing lines of investigation are pursued from the scientific standpoint, and with reference to scientific rather than directly practical results; but many of the stations are employed in practical work for immediate ends. Fifty-four, for example, are occupied in the work of fertilizer control; 43, in seed control; and 38, in feeding stuff control. These subjects of inquiry are subdivided into various special branches, which it is not necessary to enumerate. They will readily suggest themselves. Another highly interesting and important result from the establishment of these stations is the remarkable activity that they have stimulated in agricultural writings. More than 2,000 books and pamphlets were published by experiment stations between the years of 1852 and 1877. Of these, 66 treated of the original sources of plant food; 103, of soils, including soil formation, physical and chemical properties of soils, soil analysis, and soil improvements; 484, of plant physiology, including plant nutrition, in general, mineral and other foods, the mutual action of root and soil, the mutual action of stem and leaves with the atmosphere, the circulation of material within the plant, the genesis, metamorphosis, and character of organic plant products.

Under this head also were treated the action of physical agents upon plants; the phenomenon of plant development, as germination, development of organs, production of material, reproduction; the diseases and malformations of cultivated plants, including injuries from parasites, fungi, and animals. Ninety-eight works treated of the chemical composition of plants; 217, of fertilization, with analysis of natural and artificial manures; 229, of field experiments, including the action of fertilizers and researches respecting the effect of cultivation and fertilization on different kinds of plants; 594 works were devoted to a consideration of the numerous questions respectiug the production of farm animals, such as the constituents and secretions of the animal body, the composition of feeding stuffs and nutrients, the preparation and preservation of foods, the digestibility and the assimilation of foods, the chemical changes involved in animal growth, the effect of external conditions, diseases of domestic animals, and many others; 359 works treated of special topics in agricultural technology and of analytical methods.

This bare enumeration presents a striking picture of the activity of the experiment stations and of the immense impulse they have given to agricultural research. Combining, as they do, the precision of scientific methods with an intelligent regard to the requirements of practical operations, it is not surprising that they have come to be looked upon, wherever established, as the most important aids to successful farming, as well as the foremost agency for the advancement of agricultural science. They have taught the most profitable methods of cultivation and fertilization with the different soils and crops, and the best ways of doing the thousand minor operations of daily work; have driven out of the market inferior fertilizers, food-stuffs, and seeds, thereby saving millions of dollars to the farming community; and, by raising the productiveness of agricultural industry, have to that extent helped to solve one of the standing problems of society—how to relieve the pressure of population upon subsistence.

Agricultural experiments are not a new thing. They are as old as the tillage of the soil. Until recently the existing state of agriculture was almost exclusively a result of centuries of crude experimentation. But it is only since the theories of Liebig were organized into working institutions (the experiment stations) that experiments have been so conducted as to furnish a helpful and authoritative rule of practice. A scientific experiment is made, not for the purpose of seeking or sustaining a theory, but of learning a fact. It must be conducted, as far as possible, under ascertained and controllable conditions; and, where that is not possible, intelligent allowance for the variation must be made and stated. Each step must be accurately observed and verified, and this process must be repeated, under identical conditions, times enough to eliminate every form of error. The logical process is like that in support of a legal proposition. The ground must be cleared and the foundation laid. Each advance in the argument must rest securely on that which precedes. No link in the chain must be omitted. The appropriate evidence must be marshaled in support of each point. The irresistible conclusion follows. Compared with such a process, the ordinary field experiment is as the bungling of an apprentice to the finished work of the trained artisan.

The work being done by European stations is equally needed in the United States, and is already begun in obedience to an imperative public demand. The decay of agriculture in the older States, the deterioration of soils in the first-settled group of new States, the rapid absorption of public lands, and the increasing competition of Russia and India in the food-markets of the world, have strongly arrested public attention. The conviction has become general that waste must be checked and productiveness increased. The growth of intelligent interest in this and similar subjects among the agricultural community within a few years past is one of the most striking and hopeful signs of the times. The increase of knowledge on the scientific questions involved in farming and the growing demand for trustworthy information are altogether unprecedented, and every effort to supply the demand seems only to stimulate rather than to satisfy it. Agricultural societies, boards of agriculture, and other organizations have long given important aid in this direction, but the agency which has proved so beneficial abroad has within the last ten years received a remarkable impulse in our own country, and few who have not given the matter special attention can have more than an imperfect idea of the extent to which efforts in this direction have been begun within the period named.

The first "experiment station" under that specific designation in the United States was established at Middletown, Conn., in 1875, by the joint action of Mr. Orange Judd, the trustee of the university at Middletown, and the State Legislature, with Prof. W. O. Atwater as director. In 1877 the station was taken under the more direct control of the State and removed to New Haven, where it has since been in successful operation. In the same year, 1877, the example of Connecticut was followed by North Carolina; in 1880, by New Jersey; and in 1881, by New York. Of these four experiment stations that in Connecticut, as already stated, and the one in North Carolina, were first established in connection with colleges, but afterwards removed. The New York station has from the first been a separate establishment. The New Jersey station was established, and has since continued, in connection with the State Agricultural College at New Brunswick. Since 1881 the Legislatures of several States have either recognized or reorganized the departments of agriculture in the land-grant colleges as "experiment stations," thus following substantially the course adopted by New Jersey. Such stations have been established in Maine, Massachusetts, Ohio, Tennessee, Wisconsin

In three other States (possibly more), without legislative action, the college authorities have organized their agricultural work as experiment stations. This has been done in California, Missouri, and New York. But in addition to the twelve experiment stations specifically designated by that name a very large number of the colleges established under the act of 1862 are doing important work of a precisely similar kind. Many of them began such work immediately upon their establishment and have since maintained it continuously; others have entered upon it more recently. The colleges in Colorado, Indiana, Kansas, Michigan, and Pennsylvania are carrying on what is strictly experiment-station work as a part of their ordinary duty. Next in importance to the results obtained through these varied and widespread activities is the effort generally made to bring them directly within reach of those actually engaged in farm-work. This is done by means of the newspaper press, by annual or biennial reports, and especially by slips, folders, or bulletins, which are scattered broadcast, disseminating information, stimulating thought, teaching how best to coin work into wealth. As illustrating the range of the work that some of these colleges and stations are doing, the following summary statement is given, naming a few of the subjects that have recently occupied their attention:

Alabama (State station, located at college):

1. Fertilizer control.
2. Development of Alabama phosphates.
3. Fish culture.
4. Field experiments on cotton, wheat, and corn.
5. Insects injurious to cotton.

Connecticut (State station, independent):
1. This station is chiefly devoted to fertilizer control, analyzing 115 to 175 samples yearly; has added much of value to knowledge of the fertilizing value of natural manures, and of manufacturing wastes and of composting.
2. Next in importance are its analysis of feeding stuffs, which number 25 to 50 yearly, including many new commercial articles, and also studies of values of hay and maize at different stages in growth and curing and from different species and varieties.
3. Third in importance are the feeding experiments, mainly on milking cows; these have added much to the knowledge of American foods and of the milk of different breeds.
4. Studies of the relation of evaporation and percolation to various soils.
5. Seed tests, testing purity and vitality of various samples and effect of age on different species.
6. Improvement of chemical methods applied to agricultural investigation; soda-lime method of nitrogen determination; improvement of apparatus for absolute nitrogen determination; studies of different methods of determining albuminoids, arsenics, phosphoric acid, &c.; forms of apparatus for seed tests, &c.
7. Studies on the composition of leaves and of tobacco leaf and stalk.
8. Investigation on soils, rocks, and waters.
9. Poisoning cases.
10. Studies in stringy milk, peach yellows, potato scat, and skin crack, and strawberry blight.
11. Studies on antiseptics used for dairy purposes.

Massachusetts (State station, connected with college):
1. Fertilizer control.
2. Fodder analyses.
3. Drainage experiments.
4. Feeding experiments with milch cows and pigs.
5. Observations on milk.
6. Injurious insects.
7. Fruit-culture experiments.
8. Peach yellows.
9. Drinking-water analyses.
10. Meteorology.
11. Seed tests.

New Jersey (State station, connected with college):
1. Fertilizer control.
2. Feeding experiments with dairy cows.
3. Field experiments with various fertilizers.
4. Sorghum-sugar manufacture.
5. Ensilage, its composition and feeding value.
6. Financial studies of the dairy business.
7. Chemical composition of diseased plants, cranberries, and sweet potatoes, with experimental treatment.
8. Fodder analyses.

North Carolina (State station, independent):
1. Fertilizer control (chemical and field tests).
2. Development and analyses of North Carolina phosphates, marls, and limestones.
3. Studies of home sources of nitrogen and potash (N. C.).
4. Analyses of soils, rocks, and ores for State geologist.
5. Analyses of waters, drugs, and foods, poisons, for board of health.
6. Field tests on silicated fertilizers, North Carolina superphosphates.
7. Notes on composting.
8. Study of cultures in North Carolina, and chemical composition of sugar beet, cotton, jute, soja bean.
9. Manufacturing relations of rice and cotton-seed industries.
10. Seed tests.
11. Study of special fertilizer ingredients as affecting North Carolina soils and crops.
12. Feeding stuffs and ensilage.

Ohio (State station, connected with college):
1. Wheat experiments, including comparative tests of varieties; cross-fertilization and selection; thick and thin seeding; winter protection and spring cultivation; early and late plowing and sowing; application of fertilizers; methods of seeding.
2. Corn experiments, including comparison of varieties; planting at different depths; thick and thin seeding; methods of culture; application of fertilizers.
3. Experiments in pig-feeding.
4. Other experiments, including small fruits; oats; garden vegetables; injurious insects; weeds—methods by which weeds are disseminated and propagated—habit of growth and duration of life—the best methods of destruction (at least twelve kinds examined); grasses, forest trees; seed tests; meteorological record; sorghum; chemical researches.

Pennsylvania (college experiments):
1. Effects of various fertilizers on the growth of wheat, corn, oats, and grass, including comparative effect of single ingredients; effect of complete as compared with partial fertilizers; comparative effect of different forms of nitrogen; necessary artificial supply of nitrogen; comparative effect of commercial fertilizers and yard manure; effect of lime, ground limestone, and plaster; permanency of effect of the different fertilizers; effect of the various fertilizers upon the comparative growth of the crops; effect of the various fertilizers upon the relation of grain and straw; the necessary error involved in field experimentation; yield of wheat sown at different depths and with different quantities of seed; experiment with different forms of phosphoric acid; experiments with field plots; experiments with boxes.
2. Examination of agricultural seeds.
3. Ensilage, including cultivation of the crop; preservation of fodder by ensilage; character and appearance of the ensilage; results of feeding ensilage; method of taking samples; amount and kind of loss that occurs; effect of loose and gradual filling of the silo; changes that occur in the nitrogen compounds of ensilage.
4. Descriptive notes on trees, shrubs, and vines on college grounds.
5. Effect of cutting timothy and clover grasses at different stages of growth.
6. Feeding experiments.
7. Sorghum.
8. Cattle food analyses.
9. Effect of different fertilizers upon the composition of the ash of tobacco.
10. The feeding value of soft corn.
11. Nitrogen determinations.

Tennessee (State station, connected with college):
1. Wheat culture, including amount of seed and product per acre, with comparative results for four years; varieties and produce; modes of seeding; time of cultivating; tests with barn-yard manures; tests with commercial fertilizers; tests with chemical fertilizers.
2. Oat culture.
3. Corn culture.
4. Ensilage.
5. Forage and silage crops, including sorghum; teosinte (tropical, resembling pearl millet); millo maize; durra; upland rice; Johnson grass; soja hispida (Japan pea); clover; grass.
6. Other experiments, including cotton, Irish potato, fruits, flowers, garden vegetables, stock and stock-feeding, tests of commercial fertilizers.

Wisconsin (State station, connected with college):
1. Feeding experiments on milch cows, calves, sheep, and pigs, with digestion experiments.
2. Study of fungoid disease of plants.
3. Observations on the time of appearance and falling of leaves of trees, vines, &c.
4. Experiments in methods of manufacturing milk products.
5. Field experiments with varieties of wheat, oats, barley, and sorghum.
6. Fodder analyses.
7. Meteorology.
8. Machine trials.
9. Fertilizer control.

The above are only specimen lists, and might be greatly extended. They give but a bare hint of the number and variety of questions, scientific and practical, which continually present themselves to the farmer or investigator, or both. Nor is it alone in connection with old facts and theories that such questions arise. Every modification of conditions, soil, climate, treatment, cross-fertilization in plants, cross-breeding in animals, creates new problems for the solution of which past experience or knowledge is often entirely inadequate. It is this situation that the land-grant colleges have tried to meet in the way above indicated. That the results produced, while of the greatest value, have been far from satisfactory to themselves and far from meeting the pressing requirements of public need, is freely admitted. But it should be borne in mind that experiment work is only an incidental part of their proper vocation.

Their leading function is, in the words of the law of 1862, "to teach branches of learning." If the work of the institutions related exclusively to agriculture, or could be so restricted in honest compliance with the provisions of the law, experiment work would be legitimate so far as it found a method of teaching, but could scarcely be extended so as to cover the broad field of practical life. But their work can not be restricted to agriculture. Under the law they must also teach "the branches of learning related to the mechanic arts," and are not to exclude "other scientific and classical studies." What they have done, therefore, in experimenting and publishing for practical, as distinguished from educational, ends, has been done in recognition of a deeply-felt public need, and only by diverting to this use resources which were already inadequate for their strictly educational work.

Congress is now asked to undertake, on the broadest grounds of public policy and of enlightened care for the national well-being, the work so urgently needed but so imperfectly provided for. The benefits that would be conferred upon the country by the passage of this bill are immeasurable. They are limited by no State or sectional lines. The bill proposes to utilize the buildings, laboratories, farms, libraries, and apparatus belonging to the institutions which Congress has already established, and thus to supplement, for a specific end, the appliances already created for general ends. The provisions made for conducting the work, with careful restrictions upon waste of funds, the methods provided for collating and publishing results, and for co-operation among the stations, all tend to give the proposed operations a character of breadth, permanence, and general usefulness which could not so well (if at all) be secured in any other way.

It should be observed also that this bill is not open to the objection of entering upon any new or untried field of Congressional legislation. It only proposes to give a practical direction to agencies which Congress has already created.

The act appropriating scrip to the amount of 30,000 acres for each Senator and Representative in Congress for the endowment of colleges for the benefit of agriculture and the mechanic arts, which was passed in 1862, has been fruitful. Some of the States endowed single colleges while others divided the gift between two or three. There were 17,430,000 acres of scrip and land granted, and the fund arising from their sales is $7,545,405. This has been increased by gifts from the States and from benevolent individuals of grounds, buildings, and apparatus to the amount of $5,000,000 more. And the last reports show that these colleges employed more than 400 professors, and had under instruction more than 4,000 students. This donation of the public funds has been eminently profitable for the Government and the country. Many thousands of young men educated in science have already gone out from their colleges to engage in the practical duties of life, and the provision is made for sending out a continued succession of these for all future time. And as science is not limited by State boundaries, it makes but little difference for the common good which of these institutions or States these graduates come from; their attainments are for the common good. The bill under consideration proposes to increase the efficiency of these colleges in their relations to agriculture exclusively.

The appropriation sought is $15,000 a year for each State, or $570,000 in all the States. This is a small sum to appropriate for the special improvement of an industry which requires the labor of 7,500,000 men and gives direct support to one-half of our population; which has invested in its lands, $10,000,000,000; in its implements and machinery, $400,000,000; in its live-stock, $1,500,000,000, and in its products an annual value of $2,200,000,000. It makes but little difference whether an experiment station is located in Delaware or in Texas; its work is in scientific investigation and its application to practice. The results of the work done as contemplated by this bill are at once published and communicated to all the others and to the Department here at Washington, so that the work is national. To have so many stations occupied in investigating the questions which interest all agriculturists must produce results which can not be reached by single institutions or by divided efforts. A discovery by one of these will be accepted and welcomed by all, and will lend new incentives to a generous and active rivalry in all, at the same time that each may have some subjects of special interest in its own State.

For the foregoing reasons, and many others which might be named, your committee report back the bill (H. R. 2933) with amendments, and recommend the passage of the amended bill.

The foregoing bill (the Hatch bill) remains on the House Calendar, not having been considered by the House.

The Senate during the present session of this Congress passed the bill, Senate bill 372, and on February 2, 1887, it was reported to the House from the Committee on Agriculture, and on February 25, 1887, it passed the House under a suspension of the rules. It as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges, or agricultural department of colleges, in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and

mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station:" *Provided*, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the Legislature of such State or Territory shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act. It shall be the duty of each of said stations, annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That bulletins of reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

SEC. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments, and printing and distributing the results, as hereinbefore prescribed, the sum of $15,000 per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section 8 of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the 1st day of October, 1887: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding 5 per cent. of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations, that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

SEC. 8. That in States having colleges entitled under this section to the benefits of this act, and having also agricultural experiment stations established by law, separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established, under the provisions of said act of July 2 aforesaid, an agricultural department or experimental station, in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the Legislature of such State may apply, in whole or in part, the appropriation by this act made to such separate agricultural college or school; and no Legislature shall, by contract, express or implied, disable itself from so doing.

SEC. 9. That the grants of money authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its Legislature meeting next after the passage of this act, shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

Passed the Senate January 27, 1887.

Attest: ANSON G. McCOOK, *Secretary*.

Mr. Chairman, when the Senate bill was before the House on the motion to suspend the rules and pass the same, on February 25 last, my intention was to amend the bill, but as will be seen by reference to the RECORD the Speaker decided I could not propose an amendment. If allowed under the rules I would have submitted the following amendment, namely:

Amend section 5 by adding thereto:

"*Provided*, That the board of trustees or other governing body of such colleges be composed of an equal number, from each of the two political parties of the country: *And provided further*, It require a vote of two-thirds of the whole board of trustees or other governing body to remove a director, professor, assistant, or other officer."

The reasons, which to my mind are conclusive why the bill should be amended as proposed, will appear by the letter of Thomas N. Conrad, of Virginia, which I will now subjoin to my remarks. The views of Professor Conrad, as expressed in his able letter, are entitled to great weight, for no man in Virginia has done more to promote the agricultural interests of the country.

Here is his letter:

BLACKSBURG, VA., *February* 21, 1886.

MY DEAR SIR: Allow me to call your attention to an important bill now pending in your honorable body—the experiment-station bill. It proposes to appropriate $15,000 annually to each of the forty-odd agricultural colleges of the States for the establishment of an experiment station at each of them. The fifth section of the bill should be amended so as to protect these stations, if established, from partisan governors and narrow-minded political boards. The usefulness of these agricultural colleges has been greatly impaired, and in some instances, absolutely destroyed by the appointment of political partisans upon boards of trustees by partisan governors. And this appropriation will only serve to establish another institution upon which political parasites will delight to feast, unless prevented by vigorous provisions embodied in the bill. I do not know whether you are prepared to go as far as I am regarding Federal appropriations, and I therefore will not take any risk. I believe that in every case where large appropriations are made to States, Federal supervision should follow. If this is not "State's rights," it is business. I would not vote even for the Blair bill without such a provision, fearing the unscrupulous greed of political partisans, and the voracious maw of party spoilsmen.

In 1862 Congress appropriated nine and a half millions of acres of the public domain for the establishment of an agricultural college in each of the States of the Union, and the colleges have been established and are in operation. What now is their condition, and what has caused it? With a few exceptions, they are comparative failures. And why? Not because agriculture will not admit of scientific treatment, and needs it, but because, in many instances, partisan governors have packed the boards of trustees in the interest of party politics, thus converting these schools of learning into asylums for the maintenance, as professors, of incompetent and impecunious kinfolks and political allies. The industrial classes have not been sought; agriculture has not been made prominent in the course of study and embodied in an active, vigorous, and able professor. Labor has not been made manly and honorable, because lawyers and politicians upon boards of trustees have not had these objects in view, and have not been in active sympathy with the purposes of the colleges.

Look at the agricultural college beneath the very shadow of the Capitol—the Maryland Agricultural College—which has had its very vitals torn out of it by thirteen presidents being appointed in its brief history of thirteen years! Perhaps every change in the board of trustees caused a change in the headship. And when at last a naval officer was made President of the Agricultural College, the farmers in disgust abandoned the college, and the State voted it an appropriation of 1 cent! Look, my dear sir, at the agricultural college of your own State. Instead of having more matriculates than any other college in the State, as it did a few years ago, it now has less than any other college in the State. It has been "organized" and "reorganized" seven times in its brief history, until it now stands with an ex-major-general of cavalry at its head, and the chair of agriculture vacant!

The president of a Western university, which embraces the State agricultural college, in answer to my question, "Why these changes," writes me:

"The board of trustees is a political body."

Another president of a university, in answer to the same question, writes me:

"The reorganizations of the board have been political."

The president of an agricultural college, in answer to the same question, writes me:

"Every change has only weakened."

A president of a Southern college writes me:

"No changes. We are all Democrats here."

So, you see, my dear sir, the risk incurred by the experiment-station bill, unless so amended as to prevent these frequent changes (which will destroy any institution of learning) and which will place them beyond the reach of party politics.

At the farmers' national congress, recently held in the city of Saint Paul, a paper was read by a prominent agriculturist charging "the fraudulent perversion of the endowment fund of agricultural colleges by political boards," and urging that something be done to prevent its continuance.

Professor Ellzey, of the University of Georgetown and an ex-professor of agriculture, in a recent article to a leading agricultural journal, writes:

"The above sketch of the organization and equipment of the Rothamsted agricultural experiment station may serve to open the eyes of some who think we ought to have five or six of them in Virginia, and especially of the board of visitors of the Virginia Agricultural and Mechanical College, who are now advertising for a man, merely a man, who shall undertake to be professor of agriculture, of horticulture, of floriculture, of botany, and director of the experiment station. Sir John Lawes and Dr. Gilbert, with three chemical assistants and divers laboratory men, and general assistant calculators, computers, and recorders, find more than they can all do to do the work of the station, and London, Paris, Berlin, &c., are laid under contribution for chemical work from time to time.

"The so-styled Virginia Agricultural and Mechanical College does not have in possession or prospect one-tenth of the annual sum necessary to do the work they have laid out. If they had, as they have not, anything there deserving to be called an agricultural school, that would be reason sufficient why they should not undertake the duties and work of an experiment station, which are completely out of harmony with those of schools and school-boys and teachers. If there is to be an experiment station in Virginia let it be an agricultural and not a mechanical nor a military nor a naval nor a grammar school station, to be run by lawyers and politicians. If trifling sums are to be dribbled about they will simply be used up to pay incompetent men to do nothing, while they shirk observation as best they may and live as well as they can in receipt of their pay, and out of view of public contempt. It is necessary that somebody should say the truth about these things in a plain fashion that can not be misunderstood. The truth is that the whole system of political control and visitorial administration of these public establishments for the benefit of agriculture is grossly faulty, and calls loudly for thorough revision and reorganization."

Thus, Dr. Ellzey puts it, and by no means in too strong a light.

Now, my dear sir, if you wish the appropriation contemplated in the Hatch bill to be utilized exclusively in the interests of agriculture, guard well the provisions of the bill. Secure the adoption of the amendment inclosed, together with any other amendment necessary, you can suggest. Perfect it, so that political partizans may not continue to divert endowment and other funds, and flourish, whilst agriculture bleeds at every pore. Perfect it, so that governors can not appoint their political friends only on the boards, and thereby secure the removal of efficient professors and officers and the appointment of personal and political favorites. Perfect it, so as to secure stability, efficiency, and direct application of the funds to the needs of the experiment station. See that these stations are not made the footballs of party politics, as the colleges now are, in too many instances.

This amendment, if adopted, will give stability to the faculties of these stations, by preventing changes, unless for satisfactory reasons. The Republicans can not remove without the consent of the Democrats, nor the Democrats without the consent of the Republicans, and if removals are necessary, they can be secured by a vote of two-thirds of the board.

Hoping as a friend of the bill and of the agricultural people of the country you may secure the adoption of this amendment and the passage of the bill,

I am, very truly, yours,

THOS. N. CONRAD.

Hon. J. D. BRADY.

Agricultural Experiment Stations.

SPEECH

OF

HON. WILLIAM C. OATES,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1887,

On the bill (H. R. 7235) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. OATES said:

Mr. SPEAKER: Under the act of July 2, 1862, land or land scrip was granted to establish one or more schools in each State, and in which the agricultural, mechanical, and military sciences, as well as general literature were required to be taught. The college established in my State under this act is located at Auburn, a healthful and beautiful village of most intelligent people, and situated in the district which I have the honor to represent.

The college is under the supervision of an excellent board of trustees, the governor of the State being one of the number. A more efficient faculty in a school of like grade would be most difficult to find in the United States. I have heard criticisms on the college to the effect that it had no connection with agriculture except the educating of young men away from it, and that all who receive an education there take up the learned professions or become teachers or engage in some business other than that of agriculture.

While, sir, this is perhaps true, I presume the fault to be due more perhaps to hopeful or over-zealous parents than to any errors in the college management. The prevalence of an erroneous impression among the people that the vocation of farming is not quite so honorable as that of the lawyer or doctor likewise has its effect. Some people would prefer being a lamp-post in a town or city rather than to be a live farmer and reside on a plantation. The college is not responsible for this popular fallacy.

On reading the debate which occurred in the Senate upon this bill I was surprised to learn that the senior Senator from my State [Mr. MORGAN], usually so accurate and reliable, did an injustice (unintentionally, I am sure) to the college at Auburn in representing that the experimental farm there had proved a failure and had been abandoned because of the extreme poverty of the soil, and that the experiment station had been transferred to and established at Uniontown, in the black lands of the State.

Mr. Speaker, an agricultural experiment station was established at Uniontown by the Legislature, and it is supported by the State for the benefit of farmers of that section, where there is a rich soil and vast agricultural interests. But, sir, it is altogether a mistake to say that the Auburn experimental farm has been abandoned. There is now a farm there in successful operation, consisting of 216 acres, and though the land is poor it is of about the same quality as that of other lands in that section upon which, through the judicious use of fertilizers, the farmers make not only a comfortable living, but many of them make it profitable.

The Senator from Missouri [Mr. VEST] also stated in the debate that there were but nineteen students of agriculture in that college last year. I believe that the report from the Commissioner of Education, by which the Senator spoke, justified his assertion, but it did not exhibit the facts in the premises. I send to the Clerk's desk to be read a letter from the president of the college, Dr. William Le Roy Broun, which shows the errors as well as the facts in respect to these matters.

AUBURN, ALA., *February* 3, 1887.

DEAR SIR: I beg to correct an impression in regard to this college made by remarks of Senators VEST and MORGAN in the debate in the Senate on the experimental station bill.

Senator VEST stated, on information from the Commissioner of Education, that of 145 students in this college only 19 were studying agriculture in 1886. In fact 19 were students in the senior and junior classes, of agriculture out of 29, and 30 in the lower classes, making about 50 in agriculture and also 93 in mechanic arts.

At the present time, of 178 students over 60 are in agriculture and 100 in mechanic arts. With us, students in the lower classes do not study agriculture.

Senator MORGAN stated that the experiment station here had failed; could do nothing with it, and a station 100 miles off had been bought in the black lands.

Now, the facts are we have a farm of 226 acres; have made numerous experiments, and published bulletins, and the professor reports this year over four hundred experiments in horticulture and agriculture; and the professor of chemmistry in connection with the station has made in three years nearly five hundred analyses of soils, marls, fertilizers, &c., in the interests of agriculture.

The branch station at Uniontown was established by the Legislature and supported by the funds from the State department of agriculture, and the college has nothing whatever to do with it.

We hope the experimental station bill will pass the House, and with the large farm here I expect work of great value to the agricultural interests of the State will be accomplished.

Very respectfully,

WILLIAM LE ROY BROUN.

Hon. WM. C. OATES,
House of Representatives.

A fine college building and grounds at Auburn worth over $100,000 were given to the State for the use of the college, but the embarrassment of the institution has been because of the inability of the State to make the needed appropriations to erect buildings and procure suitable machinery adapted to teaching young men the mechanic arts as well as agriculture and the sciences. But within the last few years larger appropriations have been made, and the college is now on a solid and prosperous foundation.

I have heard it alleged, sir, that this bill is unconstitutional; that it is on all fours with the Blair educational bill. I deny that proposition. If the appropriation proposed by this bill was of money out of the general Treasury, raised by taxation under the eighth section of article 1 of the Constitution, I should hold it unconstitutional and refuse to vote for it; but it does not. Mr. Speaker, the bill under consideration appropriates $15,000 per annum to each State and Territory, aggregating $690,000 yearly out of the proceeds of the sales of public lands, to establish and maintain agricultural experiment stations as adjuncts to and practically a part of these agricultural colleges. My faith in the efficiency of the bill to promote the agricultural interests of the country is not so great as that of some gentlemen, but, sir, I believe that much good will result from it, especially to these colleges, and considerable no doubt directly to the farmers, who are the very salt of the earth and entitled to my best exertions in their behalf.

I have often been called upon in this Chamber to vote for measures on the plea that they were for the benefit of the farmers, but I have never been able to discover any real benefit for them in any one of these measures only where it has been proposed to lighten their burdens of taxation, which, however, has not been done. This is the only measure I have seen which had a ghost of a chance to become a law, the probable effect of which is to benefit the farming interests of the country, and hence I am heartily in favor of it.

Subdivision 2 of section 3, Article IV of the Constitution, declares that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

I have seen it stated by some of those who quote the general-welfare clause as authority to Congress to pass the Blair educational bill, that there were but seventeen express grants of power to Congress in the entire Constitution. Such assertion is reckless to say the least of it.

Why, sir, there are eighteen express grants of power to Congress in section 8 of Article I. In Article II there are three grants, in Article III there are three grants, in Article IV there are three grants, and in Article V there is one grant of power; making a total of twenty-eight express grants of power to the Congress within the original Constitution. That which I have just read from section 3 of Article IV is one of the express grants. Under it Congress clearly has the right to dispose of the territory—the public lands belonging to the United States. The manner of disposition is not indicated. It is an absolute plenary power and under it the Congress has, from its organization to the present, in numerous instances, donated the public lands to the States and State institutions for educational purposes.

The agricultural colleges, I have already shown, were established in this way. When each of the States which have been formed since the Constitution was adopted were admitted into the Union, with the exception of Texas, which retained all her land, it was upon the condition of a reservation of the sixteenth and in some also of the thirty-sixth sections of each township for educational purposes, and a relinquishment of all claim to the remainder to the United States.

Mr. Speaker, I hear a gentleman suggest that after territory or public lands are sold and the proceeds covered into the Treasury there is no difference between them and the money raised out of the people by taxation. I might answer that objection by saying that the appropriation provided for in this bill is of the proceeds of public lands to be sold, and not out of proceeds of sales which have already been made and have lost their identity by being covered into the Treasury; but, sir, the constitutionality of appropriating public lands or their proceeds and the unconstitutionality of appropriating money raised by taxation to education rests upon a broader and firmer basis.

The proceeds of the sale of lands is governed by the same rule of descent as the land itself. This is a familiar principle of law, and hence there is no difference in the power of Congress to dispose of the land or the money arising from the sale of it. But the Constitution nowhere in any of its provisions gives Congress the power to appropriate money raised by taxation to the promotion of education. The framers of that instrument withheld that power.

The power to appropriate revenue raised by taxation to the purpose of public education is very generally attributed to the general-welfare clause of the Constitution, which, instead of being a grant of power, is a limitation on the right of appropriating it. If it be a grant of power no others are necessary; for it renders them nugatory. Mr. Jefferson defined the meaning of the words in the Constitution "to provide for the general welfare of the United States" in the following language:

To lay taxes to provide for the general welfare of the United States is—

Says he—

to lay taxes for the purpose of providing for the general welfare; for the laying

of taxes is the power, and the general welfare the purpose, for which the power is to be exercised. Congress is not to lay taxes *ad libitum* for any purpose they please, but only to pay the debts or provide for the general welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase, not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please, which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase—that of instituting a Congress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased. It was intended to limit Congress up strictly within the enumerated powers, and those without which, as means, those powers could not be carried into effect.

In his sixth annual message to Congress when President he favored the application in part of the surplus revenue which had accumulated to public education, but said that an amendment to the Constitution was necessary, as the power to do so was not among those enumerated in that instrument. Sir, it is quite astounding to me that so many who profess to be his political disciples can find in the Constitution a power which Jefferson himself was unable to discover. Indeed, it shows wonderful progress.

Eighty-seven years ago Jefferson founded his party on the principle that Congress can not exercise any powers except such as are expressly delegated in the Constitution and such implied ones as are necessary to give force and effect to the expressed powers. This is the corner-stone of Jeffersonian Democracy. The Federalists and statesmen of the Hamilton school of politics adhered to the opposite latitudinous general-welfare theory, and contended that the words "to provide for the general welfare of the United States" conferred upon Congress power to appropriate money and to legislate for whatever they held to be for the general welfare of the people of the United States.

This is the fundamental principle of the present Republican party. This difference in construction was the main question involved in the great debate in the Senate between Webster and Calhoun. I have heard it alleged that Jefferson, in the latter part of his administration, had recourse to the general-welfare clause of the Constitution to justify the purchase of Louisiana, but that assertion is not very creditable to the intelligence of those who make it. The Constitution operates only on the parties to its creation.

The late civil war settled it that among them it is a continuing indissoluble compact of Union.

Foreign states do not recognize the factors in its creation, but the Union as a nation, which it is, with power unlimited in its dealings with them. In the relation of this Government to foreign powers the Constitution fixes no limit. The sound discretion of the President and Congress is the measure of its foreign policy and power.

The acquisition of Louisiana and Florida was perfectly constitutional under the treaty-making power, and was so decided by the Supreme Court of the United States in the case of the American Insurance Company vs. Canter, 1 Peters Reports, 511.

But no decision of that court can be found which holds that the general-welfare clause in the Constitution is a grant of power.

Mr. Speaker, in the Forty-eighth Congress, when the House was considering a resolution to appropriate money out of the Treasury for the relief of sufferers by an overflow of the Mississippi River, I expressed my opinion as to the powers of Congress to appropriate money raised by taxation, and I quote from that speech so much as is pertinent to the question I am now discussing:

Mr. Speaker, Congress has no constitutional power to make such appropriations as that now proposed. The only clause in the Constitution under which any one pretends to find authority for it is the following, in section 8 of article 1:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States."

This invests Congress with the taxing power and expresses only in a general way the three grand purposes for which this power may be exercised. As to the manner in which Congress may use the money obtained to effect these grand purposes we must look further on in the same instrument for more minute and specific directions or grants of power.

The first, to pay the debts, is so unambiguous and self-defining that nothing more is necessary, notwithstanding "to borrow money" and "to coin money" follow as express grants.

The second, to provide for the common defense, is followed by the express grants, "to raise and support armies," and "to provide and maintain a navy."

Now, in the absence of these specific directions as to how the grand purpose of common defense is to be accomplished, Congress might adopt some other method, such as buying our peace by paying an invader the money of the Government to withdraw from our shores, or using the money to pay for assassinations and poisoning of the common enemy. But the Constitution comes to our aid and tells us plainly how to provide for the common defense: by raising armies and providing a navy.

The third grand object, to provide for the general welfare, finds its field of operation and application in all of the other express directions or grants of power. For example, to regulate commerce, to establish rules of naturalization, to make uniform laws upon the subject of bankruptcy, to provide for the punishment of counterfeiting, to establish post-offices and post-roads, to promote the progress of science, to constitute judicial tribunals inferior to the Supreme Court, to define and punish piracies and felonies and offenses against the law of nations committed upon the high seas, to declare war, to make rules for the government of the land and naval forces, to provide for calling forth the militia, to provide for organizing, &c., the militia, to exercise exclusive legislation in this District, and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." I presume it is not necessary for me to enumerate the "other powers" named in the paragraph just read. No one is so obtuse as not to be able to distinguish them.

As there is, then, no express grant of power to Congress to bestow the largesses of the Government upon either real or fancied objects of charity, there is nothing from which such a power can be implied, since the general welfare, as we have seen, is provided for and specified in many ways in the Constitution. And the tenth article of amendment declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Such measures as that now proposed, not being among the powers expressly nor impliedly delegated, reside in the States, and Congress can not exercise them.

This is not a government of original but of derived powers. Its powers are limited and enumerated in the instrument of its creation. The third and most comprehensive grand purpose for which taxes, imposts, and excises are to be laid and collected, it should be observed, is not to provide for the general welfare of the people of the United States, for such is not the language employed. That purpose as expressed is "to provide for the general welfare of the United States;" that is, to provide for the general welfare of that government called "the United States," or that government which the States unitedly established. The purpose was and is political, and not domestic; hence the enumeration and particular specification, so far as the cardinal principle of brevity applicable to a constitution would admit, of what should be done and to which the revenues of the Government should be applied.

I do not contend for a strict construction but a strict observance of the Constitution. I do not contend for a strict or narrow construction, but I do contend for the Constitution which I have sworn to support and defend; and I do so because it is the palladium of the liberties of the people, and the oath is binding on my conscience. Whenever by express words a power is delegated to the United States, I, as a Representative, will vote for any measure proper in itself, though not within the expressed power, if it be necessary to give full operation, force, and efficacy to such expressed power. Everything which I can conscientiously concede to have been confided to "the Congress" by the Constitution I will most cheerfully, yea, generously and liberally, exercise to ameliorate suffering humanity or to advance the interests of the whole people of the United States, without distinction as to locality or previous condition.

But further than this I will not go, because I believe in the restraints on discretion imposed by a written constitution. If it be admitted that Congress can do anything which the Constitution does not prohibit, which is the rule of construction a Legislature puts upon a State constitution, there are so small a number of these that you in effect subvert the Constitution and substitute the unbridled will or discretion of a majority of the members. Legislation would then depend more on the state of Congressional stomachs than upon a written Constitution. Centralism in all of its amplitude would be then established, enthroned where boasted American Liberty once presided.

"To regulate commerce with foreign nations, and among the several States, and with the Indian tribes" is an express grant of power to Congress. Publicists, statesmen, and scholars have held, and in fact it has been judicially determined, that Congress, to give force and amplitude to this provision, may exercise an implied power to appropriate money out of the Treasury, for the improvement of the navigation of rivers and harbors. Under the express grant of power to Congress "to provide and maintain a navy" we can appropriate money for the maintenance of the Naval Academy at Annapolis under an implied power, for the reason that no one can deny that by this means skillful officers are supplied and the Navy made efficient at least in that respect.

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So, too, there being an express grant to Congress of power "to raise and support armies and to make rules for the government of the land and naval forces," there is an implied power to maintain at the expense of the public the Military Academy at West Point for the education of officers to command the armies in an efficient and skillful manner. The same or a similar rule applies, and very properly, too, to the power "to establish post-offices and post-roads," and in fact to all of the express delegations of power. Many acts of Congress are claimed by the thoughtless, and sometimes even by the members of Congress, to be violations of the Constitution when they are not obnoxious to that censure. But the force of precedent in this House and the Senate is so much honored that hoary error stalks abroad on stilts and violates the Constitution with impunity, and with no better apology or excuse for it than that some American Lycurgus has set him the example.

I have no veneration, sir, for age nor precedent when panoplied in error and fatally bent to mischief. If, as we are told, in 1812, Macon, Calhoun, Johnson, King, Randolph, Troup, and other great men voted $50,000 to be used in purchasing and shipping flour for the relief of the starving people of Caracas, in Venezuela, who were suffering from the effects of a terrible earthquake, and also for the people of the island of Teneriffe, who were starving in consequence of their crops having been eaten up by locusts; or if, still later, in 1847, Calhoun, Webster, Cameron, Corwin, Sam Houston, Reverdy Johnson, and other noted statesmen voted with the majority to tender provisions to Great Britain for the relief of the people of Ireland and Scotland during the prevalence of a famine, do these justify the adoption of the resolution now before the House, or the appropriation for the overflow on the Ohio?

In 1812, the House of Representatives struck out of the resolution the latter part, providing for the island of Teneriffe, ostensibly because they did not have evidence sufficient of the suffering of the people, but really because the island was under British dominion, and it was not probable that any advantage to the foreign policy would be obtained thereby. Mr. Rhea spoke against extending aid to Teneriffe as a mere charity, but in favor of Caracas; for, he said, "in doing so he was actuated by a regard to the interests of the United States, which peculiarly required them to cultivate amity with and conciliate the South American provinces." Mark you, a war was then in progress with Great Britain. After the resolution was so amended as to apply only to Caracas, it was passed unanimously.

In 1847, March 1, now a little over thirty-seven years ago, when Mr. Crittenden introduced into the Senate his bill to appropriate $500,000 for the relief of the people of Ireland and Scotland from famine, among other things he said:

"So far as the constitutional argument is concerned, with the voice of suffering ringing in my ears and this precedent before me (Caracas) I lay down all objections at the feet of charity."

Mr. Niles said they had better leave the business of dispensing alms to the liberality, generosity, and better judgment of their constituents. He felt that he had no authority to vote half a million of money for the people of Ireland—none at all in his representative capacity. He did not feel justified in taking the people's money for any object which was not committed to our charge. It was all wrong. Senators seemed to rely on the precedent established by the act of Congress—an inconsiderate act he considered it—giving a portion of public money in the case of the earthquake at Caracas. He did not regard that as establishing a precedent for this appropriation which would be placed on record to justify similar appropriations for all time to come. He would not put his hands into the public Treasury to make an improper, he had almost said unconstitutional, use of the public money, of the money of his constituents.

Mr. Butler, of South Carolina, said that with the views he entertained of the Constitution and our national policy he could not vote for the bill. Mr. Bagby, a Senator from Alabama, said that he denied that they had any constitutional authority to appropriate money for such objects. He thought he could see some of the consequences of such a precedent as this would be. * * * If this system of national charity was to be indulged in he asked where would it end? He said they had no such power; and if they had, human imagination would not be able to fix to it a limit. The revenues of this country were derived from one source, and one only. They are derived from the people of the United

States, and they were derived for specific purposes. Mr. Mason, of Virginia, said that he could not but see in it a perversion of the trust reposed in them under the Constitution of the United States.

One Senator alone, Mr. Hannegan, of Indiana, contended that there was constitutional power to make the appropriation, and he put it upon the ground that there was no prohibition against it. But when Mr. Bagby asked if the Senator contended that Congress could do anything not prohibited in the Constitution, he put it on the teaching of the Saviour in the parable of the good Samaritan. Mr. Webster, in his remarks, did not touch the constitutional question, and Mr. Dayton said they had a precedent in 1812, which in this instance he desired to see followed. Mr. Fairfield, of Maine, said no Senator had put his finger on a single section of the Constitution which authorized them to give this appropriation, although they were contending for the constitutional power to do so. It was a very easy thing to expend charities in this way; but he thought they should put their hands in their own pockets and do it, but they had no right to put their hands in the pockets of the people.

Mr. Calhoun spoke in a very low tone so that he could not be very distinctly heard, but the remarks of the Senator from Indiana caused him to explain why he had no constitutional objection to the measure. He drew a distinction between the foreign and domestic policy of this Government. Entertaining these views, he had voted for the appropriation for the relief of the people of Caracas in 1812. And it is true that the Constitution does not undertake to deal with, prescribe, nor limit the external or foreign powers or policy of this Government. The Constitution is a compact between the States, while outside to all the world this is a nation and may use the money of the Government in advancing whatever international policy the Congress and President may deem best for the general welfare of the United States as a nation.

When Mr. Crittenden's bill was put on its passage in the House of Representatives, G. W. Jones, of Tennessee, moved to lay it on the table, and there were 75 yeas and 79 nays. John Quincy Adams, John Bell, T. H. Benton, Andrew Johnson, Jacob Thompson, Seaborn Jones of Georgia, Chase of Ohio, Houston, Cobb, and Chapman of Alabama, were among those who voted to table and against the bill.

Mr. Speaker, I have read with profound interest the argument of one gentleman of great ability in favor of the constitutionality of the Blair bill, who claims the power independently of any express grant and of the general welfare clause also. He assumes that the bill is a measure merely to aid the States with their schools to expel from their midst a public evil of calamitous portent—illiteracy in the franchise; that the Supreme Court in Gibbons *vs.* Ogden, 9 Wheaton, recognized the right of Congress to aid the States in the enforcement of their health laws and quarantine regulations, and therefore Congress has the right to pass the Blair bill. This conclusion is based upon the assumption that "negro illiteracy" is as dangerous to the body politic as yellow fever, cholera, small-pox, or the plague is to the human body.

The argument may be said to be syllogistic.

The major premise is that the Government may appropriate all of its revenues, in the absence of any express power in the Constitution, to prevent its own destruction, or to perpetuate its existence. It was so decided in Maran *vs.* The Insurance Company, in 6 Wallace.

The minor premise is that the illiteracy of negro voters threatens to assassinate the life out of the Nation; that it is such an impending danger as threatens the integrity of the Union, and therefore Congress has the power, and it is their duty, to pass this bill to avert that calamity.

The vice of the argument lies in the unwarranted assumption of the minor premise. Who believes at this date—eighteen years after their enfranchisement—that the right of illiterate negroes to vote endangers the Union? Are they not much more intelligent now in respect to voting than they were then?

I have been of the opinion for some years that the danger from that source was so modified by the mellowing influence of time and experience that no one fears it now. Sir, there is far more danger to this Government from the literate communists than from the illiterate negroes. The bill does not propose to educate the illiterate voters. Their age excludes them from any participation in the benefits of the bill. It would but aid in the educating of their children, which is now being done by all the States to as great an extent as the laboring people of any country ever have been educated.

It is not the duty nor is it to the interest of the State to educate its entire population beyond the primaries. That is quite as far as ninety per cent. of the negro children are capable of going. Universal experience teaches that if a boy, without regard to his color, be educated beyond this point he declines ever to work another day in the sun. A higher education may do for New England, whose laboring people are chiefly engaged in manufacturing, but how would it work in Alabama, where 75 per cent. of the people are engaged in agriculture?

Sir, in my State, and I believe in all the other States of the Union, there is a system of public schools open from three to five months each year to all the children, in which every one can learn to read and write and obtain a sufficient knowledge of arithmetic and grammar for the ordinary pursuits of life.

The burden which illiteracy imposes upon the Southern States is the tax they have to pay to maintain the public schools. Alabama pays between five and six hundred thousand dollars a year for this purpose. Will the Blair bill, if passed, lighten this burden? The eighth section provides—

> That no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues or out of moneys raised under its authority in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

On illiteracy as the basis of distribution Alabama would receive each year the following amounts: The first year, $488,258.95; the second, $697,512.78; the third, $1,046,269.14; the fourth, $906,766.59; the fifth, $767,264.07; the sixth, $627,761.49; the seventh, $488,258.95; and the eighth year, $348,756.39—aggregating $5,370,848.45.

What would it cost the tax-payers of the State to obtain it? The bill requires the expenditure by the State of an equal amount as a condition-precedent to obtaining the State's quota each year, out of its "own revenues" or out of "moneys raised under its authority," which means by local taxation.

The aggregate expenditure by the State must therefore be just $5,370,848.45 in order to obtain an equal amount in this grand gift Federal enterprise. How much more taxation must the State impose on its people over and above the present appropriations for the schools before it can obtain its share on the same basis of other States under the bill? The total annual expenditure for public school education in Alabama is now about $550,000. About $150,000 of that sum is for interest on sixteenth section and other trust funds, and is not therefore expended out of the State's "own revenues," and hence must be deducted from the annual appropriation in order to find the correct basis upon which the State would share in the Blair distribution.

About $400,000 per annum is therefore the amount now expended out of the "State's own revenues." Eight times this sum would be $3,200,000. Hence to obtain the Blair benefaction the property owners of Alabama must during the next seven years have their taxes increased to pay the aggregate sum of two million one hundred and seventy thousand eight hundred and forty-eight dollars, all of which must be not merely appropriated, but expended to maintain public schools. It is a hardship, sir, which should not be imposed though it were constitutional, which I deny.

If this Blair benefaction be intended to relieve the Southern States from their burdens, as I have heard alleged, why was the distribution extended to the States of the North who do not need it? Why not refund the cotton-tax, $68,000,000, wrongfully taken, to the Southern people or Southern States, and thereby the better enable them to wrestle with the so-called monster of illiteracy? Mr. Speaker, there are many other objectionable features of the bill which I have not the time to discuss. One point more concerning the question of power. Congress has no power expressed in the Constitution to make this appropriation.

If it has unlimited power to tax and appropriate to avert a calamity threatening its integrity, and the illiteracy of negro voters constitutes such danger, it is known of all men that Congress gave them the franchise, and if this confers a power which Congress did not before possess, then this presents the anomaly of Congress conferring by its own act a power on itself which the Constitution withheld. I have heard it said by some of the advocates of the Blair bill that for the last half century the South has been represented mainly by a class of politicians who on account of their strict construction of the Constitution have prevented Southern advancement. That whenever a measure is brought forward in Congress appropriating money for the benefit of the South the Constitution is at once invoked for its defeat, and thus the Southern States are kept poor while those North grow rich on the largesses of the Government. I deny the charge.

Sir, it is the pride and glory of the Southern States that their representative men here and elsewhere have ever been the staunch and able defenders of constitutional government. In them and their precepts, truly democratic, constitutional government founds its only hope and last rallying point. When the advocates of Jeffersonian Democracy are "relegated to the musty storehouse of the past," if that ever, unhappily for this country, occurs, a paternal centralized government will take the place of that founded by Washington and his compeers, which has secured to the people more wonderful progress and development and more manifold blessings than any government ever devised by man secured to its people.

Sir, while there has been, I freely admit, much partiality in our legislative history towards the Northern and Eastern States of the Union and their people, I deny that any very large number of them have ever grown rich out of Government jobs and favoritism excepting the period covered by the late war; and I deny on the other hand that the Southern States or their people have been kept from prospering and remained poor in consequence of their Representatives and Senators in Congress opposing jobbery and the exercise of usurped powers, which is called by some liberal and sensible construction of the Constitution.

I deny that the prosperity of the Southern States or people would be enhanced by any amount of appropriation from the Treasury which they can possibly secure. The Southern States pay, as nearly as it can be ascertained, about one-third of the revenues of the Government, and if the scheme of addition, division, and silence, or a race for appropriations to benefit either State, corporate, or individual enterprises South and North be inaugurated, the result is foreshadowed and illustrated by occurrences familiar to every member of this House. When sectional legislation is before Congress, party lines disappear, except in rare instances, when a Democrat of the "musty store-house" kind, adhering to the ancient faith of his party, considers first the right and power of Congress to pass the measure and then the expediency of it.

When public money is to be appropriated, constitutionally, for local governmental purposes, as in the erection of public buildings—and I know of no better illustration—they usually alternate sectionally in the

consideration of such bills. Congress will pass a bill to erect a public building in a Southern city to cost $100,000. The next bill considered is to erect a public building in a Northern city and $1,000,000 is appropriated for that. That is about the character and proportion sectionally in the grab game.

If the South in such game were to get one-third of all the money in the Treasury and the other States the remainder they would make nothing by it, as they would take out only what they put in. So unless the Southern States could get more out of the Treasury than one-third, which they have not voting strength enough to do were they disposed, they would not gain by such a scheme. The Blair bill I admit would, if there were no other basis of distribution than that of illiteracy, give a decided advantage in that respect to the States of the South, but since it requires equal expenditure out of State revenue, together with all the other objectionable features, I would consider it a very dear measure for all of the States. Seventy-nine millions of dollars would not compensate for a violated Constitution.

War Taxes as Sett-offs against States.

SPEECH

OF

HON. NATHANIEL J. HAMMOND,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 9, 1886.

The House having under consideration the bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-offs against States having claims against the General Government—

Mr. HAMMOND said:

Mr. SPEAKER: Much of the trouble made by the minority report of the Judiciary Committee and by the remarks of the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Massachusetts [Mr. RANNEY], who signed that report, comes from misconception of the situation.

The bill under consideration does not propose to release the States which did not pay the direct tax from any real or supposed liability therefor. It simply declares that such claim of the direct tax shall not be used as a set-off to prevent payment in cash of any recognized claim of such a State against the United States.

The report of the committee expressly declares that though such claim of the direct tax from such States may be right, it is not just to force some to pay part, by set-off against admitted claims due to them, without requiring other non-paying States to pay like parts to the United States.

And because such States are not now asking for relief from said tax nor getting any release therefrom by this bill, the contention of the minority that this bill should not pass unless at the same time provision be made for repaying what the United States received on this direct tax from the other States is illogical and unjust. The two things are wholly distinct and dissimilar, neither is germane to the other.

Everybody concedes that if the United States could constitutionally levy a tax on lands in States then in recognized war with the United States there is no prospect that any attempt will ever be made to collect that tax. It seems to be understood that none ever will be made.

If so, it is manifestly unjust to compel Georgia to lose this $35,000 appropriated to pay a debt long due to her, by charging it up against the direct tax. It is absurd to say that the United States should not otherwise pay that debt unless simultaneously the direct taxes assumed and paid by other States be returned to them.

It is not true that this bill seeks to "establish a new rule of law for the future," nor "to annul rulings and decisions which have governed for a long time the action of the Government," as stated by the gentleman from Massachusetts [Mr. RANNEY].

Secretary McCulloch decided that the non-paying States which did not, within the time limited by the act of 1861, assume their quota could not afterwards make such assumption, and therefore did not owe these taxes. Mr. Porter, First Comptroller of the Treasury, decided that Georgia did not owe said tax (though her Legislature tried to assume it in 1866).

Under that decision Georgia was twice since the war paid large sums of money from the United States Treasury in cash. The decision in the Kansas case was put expressly upon the ground that Kansas assumed her quota of the tax. (See 2 Law. Rep., 305.) No accounts were raised on the books of the Treasury until July, 1868, and then against all the States and Territories which had and which had not paid. It was not done to make accounts to be paid, but to show how the account of each State stood. For like purposes accounts were also raised against the collectors in each State. Each State's account was credited with all sums paid by a State or its citizens or proceeds of property sold.

Each collector's account was so debited and credited as to make him account for any cash balance in his hands. Lawrence, First Comptroller of the Treasury, held that the opening of those accounts was a decision which bound him, and for that reason he refused to pay Georgia the $35,000 which Congress voted her in 1883. His successor refused to pay Mississippi an amount due that State because, he said, he was by the statute bound to follow Lawrence. Lawrence had ignored the decisions of McCulloch in 1866, seized upon the raising of those accounts in 1868 as a decision binding him under the statute, in spite of the decisions on the very question made by Porter, his predecessor, in 1877 and 1879. And Lawrence practically decided that though he could not authorize the payment under the circumstances, the sum should be paid by positive order of Congress or the judgment of the Court of Claims. Georgia is here seeking that order by this bill because she would avoid expense and delay of suit.

It is plain from the text of the acts levying this tax that Congress did not undertake to impose any obligation on any State. The States' property is exempted from this tax, and the property of individual landowners is made liable to it in express words. The minority report attempts to meet that forceful fact with this declaration:

> But it was known that several of the States were hostile to the Government; that they would not pay the sum apportioned to them, and for this reason, and in our judgment only for this reason, do we find these provisions in the law that look to the collection of the sums not paid by States from the citizens of the delinquent States.

How men do err not knowing the law!

From the beginning the property of each State was exempted from direct taxes. (See eighth section of the act of July 9, 1878.) The fortieth section of the direct-tax act of 1815 allowed a State to assume the tax levied upon lands and slaves therein, just as the fifty-third section of the act of July 5, 1861, allowed, save that this last did not tax slaves. Indeed, the act of 1861 is almost an exact copy of that of 1815 in every matter material to this discussion. None of the States were "hostile to the Government" in 1815. So much for the reason given by the minority report for the verbiage and form of the act of 1861.

Now, let us consider the speech made 9th of February, 1886, but not published until the RECORD of the proceedings of 26th February, 1887. Therein the gentleman from Massachusetts [Mr. RANNEY] contended that the direct tax allowed by the Constitution was upon the States and not upon the property of the citizens of the States. His language was:

> It imposes a burden on each State to the extent of its quota, with a duty, a corresponding duty, to pay it. * * * Congress has the right and the power, either in the same act or by a separate act, to provide the mode and the machinery requisite to enforce its payment out of the individuals at large or out of individual property in the State.

He meant, obviously, property belonging to the State.

The Constitution—

He said—

> required Congress to lay the tax upon the States primarily according to a given proportion.

He contended in words that the corporate State owes the tax like a municipality owes a debt, and that Congress can enforce payment of that State debt by levy on its citizens' lands just as a court may require a tax to be levied on the citizens of a municipality to pay a judgment against such municipal corporation. The Supreme Court in United States *vs.* Railroad Company (17 Wall., 322) held that "a municipal corporation is a portion of the sovereign power of the State, and is not subject to taxation by Congress upon its municipal revenues."

That the gentleman from Massachusetts regarded this tax as levied upon the States in the sense of "governments," and not the territorial sense, is plain from the minority report signed by himself, Mr. HEPBURN of Iowa, Mr. PARKER of New York, and Mr. CASWELL of Wisconsin. There they held this language:

> The majority of the Committee on the Judiciary answer that the claim against Georgia and the other delinquent States is not a debt due from the State, making a distinction between Georgia as a political corporation and the whole of the people of Georgia. Indeed it is claimed that a tax can not be levied upon a State. We do not see why. There might be difficulty in many instances to make collections, if the State refused to perform its duty by prompt payment.

They proceeded to say that the United States might sell all a State has, as a matter of right, but was interested in not going that far, and hence would collect from the people of the State. To the remark that these States had not assumed this debt, as the act of 1861 levying the tax left optional with them, but which the later act as to the "insurrectionary States" did not allow, that minority report replied:

> We submit that if the power to tax exists, it exists independently of consent. * * * The language is: "The Congress shall have power to lay and collect taxes." Direct taxes shall be apportioned among the several States. Not among the people of the several States, but among the States.

The gentleman from Massachusetts in that speech cited Texas *vs.* White, 7 Wallace S. C. R., 700, to show that the word "State," in our Constitution, means sometimes "the people or community," sometimes "only the country or territorial region inhabited by such a community," sometimes the "government," and again "the combined idea of people, territory, and government." And in his speech the gentleman from Iowa [Mr. HEPBURN] called attention to the words of the

statute that the tax is "laid upon the United States, and apportioned to the States respectively," &c.

Now, for a moment let us inquire in what sense State is used, whether people, territory, or government in these direct-tax acts. Of the thirty places in which the word "State" in the singular and of the seventeen places in which the plural "States" is used in our Constitution there is but one place where the preposition "to" precedes either the plural or singular. That is: "The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion," &c. The Supreme Court in Texas *vs.* White, *supra*, said that guarantee is to the people in the State. The last clause, of course, alludes to invading the territory. The Constitution requires taxes to be apportioned according to "the census" of the people. Again, they must be apportioned "among the States according to their respective numbers." The constitutional word is not "to" "but among."

That word "among" is used in but one other place in the Constitution, namely: "Congress shall have power to regulate commerce * * * among the several States." That does not mean commerce to which the States as "political corporations" are parties, but commerce passing from one into or through another territorial State.

In this sense was the word "among" understood by Congress when in the first section of the act of 7th June, 1862, solely applicable to these taxes, the taxes under the act of 1861 are denominated "the said direct taxes, by said act apportioned among the several States and Territories respectively," and "apportioned and charged in each State * * * upon all the lands and lots of ground situate therein respectively," &c. So the clauses of the Constitution as to direct taxes mean by "States" the territorial States.

The proposition in that minority report that Congress has the power to tax the "political corporation" called a State is so novel, so startling, and so dangerous that no apology is needed for its further consideration. Chief-Justice Marshall's memorable decision, "the power to tax involves the power to destroy," rushes upon our minds. We ask how can we be, in the language of our Supreme Court, "an indestructible Union of indestructible States," if the Union has the power to destroy the States?

The gentleman from Massachusetts [Mr. RANNEY], to enforce his idea, compared the old "Articles of Confederation," and our present Constitution. I thank him for the opportunity for such comparison to back my opinion. The weakness of the old Confederation was because it operated only on and through the States. The advantage gained by the "more perfect Union," under the Constitution, was that it operated as to taxation not upon the States, but upon the people of the United States. Citations to prove this might be fatiguingly made. Let these suffice:

Mr. Madison, speaking in favor of adopting the Constitution in 1788, said:

> The component States of the Amphyctionic league retained their sovereignty and enjoyed an equality of suffrage in the federal council; but though its powers were more considerable in many respects than those of our present system, yet it had the same radical defect. Its powers were exercised over its own individual members (States) in their political capacities. To this capital defect it owed its disorders and final destruction. * * * I believe it will be found in practice, that those who fix the public burdens will feel a greater degree of responsibility when they are to impose them on the citizens immediately than if they were to say what sums should be paid by the States.

And after the Constitution had been ratified, Rhode Island, North Carolina, Virginia, New York, and Massachusetts severally proposed to amend it so as to require the General Government to seek its taxes first from the States, and from the people only in default of payment by the States. But no such amendment was adopted. The memorable debate of Mr. Webster and others in the United States Senate in 1830 enforces this argument powerfully. In the debate upon this very direct tax of 1861 Mr. Stevens, of Pennsylvania, chairman of the Committee of Ways and Means of the House, speaking of our Constitution, said:

> That Constitution authorized Congress to call upon the States—not upon the governors or Legislatures of the States, but upon the people directly. * * * Congress has no constitutional power to assess taxes upon a State. It must assess them upon the individual.

This was so familiar doctrine that no man challenged it, though the war was then flagrant, and this was a measure to aid its prosecution.

The same doctrine has been held by the courts wherever this power has come into question. In the matter of taxing the processes of the State courts by stamp-taxes and like cases Alabama, Arkansas, Mississippi, North Carolina, California, Illinois, Vermont, Connecticut, Michigan, New York, and Massachusetts are uniformly of opinion that no such power exists in the General Government and no State court has ruled otherwise.

The Supreme Court of the United States in Lane *vs.* Oregon, 7 Wallace Reports, said:

> The United States cannot exercise its power of taxation so as to destroy the State governments or embarrass their lawful action.
> * * * * * * *

True, that was a dictum where State power was being measured. But this matter was directly in question in Collector *vs.* Day. (11 Wallace Reports, 113.) There the court held that the United States had no right to tax "a means or instrumentality employed to carry into execution one of its (a State) most important functions, the administration of the laws, and which concerns the exercise of a right reserved to the States," and therefore could not tax the salary of a State officer. This was reiterated and applied to a municipal government, because part of the State. (United States *vs.* Railroad Company, 17 Wallace, *supra*.)

The court were in both those cases unanimous upon the principle for which I contend. In the first, Bradley, J., dissented, but solely upon the ground that he thought the application of the principle was carried too far when made to cover the salary of a State's officer which was his private property. And he and two others dissented in the last solely because they thought the property of the city of Baltimore taxable, notwithstanding that principle. There may be no danger that the United States would ever exercise such power if admitted; but it is dangerous to teach the existence of such power.

The construction above given will not be narrowed but broadened. Suppose some future Congress should levy a direct tax upon the States as "political corporations," as this minority report claims may be done constitutionally. Suppose the State of Massachusetts (whose Representative here argues for such power) should refuse to pay its quota and the Federal officers were ordered to levy upon and sell such property of the State as was neither necessary nor convenient for the exercise of the functions of a State. Suppose him ready to sell the battle flags, the busts, the statues and monuments in and about the Capitol. Would not the courts of the United States enjoin that officer? I believe they would unless saved the necessity by some valiant man who would "shoot him on the spot."

Unless some such process or some such bullet should arrest his arm as he was about to "knock down" at auction, for paltry cash, the Emancipation Monument, life would come into the marble forms of Sumner, who talked for freedom, and of Lincoln, who signed the proclamation, and they would rush out of the Capitol and scatter to the winds the void process of the usurping government. The minority report goes further. It declares that under such circumstances that officers might "seize the capitol, the prisons, the hospitals and colleges belonging to the non-paying State and sell them in order to realize the tax."

Suppose that officer in Boston about to sell for taxes the magnificent seats of learning of the Commonwealth which have sent forth so many trained minds to enlighten and bless mankind, about to sell the covering roofs from sick and suffering and to cast back upon society the felons from her prisons. From her mountains and her valleys, from field and forge and factory would crowd her population, scholars, philanthropists, priests, and people until no foot of standing room on Boston Common or on Beacon hill would be, to denounce the vandalism and the perversion of the Constitution of the country.

Once more. Suppose that officer about to sell the capitol of that State, that grand old monument of former times, whose corner-stone was laid in 1795 by Samuel Adams, and within whose walls the history of her progress and her glory has been made. It would need not the living to interfere then. The statues of Mann and Wilson and Everett would take on vitality. Down from the canvas in Faneuil Hall, with solemn mien and stately tread, would come Daniel Webster, holding in one hand his reply to Hayne and in the other bearing the constitution of Massachusetts, which, for a hundred years, has proclaimed her "a free, sovereign, and independent State" * * * with "every power, jurisdiction, and right" * * * not "expressly delegated to the United States of America in Congress assembled."

Warren would rise from Bunker Hill, and with him would come the more than four hundred disembodied spirits who fell there in 1775. Bartlett, the hero of Yorktown and Port Hudson, all the better known to his comrades by his wounded arm and missing leg, would lead to the conference those who fell in "the war of secession." And the stillness of death would be broken by "the great expounder" in words like these: Ye, who fought against British oppression; ye, who, though my eyes were spared the sight, looked "on States dissevered, discordant, belligerent, on a land rent with civil feuds and drenched in fraternal blood;" ye, who died to restore the Union, not of subject provinces, but "an indestructible Union of indestructible States," go breathe the lofty spirit which inspired your souls into the people, from ocean to ocean, from the Gulf to the Northern lakes, and bid them strike, not in the name of nullification, not in the name of secession, but by the sacred right of revolution by which any "people * * * may resist usurpation and relieve themselves from a tyrannical government;" strike once again for "American liberty."

The gentleman from Massachusetts [Mr. RANNEY] rests upon two long quotations from the opinion of Lawrence, Comptroller of the Treasury, in the Georgia case, already mentioned. One of them is to show what no one doubted, that he is by statute bound by the decisions of his predecessors. The only trouble was that Lawrence refused to be bound by the opinion of his predecessors.

The other quotation is to prove that the Constitution gives power in time of war which the United States has not when at peace, and that though the United States may not make a State their debtor by taxation, that may be done by set-off if the United States owes the State and desires an excuse for not paying. Naught but the fact that the

gentleman from Massachusetts has adopted the language restrains me from animadverting upon its extreme folly.

It is true, as mentioned in the conclusion of the printed remarks of the gentleman from Massachusetts, that the Senate has this month passed a bill to pay back to the States all of the direct tax paid by them and to balance the books as to those against which it was so charged. This latter is pregnant with the declaration that those were debts against the States who never assumed the tax, say the advocates of this Senate measure. I rather think it a convenient false statement on which to base the taking from the Treasury $17,500,000 of cash belonging to all the States to transfer it to States which have never asked for it, nor dreamed that such petition would ever be noticed.

It is not true that the Judiciary Committee of this House reported in favor of that Senate bill with an amendment. I do not feel at liberty to speak of what was done in committee; but I know that seven of the fifteen members of that committee opposed that bill with or without amendment.

If that Senate bill is ever publicly discussed it will be in another Congress. But as it has been introduced in this debate a word is excusable. I have heard no argument to justify this taking of money out of the common treasury except that as all the people of all the States should have paid and some did not because their States were in "rebellion," it is right to refund to those which paid. If that be sound, we should refund all other internal taxes levied for the whole country but not paid south of Mason and Dixon's line because these laws were defied. Many millions will be the fruit of that fallacy if once adopted; millions all going to the rich North from the treasure owned no more by it than by the impoverished South; millions from the common treasure of the people to refund to dwellers in cities and to manufacturers the stamp taxes which they placed on their contracts and wares.

It is well for gentlemen to read President Jackson's declaration in his eighth annual message:

In my opinion, distribution of the surplus revenue by Congress, either to the States or the people, is to be considered among the prohibitions of the Constitution.

It will be well for them to remember that the utmost Congress would do in 1836 was to lend money to the States upon their legislative declarations that they would pay on demand. They should recall that Mr. Webster justified that as only a temporary expedient not to be repeated. His language was:

There would be insuperable objections, in my opinion, to a settled practice of distributing revenue among the States. It would be a strange operation of things, and its effects upon our system of government might well be feared.

I regard this Senate bill as a clean-cut gift offered to the States, and as so far-reaching in its possible, if not probable, consequences that the thought of its passage is to me appalling.

Post-Office Appropriation Bill.

SPEECH

OF

HON. NATHANIEL D. WALLACE,

OF LOUISIANA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 23, 1887.

On the Senate amendment appropriating $500,000 to expedite the South American mail service.

Mr. WALLACE said:

Mr. SPEAKER: In the consideration of this amendment it seems unwise to look at the subject in any but a commercial light. There can be no question about commerce following the mail. There can be no commerce without regular, direct, and national interest in delivery of the mail, and as the benefit is national as well as individual, why should not the Government be willing to do the part which is so necessary and without which our commerce and shipping can never be revived?

In looking at this question from a southern standpoint, it appears so imperatively the duty of those having the interest of the Gulf coast in trust that it is surprising to find so many professing to represent those interests now antagonizing this measure, which will extend the southern terminus of our railroads and develop an export trade of the products that are so rapidly growing in quantity and promising so great a field for industry.

The report of the Chief of the Bureau of Statistics, issued only a week ago, shows in its analytical review a demand for the national provision in steamship facilities with South American countries which embraces every Southern State, from Virginia to Texas.

Every industry as well as every citizen is deeply concerned in this provision.

The manifests of the monthly Brazil steamers bearing the American flag show a freight of diversified staples taken at Hampton Roads, which are forwarded to that point for export from every Southern State.

In the Southwest we are not so fortunate in means of exportation, and it is necessary to offer our merchants some encouragement against risk and ruin in event of an enterprise to relieve the great Mississippi Valley of an accumulation of products.

Through the want of steamship connection between New Orleans and the South American ports almost all shipments find an outlet only across the mountains to the Atlantic coast to feed foreign steamships and foreign capitalists by taking a triangular route to South America; and in fact to-day the city of New Orleans and other cities of the South are being robbed of their legitimate trade.

The commerce of the Southern ports is suffering seriously because of neglect in economic legislation.

In evidence of this fact the following statistics, prepared by a distinguished authority, for the year 1885 will show the injustice to the South and unnatural tide of commerce which has drifted into British control:

	Into United States.	Into New Orleans.	Per cent.
Coffee	$42,050,513	$2,511,301	.05
Sugar	84,176,771	3,488,857	.04
Tobacco	8,548,909	3,131,218	.36
Cigars	3,137,278	59,819	.01
Cocoa	1,671,864	1,225	.007
Fruits	20,000,000	5,000,000	.25
Dye	1,756,362	10,606	.006
Hides	27,640,030	37,230	
Rubber	15,511,066	143,263	.009
Medicinal woods	1,202,505		
	205,665,298	14,385,519	Near 10

By the following figures and exhibit of the same authority this course of trade of latitudinal connection, instead of direct and regular delivery and receipt across the Gulf of Mexico, is shown:

Route.	Land.	Ocean.	Time.
	Miles.	*Miles.*	*Days. hrs.*
From Saint Paul to Panama via New York	1,441	2,050	12 2
From Saint Paul to Panama via New Orleans	1,251	1,450	7 8
From Saint Louis to Panama via New York	1,084	2,050	11 5
From Saint Louis to Panama via New Orleans	700	1,450	6 2
From Chicago to Panama via New York	911	2,050	11
From Chicago to Panama via New Orleans	915	1,450	6 20
From New York to Panama via all ocean routes		2,050	10
From New York to Panama via New Orleans	1,350	1,450	7 12

And why is this the case? Because it is impossible for an American ship unaided by proper mail pay to compete with foreign subsidized lines in foreign ports; it is impossible for an American ship to live against the odds. If $1 per ton is charged for return cargo the foreign subsidized ship at once bids it in at 50 cents per ton via England and makes up the loss from the British exchequer, and besides the foreign ship has the weight of the British Lloyd's rating in its favor.

The people of Louisiana are not more interested in the adoption of this amendment than the people of Mississippi, of Missouri, of Arkansas, Kansas, Minnesota, Wisconsin, Illinois, Ohio, and Kentucky, which should furnish the products for trade to Galveston, New Orleans, and other Gulf ports.

But New Orleans, the chief Gulf port, has had her trade removed until it has dwindled down from 600,000 to 32,000 barrels of flour annually exported.

The importation of coffee is only about half a million sacks to all Gulf ports, and even that entire amount is most likely to be received within a few months, a wretched consequence of irregularity of mails and absence of communication by American steamship lines.

It has been surprising to hear the gentleman from Georgia [Mr. HAMMOND] here upon this floor claim a sufficient mail and transport service, and declare it to be unnecessary to improve our means of communication, when petitions are so frequently presented from people of every part of our country signifying the contrary.

It is remarkable that he should antagonize such a commercial and economic necessity even regardless of the patriotic and Democratic policy.

The gentleman from Georgia presents a great contrast to that distinguished and far-sighted statesman of Georgia, Thomas Butler King, who, in 1844, prophesied our exact dependent condition if a liberal policy were not adopted.

Mr. King said, in 1846:

Great Britain is thus enabled by confining commercial enterprise with her naval armaments to keep afloat a steam force more than equal to one-half our ships in commission, and to maintain twenty of these powerful steamers in constant and active service at a cost of $1,000,000 annually. By the Cunard and "West Indian" lines of mail steamers Great Britain maintains rapid and certain communication with her colonies on this side of the Atlantic, the United States, Mexico, and her fleets in the Pacific Ocean.

In the event of war she could readily command this force and concentrate it at any point upon our Atlantic or Gulf coast, and our vast commerce, valued at

some $200,000,000, would, without suitable preparation on our part, fall a prey to her arms. It is mortifying to reflect that this force which may become so formidable against us is in a great degree supported by the intercourse growing out of our own commercial enterprise. While our commercial marine is unrivaled and our sails whiten every ocean and our steam marine at home superior to that of all other nations, we have been left in the distance and outmaneuvered by our great commercial rival in the employment of steam upon the ocean.

If it be asked why Great Britain has thus taken the lead of us in ocean steam navigation while we are so greatly superior in domestic steamers and sailing ships, the answer is that she has anticipated us through the extension of her mail system to foreign countries in combination with her naval arrangements, thus rendering it almost impossible for mere private enterprise to enter into competition with her.

France also has become alive to the importance of this great system, and her minister of finance has been authorized to treat with companies for the establishment of lines of steamers to Brazil, Havana, New York, La Plata, La Guayara, and such ports in the Gulf of Mexico and the Antilles as may be designated by royal ordinance.

Such a policy was adopted but abolished in five years through some strange influence, but not by a Democratic administration.

The gentleman from Georgia is very wrong in his assertions to this effect. It was because our Government deserted this policy that it was not successful, and no one more forcibly protested against the injustice of abrogating the steamship contracts made at that time than the great patriot of Delaware, Hon. James H. Bayard, who, by the continual agitation and effort of Congress from 1850 to 1856 to break those contracts, proved that the steamship builders had expended more money in their zeal than their contracts called for.

The true history of this trifling is clear in the Congressional Globe. In the Senate, on the 27th of February, 1855, Mr. Badger, of North Carolina, said:

I do not wish to keep this matter always recurring at every succeeding session of Congress, with applications made for giving notice and putting an end to the contract, * * * keeping it always a matter uncertain in the public estimation whether this great enterprise is to be supported and carried through by the Government. * * * The additional compensation, having been shown to be reasonable, the enterprise concerning at once the interest and the honor of the country, I think the House have acted wisely in proposing to take it out of future contest in Congress and to save both the country and the contractor from this perpetually recurring agitation with regard to the termination of the contract.

And, indorsing the above, Mr. Bayard added:

I entirely agree with the views stated by the honorable Senator.

* * * * * * * * *

It seems to me, therefore, that by retaining this power you cripple the efficiency of the one, because you leave things in an uncertain state. You will not diminish the cost to the Government for or against the cost of the contract—on the one side you must take the expense of prolonged discussion and the consequent consumption of time involved by bringing the question before Congress at each session.

Here are the plain facts, here is explained the cause of the destruction of our merchant marine from the highest authority; for notwithstanding the protests of these great men the influence of the British Lloyds was too great, sad be it to say, and our flag went down upon the ocean in 1857, four years before our civil war.

It is folly to claim that our shipping went down in 1861. Statistics and facts prove the absurdity of such assertion. But in further evidence of the error of the gentleman from Georgia [Mr. BLOUNT] the following extract is taken from the message of President Polk of December 7, 1847:

The enlightened policy by which a rapid communication with the various distant parts of the world is established, by means of American-built sea steamers, would find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam navigation, and of having the privilege of taking the ships already equipped for immediate service at a moment's notice, and will be cheaply purchased by the compensation to be paid for the transportation of the mail, over and above the postage received.

A just, national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels. They can be built in our country cheaper and in greater numbers than in any other in the world. I refer you to the accompanying report of the Postmaster-General for a detailed and satisfactory account of the condition and operations of that Department during the past year. It is gratifying to find that, within so short a period after the reduction in the rate of postage, and notwithstanding the great increase of mail service, the revenue received for the year will be sufficient to defray all the expenses, and that no further aid will be required from the Treasury for that purpose.

Here is the assurance of the wisdom of such liberal policy and of good results. And again, to call to the attention of the gentleman from Georgia [Mr. HAMMOND], who asserts that only the ships were built as an experiment, that he has only glanced at the beginning of the facts, I quote further from President Polk of same date, December 7, 1847:

To the steamers thus authorized under contracts made by the Secretary of the Navy should be added five other steamers authorized under contracts made in pursuance of law by the Postmaster-General, making an addition, in the whole, of eighteen war steamers, subject to be taken for public use.

As further contracts for the transportation of the mail to foreign countries may be authorized by Congress, this number may be enlarged indefinitely.

One year later the good results of such a policy are again set forth, as follows:

The increase in the mail transportation within the last three years has been 5,378,310 miles, whilst the expenses were reduced $456,738, making an increase of service at the rate of 15 per cent., and a reduction in the expenses of more than 15 per cent.

During the past year there have been employed under contracts with the Post-Office Department two ocean steamers in conveying the mails monthly between New York and Bremen, and one since October last performing semi-monthly service between Charleston and Havana; and a contract has been made for the transportation of the Pacific mails across the Isthmus from Chagres to Panama.

Under the authority given to the Secretary of the Navy three ocean steamers have been constructed and sent to the Pacific, and are expected to enter upon the mail service between Panama and Oregon and the intermediate ports on the 1st of January next, and a fourth has been engaged by him for the service between Havana and Chagres, so that a regular monthly mail line will be kept up after that time between the United States and our Territories on the Pacific. Notwithstanding this great increase in the mail service, should the revenue continue to increase the present year as it did in the last, there will be received nearly $450,000 more than the expenditures. * * *

JAMES K. POLK.

Message of December 5, 1848.

Here, then, we have the prophecy and appeal of Southern statesmen of forty years ago. We have the evidence of it being of Democratic origin and Democratic continuance, but of unpatriotic abrogation of those solemn steam mail contracts which caused our merchant marine to go down upon the seas five years before our civil war.

There is no way of judging of the future but by the past. Let us now, though late, but before it is too late, accept the wisdom of our illustrious predecessors.

We have paid a tribute of $15,000,000 per year to foreign ships long enough in freight and passenger rates. It is time now to try a more liberal and wise policy to our own people. There is no wiser course than to try the principles and policy so earnestly advanced by our predecessors of the Polk administration and so successful until interrupted by foreign influences.

The only direction in which we can extend our trade to advantage is to the south of us, and there lies a field indeed worthy of a battle among commercial giants. Requiring so enormously the very products of our soil, of whose surplus we to-day complain, it would seem that we are criminally blind to our great national duties to hesitate an instant to do all that lies within the constitutional power of this House to foster and encourage a trade of such importance. It can be done only by establishing steamships and regular communication between our ports and those of the golden countries toward and beyond the equator. Private capital will not do it without some support similar to that given to rivals from European ports. England, Germany, and France see the necessity and advantage to be had from subsidies. We have years ago experienced it in this country. Shall we sit idly by and see each year the great harvest gathered by our commercial enemies, when a few thousands properly appropriated by this Government would bring all that vast trade to our own doors?

Pensions.

The legislation of the Forty-ninth Congress has resulted in adding to the pension-rolls of the country the names of vastly more men who fought to destroy the Union than of those who fought to save the nation.

SPEECH

OF

HON. C. H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 2, 1887.

The House being in Committee of the Whole and having under consideration the bill (H. R. 1122) making appropriation for payment of pensions under the Mexican pension bill—

Mr. GROSVENOR said:

Mr. CHAIRMAN: The appropriation asked for in this bill is to be applied to the payment of pensions under the act of Congress of the present session, popularly called the Mexican pension bill, and I avail myself of this opportunity to make a few statements in regard, not only to the character of this especial enactment, but also of those which have gone before. This bill is expressly and without qualification a service-pension act. It confers the bounty of the Government upon the soldiers of the Mexican war and the widows of dead soldiers who served therein. The benefits are conferred for service only. No prerequisite of disability incurred in the service, nor of the character of the service is required, and, what is more startling to us on this side of the House, it confers the benefit of this bounty upon all the honorably discharged soldiers of the Mexican war who served the requisite time in camp or field, or on the way thereto, without regard to whether or not in the war for the destruction of the Union the said Mexican soldier fought upon the one side or upon the other. The prerequisites to the benefits of this act are—first, those which I have enumerated and then the following:

First, that the soldier has reached the age of sixty-two years, or, second, served in a battle or is indigent and dependent upon his labor for support. But in all substantial particulars and respects this is a service pension. Now, Mr. Chairman, I voted for this bill, and under the circumstances, as I then understood them, I would do so again. Under the circumstances as I now understand them I would hesitate a long time, and this brings me to the consideration of certain matters con-

nected with the pension legislation of the Forty-ninth Congress, which I desire to speak about. The campaign of 1884 was a most interesting one to the people in this country.

The Republican party has been substantially in power in the executive branch of the Government from 1861 down. It had faithfully and honestly administered the Government but there had grown up among the ex-soldiers of the great war a feeling that the Republican party moved too slowly in the work of conferring the benefit of pensions upon the worthy and deserving men of the great contest, and so it was that Mr. Cleveland received in the election of 1884 an enormous soldier vote. It was given to him because of the assurance everywhere conveyed by the Democratic party that it was inclined to be not only generous but more than generous to the defenders of the country.

It was insisted upon the stump everywhere in the North that it was the Democratic party which had secured the equalization of bounty bill, which it was pretended, falsely, as I demonstrated in the last Congress, that General Grant had vetoed. And insidiously this Democracy filled the minds of the soldiers of the country with the idea that the Republican party had moved too slowly in their interest. It is not too much to say that the majority of the Forty-ninth Congress was elected as the result of the promises made to the soldiers of the battlefield. It was pointed out that there was no danger that the ex-confederates could ever be pensioned. It was understood that the Democratic party was prevented in any event by the provisions of the Constitution from thus conferring benefits upon the ex-confederates, and pledges of the most thorough and far-reaching character were made by the Democrats everywhere to the soldiers of the late war.

The history, Mr. Chairman, of the Forty-ninth Congress is about written. It is entirely so, so far as the question of pensions is involved; and I make a statement now, which no man will deny, that our legislation has resulted in adding to the pension-rolls of the country the names of vastly more men who fought to destroy the Union than of those who fought on the other side. This is a most singular condition of things, and it is one that may well startle the people of the country. We have passed into law a few private pension bills, and of that number of course the beneficiaries were all Union men.

Those of our private bills which escaped the veto of the President conferred the benefits of pensions on men who fought for the Union and their widows and orphans; and, sir, we have passed this pension act, about which I have spoken—the Mexican pension act—by which we will add to the pension-rolls fully 30,000 names, and of that 30,000 it is safe to say that, and I say it without hesitation, two-thirds of them will be men who fought to destroy the Union in the late war of the rebellion, and of their widows who remained behind them. So in the aggregate we have placed about two ex-confederates upon the pension-rolls of the country where we have added one Union man, and this is the feast to which our Democratic friends invited the soldiers of the country. The soldiers in the campaign of 1884 asked for bread in the form of liberal pensions to disabled and indigent comrades. They have received stones in the form of Presidential vetoes and of a bill the character of which I have described.

I do not complain that the Mexican soldiers have been pensioned. It is the just policy of all governments to confer pensions like this upon the men who have fought for the nation in the national wars which have gone before. The soldiers of the Mexican war were patriotic; they fought for the honor of the flag of their country, and a generous government could do no less than what this Government has done for them. But, Mr. Chairman, we passed the dependent parents' bill at about the same time and under about the same circumstances that we did the Mexican pension bill. They were both in the hands of the President at one time. They were both being considered by him at the same time, and one was signed and the other was vetoed. The one carried the names of a great majority of those who fought to destroy the Union, and the other carried the names of those alone who fought to save the Union. Our friends on the floor of the House did not contract with us that we should pass the Mexican pension bill in consideration that they would also pass the dependent pension bill, but there was a sort of compromise, a sort of agreement implied in the action of the House.

The veto by the President of the one and the signing by the President of the other reminds me very much of an anecdote which is current in Ohio and which explains probably why we have never had the veto power in our State constitution. The last Territorial governor of the Territory of Ohio was appealed to by members of the Legislature with the statement that there was a feeling in the Territory that the tax in the form of a license to get married was an onerous and unjust tax and that it ought to be repealed. In the then condition of the Territory of Ohio it was felt to be a burden. The governor, while admitting this, insisted that his salary was so meager that he could not afford to have the act conferring these perquisites upon him repealed.

To meet the governor's views upon this subject, which were considered to be just, the Legislature repealed the marriage-license tax and passed another act contemporaneously conferring upon the governor an increased salary. The governor took them both at one time, examined them very carefully, studied all their provisions, referred them to his counsellors and advisors, and then promptly signed the one which increased his salary and vetoed the one which repealed the marriage-license tax, and from that day to this we have had no veto in Ohio. And could the people of the Union get the same sort of shot at the veto power in our National Constitution they would certainly repeal it unless they could be satisfied that the successors of the present Executive will be different men from what he is.

The veto was never intended to vest in one man all the legislative and executive power of this Government and to treat the legislative branch of the Government with such disrespect as is involved in the veto of more than one hundred and sixty-five bills passed by one Congress. It is an assumption of power never dreamed of by the makers of the Constitution. Many unjust and unreasonable assaults were made upon the dependent pension bill during its consideration, and, perhaps, there was none more so than the attack that was made by indirection upon the bill through the agency of the assault upon pension agents.

Now, Mr. Chairman, I am not here to champion the cause of any man or set of men in this connection. I have never been a pension agent myself and never expect to be, but when a soldier of the Union Army, who fought bravely to save this country from destruction, and who has been an exemplary citizen in every walk of life, is assaulted upon the floor of this House by the charge that he is an infamous scoundrel and no other specifications are attached to the charge except that he is a pension agent and has faithfully represented the interests of the soldiers of the country, I feel like going out of my way a little and saying that I have some knowledge of the character and standing of that gentleman, Col. George E. Lemon, in the department of pensions. I know what the opinion is of the patriotic and distinguished Commissioner of Pensions upon this question. I know from his personal statements that he esteems him as a gentleman in all respects, honorable, upright, and efficient, and that he has over and over again said that no more efficient or honorable pension attorney has ever practiced in his Department. He edits a newspaper devoted to the interest of the soldiers, not to the claim-agents, for he seldom ever speaks of the subject of his own business in his own newspaper. His paper is read by more than 400,000 honorably-discharged soldiers to-day, and if he has from time to time exposed the hypocrisy and unmasked the double-dealing and treachery of men who professed to be the friends of soldiers, it is not strange that the wrath of some men should be poured out upon his head. For my own part, I honor him for his faithfulness to his comrades. I honor him for the success he has had in the prosecution of his pension business. I defy legitimate attack upon him, and say without hesitation that, having met him over and over again in the grand national encampments of his comrades of the Grand Army of the Republic, I can stand by him with that comradeship which one soldier owes to another and testify to his high character and honorable career. I say this much not stopping to characterize the assaults made upon him upon this floor under the screen of a member's privilege and to which the victim can not be heard to reply.

The opinion of this House upon the main controversy upon this man's career is involved in the following:

[Forty-ninth Congress, first session. House of Representatives. Report No. 632.]

FEES OF CLAIM AGENTS, ETC., IN PENSION CASES.

February 23, 1886.—Laid on the table and ordered to be printed.

Mr. CASWELL, from the Committee on the Judiciary, submitted the following report, to accompany bill H. R. 76:

The Committee on the Judiciary, to whom was referred the bill (H. R. 76) relating to claim agents' and attorneys' fees in pension cases, submit the following report:

The only substantial differences between the bill and the law as it now exists is found in the section which would repeal the present law providing for the payment of the attorneys' fee in claims filed between the years 1878 and 1884 through the pension agency.

During the period referred to the fee in pension claims was fixed by statute at $10, payable whether the claim was admitted or not. Under that law it had become the practice of agents, to a large extent, to collect a part or all of the fee in advance of the adjudication, and often when the claim was without merit. The collection in advance often resulted, too, in an abandonment of the claim on the part of the agent, and the unfortunate applicant had no remedy left except an appeal to members of Congress.

To put an end to this practice, Congress passed a law in 1884 prohibiting the agent from making collections in advance. In this enactment a form of contract was prescribed for both parties to sign, which permits the agent to receive in some cases as high as $25, contingent, however, upon success. This contract provides that the stipulated fee, or such portion thereof as the Commissioner of Pensions may direct, shall be retained from the pension allowed and paid by him to the agent.

Under this law a large number of contracts have been executed in the claims filed between the years 1878 and 1884. The mischievous practice of collecting fees before the claim is admitted has been wholly abandoned under the penalties inflicted by the act of 1884, and the form of procedure settled, both parties conforming to the regulation with apparent satisfaction.

The pending bill seeks to repeal that part of the law of 1884 which provides for the payment of the fee stipulated in the contract in claims filed between the years 1878 and 1884, through the Commissioner of Pensions, notwithstanding the rights which we think have become vested under the contracts and the obligation on the part of the Government to retain from the pension granted the stipulated fee for the agent.

We think it would be unfair at this late day, if not a violation of rights acquired and of good faith on our part, after having divested the agent of his right to receive pay in advance, especially in the claims which he was already prosecuting, to repeal the law which authorized the execution of the new contracts which he had been induced to sign under the provision that the fee should be retained by the Commissioner for him, and refuse to carry out the agreement on our part. We think a change of this character would cause great annoyance to

the Pension Department, and work an irreparable confusion, both for the claimant and the agent, in which the former would be the loser in the end, while Congress would be placed in the unenviable position of having restricted the practice in pension cases to a form prescribed at length in the law itself, and then recede from its own undertaking, regardless of the rights of parties who may have become involved.

A committee of the Grand Army of the Republic, representing the applicants for pensions, in a letter addressed to the chairman of this committee, under date of January 20, 1886, uses the following language in approval of the law as it now exists:

"This law is entirely satisfactory to the claimants. They do not object to the payment of that fee; it is far better for them to pay it when they have had their claims successfully prosecuted than to pay the sum of $10 with no assurance of success, and they are entirely willing to pay it, although these cases were filed between 1878 and 1884. * * * We address you this letter because House bill 76 is pending before your committee. We do not think that such a bill ought to pass."

In view of these facts we report this bill back to the House, and recommend that it lie upon the table.

Colonel Lemon was the man aimed at by this bill, and this House expressed its opinion by sustaining the foregoing report.

I do not stand alone in the view I take of Captain Lemon, as witness the statements of members of the Forty-eighth Congress touching this same matter:

UNITED STATES SENATE CHAMBER, *Washington, D. C., July 8, 1884.*

MY DEAR SIR: Before leaving for home I desire to express to you my high appreciation of the methods used in your business office, resulting as they do in a degree of efficiency that gives to your clients a prompt, careful, and successful management of their personal interests. This is due to the many excellent qualities that distinguish you as a man, and I am glad of the opportunity to assure you of my high esteem.

Very truly, yours,

CHARLES F. MANDERSON, U. S. S.

GEORGE E. LEMON, Esq.,
Washington, D. C.

We regard George E. Lemon, of this city, as a competent and reliable attorney in pension cases.

JOHN F. MILLER, U. S. S.
JOHN J. INGALLS, U. S. S.

HOUSE OF REPRESENTATIVES, *Washington, D. C., July 3, 1884.*

I take pleasure in recommending George E. Lemon, of this city, as a reliable attorney and worthy lawyer, to whom claimants can intrust their business with assurances that it will be well and honestly attended to.

L. E. ATKINSON, M. C.,
Eighteenth Pennsylvania District.

GEORGE E. LEMON, Esq.:

I have never had any trouble with pension or other claims prosecuted by your firm, and have uniformly commended you to my soldier constituents and others.

JOHN S. ROBINSON, M. C.,
Ninth Ohio District.

I take pleasure in recommending George E. Lemon, of this city, as a reliable attorney, and I should be glad to remember him to the soldiers of my district.

T. J. WOOD, M. C.,
Tenth Indiana District.

I believe that George E. Lemon, of this city, is a competent and reliable attorney in pension cases, and one who stands well with the Commissioner of Pensions and Department.

B. W. PERKINS, M. C., *Kansas.*

I have known something of the manner in which Mr. George E. Lemon, of this city, has conducted his business. I have found him an efficient, attentive, and trustworthy attorney.

A. X. PARKER, M. C.,
Nineteenth District, New York.

I take pleasure in recommending Mr. George E. Lemon, of this city, as a lawyer of good reputation for skill and reliability.

B. M. CUTCHEON, M. C.,
Ninth District, Michigan.

Attention is also invited to the following from other members of Congress:

HOUSE OF REPRESENTATIVES, *Washington, D. C., July 3, 1884.*

We take pleasure in recommending George E. Lemon, of this city, as a reliable attorney.

W. S. ROSECRANS, 1st dist., Cal.	R. Q. MILLS, 9th dist., Texas.
JAMES LAIRD, 2d dist., Nebr.	C. H. MORGAN, 12th dist., Mo.
J. G. CANNON, 15th dist., Ill.	E. N. MORRILL, at large, Kans.
GEORGE R. DAVIS, 3d dist., Ill.	W. C. OATES, 3d dist., Ala.
J. H. BAGLEY, Jr., 15th dist., N. Y.	CHARLES O'NEILL, 2d dist., Pa.
H. H. BINGHAM, 1st dist., Pa.	D. R. PAIGE, 20th dist., Ohio.
J. C. S. BLACKBURN, 7th dist., Ky.	L. P. POLAND, 2d dist., Vt.
C. A. BOUTELLE, at large, Me.	J. R. RAYMOND, Dakota.
THOMAS H. BRENTS, Wash.	J. M. RIGGS, 12th dist., Ill.
J. H. BREWER, 2d dist., N. J.	W. E. ROBINSON, 2d dist., N. Y.
J. O. BROADHEAD, 9th dist., Mo.	O. R. SINGLETON, 5th dist., Miss.
T. M. BROWNE, 6th dist., Ind.	CHARLES STEWART, 1st dist., Tex.
HUGH BUCHANAN, 4th dist., Ga.	J. B. STORM, 11th dist., Pa.
J. N. BURNES, 4th dist., Mo.	I. S. STRUBLE, 11th dist., Iowa.
W. H. CALKINS, 13th dist., Ind.	J. R. THOMAS, 20th dist., Ill.
J. F. CLAY, 2d dist., Ky.	J. R. TUCKER, 6th dist., Va.
POINDEXTER DUNN, 1st dist., Ark.	J. H. WALLACE, Ohio.
N. B. ELDREDGE, 2d dist., Mich.	MILO WHITE, 1st dist., Minn.
T. M. FERRELL, 1st dist., N. J.	W. L. WILSON, 2d dist., W. Va.
J. F. FINERTY, 2d dist., Ill.	E. B. WINANS, 6th dist., Mich.
J. F. FOLLETT, 1st dist., Ohio.	H. S. VAN EATON, 6th dist., Miss.
E. H. FUNSTON, 2d dist., Kans.	P. V. DEUSTER, 4th dist., Wis.
G. W. GEDDES, 14th dist., Ohio.	D. W. CONNOLLY, 12th dist., Pa.
D. B. HENDERSON, 3d dist., Iowa.	A. H. PETTIBONE, 1st dist., Tenn.
B. F. HOWEY, 4th dist., N. J.	JAMES C. NICHOLS, 1st dist., Ga.
ELZA S. JEFFORDS, 3d dist., Miss.	GEORGE W. RAY, 21st dist., N. Y.
B. W. JONES, 3d dist., Wis.	W. D. HILL, 6th dist., Ohio.
J. A. KASSON, 7th dist., Iowa.	S. W. MOULTON, 17th dist., Ill.
W. P. KELLOGG, 3d dist., La.	A. J. HOLMES, 10th dist., Iowa.
J. H. KETCHAM, 13th dist., N. Y.	J. D. TAYLOR, 17th dist., Ohio.
G. V. LAWRENCE, 24th dist., Pa.	M. L. CLARDY, 10th dist., Mo.
BENJ. LE FEVRE, 4th dist., Ohio.	J. E. O'HARA, 2d dist., N. C.
H. B. LOVERING, 6th dist., Mass.	H. G. BURLEIGH, 17th dist., N. Y.
J. W. MCCORMICK, 11th dist., Ohio.	E. S. LACEY, 8th dist., Mich.
BENTON MCMILLIN, 4th dist., Tenn.	S. L. MILLIKEN, at large, Me.
EUSTACE GIBSON, 4th dist., W. Va.	S. H. MILLER, 26th dist., Pa.
WILLIAM DORSHEIMER, 7th dist., N. Y.	J. J. KLEINER, 1st dist., Ind.

This will do very well for a man who was called a scoundrel the other day.

And now, Mr. Chairman, there is another phase of this subject about which I wish to speak. There comes to us, borne upon the breeze that rises in and about the city of New York and from the press of other Eastern cities, a bitter tirade against the whole system of pension legislation for the soldiers. There has been no plan in Congress for twenty years to relieve the sufferings of the men who saved the Union that that scheme has not been denounced by a majority of the newspapers published in the city of New York. The organs of Wall street, the mouthpiece of the bondholders, the men who cry out against all legislation in the interest of the great masses of the people, shout against the proposition to pension the soldiers of the country. The files of those papers way back following the war will show that their denunciation of the early pension legislation, limited as it was to the few and special cases, was just as bitterly assailed as is the present plan to alleviate all the sufferings of our comrades of the war.

What is the spirit that inspires this outcry? It is the spirit of mammon. It is the cry of the leech; it is the sordid spirit of the usurer; the blatant outcry of the Shylock. They are in favor of free trade in the city of New York and no pensions, and high rates of interest upon the bonds of the country; great harbor improvements in New York and none West. The city of New York and the moneyed men—and I use the term in a generic sense—invested their money in the bonds of the country when the money so invested was worth about 38 cents on the dollar. Step by step they have secured legislation which has brought their 38 cents up to 100 cents, and have applied the revenues of the country to the redemption of their property. They have secured more money for the interest upon their bonded debt than all that has been paid to the soldiers who saved the nation for pensions. Had there been no men to bear arms other than those who invested in the bonds, there would have been no country to-day to pay for the bonds.

It was the men who carried the musket at $16 a month and slept in the swamps of the South, in the open air, and filled their system with the seeds of disease, from which they never recovered, that saved the credit of this nation and made the men of New York the millionaires that they are, that enable them to grasp the industries of this country by the throat; to build up monopolies that are to-day the monuments of their grasping tendencies, and yet they turn about and through their organs denounce the efforts of the friends of the soldiers to save these men from the poor-houses.

It is not worth while, Mr. Chairman, to be overmodest about this matter. If these men were content to offer even a fair division, their insolence would not be so intolerable, but they call a pension bill a steal. They denominate a bill for the improvement of the rivers and harbors of the West a steal. They call everything a steal that does not pour money into the coffers of the money kings of New York. The men who fought in the army by proxy, men who sent representatives to the army do not feel any great amount of gratitude over and above the payment of the money to the men who screened them from the draft; and what is the burden of their song to-day? They are crying to Congress to shield them from the coming of the storm, the mutterings of which are heard over the mountain tops of the country and are whistling through the pine forests of the South, and are concentrating in opposition to the grasping monopolies, whose mouth-pieces denounce this pension legislation. They are all in favor of enormous expenditures for the militia of the country and for the armament of the country, to the end that, when popular outcry can be no longer suppressed, the armies of the United States may be invoked to shield them from the wrath to come. But in the mean time they are not willing to divide. They are not willing that justice shall be done to the brave men who made their country worth having, who made their country a place where they could ply their vocations and accumulate wealth. Mr. Chairman, I am not an alarmist, nor do I favor any uprising against law and order, and the settled course of business in this country. I stand in a conservative position upon this question, and I ask these men, in all justice to them, are you willing that the soldiers of the Union Army, who shed their blood and lost their health in support of the Union cause, shall be protected by the Government from suffering and the degradation of the poor-house? If you are, why not say so?

This bill, Mr. Chairman, has received its proper consideration from the honorable chairman of the Committee on Pensions, Mr. MATSON. He is right when he says that it provides a pension only for the men who are dependent upon their labor for support and are totally disabled. Any other construction is absurd. Any other construction given it by any man, great or small, simply advertises him as ignorant of the rules of construction of law. I need not stop to read the language of the bill. It requires no comment. The beneficiaries under this bill must be totally disabled from earning a livelihood by labor, and they must be wholly dependent upon their labor for means of support. There is not an intelligent lawyer in the country who holds to any other doctrine, so far as I have heard; and if this be so now, Mr. Chairman, do the men of New York desire that the Government shall do less than support these men? Fifteen thousand of them are in the poor-houses to-day, unable to support themselves, groaning under the stigma of

pauperism, and when we bring a bill here to rescue just these men and nobody else we are denounced as demagogues, and the bill is called a pauper pension bill.

Mr. Chairman, the object of this bill was to prevent pauperism. The object of this bill was to take our comrades from the grasp of pauperism. We want them to come out of the poor-houses. I say, and I do not hesitate to affirm it, that there is no nation on the earth barbarous enough to be content that the men who fought to save their country and the honor of their flag shall perish in the poor-house but the people of America. What good does it do to compile the figures and statistics of the amounts of money paid for pensions? How does that feed the impoverished comrades who are suffering and dying of want to-day? How does it compensate comrade A for his suffering and his loss that comrade B is receiving that which is justly due to him?

There is another view, Mr. Chairman. These men must be fed and clothed, and cared for, aside from their character as soldiers of the war. The common instincts of humanity and the laws of the country forbid that people shall die of starvation unprotected. Hence we have almshouses throughout the country. Hence we require that men without means of support shall be protected and saved from starvation. That they shall be clothed, and when they die they shall be buried at public expense. What say the people of the country? Shall these soldiers be thus fed, clothed, supported, and buried at the public expense of the United States Government, the Government for which they fought, or shall they be thus fed, clothed, and protected by the townships and counties, and States in which they live? It must be done by the one or the other.

This bill said it should be done by the General Government. This bill said the taxes for this purpose shall be levied upon the revenues of the people of the whole country. If I had my way, Mr. Chairman, I should levy this tax upon the section of the country that by violating their obligations to the Constitution, by being unfaithful to the flag, by being derelict in patriotism, brought on the war and caused these deaths and these ruined healths and these impoverished households; but that can not be done. And now the question is, shall the support of these "paupers," if you please to call them, these totally disabled persons, shall that support be taxed upon the Treasury of the United States and contribution levied upon all people alike, or shall the States that saved the Union be taxed and the farms of the people and the horses or cattle of the people be taxed for their support?

I speak, then, Mr. Chairman, for the men of my district, the men of small means, the men who are struggling to make a livelihood in the world, and I call upon the Government in their behalf to discharge its debt to these men. There goes up throughout the country a cry against the President. It is said that he has used language derogatory to the soldiers in his veto message; that he has been actuated either by unkind feelings or else feelings of disregard and carelessness toward the soldiers; that while in his annual message he used language which led Congress to believe that he favored liberal pensions, in his veto message he has treated the soldiers with indifference and scorn.

Mr. Chairman, the sympathies of this Democratic President are with the section of the country that gave him his high position. He is not a man of ingratitude. Witness his approval of public building bills in the States that voted for him and his disapproval of those in the States that voted against him. He feels grateful to that great section of the country that votes largely against pensions, and I have no doubt that it was an act very grateful to him to be enabled to sign the Mexican pension bill, that gave to the men who voted for him in the South large access to the Treasury of the United States, notwithstanding that they had fought to destroy the Union. I doubt not that his sympathies run with them. I sympathize with him, situated as he is and owing what he does, in that feeling. It is an exhibition of comradeship that is in the highest degree commendable.

One hundred and fifty-three electoral votes, Mr. Chairman, that were his without a struggle, that did not cost him an anxious thought; that came as the ripe fruit comes; that came to him hermetically sealed and ready for delivery; that came to him without a struggle or contest at the ballot-box and narrowed his contest down to 38 electoral votes, is not a circumstance to be forgotton by a man of a generous heart. I doubt not, therefore, that it was pleasant for him to be able to sign this bill, and I do not complain of that great comradeship that inspired the sentiment. Did a similar feeling cause his veto? Nor do I complain of the men of the South, the ex-confederates, who vote against us upon these measures.

If the people of this country who are acquainted with the history of the Democratic party, or the history of the great majority of it, are willing to put this party into power, I do not complain that these men use their position to render respectable and to render benefits to the men who stood by them in the war. The trouble is in the North, Mr. Chairman—this evident tendency to break down the discrimination between the men who fought for the country and the men who fought against it. The fault lies with the men of the North who voted to put this party into power. The fault lies with the soldiers of the North who have listened to the siren song of Democratic candidates for office, and have voted for them, and found themselves betrayed when the hour of trial came.

Mr. Chairman, this contest is not ended. This battle is not fought out. The soldiers of this country begin to understand the issues. They see in this action of the President, they see in the passage of the Mexican pension bill and the defeat of the bill to pension their own comrades what lies ahead of them when there is a full restoration of power to the hands of the Democratic party. They begin to see the effect of a Democratic Senate, and a Democratic Supreme Court, and a Democratic President; and mark my word, Mr. Chairman, the Fifty-first Congress of the United States will be a Congress that will keep the word of promise to the ear of the country and will not break it to the hope. I shall vote for this appropriation bill, for the faith of the Government is pledged to the appropriation of this money. I shall vote in the future as in the past, to rescue my comrades of the war from poverty and suffering, and to aid their widows and orphans, and thereby the whole country. I shall vote to adjust the laws of the country so that every man who did honest service for his country shall be saved from the degradation of a pauper's death and a pauper's burial, and the people of the country, disabused of their false impression of Democratic pledges and Democratic purposes, will stand with me and will see to it that the plighted faith of the Government is redeemed.

Rivers and Harbors.

SPEECH
OF
HON. WILLIAM P. HEPBURN,
OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 15, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. HEPBURN said:

Mr. CHAIRMAN: I do not think it wise to consider this bill at all at this time. I know that it is impossible for the House to have that information which would enable it to consider the bill intelligently. I know that it has been impossible for persons who are not in favor of the provisions of this bill to secure copies of the reports of the Chief of Engineers. There seems to be some peculiar method of favoritism with regard to the report of that officer, by which persons who are in favor of large and extravagant appropriations of this kind can secure copies of it, while those members of the House who desire to antagonize such appropriations find it impossible to secure the reports.

Further, I think that even the gentleman from Kentucky himself [Mr. WILLIS] has been unable to secure all the information he would desire, if he desired to be informed with regard to the necessity and propriety of these appropriations, because I learn that some of the appendices to the Engineer's report which are necessary to a correct understanding of this general subject-matter, have not yet been received by the gentleman, and that he has not yet got the benefit of the information which they contain. It looks to me, Mr. Chairman, as if there was something wrong, some effort to withhold the facts from the House and to force action in this hasty and unadvised way, and I am bound to come to the conclusion that in those reports there are some statements which the gentleman from Kentucky is unwilling shall go before the country, or, at least, before the House prior to action being taken upon certain of the provisions contained in this bill.

Mr. WILLIS. Does the gentleman himself believe that? [Laughter.]

Mr. HEPBURN. I do not know, Mr. Chairman, of any better evidence that I could give of my belief than what I have given already. My friend seeks simply to parry the force of the suggestion that I make, by his wit. That is not fair. He will not tell the House that he has been advised by authority as to the unexpended appropriations that are now in the hands of the officers charged with their expenditure. I undertake to say that he has no accurate knowledge upon that subject, and that even with regard to the greater larceny that is contained in this bill, the chief one, the one which to certain minds makes it most attractive, the Mississippi River scheme, he is not now able to advise the House as to what proportion of the last two millions appropriated remains unexpended.

Mr. WILLIS. If I did not know that my friend was making a purely Pickwickian speech, I would say to him that we have two official reports of the unexpended balances.

Mr. HEPBURN. Complete?

Mr. WILLIS. Two official reports, one of which is printed as an executive document, one of the few things that have escaped the diligence and industry of the gentleman from Iowa in his opposition to this bill; and the other of which is on my desk. So we have two reports instead of one.

Mr. HEPBURN. I suggest, Mr. Chairman, that the fact that the gentleman from Kentucky [Mr. WILLIS] has been provided with these

reports does not meet the criticisms I have made. He, it appears, has means of acquiring information which other members of the House do not have; and, while he may perhaps be able to give us the information I have suggested, so far he has been entirely unwilling to do so. If he has, it would have been wise, it seems to me—certainly it would have been generous, to have allowed some of the rest of us some portion of this superabundant information.

Mr. WILLIS. My friend will permit me to say the information I referred to is printed as an executive document which is at the disposal of himself and every other member of the House; he has only to send a page and procure it right now.

Mr. ADAMS, of Illinois. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa [Mr. HEPBURN] yield?

Mr. HEPBURN. Yes, sir.

Mr. ADAMS, of Illinois. I do not propose to take the position of being opposed to this bill. But I do not like to have such a bill considered until we have full information. My local interest in this bill is with reference to the port of Chicago; and when I heard the statement of the gentleman from Kentucky, I went to the clerk of the committee to get the report of the local engineer. There was no index to the appendices; but on looking at the report of the Chief Engineer, I found that this report of the local engineer would be "H H 1," whereupon I was immediately informed by the clerk that the printing had not reached so far as that, but had only embraced the documents indicated by single letters. Hence, I have no means of knowing what the recommendation of the local engineer for the coming year in regard to the breakwater at Chicago may be. That was my only reason for voting against the consideration of this bill to-day. I think the remarks of the gentleman from Iowa are, to a certain extent, well founded; that whatever information the gentleman from Kentucky has, we have it not, and we should have it.

Mr. WILLIS. My friend from Illinois is speaking of one thing and the gentleman from Iowa was speaking of another and entirely different thing. The gentleman from Iowa stated that there was no report to this House of the unexpended balances. In reply to that remark I said that we had two reports, one of which had been printed as a document. That was the one I was speaking about.

Mr. HEPBURN. When I made my statement I made it with reference to the reports of the engineers. It is to those reports, as a rule, that we go for information of this character. I had no knowledge that there was information furnished in any other form than that. I know that is the convenient and usual way in which we receive this information, and I again make the statement that it is not possible for any member, so far as I am advised, except the members of the Committee on Rivers and Harbors, to secure any portion of the report of the Chief of Engineers.

Mr. ADAMS, of Illinois. With the leave of the gentleman from Iowa, I desire to ask whether an "unexpended balance," in the sense of the gentleman from Kentucky, does not mean a balance unexpended at the end of the last fiscal year; and is it not proper for us to consider rather the unexpended balance at a later period of the year? I happen to know that my own port suffers by the statement that there was last July an unexpended balance of nearly $75,000. That is not an unexpended balance now, nor was it at the time when the local engineer made his recent report to the Chief of Engineers.

Mr. HEPBURN. Mr. Chairman, at this moment a gentleman has kindly handed me a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a tabulated statement of unexpended balances for works on rivers and harbors November 1, 1886, from which I learn that of appropriations heretofore made, there is unexpended, or was unexpended on the first day of last November, and in the hands of the officers or in the Treasury of the United States, $16,636,362.71, making with this bill a total of more than $24,000,000, which will be in the hands of the officers for expenditure during the coming summer. Is that correct?

Mr. BLANCHARD. If the gentleman will allow me, I will say it is not correct. It is for the present fiscal year and the next fiscal year. The appropriation in this bill is entirely for the next fiscal year; and that in the last bill is for the present fiscal year.

Mr. HEPBURN. The gentleman has undertaken to correct me, without varying the statement which I made. There will be during the next summer, the summer of 1887, upwards of $24,000,000 to be expended for works of this character, the present appropriation becoming available on the 1st of July, 1887; and it may all be expended within the four or five months immediately succeeding that date. So that there will be in the hands of the engineer officers for expenditure upon these works between the present time and the end of the labor period of the present year, $24,000,000.

I do not want to be understood, Mr. Chairman, as opposed to the principle or the practice of improving the great needed water ways of this country, those which enter into our interstate commerce, those which the Government of the United States ought to improve, or the harbors into which the interstate commerce of the country is poured. I have no hostility whatever to their improvement; but I have an uncompromising hostility to the "jobs" and the useless squandering of the public money, as carried on from year to year through the instrumentality of the iniquitous river and harbor bill. I undertake to say, Mr. Chairman, that there are not, in this entire bill, twenty propositions which, if they stood alone, unaided and unsupported by others, could receive the sanction of this House. But these various items are railroaded into the bill, and then they are railroaded through Congress by the "swapping" of interests and the interchange of votes. Here is, we will say simply for illustration, a proposition for an expenditure in the State of Maine, which has no national significance whatever—a work for which there ought to be no expenditure of the money of the people of the whole country.

Mr. MILLIKEN. There is no such proposition in the bill.

Mr. HEPBURN. This work, we will suppose, is entirely local, benefiting only the people of a circumscribed district. There could not be obtained for this expenditure, if it stood alone, a single vote outside of the limits of that State. But for the next State, Massachusetts, there are certain other propositions of a like character, utterly without merit of their own as improvements of water ways affecting the commerce of the whole country. The gentlemen from Maine desire the success of their proposition; the gentlemen from Massachusetts the success of theirs; so they unite their interests to secure the passage of the bill. In Connecticut there is another work of similar character to be provided for; in Rhode Island another, and so you pass all round the coast. Still, there are not votes enough. So the Mississippi River scheme is included, with all its iniquities. Still there is something lacking. So the framers of the bill go up to the great lakes, and bring into the support of measures which are local to them in the main the aid of certain gentlemen representing those constituencies. That is the way the river and harbor bill is made up; that is the reason why this bill has its standing upon this floor, and why, year after year, we make these extravagant appropriations, which, so far as the improvement of national water ways is concerned, are wasted.

This bill, in my judgment, is objectionable beyond all its predecessors. The estimates made by competent authority of the sums which could be most easily and judiciously expended in the improvement of rivers and harbors is upward of $30,000,000 for the next fiscal year. Now, by some process—I do not know what—the committee have taken a percentage of these estimates. Just why they should have arrived at 23½ per cent. I do not know. I would have been glad if the chairman of the committee had informed us why this percentage of the sum recommended by the engineers was adopted.

Mr. HOLMES. The committee made a "horizontal reduction."

Mr. HEPBURN. I think it would have been infinitely better, if these appropriations are to be made, that the whole $30,000,000 should have been appropriated. Those who may be presumed to be wisest with regard to these expenditures say that $30,000,000 is the sum of all others that most judiciously and economically could have been expended. Why does not the committee give that sum? Why give 23½ per cent.? In very many instances, as I am informed, this entire percentage would be required to preserve from destruction those works which have already been partially erected; so that there will be no advance made; and next year when this appropriation bill is passed there will be a necessity for a like appropriation simply for preservation of works—works which will then be, a year hence, in the same condition that they are to-day, making the appropriation of this year a matter of absolute and entire waste. Is there economy in that?

Again, with this very meager percentage of the appropriations recommended, there is imposed upon the Government the necessity of paying greater prices for labor and the same expenditure for plant that would be required if the whole work on the improvements were done.

So we have to pay a greater price. We have to pay for the whole plant where parties have worked only for a portion of the season. Therefore their own interests required them to demand a greater sum than though their energies could be employed during the whole season.

Again, a plant is provided and work is done for a month or two or three. When the appropriation is exhausted then the plant is removed to some other place. Hence the Government has in fact to purchase a new plant for that work the next year. It seems to me that is not a wise and judicious expenditure of the public money.

I have objections to some of the particular features of the bill, and especially to having appropriations made for the so-called improvement of the Mississippi River under the control and direction of the Mississippi River Commission. And I here challenge the gentlemen who favor this to show, if they can, that of the $10,000,000 we have poured into the hands of this commission the expenditure of 10 per cent. of that has been put upon the channel navigation of the Mississippi River? I especially invite the attention of the chairman of the committee to that proposition. I do not believe that 10 per cent. of the $10,000,000 that we have up to this time appropriated can be shown to have been used in improving the channel navigation of that river. A large percentage of it has been expended in the purchase of a costly plant, including more than nine hundred boats and vessels of all kinds and sizes. The gentleman from Louisiana contradicted me when I made this statement upon a previous occasion—more than nine hundred vessels, large and small, about three times as many as belong to the Federal Navy. We have expended in a single year—if we may place confidence in the

statements which are found in the Blue Book or Official Register—and if the persons named served for the entire year, in one year the Mississippi River Commission expended $512,000 in salaries over and above those sums which were paid to persons who were graded as laborers, and exclusive of the sums which were paid to the officers of the Army. This statement I make on the supposition that the large list of employés whose names are found in the Blue Book were continued at the rate per month, or year, during the whole year of which I speak. Five hundred and twelve thousand dollars in salaries to persons who were above the grade of laborers!

This commission has all kinds and classes of vessels, from a $65,000 steamer down to those of inconsiderable value. They have expended vast sums of money in the improvement of alleged harbors along the river for that class of work in many instances that more enterprising and business towns farther north that have a necessity for commercial facilities do for themselves in the establishment of their wharves and in grading and riprapping and paving their wharves.

At the city of New Orleans they have expended hundreds of thousands of dollars in attempting to prevent the city of New Orleans from being inundated by the breaking of the banks of the river, and they do that under the specious pretense of improving the harbor of New Orleans. There above the city of New Orleans is the great bend of the river, which is constantly making inroads upon the valuable lands of private individuals, and the Government is called upon to ward off the encroaching current by the building of improvements out in the stream, where there is a depth of 90 feet of water, for the commerce of the States to pass over—to build improvements to protect the private property of the owners on the banks of the river. I see in this appropriation bill there is a continuation of this same prodigal use of public money for the benefit of individual owners along the banks. Other thousands if not millions of dollars have been expended in the building of levees along the Mississippi River and its tributaries for the sole and only protection, as I believe, of the planters who live along the banks of the river.

Mr. Chairman, if gentlemen would come here frankly and candidly, if they would come here in an open way and say to us, because of the inflictions of the war, because of the disturbance of their labor system, because of poverty, or any other cause of a similar nature, and because of the great national importance of the sugar and cotton lands, they ask the Government, as a national measure, to protect those plantations, we would then at least have the choice of doing or not doing a generous thing.

But gentlemen will not do that. They come here under the specious and false pretense of aiding the navigation of that great river and facilitating the commerce of the States, under the pretense of in some degree benefiting us who do not live immediately upon its banks. They ask us to enhance our own interests and benefit the navigation of the stream; and by the false pretense of improving the navigation of the river, they strive to extort these sums that are used only in the improvement of their own estates. If I am to vote appropriations of this kind I want at least to have the knowledge or belief that I am doing a generous or magnanimous thing. I do not want to be tricked into doing it.

All the way along up the river are these pretenses of harbor improvement. The harbor of Hickman, for instance. Think of it. Hickman with a "harbor" to improve, when no man ever dreamed that Hickman had a harbor; that it was anything else but the merest and most meager landing-place in which a steamboat could tie up to a stubbing-post occasionally, if there was a passenger to be landed, or if it happened there was a hogshead of tobacco to take on.

When this method of getting some of the Government's money was discovered it was applied to New Orleans and the "harbor of New Orleans," miles above its steamboat landing, received ample aid from the Government; and, now, in the last appropriation bill, Hickman puts in a modest appearance asking for $25,000 or $50,000 to improve its harbor. Why, sir, if the Government would take the $50,000, or allow some judicious agent to do that, it could become the owner of the hamlet and thus remove absolutely the necessity of any improvement of Hickman harbor.

Mr. Chairman, I have tried, time and again, to get from the chairman of the Committee on Rivers and Harbors some estimate—because I know he is informed on this subject—some estimate as to the probable ultimate cost of the improvement of the Mississippi River according to the plans of the Mississippi River Commission. I have never been able to secure from that gentleman a guess even to within $50,000,000 of its probable cost. I know there is a great variety of opinion on that subject. I think the gentleman from Louisiana [Mr. BLANCHARD] is of opinion, or was on one occasion, that probably $50,000,000 would be needed. I know that other gentlemen think a billion of dollars would be necessary. I know that some members of the commission, when the matter was put to them as to the probable cost, stepped back aghast and declared their unwillingness to even approach an estimate or the verge of it. One has stated that seventy-five millions, in his judgment, would not be sufficient.

But I want to call the attention of the committee, for I am afraid they have failed to observe it, that there are certain estimates as to cer-

work that has already been done. Certain gentlemen at Plum Point reach or New Madrid reach say that the bank improvement, the revetment, cost an average, so far as they have gone, of something like $21 a lineal foot and the channel contraction something over $19 a foot. Revetment and channel improvement go together or should according to the belief of some of the commission but not according to the belief of the committee. If they go together here is the basis of an estimate. Forty-two dollars a foot. The whole length of the Mississippi River, 1,200 miles, from Cairo to New Orleans, at $42 a foot! Gentlemen, that is the feast of expenditure that you have been invited to by the Committee on Rivers and Harbors.

But that is not all. Remember that they use in their channel contraction the soft woods of that country, which are subject to the rapid decay that follows the alternation of being dry and then wet. A period of three or four years absolutely destroys the timber that is used in these improvements between the low-water and high-water mark. So that you may count on the replacement of this portion of the work each three or four years.

So, too, it will be with the mattresses that are used in revetments. They are made of the soft woods of rapid growth in the moist alluvial soil of that region. You may expect to replace them, all those that are used as curtains or lie under the riprap between the lowest water and the highest point to which they reach, each three or four years. These must be replaced.

But that is not all. If all of this improvement was completed in this line and in this way there would be no advocates of the Mississippi River scheme along the banks of the river. The great object and a great expenditure, though not the greatest, is in building levees that I have not included in the estimate of $42 to the lineal foot. These are estimated to cost $15,000 to the mile. And remember, gentlemen, they are not simply along the margin of the Mississippi River, but they are along each of the tributaries; up the tributary until you reach a point where the bank is the same point above the sea as is the top of the levee on the bank of the Mississippi River.

So that you may multiply two or three times over the length of the river from Cairo to the Gulf if you wish to get at the actual mileage of the levees that you are providing for.

Now, Mr. Chairman, I do not believe that that is what the people of this country want. The gentlemen who are the proponents of this measure have an entirely different object and interest from those who desire the honest improvement of the channel navigation of the Mississippi River. What the latter desire is that the navigation may be improved when the river is at a low stage; but when it is at a low stage the gentlemen who live upon its banks are entirely satisfied with it. There is then water enough for their commerce, and there is no overflow of their plantations. They are content.

But when the river is at flood, when it is at such a height, or when there is such a depth of water as satisfies the man who only wants to secure good channel navigation, that is the time when the friends of this measure are dissatisfied. When the Almighty has done for us all that we wish done, then these gentlemen are in rebellion and ready to propose that the Government shall thwart His purposes. When the river is fit for navigation along its whole course, then is the time when they insist upon this expenditure for its "improvement." Why? Because they want to keep out the incursions of the river from their plantations; they want this levee system. But gentlemen say that this is not true; that they are only in favor of the levees because the commission say that they will facilitate channel navigation. I submit to you, gentlemen, that you do not pin your faith to the reports and suggestions of the commission with regard to other matters.

This bill itself contains a proposition to a certain extent against the bank revetments, does it not? And yet the last report of the commission which I have been permitted to see contains an elaborate argument in defense of that portion of their scheme. They say that without it there will be failure, and they only prophesy success in the event that you allow them to pursue their own method of bank improvement in connection with channel contraction. The gentleman from Arkansas [Mr. BRECKINRIDGE], whom I do not now see in his seat, inveighed two years ago most vigorously against bank revetments. He told us that it was a departure from the original plan of Captain Eads. He told us that every dollar of expenditure made in pursuance of the then plans of the commission would be a ruinous and reckless waste of the public money. But the commission defended their action; they insisted that there had been no departure, and that they were simply pursuing, without giving extraordinary emphasis to, the plans of the original projectors. So that you are not willing, gentlemen, to be guided by the opinions of the commission with reference to anything else save your tenacious clinging to the levee system. You give to that an importance which, in connection with other evidences I have, satisfies me that it is the levee system, and the levee system only, that you are wedded to and desire to insist upon.

But when we come to the Missouri River Commission there is proposed an expenditure of a quarter of a million of dollars. Why, gentlemen, that is not enough to reclaim a single mile of that turbulent and uncontrollable stream, even if the Committee on Rivers and Harbors were permitted to select the mile at any point from Sioux City to

the mouth. We were told years ago that with an expenditure of $8,000 a mile there would be secured a uniform channel from Sioux City to the mouth of the river of 9 feet, yet, in my opinion there is not a man living who ever saw that river in its turbulent moods who believes that $90,000, or twice that amount, per mile could control it. I have seen that river at a point more than 500 miles from its mouth a raging torrent, extending from bluff to bluff, a distance of 5 miles, and varying in depth from 5 to 25 feet; yet it is proposed to "protect" its banks and control its current and keep it in its place doing the work of commerce and furnishing a uniform channel of 9 feet! In a single night I have known that river to change its location 8 miles. There is a town in my district which a few years ago was a "port" with its "harbor"——

Mr. RANNEY. Like Hickman.

Mr. HEPBURN. Very like Hickman. Yet to-day that town is 8 miles away from the Missouri River. The town of Saint Mary's in Iowa, a flourishing village stood several years ago about half a mile east of the east bank of the river. Half a mile still farther east was a frame-house with a large brick chimney built on the outside. It has only been a year or two since that chimney tumbled into the Missouri River. The whole town has disappeared, and the half mile of prairie between the farm-house and the river has tumbled into the river. Yet you are going to "improve" that river, and you propose to appropriate $250,000 to improve 850 miles of its channel-way!

Last year you appropriated something over $300,000 for the improvement of the river; you provided that it should be expended in accordance with the plans and specifications of the commission. They advised that the improvement should begin at the mouth of the river and work along upward as appropriations might be given, yet you put a proviso in the bill authorizing the expenditure of the money, or so much of it as might be necessary, at eleven towns, naming them. And when we come to examine where the towns are we find that nearly every one of them, if I mistake not, is the site of a railway bridge. So that you have simply authorized the commission to expend the money of the Government in the protection of the abutments of these railroad bridges.

A year before that there were two hundred and odd thousand dollars, I think, expended on this river, and I would be glad if the chairman of the Committee on Rivers and Harbors would point out to us where a dollar of that money was expended except in the protection of the railroad bridges at Kansas City and Saint Joseph, Mo. Not a dollar of it was spent in the improvement of the river; not a dollar of it in any work looking to the better navigation of the river; not a dollar of it to open up the great water ways of the country for the commerce of the whole people, except indeed as commerce may have been promoted by protecting the bridges of the railways across that stream.

Mr. Chairman, there is another scheme in this bill to which I want to call attention—the improvement of Galveston Harbor. I believe, sir, with great deference to the opinion of my friend from Texas [Mr. CRAIN] representing the Galveston district, that this is an unwise expenditure. I know that the plan suggested involves the building of two sea-walls, 3,000 feet apart, out into the Gulf to such a distance as that they shall reach a depth of 30 feet. My information is that that depth is found at a distance of 11 miles from the shore line. In other words, for the purpose of "improving" the harbor at Galveston you propose to build two sea-wells, in the aggregate probably, 22 miles in length, extending out into the Gulf.

Those walls must be of stone, for you have already tried the experiment with wood, and you have found that the teredo tears down faster than you can build up. They must be of immense strength, because they are to withstand the storms and the hurricanes of that region. There has been an estimate made of $7,000,000. I am not willing to place much faith in that estimate, because another estimate was made of about a million and a half, or a little more than that, as the amount necessary to secure the depth of water that was then demanded, and nearly the whole of that sum was expended, and finally the whole work was abandoned, no part of it being of any value, except as here and there a diver might dig out a block of stone which had been used as ballast and had thus been protected from the crumbling influences of the waves and winds.

This is all that is left of that million and a half of dollars which was to complete that work which met the demands of Galveston only a few years ago. I undertake to say that no person would build such a wall as this upon land for twice $7,000,000. It must be thirty-five or more feet high, and of such breadth and strength as would resist the whole power of the Gulf when lashed by the storms. If it were on land you could not do it for twice the amount of the estimate; and the committee is apparently going on, blindly relying upon the estimates, with the knowledge before them that the estimates heretofore made with regard to the same work were absolutely worthless, and that the very men who urged the improvement a few years ago were most vigorous in their denunciations when it was proposed to continue the same scheme to completion.

Mr. Chairman, these are some of my reasons for opposing this bill. I believe it to be absolutely unnecessary, as there is to-day a very large unexpended balance, exceeding more than twice the entire sum carried by this bill. You are giving $24,000,000 for expenditure during the coming summer, while pretending to give seven and a half million. These specific works of which I have spoken are reprehensible in their character. I believe that the work of continuing the improvement of the Mississippi River ought to be taken out of the hands of the commission and that the Secretary of War ought to be instructed simply to improve by temporary contraction works those places where sand-bars are found in the low stages of navigation. I think that something of good could be done in this way. It could be effected by the building of wing dams made of mattresses and weighted with rock, which would be comparatively inexpensive.

Twenty-five or thirty of them would meet the whole demands of the entire river; and even if another bar formed below in another season, a rapid construction of the same character would give all the needed relief. For an improvement of that kind amply sufficient in my judgment for all the commerce of that river and the growing commerce that I hope to live to see upon it, I would be glad to vote. But to these useless, wasteful expenditures which bring no desirable results I am utterly opposed. It is not contended that with the expenditure of $10,000,000 more than 25 miles of the whole 1,200 miles between Cairo and the Gulf have been affected in the slightest degree by channel improvement. Twenty-five miles and $10,000,000 of expenditure! You can easily see how much is yet to be thrown into the river before the whole stream can be brought to that condition which the people of the West desire to see.

Mr. Chairman, I reserve the residue of my time.

Internal-Revenue Laws.

SPEECH
OF
HON. THOMAS D. JOHNSTON,
OF NORTH CAROLINA,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1887,

On the resolution of Mr. HENDERSON, of North Carolina, to suspend the rules and pass a bill to modify the internal-revenue system, and for other purposes.

Mr. JOHNSTON, of North Carolina, said:

Mr. SPEAKER: In the limited time allowed for the discussion of this bill it is impossible to present to the House the many benefits which its passage would effect.

Mr. Speaker, I protest against the clamor which comes from the other side of this House that this bill is for the benefit of "moonshiners." The provisions as to the distillation of spirits are simply to relieve the law of the many rigors which were put upon it at the time of its passage during the war, when it was originated for the purpose of raising the immense revenues required for prosecuting the war. The object being to raise revenue, the details of securing it, so far as any hardships came of it, were not much considered.

These provisions have never been changed; its hardships never ameliorated. In fact it is in all respects a war measure with all the symptoms and rigors of war itself. Now let us see what a position the Republicans of this House assume in regard to it. The law says that if a citizen is found engaged in illicit distillation of spirits he shall be arrested, &c. This no one objects to. Parties who violate the laws of the country must suffer the penalties denounced against these violations. This is all right, but where is the justice, where the right, to say that because that same citizen is unable to own a still worth $500 his property (the still and fixtures) shall be seized and destroyed; but if it is worth $500 or more then it shall not be destroyed, but shall be seized and taken to a place of safety?

Thus it is virtually enacted that poverty shall be a crime. For many years this iniquitous provision—this unjust discrimination against the poor citizen—has been standing on our statute-books, a burning shame, a positive declaration that the poor shall not have the just protection which our Constitution and our very system of Government declares they shall have. Nothing is more plainly or more thoroughly ingrafted in the very fibers of this Republic than the immortal declaration "that all men are created free and equal."

Does not the law which destroys the still of a poor citizen and protects that of a more favored one contradict this great underlying principle of republican government and of right? Again, we propose by this bill to protect our people from that system of espionage which has so long existed and has been practiced under the provisions of the revenue law which requires all distilleries to have "storekeepers." Why have these officers of the Government to measure out the material, to gauge the amount of spirits made, and to watch the citizen as if he was a dishonest man and a thief? Do we pursue this practice under other systems of collecting revenue?

In all other occupations the Government and the laws recognize the

citizen as honest and trusts to his honor and truthfulness in his statements as to amount of property he may have subject to taxation, and say to him, as every Government should say to the citizen: "You are one of my subjects; you know that taxes must be collected; go on and distill your spirits, and I shall take your statement as to the amount you produce, and tax you accordingly." Not so, however, under the provisions of this rigorous law. What we say to him is: "Well, you propose to engage in distilling; we do not believe you are honest; we will therefore put a spy over you to watch you and to see that you properly account for the production of your distillery while so engaged."

Thus, Mr. Speaker, we reverse that great fundamental rule of law that a man shall be regarded innocent or honest until the contrary is proved, and at the very outset of his occupation we "outlaw" him, put him beyond the pale of this wise provision of the fundamental law, and publish him to the world as a man not to be trusted by putting him under surveillance, and watch over him through the storekeeper appointed for that purpose, who acts as a detective. Now, can any gentleman tell why, in this single instance, we adopt this "spy" system so repulsive to every idea of that trust and confidence which is the very corner-stone upon which is builded the great structure of republican institutions so dear to every American heart? In this repect we follow the example of some of the autocratic governments of the world—notably that of Russia; and we all know how harshly this system is carried out in all departments of that despotic government.

Let us, then, by passing this bill, wipe this great blot from our statute-books, and say to our people that we still regard every citizen, however humble or in whatever occupation he may engage, as a free man, honest and entirely worthy of confidence, and that he will faithfully discharge his every duty to the Government.

Now, the gentleman from Iowa [Mr. HEPBURN] says that this bill is for the benefit of "moonshiners," and this is the great cry with which we are met when we are doing what we can to destroy this inequality, to protect the rights of our citizens, and to provide a remedy against the vicious provisions of a most un-American law.

I should be glad, sir, to see the law itself repealed. It has outlived its needs. The war which begot it has terminated; the necessity for its existence has long since ceased; the immense surplus piled up in the vaults of our Treasury each year, amounting to about the sum raised by these internal-revenue laws, testify to the uselessness of its further existence. Before the war our revenues were derived entirely from custom duties. Why not have them raised in the same way now? "Repeal the 'war' taxes" has been the political "war" cry of our parties in several recent campaigns; then why not repeal this internal-revenue law? Evidently this whole system is a war-tax system, and we should repeal it. This law, through its officers, is constantly presented in all its rigors and exactions to every State, to every county, and to every neighborhood—yes, sir, to almost every citizen in all this vast country, reminding him of the unfortunate war and its consequences. Its iniquities, its hardships, its unjust discriminations, such as I have referred to, are almost daily seen and known throughout the land.

Its very existence therefore, aside from its execution, is calculated and does produce dissatisfaction in the minds of our people, and irritation such as no other law has ever done. In my section, sir, many of the people are dealt with by the Government only through this law and its disagreeable provisions. Let us repeal it then and show to them that the war has actually ended, that the Government will no longer recognize the inequalities and unjust discriminations which so long have disgraced (I may be permitted to say) the statute-books of our country.

The present bill also provides for remedying many other evils which exist in sections of the country where there are many small distilleries.

One of the most unjust practices (among the many other hardships of this law) is that of arresting citizens on the most frivolous and often baseless charges of violation of this law. Under its provisions men are arrested and carried a very long distance from their homes to answer accusations of the most trivial nature. I have seen the dockets of the courts in my district crowded with cases against the poorest of my people, who, at an expense far beyond their ability to bear—yes, sir, even at the expense of the suffering of their families, who are left at their homes, in many instances, with but little means of living—are brought to the courts on charges founded on "information and belief," only to be told that they were not guilty of any offense, while the officers who issued the warrant for their arrest pocketed the fees (paid by the Government) and returned to their homes with plethoric purses, only to repeat the same practices by the next term of the court.

This bill puts limitations upon these officers and forbids the arrest of these people except it be done upon affidavits setting forth the charge specifically on the knowledge of the affiant and not on "information and belief," as has heretofore been done, and thus, as we hope, will prevent the oppression of the citizen and protect him in his right to be informed by a responsible party of the grounds of his arrest.

Again, Mr. Speaker, there are hardships contained in the sections of the law providing for minimum punishment for offenses against this law. These minimum punishments are more severe than they should be. There are instances where defendants have been imprisoned for a long period and fined in large sums when the offense was of a very trivial nature, probably committed in entire ignorance of the requirements of the law. Now, we wish to remedy this extraordinary hardship and leave it in the discretion of the judge to punish as his judgment may dictate.

I can not understand this opposition to this bill which comes from the other side of this House. In my section you tell our people that the Democrats will neither repeal nor modify this revenue law, but that you, the Republicans, will do so now that there is no longer any necessity for it. Yet here are my Democratic friends in a body sustaining this proposition to modify this oppressive law while the Republicans on this floor are opposing it in "full force." Gentlemen, we entreat you to join us in passing this great measure of relief to the people. If it benefits a Democrat it equally benefits a Republican. Then why this partisan opposition? In my country Republicans as well as Democrats engage in distilling. It is a measure for the relief of all citizens in whatever section of this country, and one which, in my judgment, is demanded by every consideration of right and justice to the people of the entire country.

Mr. Speaker, I repeat that I want to see this internal-revenue law repealed. I believe its provisions to be obnoxious to the spirit of equity and justice which should pervade every act of Congress. Since I am unable to secure its repeal I will take any occasion which may be offered me to modify it and strip it, as far as possible, of its pernicious and irritating exactions. I most heartily, therefore, support this bill, and hope it may pass.

Telegraph Monopoly of the South, West, and Pacific.

[Extract from testimony under oath.]

With regard to the postal telegraph bill which was pending before Congress some years since, I will say that *we have regretted ever since that* WE DID NOT ALLOW IT TO PASS when it was under consideration two years ago, or at least regret having said anything about it to prevent its passage, because it would have had the same fate as the rest.

NORVIN GREEN,
President Western Union Telegraph Company.

SPEECH

OF

HON. JOHN A. ANDERSON,

OF KANSAS.

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 28, 1887,

On the bills (H. R. 4919 and H. R. 10398) to amend the act to aid in the construction of telegraph lines, July 24, 1866—

Mr. ANDERSON, of Kansas, said:

Mr. SPEAKER: More than one-half the area of the United States lies west of the Missouri River and of the eastern termini of the Pacific railways. Upon it are eight States and nine Territories, containing over seven millions of persons, or one-eighth of our population.

Respecting the varied and wonderful resources of this vast region little need be said. Its climates range from the tropics to the frigid zone, and the elevations of its surface from the tides of the Atlantic and Pacific to the pinnacles of the Rocky Mountains, while no richer soil exists than that of its valleys and plains.

The industry of those who have made homes and are building States upon it is best shown by the crops and countless herds of Texas and southerly Territories, by the millions of bushels of grain and the diversified products annually raised in Kansas, Nebraska, Minnesota, and the Pacific slope, by the output of ores and precious metals, and by the forests and furs of the North. Not only is it an empire, but one settled and filling with unexampled rapidity. What its national importance, and that of the Pacific Coast, with its relations to the islands and continents beyond, may hereafter be no one can now say.

Yet, a quarter of a century ago Congress vividly recognized the necessity for speedy and cheap trans-continental communication by making imperial gifts of land and loans of bonds to build the railways now penetrating this area, with a munificence which then dazzled other nations, and with a reckless prodigality that to-day horrifies our own common sense. Grants of land for railroads were made to the following States, among many others: Iowa, 5,534,345; Wisconsin, 2,758,434; Kansas, 9,370,000; Minnesota, 10,048,407—a total of 28,711,186 acres. After that came the deluge—to the several Pacific railways, aggregating over 150,000,000 acres; or in all a body of land more than double the area of Great Britain and Ireland, and quadruple the size of New England. In addition, Government loaned to these companies $65,000,000 in bonds upon which it has ever since paid the interest, the debt now being $115,697,324.

PACIFIC RAILROADS REQUIRED BY THE CHARTERS TO OPERATE THEIR TELEGRAPH LINES.

This enormous price was paid for the construction and operation of telegraph lines co-equally with that of railways. The two are always mentioned together; and there is not a single one of the granting acts, whether to States or corporations, which does not require the building and use of the wires precisely as it does that of rails. The delivery of the lands and bonds was expressly conditioned upon the completion of the telegraph as well as of the road, and not an acre or dollar was ever transferred until the officers of a company had sworn to the fulfillment of this condition, and the commissioners had so certified.

It is easy to see why Congress, when broadly providing for the future commerce of this young empire, should place the use of the telegraph upon an equal footing with that of the railroad. The latter is the chief instrumentality for moving people and products; the former is the chief conveyor of that intelligence which creates and regulates this movement. The rumors of war or peace in Europe, the prospects of large or scant crops in Russia and India, the report of over-supply or shortage in foreign ports, the news of booms, corners or panics in our own cities, all go by wire instead of mail.

So that while for one purpose the road is of greater importance, yet for another purpose the wire is the more important; and in every sense each of them is an essential agency of national commerce, and as such is vital to the general welfare. Communities and States are helpless without either. The labor, profit, and fortunes of all men depend more or less on the rightful use of both. And it is evident that Congress took this broad and wise view when making the grants and specifying the conditions for "a railroad 'and' telegraph line." It sought to legislate for the benefit of the masses, and not for the pockets of the score of persons who now control these corporations. Its great object was to promote the public welfare by providing improved facilities for commerce. The original law of 1862 so declares in section 18:

And the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time * * * add to, alter, amend, or repeal this act.

DESIGN OF CONGRESS WAS TO SECURE COMPETITION BETWEEN TELEGRAPH LINES FOR THE BENEFIT OF THE PEOPLE.

And nothing can be clearer, both from the nature of things and the debates, than the fact that Congress designed not only to secure for the public the operation of wires wherever a car should run over these roads, but also to secure competitive rates in telegraphy as in traffic by making grants for parallel and rival lines. Not a vote in that or any Congress would have been cast for a bill giving $125,000,000 and 150,000,000 acres to a single company which alone should own and operate all the existing roads without competition.

The sole purpose in making different grants to rival companies was to prevent a monopoly, both of wire and rail. To give to one man or corporation the exclusive handling of the telegraphic communications and the traffic of eight millions of Americans is against public policy and dangerous to public safety. Because it is a well-established maxim that the whole people have such an interest in, and are so vitally affected by, the manner in which and the rates at which such a service is performed, that the good of all prohibits its surrender to the selfish will of any man or set of men. So to do would be to create a monarch of commerce and to leave the property of all defenseless against his tyrannical demands. Such a monopoly is abhorrent to every principle of a republic, every notion of justice, and throb of humanity. It is a monstrosity in logic as in liberty. To permit it is to permit the wolf to herd the sheep, or a rattlesnake to coil in the bosom of a sleeping babe.

THE LAW VIOLATED IN ORDER TO GIVE JAY GOULD A MONOPOLY.

And yet this is precisely what Congress is permitting to-day! For, regardless of the huge grants of land and bonds, each and every one of the Pacific railroads, with less soul than that of a cur and not even the gratitude of a cat, has violated the law by practically transferring its telegraphic franchise and service to the Western Union; so that when any rival company builds from the Atlantic to the Missouri and offers to interchange business with a Pacific company, it is met in the railroad office by the Western Union agent and effectually barred by the arrogant usurpation and organic devilism of Jay Gould's monopoly.

As a consequence half a continent, with its millions of people and myriads of interests, is left helplessly in the grip of the most unscrupulous, merciless, and extortionate incorporation of pirates that ever blackened American civilization or robbed its people. Beginning in 1851, with a capital of $360,000, its profits have swollen the capital to $80,000,000. By its own reports during the last eighteen years its gross earnings have been $225,000,000 and its clear profits $77,000,000. Out of whose pockets did these enormous sums come? And yet it is to this sweet-scented batch of philanthropists that the Pacific roads have turned over the wires for which Congress paid by its subsidies!

INVESTIGATION AND REPORT BY POST-OFFICE COMMITTEE.

February 1, 1886, I introduced the following resolution, and the first bill (H. R. 4919) relating to this evil:

Resolved, That the Committee on the Post-Office and Post-Roads is hereby empowered to ascertain whether additional legislation is needed to prevent a monopoly of telegraphic facilities; to secure to the Southern, Western, and Pacific States the benefit of competition between the telegraph companies, and to protect the people of the United States against unreasonable charges for telegraphic services [with power to examine witnesses, &c.].

After a thorough investigation the committee made a report of 268 pages (Forty-ninth Congress, second session, H. R. 3501). It summarizes the law governing the Pacific roads thus:

From an inspection of the several acts relating to the construction of the several railroads and telegraphs it will be seen, first, that in all cases the grants of land and of bonds, where bonds were granted, were to aid in the construction of a railroad and telegraph line, the two being inseparably connected in all the grants. The grant was for a telegraph line as well as for a railroad, and the obligation to construct, maintain, and operate a telegraph line rests upon precisely the same foundation, and subject to the same conditions, and is as binding as the obligation to construct, maintain, and operate a railroad.

Second. The railroads were required to be operated as continuous lines for all purposes of communication, travel, and transportation, as far as the Government and the public are concerned, and in such operation and use to afford and secure to each equal advantages and facilities, without discrimination. These provisions apply as explicitly to the construction, maintenance, and operation of a telegraph line as to the railroads. Nor can a railroad company divest itself of its obligation by contract with another company. It is an obligation the railroad company can not abandon.

The grant of public lands and of the public credit in aid of the construction of the railroad and telegraph lines in question, even without express provisions, imply a public use of them. Public aid can not be legitimately extended to purely private enterprises (authorities cited). Public aid not only implies public use but imposes duties and responsibilities in the nature of trusts. Nor is this responsibility or obligation altered because public interests and private rights become united. The principle that covers the public use of any right or privilege is that it shall be equal for all and without discrimination. Equal privileges and equal facilities are fundamental conditions in the public use of any thing.

As to the facts in the case, showing that the roads are violating the law, the committee found as follows:

Do the land-grant roads now maintain and operate telegraph lines as they operate their roads, affording equal facilities to the public in general, or do they not? The evidence presented to the committee seems conclusive that they do not; but, on the other hand, that they have entered into contracts with the Western Union Telegraph Company, by which said company does most of the business for the roads themselves, and practically the entire commercial business done over the wires stretched along the land-grant roads. These contracts are exclusive in their nature, and practically place the entire control of the business between the Atlantic and Pacific States in the hands of one telegraph company.

The contract of the Union Pacific is a fair sample of all the rest, and has been stated thus:

The broad grant to the telegraph company is "for an exclusive right of way over the lines, lands, and bridges of the railway company for the construction, maintenance, operation, and use of lines, of poles, and wires, with the right to put up additional wires on the railway company's poles, coupled with a compact by the latter company, 'that it will not furnish for any competing line any facilities or assistance that it may lawfully withhold.'"

And then it is declared that all the telegraph lines and wires on the road, whether belonging to or used by the telegraph company or the railway company, "shall form part of the general system of the Western Union Telegraph Company."

Again: "No employé of the railway company shall be employed by or have any connection with any other telegraph company than the Western Union, and the latter shall have the exclusive right to the occupancy of and connection with the railway company depots or station houses for commercial or public telegraph purposes as against any other telegraph company.

"The telegraph company is to supply blanks and stationery for commercial business at offices maintained by the railway. At all suboffices the railway employés shall transmit all commercial messages and pay the receipts over monthly to the telegraph company."

And mark: "The railway company agrees that its employés shall not compete with the telegraph company's offices on commercial business, at any point where the telegraph company may maintain a separate office, by cutting rates, or by active efforts to divert business from the telegraph company."

These are the general objects to be accomplished, and which are carried out by the detailed provisions of the contract.

The important differences in the contracts with the Northern Pacific, Atchison, Topeka and Santa Fé, Atlantic and Pacific, Texas, Southern, Central, and other Pacific roads are simply as to the terms on which the boodle is divided and as to the duration of the agreement. When asked whether the Western Union rented or leased the Central Pacific wires, Dr. Green, its president, swore:

No, sir; we do not exactly rent or lease their lines, but we take all the revenues. They operate their way stations just as the Union Pacific does. They operate their way stations in the same manner; take any business that comes and turn over all the revenues to us—all the receipts. We give them, I am pretty sure, $100,000 (annually).

The Union Pacific receives one-half of the receipts for public as distinct from railroad messages taken at their own offices; and Dr. Green states that "as to the public service, the interests of the two companies are merged."

These contracts furnish irrefragible proof that the roads have in fact absolutely transferred the use of their wires, so far as the people are concerned, to the Western Union; and in effect have transferred the power to fix the rates of toll.

The evidence shows indisputably that "all these Pacific companies were chartered by Congress, charged with the duty of constructing and operating telegraph lines, and received Government grants of lands and bonds to aid them in the construction; that they did, in every case, construct such lines; swear that they had constructed them as the condition on which they received such lands and bonds; and that they did, in every case, in the beginning operate those telegraph lines under the requirements of the charters to which they owe their being."

THE CONTRACTS OF THE ROADS WITH THE WESTERN UNION ILLEGAL AND VOID.

How, then, is it that at this day we find these corporate franchises and duties for the performance of which these companies alone are amenable to Congress surrendered by them to the Western Union?

Two claims were set up by its counsel, and also by counsel for the Union Pacific, who, under the contract, acted for the Western Union "in the name of the Union Pacific!" The first claim applied only to the Union Pacific lines, and was in effect that the Western Union as the successor of former companies built and owned these lines, and hence was lawfully substituted as their operator. The pretense was completely overthrown by the evidence. If that company were in fact such owner, how could it, as in the contract of 1881, become subsequently the agent of the Union Pacific to operate lines which it itself owned?

The second and important claim of the Western Union and the roads was that by the contracts it had become the lawful agent of the companies for the performance of their telegraphic service. This raises the question whether the roads have the legal power to divest themselves of a personal performance of their franchise and obligations. It arose and was decided in the circuit court of Kansas in 1880, upon a similar contract to the one made by the Union Pacific in 1881. Judge McCrary said (1 Federal Reports, page 745):

The rules by which this question is to be determined are now well settled, at least in the Federal courts. They have been clearly stated by the Supreme Court in the recent case of Thomas *et al. vs.* The West Jersey Railroad Company.

He then quotes the language of Justice Miller in that case, as follows:

The principle is that where a corporation, like a railroad company, has granted to it by charter a franchise intended in a large measure to be exercised for the public good, the due performance of those functions being the consideration of the public grant, any contract which disables the corporation from performing those functions, which undertakes, without consent of the State, to transfer to others the rights and powers conferred by the charter, and to relieve the grantees of the burden which it imposes, is a violation of the contract with the State, and is void as against public policy.

Following this principle, Judge McCrary says:

The contract in question amounted to a lease or alienation by the Union Pacific Railroad Company of property which was necessary to the performance of its obligations and duties to the Government and to the public. In my judgment, the act of July 1, 1862, and its amendments, must be construed as chartering the Union Pacific Railroad Company, and devolving upon it, individually and personally, the power and duty of constructing, maintaining, and operating a telegraph line as well as a railroad. It is clear from the language of the first section that the power conferred was personal and carried with it a duty and an obligation which could not be transferred. The very same language which authorizes the construction and operation of the telegraph line also authorizes the construction and operation of the railroad, and the property in the one is as necessary to the performance of the public duties of the corporation as that in the other. The charter of the company, with the amendments considered as a whole, was manifestly intended to create a corporation, which should be personally amenable to the Government in the exercise of the powers conferred, and which should in a *quasi* public capacity perform the duties imposed and render an account of its earnings. The railroad company certainly could not divest itself of its powers and duties without express authority from Congress.

But if the contracts in question are not *ultra vires* by reason of the transfer of property necessary to the performance by the railway company of its public duties, they are so because they attempt to transfer certain franchises of the company. The right to operate a telegraph line and to collect tolls for the use of the same, is, to say the least, the most valuable part of the franchise conferred by Congress upon the railroad company as a telegraph company. This right is alienated by a clear and unequivocal assignment or transfer by the railroad company to the plaintiff. Without discussing other features, I am compelled to hold that this alone is sufficient to render them in excess of the corporate powers of the company.

Judge Foster expressed the same opinion:

Under the provisions of the Pacific railroad act of 1862, and the powers and duties conferred thereby, I am of opinion that this contract is *ultra vires* of the defendant company, and therefore *void*. (3 Fed. Rep., p. 11.)

Judge Miller, when the case came before him, said:

I concur with Judge McCrary in the opinions delivered by him on the former applications before him to dissolve this injunction, that on the face of the acts of Congress of 1862 and 1864, called the Pacific railroad acts, the obligation of building a telegraph line along its right of way and of operating that line, or of having it operated under the control of the railroad company, was an obligation which they could not abandon, and which was inconsistent with the contract made in this case, so far as those two acts are concerned.

An able jurist has well said in this connection:

Nothing, as it seems to me, could possibly be more emphatic than are these Federal judicial decisions that the Pacific railroads are amenable to Congress for the operation of their own telegraph lines; that they have no power to abandon or to transfer to others, in whole or in part, the personal duty of their operation and maintenance; that in transferring to other companies the right to charge and collect tolls upon their telegraph lines, they are unlawfully parting with a franchise which is exclusively their own, and for which they are responsible to Congress; and when we find, as in the contract we are considering, and the others like it, that these Pacific roads have transferred their telegraph lines boldly and unequivocally to the Western Union Telegraph Company, under the broad and express stipulation that they are to be operated as part of the general telegraph system of that company, I say emphatically that these contracts are to-day, by the declared law of the land, unlawful and void, just as much so as were the contracts which preceded them, and upon which these judgments were pronounced.

DIFFERENCE TO THE PUBLIC BETWEEN COMPETITION AND MONOPOLY.

The effect of this illegal monopoly in the matter of extracting money from those who use the telegraph was clearly shown by the testimony of Superintendent Dickey. Prior to 1881 the Union Pacific wires on the Omaha stem and those of the Western Union were in competition. He gave the total receipts from public messages on the Union Pacific as follows: 1878, $15,000; 1879, $18,000; 1880, $39,000; 1881, first year under the contract, $82,000; 1882, $98,000; 1883, $107,000; 1884, $105,000; 1885, $110,000.

Mr. DICKEY. In 1879 and 1880 they [the Union Pacific wires] were operated under a contract they then had with the Atlantic and Pacific Company, and the accounts were kept in precisely the same way that they are kept with the Western Union. It represents——

Mr. GREEN. Mr. Dickey, there seems to be a reluctance to account for this great jump in receipts from 1880 to 1881. Was it not because some of the Western Union offices were withdrawn?

Mr. DICKEY. That is so to some extent; yes, sir.

Mr. GREEN. When the Western Union had offices at these places and there was competiton, you were getting most of the business, were you not?

Mr. DICKEY. Yes, sir.

Mr. GREEN. After this contract was entered into, those Western Union offices were withdrawn?

Mr. DICKEY. Yes, sir; they had offices at a number of places—at probaby ten or fifteen of those points, and after this arrangement was made they drew out. They were competing with the railroad company previous to that time.

Mr. GREEN. But that is the reason of the great increase in receipts?

Mr. DICKEY. That is partly so, and then the population has increased. The rates have been lowered. I think there is more telegraphing done, proportionately, than there was at that time. There are various causes for the increase. It is, however, very largely due to the fact that the Western Union closed up several of their offices along the line.

There are two notable facts revealed by these figures: First, that when the Atlantic and Pacific took the Union Pacific wires in 1879 and 1880 the receipts jumped from $15,000 to $39,000; and, again, when all competition was abolished by the Western Union contract of 1881, that they jumped to $82,000 and $98,000. The second fact is that, in spite of the other "various causes" suggested by Dickey, during the last three years the receipts have not varied $3,000 from those of 1883. The business has reached its limit just because of high rates and slouchiness; and the people, who would have been better served at $50,000, have $110,000 picked from their pockets and put into Jay Gould's.

Any one who will examine the map and note how closely the several subsidized roads, with their branches, are related and interlaced, must see that if their telegraph lines were operated in competition a better service would be rendered at much lower rates. In my own district alone are six of these railways, yet at no station on any one of them is there any other telegraph sign than that of the Western Union. If the Union Pacific, as it claims, is doing a telegraph business, or the Santa Fé, why are not its signs up?

And, too, the slouchiness of the Western Union service is as great as its rates. More than once I have delivered a message by 9 a. m. at Kansas City announcing arrival home, 120 miles distant, and at 3 p. m. received it there in person long after arrival. A postal card would have done better. At the late election some of my telegrams and replies were from twenty-four to sixty hours on the way; and after spending $15 for telegraphing, 50 cents in postage-stamps finally brought the returns. Doubtless others have had similar experiences.

THIS ILLEGAL MONOPOLY WRONGS THE WHOLE NATION AND ROBS GOVERNMENT.

But the effect of this unlawful and outrageous monopoly is not confined to the trans-Missouri region; it reaches every commercial city in the nation and touches every person who uses a Southern or Western product. For years it has been the practice of the Western Union to stop competition by buying up and consolidating its rivals. Latterly, however, a company with greater annual revenues, and infinitely greater honesty, the Baltimore and Ohio Railroad has entered the field and vows that it will stay. Its wires and connections have reached the Texas Pacific, Kansas City, Omaha, and can reach the Northern Pacific road. For the first time in years there seems to be a reasonable prospect of continued competition from the Atlantic to these points, at least until the one company absorbs or pools with the other, in which event a Government postal telegraph is the only remedy. These rivals have greatly reduced rates in the East, and were each of the Pacific lines operated as are its rails, and ready to exchange telegraphic business as it does traffic with connecting roads, the South, West, and Pacific would have the benefit of such eastern competition, and the Atlantic slope would be as greatly benefited as the Pacific, a fact clearly established by the following statements:

A statement giving the inequalities in Western Union tolls through territory in which it has no competition, and showing a uniform rate irrespective of distance to all points west of Omaha.

Station.	Tolls.	Miles.
From Washington, D. C., to—		
Chicago, Ill	$0 50	813
Keokuk, Iowa	75	990
Omaha, Nebr	75	1,303
Bismarck, Dak	1 00	1,500
Denver, Colo	1 00	1,810
Cheyenne, Wyo	1 00	1,819
Ogden, Utah	1 00	2,333
Franklin, Idaho	1 00	2,400
Virginia City, Nev	1 00	2,900
Portland, Oreg	1 00	3,123
San Francisco, Cal	1 00	3,167

A comparative statement giving the Western Union and Baltimore and Ohio tolls to points covered by both companies, and showing the inequalities of the Western Union rates as compared with adjacent non-competing territory.

State.	Place.	Western Union.	Baltimore and Ohio.
	From Washington, D. C., to—		
Maine	All Baltimore and Ohio points	$0 20	$0 20
	Non-competing points	50	
New Hampshire	All Baltimore and Ohio points	50	20
	Non-competing points	50	
Massachusetts	All Baltimore and Ohio points	20	20
	Non-competing points	50	
Rhode Island	All Baltimore and Ohio points	20	20
	Non-competing points	50	
Connecticut	All Baltimore and Ohio points	20	20
	Non-competing points	50	
New York	All Baltimore and Ohio points	20	20
	Non-competing points	50	
New Jersey	All Baltimore and Ohio points	20	20
	Non-competing points	25	
Pennsylvania	All Baltimore and Ohio points	20	20
	Non-competing points	40	
Delaware	All Baltimore and Ohio points	20	20
	Non-competing points	25	
Maryland	All Baltimore and Ohio points	20	20
	Non-competing points	25	

A statement of tolls demanded by the Southern and Western Union Telegraph Companies to large commercial centers in the South, both companies covering the territory, compared with the Baltimore and Ohio Company's tolls to similar points North and West.

Southern and Western Union—South.	Tolls.	Miles.	Baltimore and Ohio—North and West.	Tolls.	Miles.
From Washington, D. C., to—			From Washington, D. C., to—		
Richmond, Va	$0 25	115	New York, N. Y	$0 10	228
Atlanta, Ga	50	646	Indianapolis, Ind	20	664
Augusta, Ga	50	570	Portland, Me	20	566
Savannah, Ga	50	673	Chicago, Ill	20	813
Charlotte, N. C	50	379	Boston, Mass	20	458
Wilmington, N. C	50	350	Buffalo, N. Y	20	442
Charleston, S. C	50	572	La Fayette, Ind	20	600
Montgomery, Ala	50	821	Saint Louis, Mo	20	894

A comparative statement of tolls to some of the large commercial centers to which the Baltimore and Ohio Telegraph Company have given reduced rates.

Station.	Western Union.	Baltimore and Ohio.
From Washington, D. C., to—		
Wilmington, Del	$0 20	$0 10
Chicago, Ill	50	20
Union Stock Yards, Ill	50	20
Indianapolis, Ind	50	20
La Fayette, Ind	50	20
Baltimore, Md	15	10
Detroit, Mich	40	20
Camden, N. J	20	15
Brooklyn, N. Y	20	15
East Buffalo, N. Y	50	20
New York city, N. Y	15	10
Cincinnati, Ohio	50	20
Cleveland, Ohio	50	20
Columbus, Ohio	50	20
Chester, Pa	20	15
Harrisburg, Pa	20	10
Lancaster, Pa	20	10
Philadelphia, Pa	15	10
York, Pa	20	10

That a foul wrong, both upon the Government and the public, is thus being committed by the Pacific roads needs no further argument. As to the Government, these telegraph lines and the revenues which the roads should themselves be deriving from their operation, are a valuable part of the property upon which the United States holds a mortgage for its $115,000,000 of bonds. By the Thurman act the specified percentage of these very revenues should be paid into the sinking fund created for the redemption of these bonds. The alienation of the wires and revenues is a fraud upon Government, which alone should insure a speedy remedy in the shape of effective legislation enforcing a resumption of the franchise by the roads and a fulfillment of their obligations. Congress, as the guardian of the people's interest, has no possible right to suffer the continuance of such a swindle by such creditors.

Nor has it any excuse whatever for suffering the far greater fraud upon the public. An enactment of the bill reported by the Post-Office Committee would instantly secure a discharge of their duties by the companies. Its enforcement would free the territory between the Missouri and the Pacific and between Canada and the Gulf from the grasp of Jay Gould's monopoly; and by so doing, by rendering the telegraphic business of that half a continent open to all competitors who should reach the Missouri, would assure and permanize a profitable trade that of itself would cause the building of new lines from the east, and thus prevent any one company from long monopolizing the wires of the nation. Were the Western Union to-day stripped of its exclusive control of the West and deprived of the revenues collected therefrom, its arrogant power would be less dangerous. And that would be a gain to humanity and civilization. But that corporation is not the real party in this case, being simply the beneficiary of the fraud. The true parties are the land-grant railroads; and they should be made to do the work which by accepting their charters they contracted to do, and for the doing of which such subsidies were given as history can not parallel.

Free Ships.

SPEECH

OF

HON. NATHANIEL J. HAMMOND,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1887.

The House having under consideration the bill (H. R. 7219) to amend sections 4132 and 2513 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States and to permit the same to be registered as vessels of the United States, and to admit certain materials to be used in the construction of vessels free of duty—

Mr. HAMMOND said:

Mr. SPEAKER: My remarks on this bill will possess very little new to those who have investigated this subject. They are simply to present what I have read in such form as to refresh those who care to consider the matter.

Our commerce with foreign nations is fourfold what it was in 1860; fivefold if measured in the light of present lower prices. The only complaint here is that but 15 per cent. of that commerce is carried in American bottoms. To the extent that American capital would be and is not employed in carrying the 85 per cent. we lose financially. How far this loss is produced by our restrictive policy and how far free ships would give relief, is the question of present interest and importance.

Fortunately we have seen both the exclusive and the free policy tried at home and in our mother country. A review of the history, though familiar, will cast some light upon the question.

The old doctrine was exclusion. Under British law no ship was "British" unless built wholly in the United Kingdom or captured in war and wholly belonging to English subjects.

By act of Parliament in 1651 no goods grown, produced, or manufactured in Africa, Asia, or America could be imported into Great Britain or any of its dependencies, except from the places of production and in ships owned wholly by British subjects, and whereof the master and three-fourths of the mariners should be such subjects. Nor could anything be imported from Europe except in British ships, or in the ships of the countries where the goods were produced.

No repairs beyond 20 shillings' worth could be done abroad except in case of necessity.

None but British ships could carry goods of any kind or quantity from one to another port of the United Kingdom. Well might our colonies in their Declaration of Independence, when proclaiming the reasons prompting them to rebellion against England, include "for cutting off our trade with all parts of the world."

Such unwarrantable claims and the wrongs naturally consequent brought on our war of 1812. It ended by the treaty of 1815, by which discriminating duties between the belligerents were repealed and a qualified freedom granted to the ships of each in the waters of the other except in the coastwise trade.

In 1823 Prussia, the States-General of the United Netherlands, and Sweden threatened retaliatory legislation against England if they were not dealt with more liberally. In 1824 England began her reciprocity treaties as to navigation. She made them with Prussia and Denmark in 1824, with the United States in 1827, with Russia in 1843, and with Sweden in 1845. In 1849 she opened her trade, foreign and coastwise, to the shipping of the world. We will consider the consequences later.

Now as to the navigation laws of our own country. In 1792 we followed England's example of 1651, and built up that wall of exclusion which appears in our Revised Statutes at sections 4132, 4133, 4134, 4142, &c. By them no foreigner can be an officer of an American registered vessel, nor own a dollar therein or in its profits. By them if a naturalized citizen of the United States resides abroad more than one year, not in the service of the United States, or if a native-born citizen usually resides abroad, in either case a vessel owned even in part by such citizen lost its American register. Our citizens are absolutely prohibited from purchasing any vessel foreign-built and floating it under the American flag. Against such a purchase and use the prohibition is to-day as complete as against the importation of counterfeit money, obscene literature, or contagious diseases.

Because at that time the ocean path was the only way for commerce, the tonnage of the world increased enormously, and ours especially because of the war in Europe. In 1807 the tonnage was 849,000 tons. Then came the modification of 1815 and the reciprocity treaty with England of 1827 and our act of Congress of 1828, authorizing the President to proclaim reciprocity as to foreign trade with any nation which levied no discriminating duties upon our ships or their contents. (Revised Statutes, section 4228.)

Now recall that steamships entered the British carrying trade about 1838 and ours about 1848. We had learned to build faster and better sailing vessels than England could. We gained in the carrying trade because we carried cheaply. A difference of one-sixteenth of a cent per pound decided what ship would carry cotton across the ocean. I submit that the gentleman from Maine [Mr. DINGLEY] overstated Mr. Lindsey's position when he said Mr. Lindsey "concedes that but for her ability to make cheap iron vessels, England would have been beaten in the contest for maritime supremacy" after her free-ship policy was adopted. All that his quotation from Mr. Lindsey declared was that, England's

> Position appeared, therefore, critical; and had it not been for the resources we held within ourselves [referring to iron, coal, and cheap labor]—

The words in brackets are Mr. DINGLEY's—

> and the indomitable energy of our people, foreign shipping might then and there have gained an ascendency which might not afterward have been easily overcome. .

Mr. Lindsey simply declared that because the situation was "critical" and laziness or carelessness "might" have resulted in injury, England could keep, and had she lost could have regained her position by the indomitable energy of her people exerted on her resources.

The gentleman from Maine [Mr. DINGLEY] admitted that England's experiment in building iron vessels was not successful till 1854, and compelled her from 1850 to 1854 to buy largely from us. And yet he sought to satisfy us with this declaration and argument:

> Now, if the free-ship policy was wise, if it has built up British shipping, this result must have been manifest between 1850 and 1855, when it was doing its work on British shipping under far more favorable conditions than would now be afforded in this country.
>
> Yet the official statistics show that it was during this period that American shipping made its greatest growth and British shipping had its slowest progress. In these five years the merchant marine of the United States increased 1,977,985 tons, while that of the United Kingdom increased only 894,828 tons, notwithstanding the largely increased demand for ships during this period.

It should have been stated that an impetus was given shipping here for carrying troops and munitions of war to Mexico in 1846, and food to the starving mouths of Ireland in 1847, by the rush to California in 1848. And in 1854, when England, France, and Russia were devoting all their energies to the Crimean war, it remained to us to supply transportation to the thousands seeking the gold fields of Australia and supply the vacuum in the world's business made by the diversion of those great powers by war.

The gentleman from Maine [Mr. DINGLEY] claimed that our earliest statesmen favored this exclusive policy. I do not so understand our history. In 1778 Benjamin Franklin and others in our behalf at Paris agreed with France to "the most perfect equality and reciprocity * * * and just rules of free intercourse." True, that contract was never confirmed. In 1785 Mr. Adams, our minister to England, proposed to her absolute reciprocity as to navigation and trade between ours and all of her dominions. His offer was refused. Thereupon he wrote Mr. Jay, our secretary of foreign affairs, urging retaliation. His language was:

> You may depend upon it, the commerce of America will have no relief at present, nor, in my opinion, ever, until the United States shall have generally passed navigation acts.

But the several States could not come to a common consent on the subject.

The "more perfect Union" was formed in 1789. The gentleman from Maine [Mr. DINGLEY] called attention to a notable debate of that year in this way. He said:

> In the discussion in the House of Representatives May 4, 1789, on a bill to promote our navigation interests and insure the construction of vessels in our own ship-yards, Mr. Madison enforced the views which I have endeavored to present at this time, and said:
>
> "We have maritime dangers to guard against, and we can be secured in no other way. * * * We must pay for the national security."
>
> I commend to gentlemen who insist that a ship is only a wagon to be bought anywhere—on the Clyde or the Tyne, or wherever it can be bought cheapest—the statesmanship of Madison, who insisted that we must build our own vessels in order to protect the nation even if it cost us more to build them than they could be purchased for in Europe.

The gentleman's language was misleading. The bill then under discussion was not "a bill to promote our navigation interests and insure the construction of vessels in our own ship-yards," as the gentleman from Maine declared, but a bill to raise revenue by duties on imposts. No allusion to shipping or navigation was made in that bill save that it proposed to levy a tonnage tax on all vessels, but less on foreign than on our own, and less on the vessels of some nations than of others. Nor is it true that Mr. Madison in that debate "enforced the views" which the gentleman from Maine "endeavored to present at this time." In that debate Mr. Madison did use the words:

> We have maritime dangers to guard against, and we can be secured in no other way.

The quotation of Mr. DINGLEY omitted the word "but," with which it should have begun. That word suggested Mr. Madison's views, and that in that case he was making an exception. After stating that he knew that by 50 cents on foreign and 6 cents on home tonnage "the owners of American shipping will put a considerable part of the difference in their pockets," he said he considered that as "a sacrifice of interest to policy." He then proceeded as follows:

> Were it not for the necessity we are under of having some naval strength I should be an advocate of throwing wide open the doors of commerce to all the world and making no kind of discrimination in favor of our own citizens. But we have maritime dangers to guard against, and we can be secured from them in no other way than by having a navy and seamen of our own; these can only be obtained by giving a preference. I admit it is a tax, and a tax upon our produce, but it is a tax we must pay for the national security," &c.

Mr. Madison urged that as but a temporary expedient. His remarks on the 3d of April, when he introduced the bill, indicated that. On the 9th of April he said, on the question whether our present system should be a temporary or permanent one:

> In the first place, I own myself the friend of a very free system of commerce, and I hold it as a truth that commercial shackles are generally unjust, oppressive, and impolitic; it is also a truth that if industry and labor are left to take their own course they will generally be directed to those objects which are the most productive, and this in a more certain and direct manner than the wisdom of the most enlightened legislature could point out. Nor do I think that the national interest is more promoted by such restrictions than the interest of individuals would be promoted by legislative interference directing the particular application of its industry.

See further his speech of April 21, and note especially his motion on the 15th of May to limit the time for the operation of that act, because, he said, "to pass a bill not limited in duration which was to draw revenue from the pockets of the people appeared to be dangerous in the administration of any government," &c. And a limit of the 1st of June, 1796, was voted by yeas 41 to nays 8.

How freedom of navigation affects the power of national defense may be seen from the following figures: The number of men and boys navigating British vessels in 1814 was 172,786. When her reciprocity treaties began in 1824 they were but 168,637, a decrease of 5 per cent. in a decade of exclusion. For the next decade there was but little change. But, under reciprocity, by 1847 they became 232,890, and are now more than half a million. Europe, always at war, has freedom of navigation. We alone are afraid. But war should not be a factor in this calculation. War is at a discount because unpopular and unprofitable. Besides, it is folly to talk of patriotism in connection with the foreign carrying trade when 90 per cent. of those who walk the decks of ours and British vessels in that trade owe no allegiance to the flags which float above them.

But to return: Mr. Madison's main impulse in that debate was retaliation against Great Britain. That is everywhere apparent. See his speeches in that debate, wherein he speaks of Great Britain as "the nation who has acquired more than is naturally her due" of our trade. He said:

> I wish to teach those nations who have declined to enter into commercial treaties with us that we have the power to extend or withhold advantages as their conduct shall deserve. * * * I would give no encouragement unless equal advantages were obtained on our side.

Harshly denouncing the British navigation laws as an "obnoxious policy," he begged "to give some symptom of the power and will of the new Government to redress our national wrongs." The fact that Mr. Madison used discrimination only to enforce reciprocity and to get a freer trade is further abundantly shown in his letters to Jefferson 9th of May and 30th of June, 1789, and to Mr. Monroe, of 9th of August, 1789, and later in his joy at the prospect of such reciprocity in his letter to Jefferson 15th February, 1817, to Gallatin in March, 1817, and to Maury of 22d September, 1817.

The gentleman from Maine [Mr. DINGLEY] brought into requisition a quotation from Mr. Jefferson's report "on the privileges and restrictions on the commerce of the United States in foreign countries," written in the summer of 1792. That quotation I first saw in a brief of John Roach's in the Forty-sixth Congress. It has been on duty ever since. The language of the gentleman from Maine was as follows:

> I see before me gentlemen who claim to be Jeffersonian Democrats, and who profess to be admirers of Jeffersonian principles. To such gentlemen I desire to commend the views which Mr. Jefferson expressed in his celebrated report on commerce when Secretary of State, as follows:
>
> "Our navigation involves still higher considerations. As a branch of industry

it is valuable, but as a resource of defense it is essential. The position and circumstances of the United States leave them nothing to fear from their landboard, and nothing to desire beyond their present rights. But on the seaboard they are open to injury; and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen and artists, and establishments in readiness for ship-building."

It seemed clear to such patriots and statesmen as Washington, Madison, and Jefferson that an American merchant marine could be maintained only by building our vessels in home ship-yards, and that such ship-yards were essential for national safety and defense. It is impossible for any nation to maintain navy-yards of sufficient extent to do more than repair public vessels and to slowly construct a few naval vessels in time of peace.

The quotation is from Jefferson's works, volume 7, page 647. But that Jefferson meant, as the gentleman from Maine declared, "that an American merchant marine could be maintained only by building our vessels in home ship-yards," &c., is wholly untrue. Jefferson never favored the exclusive policy of our navigation acts of 1792 for that reason, nor for the protection of American shipping.

On the 14th of February, 1791, Washington sent a message to Congress complaining that his administration had been unable "to enter into arrangements, by mutual consent, which might fix the commerce between the two nations (United States and Great Britain) on principles of reciprocal advantage," because Great Britain was unwilling to enter into "any arrangements merely commercial." There was a verbal report on said message, and it was referred to the Secretary of State, Mr. Jefferson. The quotation by the gentleman from Maine [Mr. DINGLEY] from Jefferson's report is not a sentence lopped off at both ends, as was the quotation from Mr. Madison. But, by leaving out what preceded and what followed the quotation, the opinion of Jefferson is made to appear the opposite of what it was.

This famous report of Jefferson was written in the summer of 1792, as stated. After reciting the various commercial restrictions as to foreign commerce made by other nations, he said there were two remedies for the evil:

1. By friendly arrangements with the several nations with whom these restrictions exist; or,
2. By the separate act of our own Legislatures for countervailing their effects.

Proceeding he said:

There can be no doubt but that of these two friendly arrangement is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased and their condition bettered.

Would even a single nation begin with the United States this system of free commerce it would be advisable to begin it with that nation, since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others. * * * But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter-prohibitions, duties, and regulations also.

Then follows what the gentleman from Maine [Mr. DINGLEY] quoted above, &c. But immediately after follows this:

Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business and for keeping the marine class of the citizens equal to their object. But if particular nations grasp at undue shares, and more especially if they seize on the means of the United States to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded, &c.

The gentleman from Maine [Mr. DINGLEY] may not rightfully claim the weight of those great Democrats on his side of this contest. They, fairly interpreted, never favored the narrow, exclusive policy for which he so stoutly contends. Rather, their voices were for restriction only to get freedom; they, practically considered, exclaimed with Dido:

Subducite navis; Tros Tyriusve Mihi nullo discrimine agetur.

But what were the motives of our predecessors who made and upheld our exclusive policy and of those who repealed the exclusive laws of Great Britain is less important than to learn how the shipping and mercantile interests of the nations were affected by our clinging to and her abandonment of the exclusive policy.

Let us examine the facts.

In 1807 we had 849,000 tonnage; it was 1,241,000 in 1847; by 1857 it was 2,463,000 and by 1861 it was 2,642,000.

Now, of the forty-five thousand sailing vessels of 50 tons and over Great Britain has a third and we less than one-seventh. Now, of the thirteen millions of net tonnage of these vessels in the world Great Britain has nearly five millions and we only two millions. Of the world's eight thousand five hundred steamers of 100 tons and over Great Britain has five thousand and we but three hundred and fifty. Of that net steam tonnage of six and three-fourths millions Great Britain has four and a quarter millions and we three hundred and fifty thousand.

Other causes produced some of the great effects, but surely a great part was due to her liberal inducements for trade.

I will not discuss how far our tariffs have affected our carrying trade. It may be remarked that our tonnage in 1807 was nearly 40,000 more than in 1837, and that meanwhile we had our first avowedly protective tariff of 1816. It was followed by the tariffs of 1824 and 1828. How New England men then thought tariffs affected their interests will strongly appear by recalling one expression from Webster's speech in 1830. He was denouncing the tariff of 1816, and used these words: "The tariff of 1816 (one of the plain cases of oppression and usurpation for which if the Government does not recede individual States may justly secede from the Government) is, sir, in truth, a South Carolina tariff." He explained that South Carolina's vote carried the bill in spite of Massachusetts's against the same.

The decreasing tariff of 1833 had but little effect by 1837. The free-trade tariff of 1846 was in force when our carrying trade was at its best condition in 1857. I have before me the "report on shipping and ship-building," made by a committee of five to the Manufacturer's Association, the Board of Trade, and the Chamber of Commerce of San Francisco, Cal., in 1882, which attributes all the decadence of our carrying trade to the tariff, and demands for that reason cash subsidies from the Treasury. They say that naught but subsidies or free ships can give relief.

Gentlemen are greatly concerned lest the coastwise trade should be disturbed. For one hundred years by law it has had a monopoly to charge what it pleased. From the north of Maine, along the Atlantic coast, from the Gulf, at San Francisco, and up the Pacific coast, none but American vessels, built by Americans, have been allowed to carry a pound of freight or a passenger. If the foreign vessel would carry for half price the merchant and farmer must pay double to the American vessel. And gentlemen complained that competition had forced reduction of freights until the owners were not making as much as they should. How much should they make, in their estimation?

What caused other American vessels to compete with those first in the trade, and why were the parallel lines of railroad built? What but the hope to share in the exorbitant rates of freight charged on our cotton and the thousands of other things transported? Can not Americans, with all this start, with their superior knowledge of the coast and business connections, defy competition in that quarter? Will our brave Yankees skulk behind these statutes longer? When foreigners come will they run?

When British statesmen pressed England to action her traders so cried out, but history has shown their fears were imaginary. Prussia and other countries then built ships much cheaper than England could, and timid Englishmen looked to a destruction of that industry if freedom were granted. The reply was, the English ship will outlast the cheaper Prussian vessel. They complained, too, of degrading Englishmen by foreign association. Their question was: "And though you might employ foreign sailors, you no doubt would employ some British sailors?" The answer was: "We could not mix them; otherwise we must victual and pay them all alike unless the English seamen would submit to the wages and food of the foreign seamen." They repeated all such prophecies of evil as the ship-owners and builders here do now.

The prophesies of the other side were more hopeful and confident and truthful. They were well stated in the Edinburg Review in 1847 in these words:

We may depend upon it, that were full permission given us to purchase and employ foreign-built ships, where ships of home construction can now alone be used, our ship-wrights, anchor-smiths, sail-makers, and the whole army of mechanics, whose ruin in that event is so confidently predicted, would only receive a new impulse. The more direct foreign competition would render them more skillful and more industrious, by which means they would acquire, with a better security than they now enjoy for its continuance, a virtual monopoly of the manufacture of British shipping.

The result is matter of history.

From the same testimony we have a comparison of the direct effect of the liberalizing policy with that of exclusion. From 1824 to 1846 the tonnage of Great Britain increased with those countries with which she did not make reciprocity treaties from 893,097 tons to 1,735,924. But during the same time the increase with those countries made free by such treaties was from 994,223 tons to 2,558,809 tons; being only a little over 4 per cent. with the former and a little over 8 per cent. with the free countries.

A very instructive table, throwing much light on the subject, is at page 27 of the report of the evidence taken by the committee of Parliament in 1847, and at page 484 is another table, showing the gain in tonnage coming from the reciprocity treaties. I go not into these in detail. We need no figures to tell the extent of British commerce. It is immeasurably beyond what it was when Pitt boasted to Napoleon that "with her ships England encircles the world." As her morning drumbeat never ceases, so no breeze blows which does not swell the sails or waft the smoke of the engines moving her vessels.

Her march is on the ocean wave,
Her home is on the deep.

I do not mean to say that our exclusive policy or any other statutes are the sole causes of the present state of our carrying trade.

The war had some effect, but not much. For a time our tonnage went under other flags for safety. Many vessels were then destroyed. But England's indemnity and insurance companies paid for them. Had we wished to own ships more would have been built. The plain

truth is we ceased to carry on water because we could make more at something else. It was a mere question of dollars and cents.

For gold the merchant plows the main,
The farmer plows the manor.

Commerce knows no law but gain. For that it seeks the cheapest vessel and straightest course. If in its way it would scatter the twelve stones which Joshua "set up in the midst of Jordan, in the place where the feet of the priests which bare the ark of the covenant stood." There is no sentiment in trade. It is immaterial to the farmer whether the flag which covers his cotton or wheat bears the bars of Germany or the stars of the United States, or be the red flag of England. His only question is as to price of carriage.

This is why we abandoned the ocean for the land. While England has been building iron ships we have put more money into railroads than would buy three times over every vessel which floats her flag. The South has been demonstrating the folly of Mr. Clay when he warned her that her 453,000 bales of cotton had reached the extreme demand of the world by sending to market 6,500,000 bales annually.

The Protection Society of Boston once declared that no produce from the West could cross the Atlantic till its waters washed the base of the Alleghanies. The sea knows its bounds and the mountains hold their eternal fixedness, and yet west of these mountains has been for years the meat-house and granary of Europe. Go see in the census the movement westward. The population of Maine increased but 1 per cent. in the last decade; she has increased but little for years because of emigration westward. The sons of the fishermen of the eastern shore went to Michigan; their sons settled in Kansas, and theirs in Washington Territory; and should they ever go to sea again it will be from Puget Sound or Hudson Bay.

I stop not to discuss the question of wages of ship-carpenters, &c. I believe that wages here will, just as in Europe they did, increase uniformly under the stimulus of increased demand caused by enlarged commerce. Perhaps I underrate the value of the merchant marine to our country. I hope I do not. It is probably true that my tendency of thought is in that direction. I care not to deny that.

Proudly do I see the glinting of the stars of our flag upon the ocean waves, but I behold with grander pride those other stars flashing from forges forming irons for river-spanning bridges, and those other stars sparkling from the points of Burleigh drills forcing through mountains a way for interstate commerce.

Smooth and bright is the ocean path always ready for the cutting keel, but more beautiful to me are embanked roads belted with crossties and listed with steel, made, laid, and kept in place by wage-earning sweat of American muscle. I would not, if I could, transfer the country's wealth from land to ocean.

Polygamy.

SPEECH
OF
HON. RISDEN T. BENNETT,
OF NORTH CAROLINA,
IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 12, 1887.

The House having under consideration the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes," approved March 22, 1882, with a substitute reported from the Committee on the Judiciary—

Mr. BENNETT said:

Mr. SPEAKER: I hope to conquer the attention of the House. As this House is always possessed of a sort of statistical demon, I will submit some extracts from the reports of certain officials who have been charged with the government of the Territory of Utah the past four years. The House will bear in mind that the Territory of Utah has been governed during the last four years by the act of Congress approved the 22d of March, 1882, and known as the Edmunds act. In the report of the Utah Commission to the Secretary of the Interior for the year 1883, I find these words:

As to the declared objects of the act of Congress as therein set forth—

Meaning the Edmunds act—

so far as appertains to our duties it is not denied that the operation of the act has been eminently successful; that is to say, the polygamists have all been excluded from the polls and are ineligible to office—

A pretty good beginning.

Considering that during the twenty years since the anti-polygamy act of 1862 was passed the penalties of the law have been enforced against not exceeding three persons, it would seem that in the enforcement of the present law against some 12,000 polygamists who have been excluded from the polls it must justly be regarded that the act has been fully and successfully executed.

I think so. With the indulgence of the House I may say I am reminded in this case of a report made by a sheriff to an Arkansas judge. He was instructed to bring in a jury. After a while he came in panting for breath. The judge said: "Have you got the jury?" Said he:

I have got eleven of them and have got the dogs after the others.

[Laughter.]

In the report of the Utah Commission to the Secretary of the Interior for the year 1884 they say:

We have more than once in our former reports suggested that as the Government has to deal here with a people who are wonderfully superstitious and fanatically devoted to their system of religion—

Orthodoxy is my doxy; heterodoxy is your doxy—

the public should not expect, as the immediate result of the present laws of Congress, nor indeed of any legislation however radical, the sudden overthrow of polygamy, and we now repeat the most that can be predicted of such legislation is that it will, if no step backward is taken, soon ameliorate the harder conditions of Mormonism and hasten the day for its final extinction.

This is said in relation to the Edmunds act. In the same report of the same commission I find this:

Many of the non-Mormons or Gentiles are doing a prosperous business in banking, mining, and mercantile pursuits. Candor requires us also to say that personal security and the property rights appear to be as inviolate in Utah as in any of the States or Territories.

In the report of the commission for the year 1886 I find this language:

Whether, upon the whole, polygamous marriages are on the decrease in Utah is a matter on which different opinions are expressed, but undoubtedly many persons have been restrained by the fear of disfranchisement and the penitentiary, and we think it is safe to say that in the more enlightened portion of the Territory, as for example Salt Lake City and its vicinity, very few polygamous marriages have occurred within the last year, while, on the other hand, in some parts of the Territory—

"Far off hills are green;" or, to make it more rustic, "cows have long horns a long way off," [laughter]—

in some parts of the Territory they have reason to believe that it is otherwise.

* * * * * * *

In such a condition there is no remedy that can be immediate in its effects except military force, and this can not now be applied, because no civilized government in this age will wage a war of extermination against unarmed men, women, and children. But the evils existing in Utah can not be ignored by the Government. Devoted as the American people are to religious liberty by education, tradition, and constitutional sanction, they will never allow this principle to be subverted for the toleration or sanction of crime.

This report is made with reference to the Edmunds act.

Here is the report of the governor of Utah to the Secretary of the Interior for 1886, an extract from which I will have read by the Clerk.

The Clerk read as follows:

The following showing is made of the convictions obtained in the courts in polygamy and unlawful cohabitation cases: From July 1, 1884, to June 30, 1885, 9 convictions were had, 3 for polygamy and 6 for unlawful cohabitation, 8 of whom resided in Salt Lake and 1 in Beaver County. From July 1, 1885, to June 30, 1886, there were 84 convictions, 3 for polygamy and 8 for unlawful cohabitation, making a total of 93 convictions.

Of the 84 convictions obtained in the past year, 51 resided in Salt Lake, 11 in Weber, 8 in Beaver, 5 in Tooele, 3 in Box Elder, 1 in Utah, and 1 in Sevier County. Thus the convictions have all been had in 8 out of the 24 counties of the Territory. In the 16 counties in which no convictions have been had the Mormon population is largely in the ascendancy, and it is known that the population in those counties believe and practice polygamy as well as their brothers in the other counties.

In the first district court, which sits at Beaver, Beaver County, there are now pending 14 indictments for polygamy and unlawful cohabitation. Three of those charged reside in Beaver, 5 in Garfield, 4 in Piute, 1 in Kane, and 1 in Iron County. I have no information as to the number who have been arrested.

In the second district court, held at Ogden, there are 55 indictments pending against those charged with a like offense, 34 of whom reside in Weber, 18 in Cache, 2 in Davis, and 1 in Box Elder County.

Twenty of those residing in Weber County have not been arrested, and of the 18 residing in Cache County none have been arrested.

In the second district court, held at Provo, 7 indictments are pending, all against citizens of Utah County. I have no information as to the number of arrests.

In the third district court, held at Salt Lake City, there are 123 indictments pending, 115 against citizens residing in Salt Lake, 7 from Tooele, and 1 from Davis County. The clerk of the court says as to these indictments: "In a large number of these cases the defendants are at large, it not having been possible to arrest them."

In three of the counties where no convictions have been had the Mormons have temples located where their secret rites of celestial or plural marriage are celebrated, namely, at Logan, Cache County, which lies north of Salt Lake; at Manti, San Pete County, south of Salt Lake, and almost in the center of, and at Saint George, in Washington County, in the extreme southwestern corner of the Territory.

Heretofore terms of the district court have only been held at Salt Lake City, Salt Lake County; at Ogden, Weber County; Provo, Utah County, and at Beaver, Beaver County. As the condition of business in the First and Second districts will allow it, it is my purpose under the authority vested in me by law to fix terms of the district court to be held at Logan and Manti, and of the Second district court at St. George, believing that the presence of the courts and its officers will have a wholesome effect in preventing the contracting and the celebrating of plural marriages, and that the authority of the law if not acknowledged may be equally felt in every part of the Territory, and that the place of residence may not, as it seems to have heretofore done, furnish immunity from punishment to law violators.

I know of no armed organization for the purpose of opposing the lawful authorities or resisting the enforcement of the laws; nor do I believe any such now exists. The process out of the courts is met with no physical resistance, and society is peaceable, and no outbreaks have occurred since I came to the Territory.

Such is the testimony of the governor in 1886. I take the liberty of reading from the argument made by the member from Virginia [Mr. TUCKER] in 1882 when the original Edmunds act was before this

House. No member of this House raised his voice more energetically on that occasion than did the member from Virginia.

The theory upon which our political institutions rests is that all men have certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; and that in the pursuit of happiness, all avocations, all business, all positions are alike open to every one; and that in the protection of these rights all are equal before the law. Any deprivation or suspension of any of these rights for past conduct is punishment, and can be in no other way defined.

The honorable member from Virginia [Mr. TUCKER] was, at that time, sustained, and energetically sustained, in this line of argument by the distinguished gentleman who now presides over the deliberations of this House.

Mr. Speaker, there are many features of this bill which I regard as bad, but none of them are so excessively bad as that which seizes the church in Utah, and empowers and instructs the Attorney-General of the United States to institute proceedings, in the nature of a *quo warranto*, against that church, and to push those proceedings until the property belonging to it is sold, sequestered, and distributed among those who may be able to make some proof of their right thereto, after the debts of the institution are paid.

The first amendment to the Constitution of the United States says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

I ask this House whether the converse of that proposition is not true? If Congress have no power to make a law respecting an establishment of religion, have Congress the power to make a law respecting the disestablishment of religion? If Congress have no power to make a law respecting an establishment of religion, has it the power to turn Almighty God out of His "mansion house," as Blackstone styles the church, and scatter and disestablish the church? The Supreme Court of the United States, in the Reynolds case (98 United States Supreme Court Reports), say:

Congress have the power to enact that any citizen of the United States who violates any law made by Congress shall be punished by fine or imprisonment, or both, in the discretion of the court or judge. Congress have no power in such a case to enact that the estate and property of such offender shall, by a proceeding in the nature of *quo warranto*, commenced by the Attorney-General, be administered by any court of the United States.

If the power to do this as to an individual does not exist in Congress, then, by parity of reason, such power does not exist as to a church, especially a church whose only fault is in the fact that two or three thousand of its members out of a staggering total of 150,000 practice polygamy. A people who have traced in deep lines upon the soil of their Territory the virtues which adorn "the simple annals of the poor" are to be dealt with under the harsh provisions of this act without the benefit of clergy. If in order, I would commend to the attention of this House a dialogue between the Lord and Abraham, the father of the race that has monopolized much of the talents and genius of the world, touching the fate of Sodom and Gomorrah, to be found in the book of Genesis. [Laughter.]

We are not wholly without authority on the question of vested rights of churches. In the case of Terrett and others *vs.* Taylor and others, to be found in 9 Cranch, page 42, the Supreme Court of the United States say:

But that the Legislature can repeal statutes creating private corporations, or confirming to them property already acquired under the faith of previous laws, and by such repeal can vest the property of such corporations exclusively in the State, or dispose of the same to such purposes as they may please without the consent or default of the corporators, we are not prepared to admit; and we think ourselves standing upon the principles of natural justice, upon the fundamental laws of every free government, upon the spirit and the letter of the Constitution of the United States, and upon the decisions of most respectable judicial tribunals in resisting such a doctrine.

Such is the language of Justice Story, who spoke for the court. The question came to the court of last resort from the State of Virginia. I read from the syllabus in that case:

The religious establishment of England was adopted by the colony of Virginia, together with the common law upon that subject as far as it was applicable to the circumstances of the colony. The freehold of the church lands is in the parson.

A legislative grant is not revokable.

The act of Virginia of 1776, confirming to the church its rights to lands, was not inconsistent with the constitution or bill of rights of Virginia; nor did the acts of 1784, chapter 88, and 1785, chapter 37, infringe any of the rights intended to be secured under the constitution, either civil, political, or religious.

The acts of 1798, chapter 9, and 1801, chapter 5, so far as they go to divest the Episcopal Church of the property acquired previous to the Revolution by purchase or donation, are unconstitutional and inoperative.

Let me now read from the decision of the Supreme Court in the case of Reynolds *vs.* The United States, 98 S. C. Reports:

Before the adoption of the Constitution attempts were made in some of the colonies and States to legislate not only in respect to the establishment of religion, but in respect to its doctrines and precepts as well. The people were taxed, against their will, for the support of religion, and sometimes for the support of particular sects, to whose tenets they could not and did not subscribe. Punishments were prescribed for a failure to attend upon public worship, and sometimes for entertaining heretical opinions. The controversy upon this general subject was animated in many of the States, but seemed at last to culminate in Virginia. In 1784, the House of Delegates of that State, having under consideration "a bill establishing provision for teachers of the Christian religion," postponed it until the next session, and directed that the bill should be published and distributed, and that the people be requested "to signify their opinion respecting the adoption of such a bill at the next session of Assembly."

This brought out a determined opposition. Amongst others, Mr. Madison prepared a "memorial and remonstrance," which was widely circulated and signed, and in which he demonstrated "that religion, or the duty we owe the Creator," was not within the cognizance of civil government. (Semple's Virginia Baptists, Appendix.) At the next session the proposed bill was not only defeated, but another, "for establishing religious freedom," drafted by Mr. Jefferson, was passed. (1 Jefferson's Works, 45; 2 Howison, History of Virginia, 298.) In the preamble of this act (12 Hennin's Statutes, 84) religious freedom is defined; and after a recital "that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy which at once destroys all religious liberty," it is declared "that it is time enough"—

Let me call attention especially to this language—

"It is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."

Then the court goes on to remark:

In these two sentences is found the true distinction between what properly belongs to the church and what to the State.

Now, while the power of Congress is thus confined to the individual, while the coercive or punitive hand of the Government can, under this and other well-defined decisions, be laid only upon the individual member of the church, this bill proposes to invade the vestibule of the church itself, and scatter its possessions, and that, too, under a proceeding in the nature of a *quo warranto* instituted by the Attorney-General of the United States at the instance of the Government, leaving these unfortunate people to appeal *in forma pauperis* to God. [Laughter.]

I would like to fasten the thoughts of this House, and if possible impress upon it the views which I have in regard to the line of divide between the responsibility of the citizen to the law for unhallowed practices, whether under the guise of religion or not, and the absence of responsibility of the church itself, the noble animal which carries the soul. Am I understood? The individual is liable for crime—either to fine, or imprisonment, or both. The church is liable to neither.

This bill should be entitled a bill to put the Mormon Church in liquidation. [Great laughter and applause.] Bringing it under the force and operation of the old ca. sa. laws of the State. Dryden describes the apostolical Roman Catholic Church as a milk-white hind, which for eighteen hundred years has been the best comfort of our imperfect condition. The church, I say, is to be put into liquidation; and the Attorney-General, with his deputy marshals with beards of formal cut, is to administer its assets, the *bona notabilia*, belonging to it. [Laughter and applause.] I declare, sir, it is monstrous.

To pay the debts and dispose of the whole property and assets thereof, according to law and equity! Mind you, the Attorney-General gets it into equity, into a court the jurisdiction of which, according to very eminent authority, was originally founded in fraud. [Laughter and applause.]

The SPEAKER. The gentleman's time has expired. [Cries of "Go on!"]

Mr. SOWDEN. I ask by unanimous consent that the gentleman from North Carolina be permitted to continue his remarks.

Mr. MILLS. Until he has concluded.

Mr. TUCKER. I will take the floor, and yield ten minutes of my time to the gentleman from North Carolina.

Mr. MILLS. No; I hope not, as we all want this matter discussed.

The SPEAKER. Is there objection to the motion of the gentleman from Pennsylvania?

There was no objection, and it was ordered accordingly.

Mr. BENNETT. The church service is carried out. Even the precious elements of the body and blood are not beyond the reach of these mercenaries. The church service is carried from these unfortunate people who have blossomed that wild Territory with the sweat of their faces. The flight of a Tartar tribe near the close of the last century, as described by De Quincey, is feeble in its moving accidents as compared with the sufferings of free-born men in Utah. I see the deputy marshal bearing away in triumph the sacred insignia of the dismantled church. These people appeal to the judicial tribunals of the country, the last resort of the oppressed, the resort of the humble, because violence dwells in high places. And the judge makes an order appointing a receiver of the church, its property, its assets, its ritual. They are met at the threshold of their appeal with this announcement, delivered with great solemnity: "Interlocutory orders in equity are not appealable." [Laughter and applause.]

There is to be no appeal. That is to say, an appeal does not affect or impair the force and effect of the order appointing a receiver of the assets of the Lord. [Laughter and applause.] The receiver stands and holds the ark of the covenant committed to him as receiver. [Laughter and applause.]

A celebrated father of the church, named Athanasius, made a famous prayer—I do not think it is so good as it seems to be, but some gentlemen seem to enjoy it: "Lord, deliver my body from the doctors, my soul from the devil, and my estate from the lawyers." [Laughter and applause.]

The church is to be taken into court, tied to the wall of the court-house. It is said that the spectacle of a Bible chained to the walls of a monastery first suggested to Martin Luther the idea of the Reformation; but no such living, moving, impassioned idea will be drawn in this eminently practical age. It is an age when all things are turned to

commercial accounts; the music of the dollar's clink is now well nigh irresistible to the average mind [laughter], and the Bible and the church of Utah, bound in the strong cords of the law, will make an appeal in vain to this materialistic age. The ideals of faith and enthusiasm are not the strong, living forces they once were. [Laughter.] Such, Mr. Speaker, is the exact situation now. We stand now at the division of the ways. This legislation commits us to a series of acts to which there is but little hope of setting bounds. Talk no more about an "open reservoir into which you can pour every uncertain species of legislation." [Laughter.]

Polygamy is an evil. But the Constitution should not be stabbed even through the disguise of scoundrels. No one denies it; but are you called upon to resort to the cruel surgery of the sword to cure every evil? Do not these official gentlemen say in their reports that if the provisions of the Edmunds law are not interfered with everything will be rightly ordered by and by? Why then go further? What is the need for it?

Every official class in this country or any other country is clamorous and always clamorous for legislation to perpetuate its existence and give it more government pap. [Laughter.] Out of the mouths of these gentlemen—I do not know them—charged with the execution of this most unwholesome statute, the Edmunds law, we have the clear, strong, unequivocal, and unquestioned testimony that the law is easily enforced and that there is no opposition to it. There is no difficulty whatever in enforcing the processes of the law and the authority of the courts.

Mr. Speaker, it is said that in Great Britain, a country which enforces the law more rigidly than any other free country on the face of the earth, forty-six convictions in a hundred is a large average; and in the matter of prosecutions for perjury I saw a while ago statistics showing that convictions in England were less than thirty in the hundred; and yet, in this country, this great country, with its immense possibilities, its inherited love of freedom, it seems from these official reports that the very last gentleman in the unfortunate Territory of Utah who has been tried under the Edmunds law has suffered an adverse verdict at the hands of the Government. There has not been a single exception. What is the grievance, then, that you would cure? What further steps would you take?

Why not go along with the law as it is, that has already been so rigidly enforced and which was deemed so harsh, unjust, and unconstitutional when under consideration in the Forty-seventh Congress as to provoke the energetic hostilty of Democratic leaders on this floor? It is running smoothly; everybody is convicted; nobody escapes. What more do you want? Something to make their poverty more completely splendid? An age of hypocrisy is followed by an age of cruelty and vice. It is the Anglo-Saxon rapacity in that Territory as it occurs to me, the Anglo-Saxon greed for land at the bottom of much of this complaint. Here is a community distinguished for those virtues which mark purity of life and simplicity of manners. The law is enforced; no man raises his arm against the authority of the Government.

These people are to be scattered and another people to take their habitation and their bishopric. Nobody has any excuse to offer for polygamy. The idea that for the king's offenses the people died, is no part of the theory of American political institutions. Every man, however humble, whether Jew or Gentile, can have the full measure of justice at the hands of this great Government, and if two thousand or twenty-five hundred, or three thousand of these people have the mark upon them, let the effective, fearful, terrible machinery of existing law be continued in motion, from which none of them can escape; let it go on; but do not bring the mantle of shame to the cheek of the American people by sacrificing in a tempest of passion principles as precious as life itself to brave and free men. The anomalous state of things in Utah will cure itself under the force and efficacy of existing laws, as well as the laws inherent to modern civilized communities. It will give place to the march of progress and prosperity.

Another section of this bill, Mr. Speaker, I regard as a fearful one. It is the eleventh:

SEC. 11. That the marriage relation between one person of either sex and more than one person of the other sex shall be deemed polygamy. Polygamy or any polygamous association or cohabitation between the sexes is hereby declared to be a felony, and shall be punished by confinement in the penitentiary for a term not less than one year nor more than five years; and the continuance of the polygamy or polygamous association or cohabitation between the sexes after any indictment or other legal proceeding is commenced against any person shall be deemed a new offense, punishable as aforesaid.

Now, sir, under the decisions of the Supreme Court of the United States, to be found in the 114th volume of that court, at page 43, in the case of Murphy *vs.* Ramsay, the court used this language:

That the disfranchisement operates upon the existing state or condition of the person and not upon a past offense.

And the court say in this case that it was not the previous status that subjected the party to conviction and punishment, but it was the status that he maintained at the date of the trial.

This eleventh section in express terms subjects the man who married twenty years ago, who entered into polygamous relations twenty years ago to the full penalties of the bill. The Supreme Court said in that decision, 114th United States, Murphy against Ramsay, that such legislation was obnoxious and open to the objection that it was *ex post facto* and in the nature of a bill of attainder.

If this bill passes a man who entered into a polygamous marriage thirty years ago is liable to be pursued in the courts for such polygamous marriage; whereas in the decision made by the court they say it is not the fact of the marriage status, to wit, that the man made this polygamous marriage thirty years ago, that made him amenable to prosecution, but that of the status he had when the trial occurred. And this eleventh section is put into the bill for the express purpose of putting these men who entered into polygamous marriages years ago within the pains and penalties of the bill.

Somebody said of the act of 29th Charles II, with its pains and penalties, that every line of it had cost a subsidy. Every line of this section will not only cost a subsidy, but will do violence to all the basic principles of American liberty.

This same section provides:

And the continuance of the polygamy or polygamous association or cohabitation between the sexes after any indictment or other legal proceeding is commenced against any person shall be deemed a new offense, punishable as aforesaid.

Let us look at that a little. Bishop says, in his work upon criminal law, a book of good authority:

Not twice in jeopardy. In the criminal law in England this doctrine has received form in the maxim "that," as Blackstone expresses it, "no man is to be brought into jeopardy of his life more than once for the same offense." Yet a comparison of the English adjudications, not speaking now of *dicta* of judges, with this maxim, will probably show that it is not quite supported by them

How of twice in jeopardy with us? [Constitutional provision.] In this country we have taken the maxim itself for our unbending rule, superseding thereby the common law as adjudged, if really differing from it. The Constitution of the United States provides that "no person shall be * * * subject for the same offense, to be twice put in jeopardy of life or limb." And though this provision binds only the United States, not extending to the States—a question on which judicial opinions formerly differed—the constitutions of nearly all the States have the same provision; and the courts of all receive it as expressive of the true common-law rule.

But this bill segregates the offenses, and if after the finding of the bill of indictment and before the trial this relation should exist, the man who manages to escape the fierceness of a jury in that Territory on the first charge, finds himself, without any circuitous route, in the prison cell, to be tried on another charge arising after the finding of the first bill of indictment.

Mr. CASWELL. Polygamy is a prohibited practice.

Mr. BENNETT. Yes; that sort of thing is prohibited. But this section says:

The continuance of the polygamy or polygamous association or cohabitation—

Not polygamy alone—

between the sexes after any indictment or other legal proceeding is commenced against any person shall be deemed a new offense, punishable as aforesaid.

If I am permitted to repeat in this House, I will say there is no end of this thing. It is the circumlocution office round and round and round. It defies the principles of the Constitution of the United States. It does violence to all sense of right, that a man once indicted should be liable again and afresh to be put on trial on a similar accusation for the same offense pending the bill of indictment. It is wrong, and the member from Virginia [Mr. TUCKER] must know it to be wrong.

Let me address the Representatives upon this particular feature of the bill, which is new in the annals of Congressional legislation. I speak subject to correction, but I know no precedent for it in our legislative history. You are about to introduce a new feature in the criminal legislation of this country.

Mr. CUTCHEON. Would it not require a new and separate indictment for that offense?

Mr. BENNETT. Oh, yes; that is one of the terrors of the thing. [Laughter.] You put him to the rack and torture afresh. I call upon the Representatives of that great Commonwealth which has given birth to writers of much authority upon the law, Bishop and others, to treat with becoming reverence the weighty words of this man who has devoted fifty years to the pursuit of his profession as a science.

I will not trespass upon the patience of the House or abuse their kindness; but there is one other feature of this bill which I can not allow to go by unchallenged.

This is not the one, though this one is worthy of consideration:

That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

If this were a new proposition I should support it. That is, if for the first time the question of female suffrage were presented and I were allowed to vote upon it, I should vote against it, but I believe in the inherent, God-given right of American citizens in their States, in their Territories, in their municipalities, to establish, order, and control their own domestic institutions, and believing in that with all the earnestness of religious conviction, believing that and feeling that, I would

not raise my voice against the action of the people of this Territory in giving suffrage to its female residents.

We have adopted the suffrage of the plow in this country as the fixed policy of our Government, and the sooner gentlemen recognize that the suffrage of the plow is God's gospel applied to the ballot the better it will be for them. [Applause.] And now, Mr. Speaker, I call attention again to the twenty-fifth section of this bill, which provides:

That every male person over twenty-one years of age resident in the Territory of Utah shall appear before the clerk of the probate court of the county wherein he resides, and register himself by his full name, with his age, place of business, his status, whether single or married, and if married, the name of his lawful wife, and shall take and subscribe an oath, to be filed in said court, stating the facts aforesaid, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the law aforesaid approved March 22, 1882, and this act, in respect of the crimes in said acts defined and forbidden; and that he will not directly or indirectly aid, abet, counsel, or advise any other person to commit the same. No person not so registered, or who shall have been convicted of any crime under this act or under "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, or who shall be a polygamist, or shall associate or cohabit polygamously with persons of the other sex, or who shall not take and subscribe the oath aforesaid, shall be entitled to vote in any election in the Territory, or be capable of jury service, or to hold any office of trust or emolument in the Territory.

I regard that, Mr. Speaker, as a test oath imposed upon the voters of that Territory, and therefore as falling clearly within the denunciation contained in the cases of *ex parte* Garland and *ex parte* Cumming, the latter the case of a Missouri priest who, during the tempestuous excitement of the civil war, was not allowed to administer the sacraments to the dying until he had subscribed the test oath. Said a great man of Virginia, Benjamin Watkins Lee: "These test oaths are the sharp weapons which young oppression first learns to wield." Fortunately, they have been swept from the statute-books of this country almost, if not entirely. A free government, and yet, for the purpose of reaching two thousand or twenty-five hundred men out of one hundred and sixty thousand, we are to be subjected to the beginning of that state of things which ended in the South in a corporal of the guard revising the decision of the supreme court of a sovereign State! [Loud applause on the Democratic side.]

Agricultural Experiment Stations.

REMARKS
OF
HON. ROBERT M. LA FOLLETTE,
OF WISCONSIN,
IN THE HOUSE OF REPRESENTATIVES,

Friday, February 25, 1887,

On the bill (H. R. 7823) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplemental thereto.

Mr. LA FOLLETTE said:

Mr. SPEAKER: Indulged by the House with special permission, I desire to submit some reasons in support of this bill as a part of the record on its consideration. I shall, however, be able to but little more than suggest the importance of the measure as it presents itself to my mind.

We go back to-day with the accumulated experience of almost a quarter of a century and round out into reasonable perfection one of the wisest pieces of legislation of our time. It has taken many years to acquaint the public with the possibilities embraced in the original act establishing colleges in the States and Territories for the benefit of agriculture and the mechanic arts. Even now we are scarcely more than in the first stages of a full realization. The return from such an investment by the Government can not from its very nature be immediate.

Indeed, in the beginning we scarcely had the force in this country to fully man the institutions. In its application to agriculture it was not then so well understood nor so warmly welcomed as now. The farmer to-day fully appreciates the value of scientific experiment in determining those natural laws to which every operation of his calling is subject. No lawyer better realizes the fact that advancement in his business depends on understanding the laws under which he practices than does the farmer the prime importance of an intelligent comprehension of the natural laws which determine the success or failure of his business.

For these reasons, and stimulated by the patient devotion of the first scientific educators of this country, they ask us to pursue the policy which has already found constitutional sanction, and enact this necessary supplement to existing law.

The bill under consideration appropriates to each State the sum of $15,000 to establish and maintain, as a part of its agricultural college, an experiment station. The same or a larger amount will be appropriated to continue the work from year to year. These stations will—

Conduct original research or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analyses of soils and water; the chemical composition of manures, natural and artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese, and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable.

Already there are over four hundred such stations in the Old World, and within the last ten years, beginning with Connecticut, several of our own States have rendered conspicuous service to agriculture in the establishment of these stations of investigation. The one in connection with the State University at Madison, Wis., in particular is doing work in this line which has attracted attention both at home and abroad.

After an extended notice of experiments by the director, Professor W. A. Henry, the Ohio Farmer of January 15, 1887, says of the institution generally:

Wisconsin is a lively State agriculturally. Its people are intelligent and realize that honest industry is the basis of all true prosperity, and that in Wisconsin agriculture is the basis. Hence the State is setting a noble example to all other agricultural States in its encouragement to this leading industry. It has a good agricultural college and an experiment station that is attracting national attention by the practical and useful nature of its investigations. We have just received the third annual report of this station for the year 1885, and find it replete with information.

Numerous extracts from the press of other States might be made, but I only take time to call your attention to this from the Live-Stock Journal, London, England, December 31, 1886:

At the recent Wisconsin State fair, at Milwaukee, some interesting milking and dairy tests were made under the supervision of Professor H. P. Armsby, associate director of the experiment station. Professor Armsby's report of these tests has recently been made to the State Agricultural Society, and embodied in a bulletin (No. 10) of the experiment station, of which a copy has been sent us:

"We have received the two last of these reports of the Wisconsin experiment station, that for 1884, published in 1885, and that for 1885, published in 1886. The contents are varied, but all bearing evidence of good sense in selecting subjects for inquiry and of care and thoroughness in carrying the inquiry out. There are experiments with various kinds of cattle food for dairy or feeding beasts; experiments in dairy practice; with different varieties of cereals and forage plants to ascertain their relative productiveness and hardiness. No one who carefully examines the contents of these two thin octavo pamphlets but will admit that to tax themselves to give their youth the best opportunities of acquiring knowledge of the arts by which they will have to live, is to spend their money as judiciously as they raise it generously. The whole of these reports are highly creditable to the managers of the Wisconsin agricultural experiment station, and are examples of what kind of work might with advantage be done in England either with or without government help."

It is, sir, a matter of much pride to the people of my State that they have in so short a time built up this great aid to their leading industry. It is under a most competent and progressive management, enjoying to the fullest extent popular esteem and confidence. The people there are beginning to realize what it may finally be worth to them. And in Wisconsin as in many other States they are thoroughly alive to the importance of this national legislation.

The character and significance of each investigation, requiring as it does peculiar adaptation, special talent, long training, great care and skill, and many verifications to eliminate all errors, is of course attended with large expense. It becomes, therefore, of the highest importance that none of these experiments should be thrown away or unnecessarily repeated. The States have done much wherever they have started the work. But taking a national view of the benefits to be derived, there is under the State system a radical and costly defect.

The labor of each station is entirely independent of every other one. Hence, there is an entire lack of unity and order of investigation. State stations with like climate and soil go on season after season making similar experiments, each constantly and needlessly repeating the experiments of the others with a consequent waste of time and effort and money. This bill when enacted into law will tend to secure a national organization of this important work, bring all the stations into intelligent co-operation, greatly reduce expense, and extend the scope of the investigations.

If it were safe to amend the bill so near the time of adjournment I should have been glad to offer a provision with special reference to national organization. But, sir, I am not willing to see its passage jeopardized in any way, and am therefore content to leave this and other corrections to a subsequent session.

And now I wish to refer briefly to an amendment presented and successfully urged by the very able and distinguished Senator from my State [Mr. SPOONER] while the bill was under discussion in the Senate. The amendment provides in substance that in case any State, under the act of 1862, has established an agricultural department in connection with a college or university not distinctively an agricultural school or college and subsequently establishes a separate agricultural college or school, the Legislature of such State shall have and always retain the power to apply the appropriation provided herein, in whole or in part, to such separate school.

The purposes of this amendment and its scope were tersely stated by the Senator in that discussion, as follows:

I do not wish by this amendment to do anything more than to leave the ap-

plication of the fund open to change, by prohibiting any State from disabling itself hereafter from making such disposition of the money appropriated by this act as shall then seem wise. The farmers of Wisconsin may become extremely anxious that there should be a separate agricultural college or school, and I desire that the law shall be left in such form as the Legislature, if such shall be the public sentiment at any time, may apply this fund, in whole or in part, in that way.

While it may be prudent to invest a State with this discretion, yet the amendment was manifestly not designed, and I trust will not operate in any instance to separate from any well-established, well-equipped college or university in this country the agricultural department and experiment station connected with it until this legislation shall have been fairly tested. I am aware, sir, of the fact that many agricultural colleges have not succeeded well in connection with and as a part of other colleges and universities. I am also aware of the fact that many such schools, established under the same act, separately and disconnected from any other college, have likewise failed. The best information I have been able to obtain persuades me to believe that there is about an equal number of failures under each plan.

But there are, I believe, fundamental reasons for the want of more perfect success in our agricultural schools and departments. I believe, too, that they apply with equal force to the independent schools and those connected with other colleges and universities. These reasons are entirely ignored by gentlemen who do not distinguish between the fact and the cause of failure. No better statement of them can be furnished than that made to me by one of the most distinguished scientists of this country, in a recent conversation, in which he said substantially, "that the most serious obstacle to the complete success of agricultural colleges is the lack of a thorough-going science of agriculture. In teaching the branches of science it is found impossible to develop permanent and abiding interest without a substantial, tangible foundation in a well-determined and systematized body of facts and principles. So long as a large part of the matter taught is composed of opinions, of doctrines not completely and thoroughly demonstrated, of tenets which can not be clearly and completely proven to the student's satisfaction, just so long will it be difficult to make strong, devoted, and enthusiastic students. The comparison and discussion of opinions is interesting and profitable to students for a time; but, without knowing just why, they become wearied and dissatisfied with it, and unless there are certain ascertained and fixed principles to which these opinions may at the proper time be referred for determination the course fails of a strong and abiding hold upon them. The firm grasp which mathematics and the classics have on our education system is more largely due to the perfection of the development of knowledge in those branches than to any inherent superiority in the subjects themselves. The natural sciences have labored under difficulties somewhat similar. They have made and are still making marvelous progress toward a more complete development, and have reached that stage where they now present strong attractive courses of study. Now, in agriculture, so soon as we have a body of well-determined facts to offer our students, and so soon as we can introduce them to well-defined lines of investigation, and show them that along these facts the completer science is to be wrought out, and that they are to be participators in this noble work of construction, then will our agricultural courses command their affection and become assured successes whether put in competition with other courses or not."

It seems to me, sir, that this presents a thought worth the serious consideration of the real friends of agriculture everywhere. The establishment of the stations for investigation and experimentation contemplated by this bill opens the way to the earliest determination of the facts and principles which every real science demands. Then will there be founded such a course of study as shall attract and hold its fair share of the best student material of the country.

This cannot be accomplished in a breath, but a few years will not fail to mark great progress in the growth of agricultural schools and departments, whether connected with other colleges or separate from them. And the new impulse will be felt in some measure very soon. For if there is any other thing which can partially supply the interest and incentive especially demanded here, it is the experimental search under scientific methods for the science itself.

The best results will be secured soonest at those stations where there are already experimental farms, well appointed laboratories, and the entire "plant" for immediate and varied operation.

When it shall have been determined beyond reasonable doubt that agricultural schools can not stand the direct competition of other courses of study, when all other probable causes of their partial failure shall have been eliminated, except their connection with other colleges—when it shall have been clearly demonstrated that this legislation will not measurably aid to cure the ills that all are at present heir to, whether connected with other colleges and universities or separate—then and not until then, it seems to me, will it be a real economy or a wise educational policy to lop them off from the advantages found in perfect facilities for experimental work and in the superior teaching force gathered in our strong colleges and universities.

In the mean time this bill establishing these experimental stations and working out its primary object will have done more in a practical way to benefit agriculture than all legislation which has preceded it. The work proposed here is to give to agriculture not theories and sermons and lectures, but facts. Facts which will further systematize farming, render returns more certain and swift; insure profit, economize expenditure and effort, and render every farmer less the creature and more the master of the circumstances and conditions which environ him and his business.

At every one of these stations a record of all experimental tests and of all final determinations will be carefully preserved. These are to be printed from time to time for general distribution in bulletin form, and are to be given free transmission through the mails. They will be furnished to farmers who make application for them, and will also be published in the newspapers for public information.

Why, sir, it is scarcely possible in language to measure the real worth of this to every farmer in the land.

I may anticipate too much, but to me this seems a fortunate hour for American agriculture. While it must be a matter of growth, as must all development of real value, yet no man can be blind to the great possibilities which this bill places within reach of the people as it passes into law. Much legislation has been designed to promote this industry, but this measure goes forth as no other one ever has to carry instruction in agriculture of the sort it needs into every farm-house and every field. It annexes an experimental farm to every man's land, places him next door to a chemical laboratory, makes him neighbor to and sharer in all technical skill and scientific information touching the business in which he is engaged.

I believe, also, that it will help us to keep the boys upon the farm. It will more and more make the business an absorbing study. It will extend the school age to the last limit. More and more each day will be filled with mental exercise, made still more zestful with increasing profit. Every piece of labor will be rendered a fresh lesson in the chemistry and physiology of farm life. Every changing phase will acquire a new interest be fraught with peculiar significance. The turning furrow, the curing hay, the rotting straw, the replenished earth, the quickening germ will become more and more an object of special investigation and scientific study. Thought will be mingled in many new ways with the sowing and the reaping, the spring-time and the harvest. And more and more as the years go by will this ultimately be felt as a powerful influence in giving the boys a profound and increasing affection and esteem for the wholesome life which honors every man who honors it.

And giving, as I think this measure does, precisely the instrumentalities necessary to the complete success of all agricultural colleges, supplying the facilities for determining the basic principles essential to every science, disseminating day by day among farmers practical knowledge of priceless value to them, laying day by day new foundation facts to bring their business to a better command of natural conditions, into a better understood alliance with economic laws, I am glad, sir, to have contributed some thing to its success. I esteem it the wisest and best offering made through legislation in many years to our chief industry.

Interstate Commerce.

REMARKS
OF
HON. WILLIAM S. HOLMAN,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887.

The House being in Committee of the Whole, and having under consideration the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce—

Mr. HOLMAN said:

Mr. CHAIRMAN: No subject in a time of peace has received the attention of Congress of greater importance than the subject now under debate. The extraordinary capacity of the railroads of the United States to unite into a general and consolidated system was not seen prior to the late war, and no effort was made in Congress until 1864 to impose any limitations on the aggressive methods and extortionate demands of railroad corporations. The first struggle in Congress to restrict the power of these corporations was over the question whether or no they should be permitted to add to their charges for the transportation of passengers the tax of 2½ per cent. which Congress imposed on their gross earnings as a war measure. This action of Congress grew out of the fact that certain States of the eastern section of the Union had imposed a specific limitation on the charges by railroads for the transportation of passengers, and the railroads were determined to impose the tax which Congress had imposed on them on the traveling public by increasing the fare, and thus overriding the laws of the States imposing such limitation. This attempt to restrict the charges of railroad companies failed, as I will hereafter show, for even then it ap-

peared, from the action of Congress, only a strong and well-defined public opinion could secure legislation which would impose restrictions on corporations possessed of the extraordinary advantages incident to the railroad system.

But the first systematic effort to regulate commerce between the States was thirteen years ago, in the Forty-third Congress, 1874, and the measure then pending was House bill 1385, entitled "A bill to regulate commerce by railroads in the United States." The bill was elaborately discussed. That discussion disposed of many questions which are now considered forever settled, especially the question of the power of Congress to regulate commerce between the States by railroads. That question is no longer open to controversy. Indeed, the discussion at this time is greatly simplified. There is now no doubt of the power of Congress to regulate railroad traffic between the States, or, as it is now termed, "commerce between the States," and no doubt exists about the authority of the States to regulate local railroad traffic within the limit of the States. The question now is simply one of expediency. The decisions of the Supreme Court of the United States have in the mean time disposed of all of the other questions.

The bill to which I have referred of 1874 was elaborately discussed and passed the House by a close vote, but received no attention in the Senate. It involved all the leading features of the pending bill in its general provisions, but was far less valuable than the present bill on account of the meagerness of its details. The fundamental provision of that bill was that railroads should transport persons and freights at "fair and reasonable rates," reasserting a principle of the common law, providing a commission to ascertain what such "fair and reasonable rates" were, making the determination of the commission *prima facie* evidence of the fact and providing the means of compelling the railroad corporations to observe the schedule of rates established by the commission. As a preliminary measure of legislation on a great question it is entitled to high consideration.

The merit of the pending bill lies in the fact that it goes beyond the general provisions of the former bill and enters into the details, for the feature of a commission, which was very prominent in the former bill and subordinate in the present measure, is manifestly of doubtful expediency.

When the bill of 1874 was pending I called attention to the effort made by Congress in 1864 to restrict railroad charges in some detail, and set forth and in brief the discussion of the subject in the House in the following terms:

Now, Mr. Speaker, one other fact. We have heard fervent appeals to the Constitution against this bill. It is singular how we shift grounds here in this House on constitutional questions. This subject has been before Congress once before. I brought it to the attention of the House of Representatives in 1864. It was then sufficiently manifest that at an early day the exercise of this power by Congress would be inevitable, unless the whole country was to be left at the mercy of these monopolies. It was then manifest, as it is now, that it was not the intention, and had not been, of these corporations to content themselves with a reasonable profit on their investments. When was monopoly ever moderate in its demands? The power of monopoly was too great; and great power inevitably leads to great abuses.

Everybody in this country knows that that which is made to represent the wealth of these corporations, the bonds in various forms, and the stocks, represent a wealth far beyond the capital actually invested, and on which reasonable profits should be made. Everybody saw years ago that the thing to be condemned and resisted was the systematic struggle of these corporations by the consolidation and monopoly to make the industries and labor of the whole country pay a profit on fictitious capitals.

It was very manifest in 1864 that the railroads were determined that their fictitious stocks should pay dividends. The times were favorable for such schemes, for the attention of the whole country was engrossed by the then impending struggle for the Union. Taxation was inevitable, and the railroads were resisting taxation.

When I brought this subject to the attention of Congress, I brought it in the best form I could under the necessities of the hour. Congress was considering the subject of the taxation of railroad corporations; it had imposed a tax of 2½ per cent. on to the gross earnings, and inasmuch as New York and some other States east of the mountains had, as to some of their roads, limited the charges for passengers, the people on this side of the mountains having been much more vigilant and considerate of their rights as to these corporations than the States of the West, they were not able to add this tax of 2½ per cent. on to the charges which they were authorized to make. Congress, therefore, was proposing to enable them to escape bearing the burden of the tax themselves by providing that a railroad corporation might add the tax imposed upon it to the cost of transportation of persons and freight, notwithstanding it was limited in its charges by the act creating it. This was a case in which the interference of Congress was invoked in behalf of the railroad.

[Here the hammer fell.]

Mr. HOLMAN. I ask for a few moments longer.

Mr. WILSON, of Iowa. I ask unanimous consent that the gentleman be allowed to proceed.

There was no objection.

Mr. HOLMAN. Congress was asked by the Republican leader of this House to override the legislation of the States fixing the cost of transportation, by permitting citizens to be taxed by the railroads to pay the very tax which was imposed upon the corporations. I then brought forward this proposition in an amendment:

"That whenever any railroad company shall demand or receive a rate of tax for passengers over and above 3 cents per mile for each mile that any passenger may be carried, the excess over such rate shall be deemed and taken as a tax levied upon such railroad company, to be returned and paid in the same manner as is provided in this act for the collection of the per cent. on the gross receipts of said company; provided, however, that nothing herein shall be so construed as to authorize any railroad company to charge and receive a higher price for the conveyance of passengers than shall be allowed by the laws of the State chartering the same."

Would any gentleman suppose that that was a violation of the Constitution? But, sir, strangely enough the appeal to the Constitution on behalf of railroad corporations came from the other side of the House. A gentleman from Vermont appealed to the doctrine of State rights against this manifestly just and fair proposition.

In submitting this proposition to the House I said:

"I trust the importance of this proposition will secure it some consideration. I think no more important subject has been brought to the attention of this committee since the consideration of this bill commenced. It will be observed that the duty imposed on the gross amount of the receipts of railroads is 2 per cent., and the question is whether that 2 per cent. duty imposed upon the railroads shall be paid by the railroads themselves or by the traveling public who are compelled to resort to that mode of transportation. The effect of the amendment is to compel the railroads to bear this duty, and if they charge more than three cents per mile—which is a very fair and liberal compensation—that surplus shall be deemed a tax, and be paid into the Treasury of the United States instead of into the treasury of these corporations.

"Mr. GANSON. I would suggest to the gentleman that if the whole excess over three cents a mile shall go into the Treasury of the United States, no railroad company will charge more than that. I therefore suggest that he make the amount so to be paid in one-half.

"Mr. HOLMAN. I think my proposition will very effectually accomplish the object I have in view. It is to prevent the railroad from adding the tax to the fare on travelers. If they charge more than three cents a mile let the people have the benefit of it through their Government. If you simply propose to tax them upon their gross earnings, they will add not simply 2 but 4 or 5 per cent., and in some instances 10 per cent. upon the travel to the country by the increased fare they will exact. It is asserted that railroads are compelled to increase the fare with the tax. I have compiled from the American Railroad Journal a statement of dividends of a number of the leading roads, East and West, to repel that pretense, and indicate their earnings at the present rates. I ask that it may be read by the Clerk.

"The statement, which was read, is as follows:

Dividends and price of stock of certain railroads during the past year.

Railroads.	Dividends, per cent.	Price of shares.
Illinois Central	7	130
Terre Haute and Richmond	13	125
New York and New Haven	12	160½
New Castle and Frenchtown	9	.....
Indianapolis and Cincinnati	9	100
Michigan Central	8	141½
Camden and Amboy	10	186
Central New Jersey	10	175
Buffalo and State Line	11	201
Cincinnati, Hamilton and Dayton	10	132
Cleveland, Columbus and Cincinnati	20	170
Cleveland, Painesville and Ashtabula	33½	180
Columbus and Xenia	15	.....
Little Miami	15	140
Pittsburgh, Fort Wayne and Chicago	10	114
Pennsylvania	8	75½
New York Central	7	135½

"Mr. HOLMAN. I take the dividends on the Illinois Central from other sources than the Journal referred to, but equally reliable.

"Mr. MORRILL. I desire to ask the gentleman from Indiana whether that percentage is not calculated on the capital of these roads merely, and not on all their indebtedness?

"Mr. HOLMAN. I understand that these are the dividends declared on their capital stock. I take the statement from the American Railroad Journal.

"Mr. MORRILL. Many of those roads have got three or four times as much money represented in their indebtedness as in their capital.

"Mr. HOLMAN. A single instance will illustrate how these dividends are made, and whether the basis is reliable or not. The Illinois Central declared a dividend of 7 per cent. during the past year, and still had remaining of cash assets, after the paying of the last February's dividend, $2,000,000. That is but one of many instances indicating the extraordinary profits of these roads. I take this statement from a leading New York paper.

"Under the influence of the war the profits of most of the leading roads have more than doubled in four years. The capital is mostly held by European capitalists, from whom you receive no other tax than what is imposed upon the roads themselves. They are managed with no reference to public interests or convenience, but only for their own profit, favored monopolies; and yet you impose upon them less tax than the individual citizen must pay, and give them an opportunity—yes, you invite them by the proviso I propose to strike out—to impose the tax you impose on them on the traveling public who possess no remedy against their exactions. The enormity of this proviso I will not attempt to argue. It is infamous, and only needs to be read to be condemned."

Mr. Price, of Iowa, opposed the proposition, and said in the course of his remarks:

"It is impolitic to authorize or restrict railroad companies, for they will always manage in some way to escape from your restrictions."

Mr. Farnsworth, of Illinois, supported the proposition, and said:

"We might as well come at once and declare a tax upon passengers on railroads, for unless you place restrictions in the way, the railroad companies that you tax will exact their taxation out of the passengers. They will increase the rates of fare so as to cover the taxes twice over. This we can prevent them doing in a very simple, easy manner, such as the gentleman from Indiana proposes."

Mr. James C. Allen, of Illinois, supported the measure, and in the course of his remarks said:

"Now, sir, gentlemen who know anything about railroads, in the West particularly, know that as soon as the tax bill passed last Congress they advanced both their passage fares and their freight charges, not in proportion to the tax imposed on them, but upon the principal roads in the West they advanced their fare 1 cent a mile; and I believe some of the roads running eastward to New York advanced their freights from 75 cents to $1.50 on a barrel of flour, and on a barrel of pork, for which they formerly charged $1.25, they now charge $3; so of everything in proportion."

Mr. MORRILL, of Vermont, answering the gentleman from Illinois, said:

"I desire to ask the gentleman a question. I ask the gentleman whether he does not think that these are State institutions which ought not to be interfered with by the Government?"

Mr. J. C. Allen, in reply to this, said:

"Mr. Chairman, we in the West suffer enough now from the exactions of railroad corporations; we have in one sense become their slaves."

The proposition was defeated, but it was evident, from the spirit of the debate, that the oppressive exactions of these corporations would be ultimately resisted.

Mr. E. B. Washburne, of Illinois, was, at the time of this debate, in the chair, and therefore did not engage in the discussion, but he was an earnest supporter of this attempt to limit railroad charges, and was, during his long period of service in this House, the most able, effective, and persistent enemy to the encroachments and exactions of corporations.

I submit the foregoing statement from the public records to show the beginning of this movement and illustrate the spirit of corporate power at a period of great public embarrassment, and to show that while railroad corporations were realizing unexampled profits from public misfortunes they were seeking to escape from the burdens of taxation all classes of citizens submitted to without complaint.

In reviewing the discussion on the bill I have mentioned of 1874, I am astonished to find that the extortions of which our people now so justly complain were then as well understood as now, and this extraordinary delay of Congress in redressing the evils of which the country has so long complained, and complained with so much justice, only illustrates the power these corporations exert in controlling the affairs of Government—their control over the action of Congress.

The vast system of railroads, aggregating 128,967 miles and exercising the absolute power to control the trade and commerce of the country, is a dangerous power in a republic, and when its methods are considered the peril is greatly increased. The capital stock of the railroads of the United States is the sum of $3,817,697,832. Their funded debt is the enormous sum of $3,765,727,066. Their unfunded debt, $259,108,281. Their shares, capital and indebtedness, reach in the aggregate $7,676,399,054. The amount of interest paid last year, $189,426,035, and dividends, $77,672,105. And these billions of dollars of indebtedness, as well as billions of dollars of capital stock, to say nothing of the unfunded debt, are as exacting in their demands as the tax levied by the United States to meet the public debt and requirements of the Government.

And these are public corporations, organized for public purposes, and yet claim exemption from public control. I insist that the right to regulate and control these corporations is absolutely necessary for the public safety. There can be no doubt of the power of Congress to regulate the interstate traffic of these corporations, or of the States to regulate their traffic within their borders and control their charges for transporting persons and freight. The extraordinary privileges conferred on them indicates this.

It must be admitted that the right of eminent domain and sovereign prerogatives which have been employed under the authority of the several States in the creation of these railways, appropriating the property of the citizen and subordinating his rights to a corporation, would never have been tolerated except to promote a high public purpose. Certainly all this has not been done and these corporations invested with perpetual franchises simply for the aggrandizements of the stockholders. Such an interpretation of the laws which underlie this vast system of railway corporations would be repugnant to the spirit of our institutions.

No, sir; these railways are public highways, and these corporations are invested with great franchises for public purposes, and the aggrandizement of the stockholders is subordinate, and must be subordinate, to the public purpose of securing commercial channels at a reasonable cost to the people. The good faith of the States and of the nation requires that these corporators shall be entitled to charge and receive a reasonable compensation for transportation based, perhaps, on the capital actually invested, nothing more; and no charter granted by any State can receive any other interpretation. A charter attempting anything more would be still subject to this limitation by the law of the highest public policy.

I deny that a State of this Union can clothe a corporate body with a portion of her sovereignty and with unlimited power to tax the industry of the people by the monopoly even of advantages, and beyond and above legislative control. "If the Dartmouth College case sustains such pretensions—grants of the State sovereignty from the control of successive Legislatures forever—I deny its authority at this day." But the power of Congress to regulate commerce is not limited by special franchises.

This vast network of railways by the consolidation of corporate power not only monopolizes the channels of commerce, but monopolizes all advantages, and its power is wielded by a handful of successful adventurers. A handful of men emerging from the stock-gambling chambers of Wall street have almost the entire labor of the country at their mercy. A convention at New York of a few railroad kings, made such by the successful manipulation of stocks, determine what tax the industries of the country—this great nation of farmers and mechanics and workmen in every field of productive industry—shall bear. The country has seen how competition disappears before consolidation.

I expressed the foregoing views when the bill of 1874 was pending. I reaffirm them now; and it is now more manifest than then that this enormous railroad system must be subject to the control of the Government or the Government and the people will become subordinate to its interests and demands.

The railroad system has aided in a marvelous degree to develop the resources of the United States, but it must be admitted that it has opened up unexampled opportunities for the fraudulent employment of public grants and franchises for personal aggrandizement.

It is very manifest that those opportunities have not been neglected and that private fortunes have been amassed, within the last quarter of a century, through the public franchises granted to these corporations unexampled in the history of the world, and all this by an almost direct tax on every other industry of the country. The mere statement of capital stock and indebtedness of these corporations clearly indicated the fraudulent method. Capital stock and indebtedness, represented by interest-bearing bonds, $7,842,533,179; gross earnings, $772,568,833; net earnings, $269,493,931. Now, sir, Poor's Manual of Railroads (the highest authority we have on this subject) for 1884 makes this statement:

If it be assumed that the cost in money of all the roads in operation in the United States in 1883 did not exceed, as it certainly did not, the amount of their funded and floating debts, $3,787,410,728, the actual investment was a most profitable one. The net earnings for the year were $336,911,884, a sum equaling about 9 per cent. on their cost. If the fictitious capital could be eliminated from their accounts their success as investments would have no parallel.

Hudson's work, recently published, entitled "The Railways and the Republic," says:

Surely the estimate of Poor's Manual that the actual cost in money of all the railroads in the United States did not exceed their funded and floating debts, an aggregate of $3,787,000,000, and that the fictitious capitalization was $3,708,000,000 is moderate and conservative.

Now, what is the result of all this? If it affected only the holders of these securities it would be a matter of little moment; but this fictitious indebtedness represented by stocks and bonds demands interest and dividends, and the whole of the industries of the country must be taxed to support this vast volume of fictitious securities, greatly exceeding in amount the public debt of the United States at the close of the war. Yes, exceeding the public debt at the highest point it reached more than a billion dollars. The result is manifest; the railroad system with an absolute control of the industries of the country and a power of taxation as systematic and absolute as that of the Government of the United States, by fraudulent methods compels the country to support not only a legitimate capital of $3,787,410,728, but an additional and wholly fictitious capital in bonds and stocks of $3,708,000,000, and the country can not escape this burden even partially except by breaking down the consolidation of the railroad system. It is through this system of consolidation, this pooling of interests, destroying just and wholesome competition, that a few railroad kings are able to tax the whole people at their pleasure, and give solidity and value to a gigantic mass of fictitious wealth.

Our country and our free institutions are undergoing a change the magnitude of which our people hardly seem conscious. The excessive taxation imposed upon our people by the Federal Government far beyond the just requirements of the public service; the enormous grants of our most valuable public possessions, our public lands, heretofore made, and the mass of public securities issued by railroad corporations, which rest upon the industries of the country, are centralizing the wealth of our people to an extent never before experienced in the history of the world. We see vast private estates on the one hand and a growing multitude of impoverished people on the other. The farmers of the country, that great and conservative body of men, who in all ages have been the support of free institutions, find the fruits of their fields burdened by oppressive exactions, and their labor unprofitable.

It must be admitted that the extortionate demands of the railway corporations on the labor of the country are a leading cause of this discouraging condition in our affairs. Great corporate interests, always exacting, extortionate, and despotic, and great private estates, always timid, have no faith in free institutions or a free people, but seek the shelter of a strong government. Hence the extraordinary effort we are now witnessing, at a time of profound peace, with higher guarantees, if possible, than those we have formerly possessed of peace with all the world, to place this Government on a military foundation. I admit that Congress is making concessions to the great capital interests slowly, but the movement goes on without pause. Unconsciously we drift into the old methods of government from which our fathers believed they had forever emancipated our Republic.

Any measure, therefore, that will restrict the aggressive tendencies of these corporations and secure the wholesome power of free competition and put an end to the practice of unjust discriminations between persons dependent on railroad facilities, will so far at least be of benefit to the people and will curtail the power for evil of these corporations. This bill aims at the following results:

1. It prohibits unjust discriminations and favoritism to any particular person, company, or corporation.

2. It prohibits any railroad company from charging a greater price for transporting persons or freight for a shorter than a longer distance on the same line.

3. It prohibits the pooling of freights of different and competing railroads or dividing between them the aggregate or net earnings of such railroads or any part thereof.

There are many subordinate provisions of the bill of value, but this statement presents the leading features. I sincerely regret that such large power is conferred on the commissioners over the question of charges for a shorter than a longer distance. I think the rule should have been absolute. I regret indeed the creation of this commission, but it is a small evil compared with the great good sought to be secured.

Considering the bill as a whole I give it my cordial support, yet it is clear that it will require years to perfect the measure. It is certain that the Government must regulate and control these powerful corporations, else they will control the Government. This bill is at least a good beginning, but the work will not be completed until the legislation of Congress shall establish beyond question that the imperial franchises conferred upon these corporations were designed to promote public interests and advance the public good, and not for the mere purpose of creating imperial private estates; that the Government—not a few railroad kings, arrogant in the possession of imperial power—shall determine what are fair and reasonable charges for the transportation of persons and freights.

This measure, too, will encourage the States to exercise the power they possess to regulate the local railroad traffic within their borders, and with the passage of this bill the hope may be indulged that in the course of a few years, by the united action of the Federal Government and the States, within their respective jurisdictions, this gigantic system of railroad corporations, organized for the public good, but with its enormous powers perverted to the purposes of extortion, injustice, and personal aggrandizement to an extent that no Government, monarchy or republic—with any remaining sense of justice could tolerate, will be brought within the proper control of law, a subject and servant of the Government and not its master, the agent of the people and not their arrogant oppressor.

After these years of contest I congratulate this House on the certainty that this bill will soon become a law; that one system at least of corporate franchises and overbearing monopoly, which has hitherto employed its combined powers in the amassing of imperial private fortunes by extortion, oppression, and injustice, will be placed under the restrictions of imperative law. This measure, at least, is an auspicious beginning.

Legislative, Executive, and Judicial Appropriation Bill.

SPEECH
OF
HON. GEORGE C. CABELL,
OF VIRGINIA,
IN THE HOUSE OF REPRESENTATIVES,

Monday, February 28, 1887.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. CABELL said:

Mr. CHAIRMAN: I do not feel like undertaking to discuss this bill in the short time allowed me; but it has been criticised by a number of gentlemen with a good deal of severity, and I think something ought to be said in reply. Complaint has been made that the bill has been retarded; that it has not been brought before the House in good time. If that be so, whose fault is it? This bill was reported to the House upon the 3d day of February, and from that day on until now it might have been taken up and considered at any time. At least three distinct attempts have been made by the chairman of the subcommittee, my friend Mr. HOLMAN, to take up the bill for consideration, but the House declined to do it. Therefore, if there is a fault anywhere, let the House take it to itself, and not ascribe it to the Committee on Appropriations.

That committee may not have brought in a bill to suit everybody. To do that were impossible. No committee, gentlemen, could have done that, and I take it for granted, as you upon consideration will do, that the great clamor raised against this bill results from the fact that the friends of some gentlemen were not allowed to put their hands into the Treasury as deeply as they desired, rather than from any defects in the bill itself. It was the duty of the Committee on Appropriations to reduce the expenditures of this Government as far as it could. Not only the House but the country expected that; and it certainly comes with ill grace from Democratic members of this House to complain when the Committee on Appropriations have reported a bill which gives evidence of economy and a regard for the public interests.

Amongst those who have complained about this bill coming into the House at so late a stage in the session is my distinguished friend from Louisiana [Mr. BLANCHARD]. I do not think it lies in the mouth of that gentleman, who is a shining light upon the Committee on Rivers and Harbors, which committee has been twice before this House upon a suspension of the rules—I say I do not think it lies in the mouth of any gentleman representing that committee, for whom we had to stand aside, to complain of the Committee on Appropriations for bringing in this bill at so late a day or any other day. Another gentleman who has complained is my friend from Illinois [Mr. CANNON]. I am astonished at that. Mention was made while he was addressing the House of the fact that the Committee on Appropriations was summoned here in November, in advance of the session of Congress, to make up all the bills for which that committee is responsible.

That is true; and who was it that failed to appear to help to perform that duty? My friend from Illinois [Mr. CANNON] was one of the delinquents. And not only that, sir, but I will only add—and I am sure he will not take it amiss—that the work of the committee was further retarded by the absence of that distinguished gentleman while he was seeking a seat in another portion of this Capitol. [Laughter.]

Therefore, it does not come with very good grace from that gentleman to make such criticisms as he has upon the committee of which he is a member.

Our friend Mr. BUTTERWORTH, another member of the Committee on Appropriations, has aired his views in a criticism of the actions of his committee. I challenge the propriety of his criticisms also. Amongst other things he claims that this House is but the sounding board of public sentiment, and that the members are moved by every popular breeze. Perhaps that is true, but is not the gentleman himself somewhat amenable to the infirmities of his brethren, and does not he sometimes "catch on" and utilize the popular breeze in his own behalf? Methinks I remember that but a short time ago, after having made an eloquent speech—such as he generally makes—upon the interstate-commerce bill—I think—he retired from this Hall, caught a little of the popular breeze overnight and came in next morning and voted for a bill of abominations, as he must have regarded it, which he had so eloquently denounced the day before. [Laughter.] Under all the circumstances we can not esteem very highly the taste which inspired the gentleman's criticisms upon the consistency and labors of the Committee on Appropriations.

The fact is, Mr. Chairman, we have done the best we could. We have done about as well as any other fifteen men could or would have done under the circumstances. It is easy for gentlemen to throw their own shortcomings upon the shoulders of others, and the Appropriations Committee seems to be the annual scapegoat of this House; and it has become somewhat of a habit that when a member goes before his constituency to give an account of the deeds done in this body, he finds it very easy for him to say that "that great bugbear, the Committee on Appropriations, is responsible for all my sins and failures." [Laughter.]

Some gentlemen nurse this idea with such tenacity, that they really persuade themselves, and would have their constituents believe, that they are the victims of a ruthless band of financial marauders—this so-called "autocratic committee" whose mission culminated in the endeavor to ruin the country, to strand the hopes and wreck the achievements of every member of this House outside of their own little "family circle." This fancy may beguile the statesman and soothe his disappointments, but it will hardly satisfy either the country or the, perhaps, too inquisitive constituents. The demand will be as it has ever been—"tell us of the good deeds you have done, rather than the evil that somebody else has wrought." The present Committee on Appropriations I suppose fairly averages with its predecessors. In my association with its members I have never heard that they claimed infallibility or desired to grasp power or usurp authority. That they have labored faithfully to discharge every duty I know, and so does every well-informed member of this House. In my experience here I have never known the work of any appropriation committee please everybody; of course not; it was not desirable that it should. The very fact that the committee has stood as a breakwater between the people's treasury and its hungry assailants inside and outside of Congress is a fruitful cause of offense to many. This House no doubt—the people certainly—will appreciate every effort towards reasonable economy.

The majority of the committee endeavored to redeem our party's pledges to the country. For this we are assailed. Certain gentlemen without regard to consistency in one breath assail us for decreasing salaries, in the next for increasing them. What are the facts? The aggregate increase of salaries in this bill amounts to $4,100, the aggregate decrease to largely over $100,000. Before the advent of the Democratic administration there were loud complaints of the great number of officials and the extravagant salaries paid them. No sooner were many of our people—after much tribulation it is true—put in position than they began almost with one accord to clamor for "more pay." During last session and this they came down upon our committee singly, in squads, and almost in battalions.

Not always alone, however; their Republican brethren—too many of whom in my judgment have been kept in office—came along too. The high official and the low, the efficient and the inefficient—if all could not come they generally had representation—all and each wanted something more, and each and every man could show with unerring logic why of all others his salary should be raised. The committee could not always see matters in the same light as those who were seeking more. Their memories reverted to promises of two years or more ago, perhaps, and their visions annihilated space and rested in perspective upon countenances of beloved constituents shortly to be confronted. For these and other reasons not many new offices were created, some were dispensed with, but few salaries were raised, many were cut down, and appropriations for a number of objects decreased. "Hence these tears."

The general reductions in the bill foot up over $400,000. Now let us see whether the quondam economists of the House will sustain the committee's action. You must do so, gentlemen, or prepare to show to the country why you do not. When a bill is brought into the House by a committee providing for a decrease of expenditure and goes out greatly enlarged, a very "meek-minded" constituency would know where to place the responsibility.

That there may be defects in this bill I do not deny—there are provisions in it which I do not approve—but it presents the results of the best efforts of a hardly worked committee anxious to legislate for the best interests of the country. The objections taken to it, I say again, are that more money was not given. In view of all the facts should

more have been appropriated? The country is yet burdened with an enormous debt. Its yearly expenditures are increasing, while the ability of the people to pay withering taxes is diminishing. When the late war ended the public debt amounted to $2,773,236,176.69. Notwithstanding the fact that the enormous sum of $7,353,000,000 has been collected from the people since the 1st day of July, 1866, in the shape of taxes, the public debt is to-day about $1,730,000,000. This is a bad exhibit, but it is not all. Although nearly twenty-two years have gone by since the late unhappy war, war taxes have been kept up, tariff taxation has been but little reduced, and that miserable system of internal taxation despised by our fathers and abhorred by their children yet remains to insult the intelligence and blight the prosperity of the people of a large part of this country.

The spy and the informer yet holds his place; the commissioner and the marshal still do their baleful work; and the collectors of the country wring annually from a hapless people more than $116,000,000—the spoils of a horrid law. For myself, I can say that I have labored for years to rid the country of an oppressive system. In season and out I have besought Congress to grant this measure of relief to the people, and my greatest regret as I go out of public life, as I shall do in a few days, is, that I have not been permitted to witness the abolition of a system undemocratic, unrepublican, un-American, and which has never conferred benefits commensurate with its burdens and enormities.

But to return to the bill, Mr. Chairman. I aver that the criticisms directed against this bill are groundless, and I warn gentlemen, especially of the Democratic side of this House, that any material departure from the provisions of the pending bill will result in the final passage of a measure worse in every respect than the one here presented. This bill provides for a great reduction in the expenses of the Government. In the name of all good conscience if we can not remove existing burdens from the shoulders of the people, at least let us not impose new ones upon them.

Transportation of Mails to Foreign Lands.

SPEECH

OF

HON. NEWTON C. BLANCHARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 24, 1887.

The House being in Committee of the Whole on the state of the Union for the consideration of general appropriation bills, and having under consideration the amendments of the Senate to the bill (H. R. 10793)making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888—

Mr. BLANCHARD said:

Mr. CHAIRMAN: The proposition over which this controversy has arisen is an amendment placed on this bill by the Senate making an appropriation of $500,000—for what? To pay for the transportation of our foreign mails to the Empire of Brazil and the Argentine Republic and the Republics of Uruguay and Paraguay, and to the other South American republics. To my mind it is a misnomer to call it a subsidy, and that scarecrow set up over this amendment shall not deter me from voting for it.

We have tried the present system of endeavoring to build up a mail service between our country and our neighbors on the south, and our policy in that respect has proven a dismal failure.

Underlying this Senate amendment are sound business principles. If we have failed under the present system of paying inland and sea postage for the transportation of our foreign mails, which is only 5 cents a letter, let us embark in another policy, that of putting money into the hands of the Postmaster-General to enable him to pay out what is necessary to secure direct and regular transportation of mails between our country and our sister republics in South America.

This is not a new policy. I hold in my hand a statement which I will read. From 1848 to 1860, both inclusive, a period of thirteen years—and a period, I will say to my Democratic friends, of Democratic ascendancy, of great Democratic administrations under whose wise rule our country grew, flourished, and developed—under those administrations and in that period of thirteen years there was appropriated $16,542,722.54 for carrying our foreign mails, of which $16,232,529.19 were paid to American ships, leaving only $310,193.35 which was paid to vessels of foreign register for carrying our mails. I cite this to show that this Senate amendment is no new departure; that in those thirteen years we spent those millions of dollars in order to acquire direct and regular mail communication between our country and foreign countries.

It was no more of a subsidy then than now. It was merely paying an adequate price for what we wanted, and that is just what it is at the present time—no more and no less.

Mr. Chairman, the three following reasons given in a business periodical of the day express exactly and tersely my judgment of the situation, and fully justify the vote I shall cast in favor of this amendment:

First. Three-quarters of the mail routes of the United States would be suspended if the same principle was applied to them that our Government seeks to apply to ocean mail service, namely, that only the postage earned on that particular route should be given as compensation to the carrier.

Second. The experience of all other nations, with whom we must compete for the trade of the world, shows this, and in consequence they assist in the establishing of steam lines by paying a liberal compensation for mail service until trade is sufficiently developed so that the lines become self-sustaining when the amount of such pay is reduced.

Third. All Central and South American countries would naturally trade with us if we had quick and frequent steam communication, but a large part of the correspondence of American merchants now goes via Liverpool to be distributed to these countries by English steamship lines, and even the disbursements of our Navy and consular officers have to pay tribute to foreign bankers by passing through London.

Besides, sir, if I understand the English language, the Postmaster-General, in his last annual report, has strongly recommended something of this sort. I quote from his report:

In the appended report of the foreign mails office a particular statement is given of the quantities of mail matter transported by, and of the payments and rates to, each of the various companies which participated in this service, with much other interesting matter.

Petitions, numerously signed by well-known and enterprising merchants and manufacturers of New York, Philadelphia, Baltimore, New Orleans, Saint Paul, Minneapolis, and other places, have been presented to the Department for the establishment of direct and regular mail communication with the Argentine Republic, the Republics of Uruguay and Paraguay, and for a semi-monthly service to the Empire of Brazil. These petitions represent that within a few years past the Argentine Republic has increased in population and wealth with greater proportionable rapidity than any other country on the globe; that our manufactures, particularly machinery and coarse cottons, are in demand there, but our trade is limited by the lack of direct mail facilities and direct passenger and freight lines; that our direct monthly mail service to Brazil has increased our exports of manufactures to that empire; and it may be confidently expected further advantageous results would follow the solicited enlargement of mail communication.

No authority of law exists of which the Department can avail itself to meet this request. The statutes now give power to employ only such vessels as may be intending voyages to foreign ports in the course of their trade. It has been a constant study to secure by such means the greatest possible frequency and celerity of dispatch, and every opportunity afforded by the sailing of any vessel promising any such advantage has been promptly seized, so that, at the present time, the Department enjoys the best methods for the transportation of its mails to foreign ports which the existing establishments of lines of ships or the occasional sailings of vessels foreign-bound render possible. No gain in regularity, frequency, security, or speed can be obtained unless other ships shall be put upon the seas by private adventure or by foreign powers, or other provision shall be made by the Congress.

The particular application of these petitioners appears to me to be entitled to serious consideration. There is now direct mail communication between this country and no port south of Rio de Janeiro. To the latter the ships of the United States and Brazil Mail Steamship Company afford but one dispatch a month. To more northern ports of the Brazilian Empire somewhat greater frequency is attained by the occasional use of other vessels; but the sailings of these are not regular, and the gain by their employment is but moderate. It is not to be doubted that the extension of direct service to the southern republics of the continent, and regular semi-monthly service to the Brazilian metropolis, would be valuable and desirable, measured by the principles which should alone govern sound postal administration. The application of the petitioners is entirely distinguishable from the subject which was discussed in the last report, and was thoroughly considered and wisely resolved by the Congress, at the last session. The proposal then negatived was to pay all existing American companies for no more and no better service than they now render, and for years had rendered, a compensation much beyond what they had been accustomed to receive, and much beyond the limits of adequate remuneration. It would have secured no additional advantages to the postal service; but, instead, would have multiplied its cost, with no other tendency than to enable existing carriers to intimidate competition, and thereby restrict the increase of facilities available for the service, as well as for commercial intercourse. It would have been not only an unnecessary but a pernicious bestowal of the public money on one class of carriers.

This application suggests the augmentation of existing service and the creation of new with the particular states, in both aspects desirable; the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner. The requisite expenditure would be for something worthy of expenditure, and within the general usage and the sound principles of the postal service. It should ever be regarded as wise administration to keep postal facilities rather somewhat in advance than in anything lagging to the rear of all the proper requirements of intercourse excited by the ties of blood or race, popular education and enlightenment, trade and commerce. Upon this footing very many domestic routes are maintained at a cost many times beyond their immediate and direct returns, but undeniably to the great increase of the country's general welfare; and whenever the substantial need of intercourse by the mails rises provision for such communication is promptly made.

These considerations suggest inquiry whether there be the need of such mail communication with the mentioned countries of the southern continent, whether that need be worthy of special effort to meet it, and whether it can be supplied at a cost justifiably adequate to the present and prospective value of the proposed intercourse. The determination of these inquiries rests with the Congress, and the Department is privileged, and by its information able, only to express the general opinion that such service would be highly useful and is fairly demanded by the interests of the country, and its early establishment should be attempted; and I respectfully suggest that you invite the attention of that body to the subject in such terms as shall commend it to careful consideration. Should the recommendation meet with favor in its general aspects, the Department might be authorized to solicit proposals for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise.

There is good reason for the expectation that such an invitation, open to fair and general competition, for a service of a sufficient duration to warrant the requisite provision of vessels, would result in proposals that would enable a desirable contract to be made and a system of communication to be established of great and lasting advantage to the United States. The rapid development and growth of the countries in view, their lack of manufacturing establishments of their own, the desirable character of their products for exchange, and the advantages of extending the fields of enterprise of our citizens, as well as of creating firmer ties between the peoples of our continent, invite the extension and

enlargement of our postal facilities by every just, reasonable, and economical method in consonance with sound principles.

Mr. Chairman, the argument presented so clearly by the Postmaster-General is sufficient for me. I need not look further. I am ready to vote this $500,000, to place this money in his hands, so that a step may be taken in the direction so plainly pointed out by him. The House Committee on the Post-Office and Post-Roads recommended nothing in this respect. They simply ignored the Postmaster-General's recommendation. The Senate has treated him with more consideration. They have suggested something. Let us take it rather than continue longer in a miserable policy of denial and negation.

Mr. Chairman, there is within the limits of this great country of ours one-sixth of the world's entire wealth, and we are growing in wealth at the rate of $2,000,000 a day, more than twice as rapidly as the nearest and most formidable of our rivals, Germany and Great Britain, and nearly six times as rapidly as the most prosperous of our other rival nationalities.

The American people are already doing one-third of the world's mining, one-fourth of its manufacturing, one-fifth of its agriculture, and one-sixth of its banking—and that upon a territorial capital of but one-eighteenth of the world's land area, and that, too, but very partially reduced to use.

These, sir, are grand and glorious achievements. But what have we done in another direction—in the great national and international direction of the transportation of the world's commerce? Sir, in that respect we are behind nations of the fourth and fifth-rate character.

I say, sir, down with the policy that keeps us down in this respect, and up with the policy—broad, liberal, international—which will build up our foreign carrying trade, which will give us the broad range of the oceans, even as we have on land the undisputed range of nearly one-half of a great continent of the world.

I shall, therefore, sir, vote for this Senate amendment; and no bold, vehement, declamatory, speech on the other side of this question, no attempt at whipping into traces, no drawing of party lines upon a question essentially non-political, shall deter me from so doing.

[Here the hammer fell.]

Death of Hon. Lewis Beach.

REMARKS
OF
HON. JOHN J. O'NEILL,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,
Tuesday, February 8, 1887.

The House having under consideration resolutions announcing the death of Hon. Lewis Beach, late a Representative from the State of New York—

Mr. O'NEILL, of Missouri, said:

Mr. SPEAKER: I came here to-night to pay a slight tribute to the memory of Mr. Beach, one with whom I was intimately associated. During my first winter in Congress we occupied adjoining suites of rooms in the same hotel, and it is in that close communion where you are brought together every day and every night that you begin to realize the hidden worth of a man which is not manifest always in his discharge of public duties.

In all my experience among men I have never known a more earnest or a more conscientious and faithful representative of what he deemed to be his duty than Mr. Beach. He had a conscientious fearlessness that carried him so far that he was willing to stand in this House solitary and alone, objecting to the consideration of measures that he thought should have been brought up at a regular time and presented in accordance with the regular mode of procedure. While he incurred for the time being the hostility of men when he objected to special measures they desired to pass, still that earnest, steadfast purpose of Mr. Beach to discharge his duty ultimately won the respect of every member in this House. And when, after his lingering illness, the sad news came that Lewis Beach, of Cornwall, was dead, I know that every member felt that the American people had lost a fearless, an earnest, and an honest representative, and that Congress had lost one of its most useful members.

I realize that to-night we have met here for the purpose of paying a tribute not alone to the memory of Mr. Beach, but also to that of Mr. Dowdney, and also Mr. Arnot, late members from the great State of New York, all of them possessing peculiar excellencies that endear their memory to us all.

Of John Arnot I will say he was an earnest, honest man, not brilliant, but exact and correct in every detail of life, a man who simply recognized the one object in life that no matter what your duty was you should discharge it fearlessly, and persevere until it was accomplished.

Concerning the late Mr. Dowdney, I was one of the committee that went with the delegation from this city to New York to pay the last tribute of respect at his grave. I know that the members with whom he came in contact could easily appreciate how that simple, unassuming man, by close attention to his business, had achieved a position in New York, not alone a position of independence so far as financial matters were concerned, but had obtained the confidence of the people of that city until they elected him to the highest office in their gift. And standing by his grave I could not help realizing what a mere trifle are earthly ambitions when, in the midst of the possession of the highest honors in the gift of the people, we are cut off, leaving simply behind us the heritage to our posterity of the reputation that while in public life we honestly and earnestly discharged our duty.

Sugar-Making by Diffusion—Government Experiments.

A letter from the late Professor Silliman; report of the National Academy of Sciences on Government sugar experiments; and sundry reports upon the experiments at Fort Scott, Kansas, &c.

SPEECH
OF
HON. J. FLOYD KING,
OF LOUISIANA,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, March 2, 1887,

On the bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes—

Mr. KING said:

Mr. SPEAKER: I would like to ask the gentleman from Missouri if I understand him now to be in favor of using this appropriation for continued experiments in the diffusion process, under the chemist of the Agricultural Department.

Mr. HATCH. I will say this much to my friend from Louisiana: That I am informed, and the Commissioner of Agriculture has so stated to more than one member of the Committee on Agriculture, both in the House and Senate, and it was stated in conference when pressed by the Senate to agree to the terms of this amendment, that the present chemist who had charge there would not have it this season.

Mr. KING. That is not the question. I want to ask the gentleman this: Are you in favor of additional appropriations for the purpose of making experiments by the diffusion process? I wish to address myself to the Senate amendment looking to the expenditure of $50,000 for continuing the experiments in the manufacture of sugar by the process commonly known as diffusion; and I simply wish to call the attention of the House to some facts in connection with this matter which I think the House should be fully possessed of, and which should go to the country. For the past seven years, year after year, appropriation after appropriation has been made by this House for this purpose, now amounting to $330,300 altogether.

Of this amount all but $46,800 has been appropriated during the last five years, to be squandered in the most scandalous manner by Chief Chemist Harvey W. Wiley, who has had the unrestricted control of it, and who will have control of the $50,000 which the pending bill proposes to add to it for the fiscal year ending June 30, 1888.

Suit has been entered by the United States against ex-Commissioner of Agriculture George B. Loring for the recovery of some $21,000 of these appropriations, which the First Comptroller of the Treasury decides have been unlawfully expended, and preliminary steps have been taken to bring a similar suit against the present Commissioner, Colman, for the recovery of $1,800 expended in the same unlawful manner. These unlawful expenditures were made by Chief Chemist Wiley, in charge of the sugar business of the department, but the Commissioners are held responsible.

PRESIDENT CLEVELAND

removed Commissioner Loring immediately after his inauguration and afterwards instituted suit against him for the recovery of money appropriated for experiments in the application of diffusion in the manufacture of cane sugar, but which the Commissioner had permitted the Wiley foreign sugar coterie to squander in the purchase of a cargo of imported beet seed.

It is time that this waste of money should be stopped; and I wish to call the attention of the House and of the country to the matter.

I am as much in earnest in my desire to have an honest experiment in the application of diffusion in the manufacture of cane sugar, which it is estimated will result in a saving of $5,000,000 per year to the sugar planters of Louisiana alone, as any man on this floor or in this country.

But in this Department of Agriculture they have made failure after failure, and upon the most frivolous pretenses come here again and again for more money, hungry for the people's money to be squandered.

Now you come back again for $50,000. I understood the chairman

of the committee to tell me two days ago he would oppose this amendment if brought from the Senate. Now he comes with that amendment here and endeavors to crowd it down the throats of the members of this body without discussion. I say it is an improper way of spending the money of the people of this country, and I beg members to vote down this appropriation. Strike it from this bill and pass no appropriation until you can have these moneys spent honestly and for the purposes for which they are intended.

THE WILL OF THE HOUSE SHOULD BE OBSERVED.

I believe that the will of the House should be observed in this matter, and that we ought not to go on year after year voting these appropriations in blind obedience to the Department of Agriculture. I believe with the late Professor Silliman, as expressed in his letter to Hon. Abram S. Hewitt, that the Government sugar experiments should be conducted independently of the Department of Agriculture as it has been organized for five years past. The letter is as follows, and I commend it to the attention of the House and to the people:

NEW HAVEN, CONN., *January* 24, 1884.

MY DEAR MR. HEWITT: Yours of the 20th came in during my absence, and in reply to your inquiry I must say that I doubt if cane-sugar can be made at a profit at the present state of the art without a protective duty.

I am, on the broad ground of good statesmanship, in favor of free trade. But practical statesmanship, it appears to me, must admit the wisdom of France in the beet-sugar industry. It needs no augmental proof that, save for the aid offered by that Government, the remarkable result could never have been attained by producing sugar from that source at a cost to compete with the Cuban muscovado, as was true here in New York and Philadelphia this past season.

We are far from having reached a full knowledge of the conditions under which cane sugar can be best produced. If the whole matter could be placed in the hands of a commission with Dr. Collier at its head to carry on the investigations independently of the Agricultural Department, as at present organized, a satisfactory solution of this question might be anticipated. It was a part of my purpose when in Washington to have stated to you more fully than can well be done in a letter my views on this subject. But the very dismal weather on the last day of my stay kept me housed, not being then very well. I hope I may yet enjoy this opportunity at an early day.

Yours faithfully,

B. SILLIMAN.

Hon. ABRAM S. HEWITT, M. C., *Washington, D. C.*

PROFESSOR SILLIMAN ON PROFESSOR WILEY.

It should be borne in mind that Professor Silliman was chairman of the sugar experiment committee of the National Academy of Sciences, whose report I shall refer to later on, and when he wrote the above letter he had examined the work of Chief Chemist Collier, whom Commissioner Loring removed without cause, and also the work of Chief Chemist Wiley, who had been appointed in the place, and after a careful examination of both, condemned Wiley and recommended that the sugar experiments should be conducted "independently of the Department of Agriculture as at present organized," under Wiley and "put in the hands of a commission under Dr. Collier."

Here is Professor Silliman's letter. It speaks for itself. The further communication which he promised Mr. Hewitt was prevented by death, and the contemplated investigation was never made. Harvey W. Wiley, the present chief chemist, has remained in control of the Department of Agriculture since 1882—squandering the appropriations as they have been made year after year. I hold that we should either stop these appropriations or place proper restrictions around their expenditure.

THE NATIONAL ACADEMY OF SCIENCES.

The Senate, by resolution of July 1, 1882, directed the Commissioner of Agriculture to transmit the reports of the chief chemist of the Department upon sugar experiments to the National Academy of Sciences for "report and investigation."

The following committee on sugar experiments was accordingly appointed by the academy to make the "investigation and report" requested by the Senate under resolution:

Benjamin Silliman, M. A., M. D., chairman, professor of chemistry, &c., Yale College.

William H. Brewer, Ph. D., Norton, professor of agriculture, Sheffield Scientific School, Yale College.

Charles F. Chandler, Ph. D., professor of chemistry, Columbia College, New York.

Samuel W. Johnson, M. A., professor of theoretical and agricultural chemistry, Sheffield Scientific School.

J. Lawrence Smith, M. D., late professor of chemistry, University of Louisville, Ky.

Dr. Gideon E. Moore, Ph. D., consulting and analytical chemist, New York.

Dr. C. A. Goessmann, professor of chemistry at the Massachusetts Agricultural College at Amherst.

This committee made its report to Hon. David Davis, President of the Senate, through the Commissioner of Agriculture, on the 10th of January, 1883. The conclusions reached are stated by the committee, as follows:

FUTURE INVESTIGATION.

Although much important work has been already accomplished and results fully repaying the care and expense bestowed have been attained, there yet remains a vast amount of work demanding further investigation. Even granting that the questions already settled may suffice to place the cane-sugar industry upon a safe and profitable footing, it by no means follows that it may not be made more profitable.

Under the careful supervision of science from its earliest infancy, the beet-sugar industry has so advanced that to-day 38 per cent. of the world's supply of sugar is derived from this source—a plant poorer in sugar, more expensive in cultivation, and far more difficult and costly in the means required for the extraction of its sugar than sugar-cane—and yet under this scientific supervision it stands practically the sole rival of the cane as a source of supply for sugar.

Perfected processes and improved appliances have enabled the manufacturers to obtain practically all of the sugar present in the beet, either as sugar or molasses or spirits, while, on the other hand, it is estimated that fully one-third of all the sugar in the cane is burned up in the bagasse upon the sugar plantation.

The same methods, the same apparatus, the same waste which are in use and characterize our production of sugar from cane obtains in its production from sorghum. Sixty per cent. of juice from an actual 90 per cent. is the maximum yield of our cane mills. This, then, remains a matter for future experiments and solution.

The methods of defecation in the process of manufacture are completely unsettled, and the greatest difference of opinion and practice prevails among cultivators and manufacturers.

The use of lime or of some other alkaline agent, the removal of the sediment, and the treatment of both the scum and the precipitate demand further investigation.

The same is true of the use of sulphurous acid or oxide, in solution or in vapor, which is open to many doubts in the minds of the sugar-masters—doubts which may be empirical, but which careful research alone can dispel and confirm. It is worse than idle to dogmatize on matters of this description, but dogmas will prevail where sound evidence is wanting.

There are chemical agents which may be tried in connection with cane-sugar production of which, as yet, we have no recorded experience and no laboratory guidance; for example, the action of sulphites and hyposulphites of the alkalies and of alkaline earths in place of sulphur fumes or sulphurous acid.

There is a wide range of experiment possible in the methods of clarification by other agents than those familiar at present.

We are ignorant of the possibilities which may attend the attempt to reduce the sucrose to an insoluble lime-salt which can be kept indefinitely and transported as flour.

The extensive literature of the sugar industry, enriched during the half century or more since the days of Napoleon I by the labors of the best technical chemists of Europe, is far from being exhausted in the search for data long slumbering in almost forgotten pages from which important suggestions may arise in aid of the cane-sugar industry.

We must not rest until an economical and rapid method is discovered to save the loss of about 40 per cent. of the juice which is now wasted in the begasse. Such an invention would enrich the world equally in the tropics and all cane-growing countries as in the fields of sorghum. But such methods are perfected only as the fruit of research, and this must not be relaxed when we are possibly on the verge of success.

It will be found on consulting the records of the Department of Agriculture that a notable amount of good work has been done in this direction by the chemical division, and it is clearly desirable that it may be made a subject of further inquiry. The committee are of the opinion that many important questions are yet unsettled, some of which have been indicated in this report; and that the sugar-producing industry of the whole country, both the tropical cane in the South and the sorghum, will derive yet greater benefits from the continued investigations of the chemist of this Department (Dr. Peter Collier), to whose former work we are already so much indebted.

B. SILLIMAN, M. D.,
Professor of Chemistry, Yale College, Chairman.
WM. H. BREWER, PH. D.,
Norton Professor of Agriculture in Yale College.
C. F. CHANDLER,
Professor of Chemistry, Columbia College, New York.
S. W. JOHNSON,
Professor of Agricultural Chemistry, Yale College, and Director of the Connecticut Agricultural Experiment Station.
GIDEON E. MOORE, PH. D.,
Consulting and Analytical Chemist, New York.
J. LAWRENCE SMITH, M. D.,
Louisville, Ky.

AN UNFORTUNATE CHANGE.

Shortly after the above report was made Commissioner Loring dismissed Dr. Collier and appointed the present incumbent, H. W. Wiley, who he brought from Indiana for the purpose.

Since his appointment this man Wiley has had virtually the control of the patronage of a department amounting in the aggregate to about $2,500,000, and absolute and unrestricted control of appropriations for the chemical division, amounting during the period of his mismanagement to $284,500, appropriated mainly for experiments in the application of the diffusion process in the manufacture of cane-sugar; and yet in all these four years, and for all the annual appropriations, Wiley has not made one pound of cane-sugar by the diffusion process in Louisiana or in any of the Gulf States.

THE LOUISIANA SUGAR PLANTERS' ASSOCIATION

utterly repudiated Wiley at its regular monthly meeting last May. Some days before the meeting Hon. Duncan F. Kenner, the president of the association, asked and received from me permission to read my letter of April 3, thoroughly exposing Wiley's true character, at the meeting.

In that letter I stated that the Department of Agriculture had, in my opinion, expended thousands of dollars in the vain attempt to educate Wiley as a chemist and sugar engineer; that Western Senators and Representativess had expressed a determination to oppose all further appropriations to be expended by Wiley, and that at least two members of our delegation felt inclined the same way.

I stated also that a well-known Kansas sugar engineer and chemist had been appointed to conduct the sorghum experiments, and suggested that a new superintendent should be appointed, in place of Wiley, to take charge of the tropical cane experiments in Louisiana.

My letter was read, as requested, and printed, as is shown by the following from the secretary of the association:

[Louisiana Scientific Agricultural Association, Professor W. C. Stubbs, director sugar-experiment station, Kenner, La.]

OFFICE OF THE SECRETARY, 6 CAMP STREET,
New Orleans, La., May 28, 1886.

DEAR SIR: At the regular monthly meeting of the Louisiana Sugar-Planters' Association the following resolution was unanimously adopted:

"*Resolved*, That the very interesting letter of General KING, and his defense of the sugar industry of Louisiana in the matter of diffusion, be published for the benefit of the planters not present to-night.

Yours, respectfully,

J. Y. GILMORE, *Secretary.*

Hon. J. FLOYD KING, *Washington.*

At the same meeting a letter was received from Commissioner Colman, announcing the postponement of the Louisiana diffusion experiments, for which we had appropriated $111,500, another year, and referred to the executive committee and never acted upon.

It will be seen, therefore, that the National Academy of Sciences and the Louisiana Sugar-Planters' Association are thoroughly in accord in this matter. They hold that the experiments should be conducted independently of the Department of Agriculture. The chief chemist has, indeed, a little coterie of retainers, who have profited by the squandered appropriations, but the solid men of Louisiana expressed their sentiments by passing the above resolution *unanimously!*

THE NEW ORLEANS PICAYUNE INVESTIGATION.

During the summer and fall of 1885 and the winter following, I made a careful investigation of this subject, and gave the results in an interview with a special correspondent of the New Orleans Picayune, which was published in its issue of February 3, 1886, as follows:

DIFFUSING MONEY—THE GOVERNMENT EXPERIMENTS IN SUGAR-MAKING BY DIFFUSION—STARTLING DISCLOSURES—$218,800 APPROPRIATED IN SIX YEARS, AND NO DIFFUSION EXPERIMENTS IN THE SOUTHERN STATES—SERIOUS CHARGES BROUGHT AGAINST THE CHIEF CHEMIST BY A UNITED STATES SENATOR—AN INTERVIEW WITH GENERAL J. FLOYD KING.

[Special to the Picayune.]

WASHINGTON, *February* 1, 1886.

It is announced here that "the eighth annual convention of the National Sugar-Growers' Association is to be held at Saint Louis on the 16th and 17th of this month," and that Professor Wiley, chief of the chemists' division of the Department of Agriculture, and for some years past in sole charge of Government diffusion experiments, mechanical and chemical, will be present, to give an account of his recent visit of two months in Europe for the purpose of investigating the system in use there in the reduction of beet-sugar, &c., which is expected to be of great interest.

Seeing this announcement and remembering that the First Napoleon introduced the beet-sugar manufacture in Europe, and that everything connected with it was known years ago the world over, I did not clearly see the necessity of sending our well-paid Government chemist or his assistant to Europe, as has been done for two years past, to investigate the subject—particularly since it has been ascertained by many costly experiments that beet-sugar can not ever be profitably produced anywhere within the exterior boundary of the United States, except in a small district in California. These annual trips to Europe are doubtless enjoyed by the gentlemen of the chemists', division, but I was in doubt as to the propriety of spending the Government money that way, and, moreover, somewhat in the dark in relation to the Government diffusion experiments in sugar making generally; and accordingly called on our Representative, General KING, of the fifth district, for information, who, kindly replying to my numerous inquiries, said:

"Since 1880 Congress has appropriated $218,800 for the chemists' division and laboratory of the Department of Agriculture, mainly or in part for necessary expenses in conducting experiments in the manufacture of sugar by the diffusion process from tropical sugar-cane and other vegetable plants.

"This table," continued General KING, "which I have had compiled from the different acts of Congress making appropriations for the Department of Agriculture, shows the amounts appropriated for the chemists' division and laboratory for sugar-making experiments, &c., from 1881 to 1886, inclusive. It is of interest, particularly to our sugar-planters and other tax-payers:

Compensation of chief chemist and assistants and extras	$4,800	
Extra pay for chief chemist	1,000	
For laboratory, sugar experiments, &c	6,000	
Total for 1881		$11,800
Compensation of chief chemist and assistants and extras	9,000	
Extra compensation for chief chemist	1,000	
Laboratory, sugar experiments, &c	24,000	
Total for 1882		34,000
Compensation of chief chemist and assistants and extra assistance	9,500	
Laboratory, sugar experiments, &c	25,000	
Total for 1883		34,500
Compensation of chief chemist and assistants and extra assistance	9,500	
Laboratory, sugar experiments, &c	16,000	
Total for 1884		25,500
Compensation of chief chemist and assistants	11,500	
Laboratory, sugar experiments, &c	50,000	
Total for 1885		61,500
Compensation of chief chemist and assistants and extra assistance	11,500	
Laboratory, sugar experiments, &c	40,000	
Total for 1886		51,500
Total for six years chemists' division and laboratory		218,800

"It will be seen from this table that there has been appropriated 'for chief chemist,' two assistants, and for the 'employment of additional assistance when necessary,' $87,800. And for the laboratory $161,000, for diffusion experiments, &c. In all, $218,800 in six years—and no diffusion experiments yet made on the tropical sugar-cane of Louisiana.

"It should be borne in mind that our sugar-planters have not urged Congress to make these appropriations. When, however, the subject has been under consideration, I have, with other members of our delegation, made suggestions regarding the direction of the expenditure, and afterwards endeavored to have the intentions of Congress carried into effect, in our State at least. It is estimated that upwards of $1,000,000 of private capital has been expended in these experiments during the past fifteen years, mainly in Louisiana. We have not therefore placed great dependence upon the little aid extended by Congress to this great interest, though the object has had our approval.

"On the 10th of July, 1884, shortly after the passage of the act appropriating $61,500 for the chemist's division and laboratory, the Commissioner of Agriculture, with the consent of the chief chemist in charge, entered into a contract with a responsible company having superior facilities for building and setting up diffusion machinery for a ten-cell battery and sugar-cane-cutting machine capable of working 100 tons of cane in twenty-four hours 'to be finished at as early a day as possible.' It being an experimental machine—the first of the size ever built for experiments in tropical sugar-cane—no other requirement than the capacity to work 4½ tons of sugar-cane per hour was mentioned in the contract.

"The machinery was finished according to contract, and inspected, approved, and paid for, in time to experiment with the crop of 1884; but for some unexplained reason the chief chemist delayed giving the order for the foundations and buildings in Louisiana, and to set up the machinery for operations, until towards the middle of September, and shortly thereafter countermanded it, and had the machinery stored in the builders' warehouse all through the sugar-making season of 1884, thus postponing the experiments twelve months.

"In January, 1885, I called upon the chief chemist, Professor Wiley, and requested him to renew his countermanded order and have the machinery set up in Louisiana so as to experiment upon the sugar-cane crop of that year without fail, but received no satisfactory reply or explanation as to his purpose. Senator GIBSON also called for the same purpose and with the same result.

"We were finally informed that the experimental battery and sugar-cane cutter built and ordered to be set up in Louisiana in 1884 had been sent to Kansas to be used in sorghum experiments, but that another battery, with the same-sized cells and same capacity, and with a cutter especially adapted to the ribbon sugar-cane, would be built and set up in Louisiana in time to experiment with the crop of that year. This arrangement was entirely satisfactory, and there would be no cause of complaint if the chemists' division—which, by the way, seems to be an independent department of the Government—had kept its promise.

"This battery was finished and ready for delivery on the 2d of July last, at least four months before it was needed for experimenting in Louisiana. It was inspected, approved, decided to be in accordance with the contract, accepted and paid for, but not set up and used as promised. It was stored away somewhere in Louisiana, by order of the chemists' division, the same as in 1884, and another year lost to the sugar-cane interests of Louisiana.

"Where the blame rests for these years of unnecessary delay I leave for others to say. It is surely not with the builders of the machinery, as this letter of approval from Professor Wiley, copied from the archives of the Department, most conclusively shows:

"'UNITED STATES DEPARTMENT OF AGRICULTURE,
"'DIVISION OF CHEMISTRY,
"'*Washington, D. C., July* 25, 1885.

"'SIR: On the 3d of this month I went to Wilmington, Del., and inspected the circular diffusion battery of twelve cells which has been constructed by The Pusey & Jones Company, for Department use in Louisiana.

"'I found the battery well built and furnished with all the appliances necessary to its proper working, in accordance with the agreement between this Department and the Pusey & Jones Company.

"'The value of the machinery accepted by me is $8,000, as near as I can estimate it.

"'Respectfully, "'W. H. WILEY, *Chemist.*

"'Hon. NORMAN V. COLMAN, *Commissioner.*'

"'The sorghum-sugar interest has had the same unaccountable and vexatious delays to contend with. Perhaps this correspondence between Senator PLUMB and the builder of the diffusion machinery may account for the delay in Louisiana:

"'EMPORIA, KANS., *July* 6, 1885.

"'GENTLEMEN: I am quite strongly impressed with the belief that unless you send some practical person to Ottawa, Kans., to superintend the setting up and operation of the machinery that you manufactured for the Government, the result will be a failure, damaging both yourselves and the sorghum-sugar interest.

"'The Government has a handful of persons employed, but such as lack the proper qualifications. There is no interest in the experiment on the part of any one in Government employ, and unless there is some change in the situation there will be simply the record of another dismal failure.

"'It is to your interest that this machinery should succeed; that all weak points developed by the experiment should at once be remedied, so that the same may be continued to the end of the season.

"'While the present Commissioner is himself in earnest, Professor Wiley, the chemist who is in direct charge, seems particularly desirous that no favorable result should be reached this season at least.

"'If this experiment is permitted to fail, there will be no money for others in the future.

"'Respectfully, "'P. B. PLUMB.

"'Messrs. PUSEY & JONES, *Wilmington, Del.*'

"'WILMINGTON, DEL., *July* 13, 1885.

"'DEAR SIR: We are in receipt of your favor of the 6th instant. We fully share your impressions regarding the probable result of the experiment with diffusion, and gladly would do anything to bring about a successful result.

"'Anticipating the condition that now obtains, we addressed both the late and present head of the bureau, offering our services to set up the apparatus, not only at Kansas, but in Louisiana. In both instances was the offer declined.

"'Our order from the Department of Agriculture was merely to build the apparatus, leaving the setting up and the starting for its future conclusions. You will see that we are without power in the matter, and can only look on, with hands tied, as it were. However much we might be desirous of putting some energy into the erection, and doing what we might to secure success, the Government, being the owner of the machinery, of course has the whole power of making directions concerning it.

"'We are glad that you have so lively an interest in the process. It seems to us that the planters must look to diffusion as the one thing that will convert sugar-growing from a losing to a profitable branch of business.

"'Yours, truly,

"'THE PUSEY & JONES COMPANY,
"'By WILLIAM G. GIBBONS, *President.*

"'Hon. PRESTON B. PLUMB,
"'*United States Senator, Emporia, Kans.*'

"This is a serious charge that a United States Senator brings against Professor Wiley, in sole charge of the sugar experiments, and Senator PLUMB is not the man to make such a charge without just grounds. Politics can have nothing to do with it. Here is a Republican Senator commending the Democratic Commissioner and bringing serious charges against a Republican chemist.

"On the 20th of February last he introduced an amendment increasing the laboratory appropriation $20,000 for the purpose of providing a hundred-ton diffusion battery and cutter for experimenting with the ribbon sugar-cane of Louisiana. The amendment was warmly supported by Senator GIBSON, and I need not say that it had my best efforts in the House. It passed without a dissenting vote in either House.

"The battery was accordingly built under the personal supervision of Chief Chemist Wiley, after plans specially selected and approved by him, and by him inspected, approved, and accepted, and afterwards paid for, with the approval of the Treasury accounting officers, and shipped to Louisiana, and condemned to disuse—possibly in order that the chief chemist may have an excuse for making the tour in Europe that he is now enjoying. It appears to be the rule of the chemists' division that one of its members must take a trip to Europe every year.

"This is certainly an outrage upon a great public interest. The intention of Congress, so clearly expressed, particularly in Senate debate of February 20, 1885, on the laboratory appropriation, and finally indorsed by both Houses, has been frustrated, the people's money has been squandered, and the sugar interest of the country, involving altogether some $100,000,000 annually, disregarded and put in jeopardy.

"Thus has the tropical sugar-cane interest of our Southern States—Louisiana, Florida, Alabama, and Texas, capable, if diffusion succeeds, of producing the sugar for our whole country and a good portion of the 80,000 tons per year that our refiners are now exporting—been studiously neglected.

"PLENTY OF MONEY FOR EVERYTHING ELSE.

"Bulletin No. 5, issued by the chemists' division, at the expense of upwards of $1,000, contains 224 pages of accounts of useless experiments. We are treated to 'analyses of ash from maple sap, beet juices, California beets, butternut sirup, gas from maple sap, juices from siloed cane, maple sap taken from trees of different heights, from different sides of tree, and at different times of day,' and so on through 224 pages, at Government expense. Six years of appropriations and nothing whatever done for diffusion in the Southern States. Upwards of 1,000,000 acres of the best sugar land in the world in Louisiana awaiting the result of these proposed experiments, and the chief of the chemists' division traveling in Europe examining the results of the best sugar experiments commenced by the first empire.

"In everything that relates to the manufacture of sugar from tropical cane, the United States is far in advance of Europe. The American sugar-cane cutter worked at its first trial on sorghum in Kansas far beyond its contract requirements, both as to quantity and quality of work. Here is the official account of the first trial in Kansas. Perhaps it will interest you. The official report handed me by General KING is as follows:

"'I reached Ottawa on Wednesday, September 8, and the work of erection was pushed with all possible dispatch. On Sunday, September 27, the rest of the machinery arrived. During the following week, one cutter having been completed, preliminiary trials were made with the apparatus. The cutter was found to give good satisfaction, with a capacity of 6 tons per hour, giving a nicely grooved chip well suited for diffusion.

"'And yet,' continued the general, 'we are officially informed' that the chief chemist has gone to Europe to find a sugar-cane cutter.'

"'I find that the Commissioner of Agriculture, in his annual report to the President for 1885, gives this interesting account of the result of some two days diffusion experiments on sorghum in Kansas, which were made in spite of all obstacles thrown in the way.

"'Sugar-planters have long been aware that a large percentage of the sugar produced was lost either in milling or in the processes of manufacture. It is scarcely extravagant to say that during the last decade fully half of the sugar the soil has produced has been lost before the manufactured article has entered commerce. It was with the purpose of checking this waste that the Department undertook the experiments mentioned.

"'To avoid the loss in milling it was determined to try the process of diffusion. For this purpose apparatus was erected in Kansas for cutting sorghum cane into thin slices and extracting the sugar therefrom in a diffusion battery consisting of ten cells. The result of the experiment was highly gratifying. The degree of extraction was fully 98 per cent. of the total sugars present. Mechanical difficulties in the form of the apparatus, which could not have been foreseen, interfered somewhat with the successful working of the process economically, but these difficulties are readily overcome.'

"These slight obstacles in the way of the successful application of diffusion to sugar-cane are wholly mechanical, and should be placed in the hands of competent sugar engineers skilled in diffusion machinery, and not with chemists alone."

Four days later my colleague, Mr. GAY, had an interview with another representative of the Picayune, and his statement, confirming mine fully in every particular, was published on the 7th of the same month.

FURTHER WARNINGS NECESSARY.

Finding that these warnings by Mr. Gay and myself were not sufficient, I had the following correspondence with Mr. Duncan F. Kenner, president, and Mr. John Dymond, vice-president, of the Louisiana Sugar Planters' Association:

HOUSE OF REPRESENTATIVES, *Washington, D. C., March* 8, 1886.

MY DEAR SIR: Some months ago I addressed you a letter asking you to advise me what to do to provide for the interests of the diffusion process in the manufacture of sugar from tropical cane, but have received no reply.

Upon investigation of the subject I discovered that in the last six years here the Government has appropriated $218,000 mainly for experiments in this matter, and that not one pound, so far, of sugar has been tested by the diffusion process of tropical cane grown in Louisiana.

I clearly see that unless Professor Wiley, the Government chemist, is removed from his present position, the hope of getting further appropriation from Congress for this worthy purpose will be greatly imperiled, if not made impossible. Do you know of any one who would fill this position. Some time ago the Commissioner of Agriculture [Mr. Colman] stated to me if I would name a suitable person he would have him appointed. I replied that I had no one in my mind whom I could name for such a purpose, but that I would submit the matter to Hon. Mr. GAY and request him to name a man for the position. Mr. GAY tells me he is unable to find the man needed. I therefore write to you to ask that you take steps at once to furnish me the name and address of such a person, being president, as you are, of the Sugar Planters' Association. I feel that in doing this I am but performing my duty.

I do know men whom I believe would fill the position, but I fear they might not do so well as some who might be known to yourself and your associates. This does not require the qualities of a chemist so much as those of a practical constructive sugar engineer and chemist. It is simply arranging the most simple machinery and putting it into operation.

Believing that this effort on the part of the Government to devise means whereby greater results can be obtained in the production of sugar from Louisiana is a movement in the right direction in aid of the sugar-growing interests of Louisiana, I naturally feel great concern in its success.

With this view I make this application to you, and ask for an early reply.

Yours, very truly,

J. FLOYD KING.

Hon. DUNCAN F. KENNER,
President of the Louisiana Sugar-Planters' Association.

To this letter I received the following reply from Mr. Kenner, which I submit here as showing the hold that the Wiley coterie had in Louisiana a year ago before it was thoroughly exposed:

NEW ORLEANS, *March* 15, 1886.

DEAR SIR: Your letter of March 8 has been received. I owe you an apology for not answering your first letter. But when it was received I was quite unwell, and when I recovered my answer was postponed from day to day until finally it was forgotten. The broad assertion that the Government has appropriated in the last seven years $218,000 for these experiments mainly is calculated to prejudice the minds of the members of Congress against any further appropriation. I have no doubt the figures are correct, and that this amount of money has been appropriated to the Agricultural Bureau, but not for the purpose of diffusion experiments. These experiments have only been inaugurated on a scale commensuary with the importance of the subject in the last twelve or fifteen months, and consequently should not be charged with the appropriations of the last seven years.

These appropriations, I presume, were for the general expenses of the Agricultural Bureau, including its organization, and to the purchase of seeds, plants, &c., for general distribution by members of Congress. You allude to the inefficiency or unsuitableness of Professor Wiley as chief of the chemical department. I know but little of him. I met him in Washington last year, and for a week in Louisiana since. He impressed me very favorably. He certainly appeared to understand the scientific view of the application of the diffusion process to tropical sugar-cane. Of course he is not a mechanic, but he even understood the mechanical part of the process better than could be expected. The Government has paid, I have no doubt, several thousand dollars to have him instructed in the matter of diffusion, and it seems to me it would be bad policy to displace him, and to put another in his place to serve, as it were, another apprenticeage, and thus throw the experiment back a year or so more. I know several chemists who have the necessary scientific knowledge to qualify them to discharge the duties of the position, but who have had no practical experience of the mechanical difficulties to be overcome, and who would require months and months to be as advanced as Professor Wiley is in the business. I therefore can recommend no one to take his place, but advise that Professor Wiley be allowed to finish the experiment which he has commenced.

Yours truly,

D. F. KENNER.

Hon. J. FLOYD KING, *Washington.*

In reply to the above, I wrote to Mr. Kenner as follows, which it will be seen by his reply, opened his eyes somewhat to the true character of the coterie that had deceived the planters so long, and which my investigation had disclosed the true character of:

HOUSE OF REPRESENTATIVES, *Washington, March* 27, 1886.

DEAR SIR: I must beg leave to correct numerous erroneous statements in your letter of the 15th instant. Referring to my statements regarding the appropriations for sugar experiments, contained in my interview published in the Picayune of February 3, and repeated in my letter to you of the 8th instant, you say:

"The broad assertion that the Government has appropriated in the past six years $218,800 for the sugar experiments mainly is calculated to prejudice the minds of members of Congress against the further appropriation.

"I have no doubt the figures are correct, and that this amount of money has been appropriated to the Agricultural Department, but not for the purpose of diffusion experiments. These experiments have only been inaugurated on a scale commensurate with the importance of the subject in the last twelve or fifteen months, and consequently should not be charged with the appropriations of the last six years. These appropriations were for the general expenses of the Agricultural Department, including its organization and to purchase seeds, plants, &c., for general distribution to members of Congress."

In all this you are wholly mistaken. My statements, published in the Picayune, are absolutely correct in aggregate and detail, and are not calculated to prejudice the minds of members of Congress against further appropriations for sugar experiments. Members are not controlled to any great extent by their prejudices.

A true statement of facts is never prejudicial to any good cause.

Regarding the special appropriation for sugar experiments, I made the following true statement:

"Since 1880 Congress has appropriated $218,800 for the chemists' division and laboratory of the Department of Agriculture, mainly, or in part, for necessary expenses in conducting experiments in the manufacture of sugar by the diffusion process from tropical sugar-cane and other vegetable plants, and no diffusion experiments have yet been made on the tropical sugar-cane of Louisiana!"

During my seven years' service in Congress I have never let any measure of interest to Louisiana pass the House without giving it the closest scrutiny and my best attention.

The appropriations above mentioned for the chemists' division and laboratory were all made, in the language of the law, solely for the chief chemist, his two assistants, and additional assistance when necessary, and for apparatus and expenses of the laboratory, including expenses in conducting experiments in the manufacture of sugar, by diffusion, from tropical sugar-cane, sorghum, and other vegetable plants; and for no other purpose whatever, as the late Commissioner Loring and the present Commissioner Colman have learned to their cost.

The first named paid $20,000 from the laboratory appropriation for beet seeds, and has had that amount charged against him, and suit entered by the Government for the recovery of the amount, while Commissioner Colman is in trouble to the amount of $1,800 for a similar payment for beet seed from the laboratory appropriation, both of which are held to be unlawful by the First Comptroller of the Treasury.

I only mention the fact to show that you are wholly mistaken in supposing that the appropriations of the laboratory and chemists' division can be used for the purchase of seeds.

The first appropriation for sugar experiments was made in 1881. The first diffusion battery was built in 1883, and experimented with, on sorghum, in 1883, with a good degree of success.

The second battery was built for tropical sugar-cane and ordered to be set up in Louisiana in 1884. But just as the builders had their engineers and diffusion experts ready to start for Louisiana the order to set up the machinery was countermanded by the chief chemist, Wiley, and no experiments were made in the season of 1884.

The sugar appropriation was, however, expended all the same.

In 1885 a third diffusion battery was ordered to be built and set up in Louisiana. It was finished on the 3d of July, and inspected, approved, and paid for; but the order to set it up and put it in operation in Louisiana was also countermanded by Chief Chemist Wiley, and another year lost, and another appropriation expended.

Professor Wiley certifies that the machinery was built according to orders of the Department, issued by himself.

You are also wholly mistaken when you assume that any portion of the $218,800 appropriated for sugar experiments during the past six years was intended by Congress for the "expenses of the Agricultural Department generally or for the purchase of seeds, plants, &c., for general distribution to members of Congress."

The general expenses of the Department for the past six years have been about $3,000,000. The appropriation for the seed division alone is upward of $100,000 per year—$106,240 for the present year—and about $600,000 for the period you name.

Agricultural Department statistics for the present year cost $109,300; Commissioner's Office, $72,280; bureau of animal industry, $100,000; cattle quarantine stations, $30,000; forestry, $10,000; silk culture, $15,000; tea culture, $2,000.

The appropriations for the Department of Agriculture, including its fourteen divisions, amounted to $581,740 for the present year.

The appropriations for the chemists' division and laboratory alone have been as stated, $218,800 during the past six years. Of this amount $113,000 was for the present year and the year before.

Three entire sets of diffusion machinery—each including a battery and sugar-cane cutting machine—have been built and paid for since 1882, and no diffusion experiments yet made upon the tropical sugar-cane of Louisiana.

Nearly a quarter of a million dollars has been expended by the chemists' division for the sorghum, beet, and maple sugar interest.

An experimental station for maple-sugar experiments was established in Vermont that the delegation in Congress from that State, as I am informed, neither asked for nor even knew of until they saw the official reports of Professor Wiley.

I do not share your apprehension that an exposure of these facts will create any prejudice in Congress against the Louisiana sugar interest. I think, on the contrary, that a full discussion will remove prejudices already created by the record of blundering incapacity which Chief Chemist Wiley has been making for several years past, and promote the best interests of our State generally.

In reply to my request of you to give me the name of a competent chemist to take charge of the proposed Government experiments in the manufacture of sugar by diffusion in our State you say that you know of several chemists in Louisiana who have all the necessary scientific knowledge to qualify them to discharge the duties of the position, but who have had no practical experience of the mechanical difficulties to be overcome, and who would require months to be as advanced as Professor Wiley is in the business.

The mechanical difficulties you mention have been created by the chief chemist. Relieve him and you remove the difficulties.

Mr. GAY, who is certainly excellent authority in all matters connected with the sugar interest, characterized Professor Wiley's management, in his interview with one of the Picayune correspondents, in these words, which were published on the 7th of February:

"The construction of the diffusion plants were studiously obstructed.

"The Department has consumed valuable time in schooling itself to a knowledge of what was already in practical daily use in other cane-growing countries and familiar to many practical and scientific men whose devices in manufacture and skill in manipulation have long been available.

"The just expectations of the public have been wearied by delays in the exemplification of a system already well understood and practiced in this and other countries."

Mr. GAY'S testimony is clear and direct upon this point. The "mechanical difficulties" were also pointed out by Senator PLUMB in his letter of July 5, 1885, to the builders of the Kansas diffusion battery in these emphatic words:

"The Government has a handful of persons employed, but such as lack the proper qualifications. There is no interest in the experiment on the part of any one in Government employ, and unless there is some change in the situation there will be simply the record of another dismal failure.

"It is to your interest that this machinery should succeed; that all weak points developed by the experiment should at once be remedied, so that the same may be continued to the end of the season.

"While the present Commissioner is himself in earnest, Professor Wiley, the chemist who is in direct charge, seems particularly desirous that no favorable result should be reached this season at least."

Replying, the builders made known their ability and willingness to remove the "difficulties" as follows:

"Anticipating the condition that now obtains, we addressed both the late and present head of the bureau, offering our services to set up the apparatus, not only at Kansas but in Louisiana. In both instances was the offer declined.

"Our order from the Department of Agriculture was merely to build the apparatus, leaving the setting up and the starting for its future conclusions. You will see that we are without power in the matter, and can only look on, with hands tied, as it were."

But for the excellence of the machinery, and the skill of Assistant Chemist Richardson and the resident engineer on the sorghum plantation assisted also by another chemist, the Kansas experiments would have been an utter failure. The battery was run only about forty-eight hours continuously, and started occasionally for a few days afterwards under the nominal direction of Chief Chemist Wiley, who manages in all cases to secure the credit for the success of others and shirk the responsibility of his own failures, and the success achieved was in spite of him rather than by his aid.

Accordingly the Kansans insist that if there is to be any more sorghum experiments made in their State by the Department of Agriculture a Kansas chemist of known ability must be appointed to conduct them in place of Wiley, relieved from local duty in that State; and Commissioner Colman has, I understand, agreed to the arrangement.

It is in order now therefore to have a similar arrangement made for the tropical sugar-cane interest. A competent Louisiana chemist should be appointed to take charge of the proposed experiments in our State, precisely as has been done in Kansas.

Commissioner Colman has told me that if we would name a more suitable man than Professor Wiley he would make the appointment. I have no choice of my own, and only ask that you and your association will name a chemist who will be acceptable to you, and I will try and get him appointed.

I hope therefore that you will, upon consultation with members of the Sugar Planters' Association, select one of the Louisiana chemists, who you say are so well qualified, for appointment. We ought not to have any more failures.

My only desire in the matter is to promote the sugar interests of Louisiana. I am tired of seeing these repeated failures of the chemists division, after all the efforts made and money appropriated—tired of seeing our Government chemists sent annually on official tours to Europe ostensibly for the purpose of studying the methods of sugar production in France and Germany, when everything pertaining to tropical cane-sugar growing and manufacture is better known here at home.

I have the honor to be, very respectfully, your obedient servant,

J. FLOYD KING.

Hon. DUNCAN F. KENNER,
President of the Louisiana Sugar-Planters' Association, New Orleans, La.

P. S.—Since writing the above I have received a letter from Mr. Charles G. Johnson, sugar engineer, 169 Gravier street, New Orleans, and have also read his protest against the sugar appropriation addressed to the chairman of the House Committee on Agriculture.

While I disagree with him generally, I most heartily concur in his criticism upon Professor Wiley's methods of conducting the sugar experiments. He says:

"In a review of the work done by the Agricultural Bureau I do not find a single discovery of any value to the sugar industry; on the contrary, much has been done by the misleading statement of the bureau.

"The Government has spent $218,000 attempting to educate Professor Wiley as an engineer and sugar-maker. It is a soft thing for Wiley."

I would suggest that there are plenty of engineers and sugar-makers who are familiar with the results that will be obtained by Wiley's experiments—none of which are new—who can be employed for a moderate sum if the Government continues in the business.

If the bureau has information of value, and publishes it, those connected with the sugar industry are quite capable of applying it.

The solution of the future of the sugar industry does not rest, in the remotest degree, with the Bureau of Agriculture.

To the above Mr. Kenner replied as follows:

NEW ORLEANS, *March* 30, 1886.

MY DEAR SIR: Your letter of the 27th of March has been duly received and contents carefully noted. I shall at the earliest possible moment confer with several members of our association on the subject-matter referred to by you and inform you of the result. In the mean time I refer you to a letter written by me (February 18) to Mr. Gay some weeks since. It expresses somewhat my views on the subject.

Yours, truly,

D. F. KENNER.

Hon. J. FLOYD KING,
Washington.

To the above I replied as follows:

COMMITTEE ON LEVEES AND IMPROVEMENTS OF THE MISSISSIPPI RIVER.

HOUSE OF REPRESENTATIVES, *Washington, D. C., April* 3, 1886.

SIR: Your esteemed favor of the 30th ultimo is received and contents carefully noted. I have none but the interests of the sugar producers of our State at heart in the course I am pursuing relative to the Government experiments in diffusion. I wish to see those experiments made successful. I am satisfied that the present chief chemist of the Agricultural Department is not a suitable man for the sugar interests of Louisiana.

Yours, truly,

J. FLOYD KING.

Hon. DUNCAN F. KENNER,
President of the Sugar-Planters' Association, New Orleans, La.

The following is the letter referred to by Mr. Kenner in his note of March 30 to me. It was written for the information of Mr. GAY and myself:

NEW ORLEANS, LA., *February* 18, 1886.

DEAR SIR: Your letter of 13th of February is to hand and I am somewhat surprised at the information you give. I had supposed the chief chemist stood very high with our Kansas friends, and I was not at all prepared to learn that the Kansas people objected to the experiment in diffusion being renewed under his superintendence. Your letter was a revelation to me. I agree with you fully that some practical knowledge must be infused into the control and management of the new process or we will never get beyond the theoretical point. The great difficulty will be to find a suitable person to occupy the position of superintendent of the new process under the Commissioner of Agriculture, with such necessary scientific knowledge and practical experience as to justify his appointment by the Commissioner. And next, would the Commissioner be willing to appoint him?

Of course I shall say nothing of the matter until I hear further from you on the subject. This is in answer to your inquiry, and I also agree with you that we should treat the subject as if it were now upon us.

Yours, truly,

DUNCAN F. KENNER.

Hon. EDWARD J. GAY, M. C.,
Washington.

VICE-PRESIDENT DYMOND'S LETTER.

My correspondence with Mr. John Dymond, vice-president of the Sugar-Planters' Association, which I here submit, explains itself:

BELAIR, LA., *April* 25, 1886.

DEAR SIR: Your valued favor of 15th reached me in due course and would have been sooner acknowledged but for my illness here this week.

I have not seen Mr. Kenner and shall not for some time yet, as I don't expect to go to town before May 1. I shall then discuss the matter with him.

We are here so anxious to see diffusion tested that I think we all fear to throw any obstacle in the way or demand any change now during the actual inquiry and experiment. Any readjustment and new men might cause more delay, and we certainly have not got the men with practical experience in cane diffusion as now successfully applied.

I shall write to you again as soon as practicable after going to the city.

Yours, truly,

JOHN DYMOND.

Hon. J. FLOYD KING,
House of Representatives, Washington, D. C.

In my reply to the above I wrote the following, which was published in the Picayune of August 21:

THE DIFFUSION SUGAR EXPERIMENT—NEW MEN WANTED—ANOTHER POSTPONEMENT—THE FOLLOWING LETTER EXPLAINS ITSELF.

HOUSE OF REPRESENTATIVES, *Washington, D. C., August* 3, 1886.

MY DEAR SIR: Pressure of business and a conviction that an answer would do no good has prevented me until now from replying to your letter of April 25, in which you say:

"We are here so anxious to see diffusion tested that I think we all fear to throw any obstacle in the way or demand any change now during the inquiry and experiment. Any readjustment and new men might cause delay, and we certainly have not got the men with practical experience in cane diffusion as now successfully applied."

In other words, you disregard and disapprove my opposition to Wiley, who has successfully stagnated for years past your every effort to have diffusion experiments made upon the tropical sugar-cane of Louisiana. The peculiar dif-

fusion process adopted by this chief chemist has been "successfully applied" in extracting $10,000 from our National Treasury, but as yet, in all these six years past, not one drop of saccharine matter from tropical sugar-cane. It seems to me that we have had something too much of this peculiar process "of diffusion as now successfully applied" by this "professor" of chemistry; and that a "readjustment and new men" have been greatly needed for some time past. We had something of a general readjustment of the executive department of the Government on the 4th of March, 1885, and it has been found to work exceedingly well as far as it has been tried. It has not as yet extended down to the chemist's division of the Department of Agriculture, but should it reach there any day I shall have no fears of the result, but, on the contrary, a hope for much good.

Year after year the chief chemist has postponed experiments in tropical sugar-cane extraction, but continued with unfailing regularity to ask and receive appropriations from Congress—and with each appropriation promising to do something the year thereafter—promises that have been broken as often as made.

You make a very great and dangerous mistake in assuming that this man Wiley has had any practical experience in tropical cane-sugar diffusion. He has some theories but no real practical experience—none whatever in tropical sugar-cane diffusion, not even a single day—and very little experience in sorghum.

The sorghum experiments of 1883 were conducted mainly by Assistant Chemist Richardson, and in 1885 by Messrs. Richardson, Swenson, and another, whose name I do not remember. Mr. Wiley merely looked on and claimed the credit as usual.

Senator PLUMB told me that the successful diffusion and carbonatation experiments in Kansas last year would have been an utter failure if left under Wiley's direction alone. The Senator not only told me this, but his statement that Wiley, in his opinion, desired a failure is of record and published in the Picayune of the 3d of February last.

It is only by "readjustment and new men" that you can hope for success. We want new men friendly to success, and not those who are only intent upon postponement of work with a view of continued appropriations.

On the 15th of March last the director-general of the Fives Lilles Company of Paris, France, wrote a letter marked "confidential" to Mr. Wiley, advising the postponement of our proposed cane-sugar experiments intended to be made during the approaching season of the present year until the season of 1887-'88. It appears from this interesting correspondence that Mr. Wiley decided as early as 23d of February last that the experiments in Louisiana should be postponed another year, as has been his usual practice.

The only object that this foreign sugar-machine builder can have in the matter is to stagnate our competing sugar industry here. He can not and does not expect to sell machinery here in competition with our builders.

The "European sugar kings," as Mr. Wiley calls them, and with whom he has been in conference, and whose views regarding our tariff laws he agrees with, as he admits in his Saint Louis speech delivered on the 5th of February last, control an annual output of about 4,000,000 tons of cane and beet-root sugar—full two-thirds of the sugar product of the world. The only interest they have here is to stagnate our sugar industry and keep the annual product in Louisiana down to 135,000 tons, instead of 500,000 tons and upwards, as I believe it will be when diffusion is successfully and economically applied. I do not think the European "sugar kings," as Mr. Wiley calls his friends over the water, should be consulted in relation to our affairs or have any voice in deciding that our experiments should be postponed another year.

It was stated in a Picayune article some months since that those very "sugar kings" have looked towards the development of our sugar industry with some anxiety, and would "rejoice at any false step our planters can be induced to take, or every failure caused by imprudent counsel"—or by treachery, might well have been added.

Our Kansas friends did not take kindly to the proposition to postpone the experiments another year, even though it was so strongly indorsed by our European enemies.

The alert agent of the sorghum-cane interest here demanded last March that Mr. Wiley should be retired from the management of the sorghum experiments, and Professor Swenson, a practical sugar-maker, appointed superintendent to take charge of the experiments in Kansas. Commissioner Colman consented to the proposition; Professor Swenson was appointed in due time, and is now engaged in setting up at Fort Scott, Kans., the largest and finest cane-sugar diffusion plant that was ever constructed.

It contains all the latest improvements and is intended to work between two and three hundred tons of sugar-cane in twenty-four hours, and will be in operation in about two weeks. Colman's Rural World, of the 15th ultimo, contains a glowing editorial account of the new works, giving the new superintendent, Professor Swenson, full credit for his success thus far. You will therefore see what sorghum people have accomplished by "a readjustment and new men."

At the time the arrangements for sorghum experiments were made, I suggested to Commissioner Colman that a similar plan should be adopted for the tropical sugar-cane experiments in Louisiana, which he agreed to, and offered to appoint any superintendent I might name. I referred the matter to the Sugar Planters' Association, though I had in mind the names of two practical, experienced men, every way more suitable for the position than Wiley.

It appears to have been decided, on account of divided counsel, to adhere to Wiley's plan and postpone the experiments in Louisiana another year.

Mr. Kenner wrote me that he and several of his associates were endeavoring to find a new superintendent of the experiments, while you wrote me in favor of Wiley, wherein you made a very great mistake, as you have doubtless learned by this time.

I most sincerely regret that you are to have no experiments upon tropical sugar-cane in Southern Louisiana this year. I had hoped to see a first-class diffusion plant, with all the latest improvements and capable of working 400 tons of tropical sugar-cane in twenty-four hours, erected in Southern Louisiana and worked through the approaching season, and it is no fault of mine that it has not been done.

When I suggested to Commissioner Colman last winter that the plan of "readjustment and new men" adopted for the sorghum-cane industry, should be adapted also to the tropical-cane interests of Southern Louisiana, and to which he assented, there were full eight months' time for preparation for the experiments, and plenty of money—there being a balance then remaining of the $115,000 appropriated by the Forty-eighth Congress—to commence the work.

On the 30th of June the present Congress added $111,500 to the balance of the chemist division appropriation remaining over from the appropriation for the fiscal year which ended that day.

There was therefore plenty of time and money for the work last March. But now, with the summer nearly gone, it is too late to do anything with tropical sugar-cane in Southern Louisiana this year, and any attempt in this direction is money thrown away.

There is only one good carbonatation machine in the United States—now being set up in Kansas—and it is too late either to build or import another. Our tropical cane experiments must therefore, much to my regret, wait another year. So far as Northern Louisiana is concerned in this matter of sugar experiments, everything is entirely satisfactory. My district is, as you know, in the lower edge of the sorghum region. It contains more than 100,000 acres of the best sorghum lands in the world now lying idle, which, if the diffusion and carbonatation experiments in Kansas this season prove successful, will be put under profitable cultivation in the near future. The people of my district are acquainted with the cultivation and prepared to supply any demand that the success of the Government experiments may create.

We shall also have some practical experiments in tropical-cane diffusion this year, but not in Louisiana, as I had hoped. Mr. W. G. Gibbons, the builder of the Kansas plant, writes me that he intends purchasing 100 tons of tropical cane in Louisiana and shipping it to Kansas, where it will be worked in the new diffusion and carbonatation machinery now being erected, and which will enable our planters to determine what course to pursue in the following season. I have sent Mr. Gibbon's letter to Mr. Kenner with the full particulars.

You should remember that "the practical experience in cane diffusion" which you so much desire is yet to be developed. It is for that we make appropriations. The conditions necessary to complete success of diffusion are nowhere known in the cane-sugar-producing world. It is as yet "an experiment." It was a success chemically years before Wiley's day. The little battery that was tested in 1883, and afterwards exhibited at the New Orleans Exhibition, extracted all but a trace of the saccharine matter contained in the sorghum cane, but the sugar thus obtained cost about $1 per pound. The battery that was tested in Kansas in 1885 was very nearly a success. It also extracted all but a trace of the sugar from the sorghum cane, but failed to work as economically as desired.

The diffusion battery that Congress desires to have constructed must work as economically as the roller mill and save all the sugar contained in the cane. It is for that we are "experimenting." It is a question of machinery, rapid and economically-working machinery.

According to the Picayune, which is high authority on all matters pertaining to the sugar industry, the last year cane-sugar experiments in Java and Spain were not entirely successful, and consequently not satisfactory to the planters. I quote a recent editorial:

"The Java planters, who were very anxious to have diffusion, and the French planters, who were still more in need of it, and had probably seen enough of it to form a competent judgment, were the least pleased with the results of the two experiments in Java and Spain."

The Kansas experiments last year were unquestionably the most successful of any that have as yet been made; and it is hoped that with a proper "readjustment and new men" the appropriation of the present session will bring us absolute success.

Hoping you will have next year a series of experiments upon tropical sugar-cane under a new superintendent who shall have the success of his experiments more at heart than continued appropriation,

I remain, sincerely yours,

J. FLOYD KING.

JOHN DYMOND, Esq.,
Vice-President of the Sugar-Planters' Association, Belair, La.

THE SAINT LOUIS GLOBE-DEMOCRAT INVESTIGATION.

The Saint Louis (Missouri) Globe-Democrat made a thorough investigation of this man Wiley's management of the Government sugar experiments which were witnessed by some twenty sugar-cane sugar experts, sugar experts from different parts of the world, and gives a summary of their verdict in its issue of the 30th of October last in these words. It will be seen that they conclude that "Wiley is trying to either destroy the sugar interest or substitute an impossible chemical process for an easy and practical one:"

SORGHUM SUGAR—RESULT OF THE GOVERNMENTAL EXPERIMENTS AT FORT SCOTT—DR. WILEY SEVERELY CRITICISED FOR HIS FAILURE—THE VERDICT OF INTERESTED SPECTATORS AND PRACTICAL BUSINESS MEN.

[Special dispatch to the Globe-Democrat.]

FORT SCOTT, KANS., *October* 29.

Realizing the importance to the whole country of the experiments being made here in the manufacture of sorghum sugar, the Globe-Democrat representative has endeavored to keep its readers posted as to the progress of the experiments and results as far as reached. The season is now about closed, and soon the inside history of the management of governmental experiments here will be told, both officially and by interested spectators, among whom have been representatives from foreign governments and delegates from sugar associations everywhere. Practical business men naturally inquire: Is the process of manufacturing sorghum sugar by diffusion and carbonatation a success, and has such been demonstrated to be a fact by the experiments at Fort Scott? The answer to this is a long story involving the usual inefficiency of the agents of the Government, and demonstrating the advantage which practical business men have over the mere theorist. As it is a part of the people's business, it is a duty of the Globe-Democrat to tell this story, awarding evidence where it is due and placing blame where it belongs. As has been before stated, the plant of the immense sorghum manufactory here was built by a company composed chiefly of local capitalists under an understanding with Commissioner Colman that he by authority given him by Congress would make it a station of the Government to experiment in an effort to perfect a system which had been practically perfected last year at Ottawa. This plant was erected at a cost of $50,000 to $100,000, and is conceded to be perfect in all of its points.

SPECIAL INQUIRIES.

Your correspondent, in order to determine just what has been accomplished and wherein the deficiency lies, if deficiency there be, has directed especial inquiries as to the character, quality, and workings of the machinery, and there is but one verdict, to wit: That it is perfect and gives forth results with the certainty of clockwork. Of course, it is not claimed but that experience may suggest slight improvements, but that the application of mechanical principles in its construction has been skillfully done, no one denies. Investigation has been directed to ascertain what quality of cane has been produced. Upon this point there is absolute unanimity of opinion by fully twenty gentlemen who have knowledge of the subject consulted in company with a number of gentlemen yesterday.

Dr. Peter Collier, formerly Government chemist and a gentleman who is widely known, declared that he questioned whether any country had ever grown cane richer in sucrose than the sorghum which he has seen drawn into Fort Scott every day for the past month. Under these favorable circumstances, Dr. H. W. Wiley, with a corps of assistants, assumed charge of the works on the 10th day of September. The understanding with the company was to the effect that he had only come to perfect experiments formally made last year, and he would not remain to exceed two weeks, that being regarded as ample time with the improved machinery at command. It is with what has and has not been accomplished that we may have to do.

Dr. Wiley came here determined to achieve success in his own way, and no one will deny that he has failed, and through his failure has greatly retarded the growth of a much-demanded industry.

DIFFUSION WITH HOT WATER.

First he was wedded to diffusion with hot water, which he claimed would extract all of the sugar from the cane, with a large amount of impure matter

which he then proposed to remove by a process of carbonatation and sulphurization. He failed, and the grievous fault with him was that, failing, he refused to listen to what the experience of practical men had proven. This foolish policy was pursued until the 1st day of October, when Professor Wiley left for Washington, and was gone ten days. He attributed his failures to the warm weather, and predicted success when frost came.

But once relieved of the presence of Professor Wiley, the company determined to apply diffusion by the cold-water process, with a different method of carbonatation, and as a result produced the first run of marketable sugar, which was duly announced in the Globe-Democrat, and claimed by Professor Wiley as a success for himself in a dispatch from Washington. Upon his return he bluntly attributed the success of the experiments to other than the real cause, and reinaugurated his pet theory, continuing his experiments, which should have been completed within two weeks, up to the 27th of this month, when he finally turned the works over to the company. During these fruitless experiments, which have taken up the entire season, 2,000 tons of cane have been worked up and the product thrown away as worthless, and a hard blow given to the sorghum interest simply to gratify an inordinate ambition.

SOME TERMS DEFINED.

In order that the reader may understand the meaning of the terms, carbonatation consists of adding from 1 to 2 per cent. of quicklime to the juice, and then passing through the juice thus limed a stream of carbonic-acid gas, by which the lime is neutralized. The carbonate of lime thus formed facilitates the filtering of the juice, but its action is purely mechanical, preventing the gumming up of the filterers. The addition of this large quantity of caustic lime is, however, very detrimental, owing to its destroying the glucose and blackening the juice, and, therefore, carbonate of lime or some other inert substance has been substituted with equally favorable results, so far as filtering is concerned, and without the injurious action on the sucrose and juice. It was by the use of this carbonate of lime with the cold diffusion that the company achieved success during the absence of Dr. Wiley at Washington, and yet upon his return he insisted upon a return to the use of quicklime and the hot-water process, and continued to run the works up to the 27th of this month, making a failure every day until the end. Gentlemen here from Louisiana declared that they will protest against his having anything to do with the experiments there.

It is expected that 200 tons of Southern cane will arrive here within a few days, but it is doubtful about its being worked, owing to a singular circumstance, as follows:

THE DOCTOR'S LAST EXPERIMENT.

For some reason, unknown to any one but himself, Dr. Wiley ordered a wagon-load of lime thrown into the pond from which the water supply is obtained for the works, which entirely unfits it for use. Those who claim to know insist that he does not wish to have this Southern cane experimented on here by the company after the work had passed out of his hands. Commissioner Colman is here, however, and no doubt some means of obtaining water will be devised. Mr. Colman is not blamed for the shortcoming of his lieutenant, but is regarded as a firm friend of the sorghum interest, and must unload Dr. Wiley to save himself and the sugar interest from the reproach which must necessarily follow such wastefulness as that shown by his subordinate here. Interested spectators have looked on in disgust and dismay at the wastefulness with which the money appropriated by the Government was being thrown away, while the local friends of the interest were powerless to help themselves. Dr. Wiley's failure is due either to a willful or ignorant effort to apply the process of extracting the sugar from the beet to sorghum.

To sum up results, the Government experiments under Professor Wiley's management have been a failure, but, on the other hand, it has been demonstrated that the finest sorghum can be grown here; that the seasons are long enough to allow a larger crop to be cared for, and that diffusion by what is known as the cold-water process will produce sorghum sugar of fine quality and in paying quantities. The gentlemen who are embarked in the enterprise are in nowise disheartened, but are convinced that success has been attained in spite of the waste and useless expenditure made by Dr. Wiley in trying to either destroy the sorghum interest or substitute an impracticable and impossible chemical process for an easy and certain one.

THE NEW ORLEANS TIMES-DEMOCRAT INVESTIGATION.

I submit here, for the information of the House and the country, a leading editorial and Washington letter which appeared in the New Orleans Times-Democrat of the 10th of January of the present year:

AN EXPENSIVE CHEMIST.

We publish elsewhere a letter from Washington on the expenditure of the appropriations granted by Congress for experiments in the manufacture of sugar by means of the diffusion process.

The letter is a severe arraignment of the chemist of the Agricultural Department, Professor Wiley, who has had the matter in charge. It scarcely needs any comments or explanation, so thoroughly are all the facts demonstrated, so conclusively is the expensive and extravagant manner in which these experiments were conducted proved. All of over a quarter of a million dollars, set aside by Congress for the purpose of finding whether this country can manufacture its own sugar, have been expended, save the small sum of $50,000 remaining; and no proper or satisfactory test of diffusion has been made with the tropical sugar-cane of the Gulf States, the source of nineteen-twentieths of our supply of home-made sugar.

It was the intention of Congress in giving this appropriation that a test should be made in Louisiana. In the consideration of the appropriation in the Senate, Senator PLUMB, of Kansas, declared that the Commissioner of Agriculture intended, if the appropriation was made, to erect a machine in Louisiana to test the sugar-canes here. Senators EUSTIS, GIBSON, and others all made the same statements—that one of the purposes of the appropriation was to enable the Agricultural Department to adopt the diffusion process to the sugar-cane.

Notwithstanding these conditions made by the Senators in voting this appropriation, Chief Chemist Wiley has not made one pound of sugar by the diffusion process from cane in the Gulf States during the five years that he has had charge of the chemical division of the Department of Agriculture. He has, instead, postponed the experiment from year to year, each session calling upon Congress to grant an appropriation for experiments in Louisiana, and then putting it off until next season. In this connection, our correspondent quotes from that eminent and successful sugar planter, Mr. E. J. GAY, as follows: "The just expectations of the public have been wearied by delays in the exemplification of a system already understood and practiced in other countries."

The facts bearing on this subject are all given in the letter we publish elsewhere, as well as the views of the most prominent sugar planters and manufacturers of sugar machinery. All agree that the experiments have been conducted extravagantly and unsatisfactorily; that Professor Wiley, while perhaps an able chemist, has not the practical knowledge of sugar-making to conduct the experiments, and that if results of any value are to be secured, future appropriations to test this important question must be under different auspices.

AN EXPENSIVE CHEMIST—THE MANNER IN WHICH DIFFUSION EXPERIMENTS HAVE BEEN CONDUCTED—THE COST OF KEEPING "DR." WILEY IN OFFICE—LETTERS ON WILEY BY DISTINGUISHED LOUISIANA REPRESENTATIVES OF THE SUGAR INDUSTRY—STATEMENTS BY SENATORS EUSTIS, HALE, AND PLUMB.

WASHINGTON, *January* 6, 1887.

To the Editor of the Times-Democrat:

I notice that the Picayune, in its issue of November 8, permits a correspondent to rush to the defense of Chief Chemist Wiley, and take the Times-Democrat to task for copying from a Saint Louis paper a letter criticising his most extraordinary "experiments" at Fort Scott.

It is singular that the Picayune should come to the defense of Wiley now, after denouncing his methods, or rather want of methods, all last winter and through the spring and summer.

A brief review of Wiley's case, and a reference to written opinions of him, as fully set forth by competent Louisiana judges, will show him to be sadly in need of defenders.

The appropriations for the chemical division and laboratory of the Department of Agriculture, mainly or in part for experiments in the manufacture of sugar from the tropical sugar-cane in the Gulf States, and sorghum of the North and West, by the diffusion process, since the fiscal year ending June 30, 1882 have been as follows:

Compensation of chief chemist and assistants and extra assistance	$9,500	
Labratory, sugar experiments, &c.	25,000	
Total for 1883		$34,500
Compensation of chief chemist and assistants and extra assistance	9,500	
Labratory, sugar experiments, &c.	16,000	
Total for 1884		25,500
Compensation of chief chemist and assistants	11,500	
Labratory, sugar experiments, &c.	50,000	
Total for 1885		61,500
Compensation of chief chemist and assistants and extra assistance	11,500	
Labratory, sugar experiments, &c.	40,000	
Total for 1886		51,500
Compensation of chief chemist and assistants and extra assistance when necessary, &c.	17,500	
Sugar experiments by diffusion	94,000	
Total for year ending June 30, 1887		111,500
Total for five years, under Wiley		284,500

The object of these appropriations has been stated over and over again in the debates of Congress for five years past. In Senate debate February 20, 1885, and June 10, 1886, as follows:

"Mr. PLUMB. The amount of money proposed by the amendment which I now offer was appropriated by the last agricultural appropriation bill. The design of the committee, and of the Senate, in providing for that appropriation was to enable the Commissioner of Agriculture to engage in certain experiments in regard to machinery necessary for the manufacture of sugar from sorghum.

"It is conceded now everywhere that the ordinary crushing machinery applied to the extraction of juice from cane, whether the Louisiana cane or the bastard cane known as sorghum, does not ordinarily result in the extraction of more than 50 to 55 per cent. of the juice. A firm in Wilmington, Del., The Pusey & Jones Manufacturing Company, I believe, have manufactured an apparatus of that character which they believe, and which is believed by intelligent people who have inspected it, comes near at least to answering this purpose, but the actual fact can only be determined by experiment.

"Mr. HALE. Is it expected that this appropriation, or some portion of it, will be devoted to the end of securing an advanced method of machinery as applied to the sorghum in extracting the juice?

"Mr. PLUMB. That certainly is the expectation. The present Commissioner of Agriculture has stated to me that he designed, if this appropriation was made (and no doubt his successor would feel similarly minded), to erect a machine of that kind in Louisiana, to be used there in connection with the manufacture of sugar by private apparatus, which would demonstrate, if demonstrate it can, the ability of that machine to meet this great lack.

"Mr. GIBSON. The Commissioner of Agriculture, with the appropriation that was made last year of $50,000, has done much by scientific experiments and investigations to aid the manufacture of sugar, and has had constructed in Wilmington, Del., a diffusion machine for manufacturing sugar from sorghum cane. It is of American manufacture, and the first of its kind, I believe. It has not yet been tested, but will be in readiness for the crop this autumn. The Commissioner desires to contract for a diffusion machine adapted to the ribbon cane that is produced in Louisiana, which is harder and of a tougher texture than sorghum cane. The machine will require certain modifications to suit this cane."

In the debate of June 10, 1886, Senator EUSTIS stated the object of the appropriation as follows:

"Mr. EUSTIS. Now, a word in reference to the diffusion process. In Europe, where of course they do not cultivate the cane, but make their sugar from beet-root, they have used the diffusion process for a great many years. They have made improvements upon the diffusion process. They have, by study and experiments, brought the diffusion process to such a point of perfection that to-day the sugar planters of Cuba, Jamaica, and Louisiana can not compete with the beet planters of Germany, Austria, and France; and by reason of the very success of the experiments which have been conducted in those countries for years they have placed the cane-sugar growers of this and other countries almost at their mercy. Therefore, the idea, as I understand it, is to try to adapt the diffusion process, which has been successfully applied to the beet-producing sugar, to the peculiar structure of the cane."

Senator EUSTIS was not in Congress when Wiley's four previous annual appropriations for diffusion experiments on tropical sugar-cane in Louisiana were made, but his concise statement of the object, five years sought for, but not yet attained, so far as Louisiana is concerned, applies to all five of the chemical division and laboratory appropriations, amounting, as above stated, to $284,000. They were, as the Senator says, made mainly "to try to adapt the diffusion process, which has been successfully applied to the beet-producing sugar, to the peculiar structure of the cane." That is the whole case in a nutshell.

The statements above quoted of the two Louisiana Senators, made in 1885 and 1886, settles that point beyond controversy. Moreover, Senator EUSTIS's statement confirmed and agreed with all that had been said by Senators GIBSON, SAULSBURY, CALL, HALE, PLUMB, and others the year before, and before his term in the Senate commenced.

About a quarter of a million dollars of this money has been expended or squandered (all of it, in fact, except some $50,000), and yet Chief Chemist Wiley has not made one pound of sugar by the diffusion process from tropical cane in

the Gulf States during all the five years that he has had charge of the chemical division of the Department of Agriculture. There is no getting around this astounding fact. None of Wiley's half dozen satellites in Louisiana will dare deny this. No member of his coterie in New Orleans will dare dispute it. About a quarter of a million dollars appropriated, mainly or in part for the diffusion experiments, as stated by the distinguished Senators above quoted, and no experiments in the diffusion process upon tropical sugar-cane in the Gulf States.

HON. EDWARD J. GAY'S STATEMENT.

On February 7 last the Picayune published the following interview between its regular Washington correspondent and Hon. EDWARD J. GAY:

Diffusion—The Government sugar experiment in Louisiana—Hon. E. J. GAY interviewed.

WASHINGTON, *February* 6, 1886.

To the Editor of the Picayune:

The views of Hon. E. J. GAY on the subject of the Government diffusion experiments in Louisiana will naturally be of great interest to your readers, and at my request he has kindly furnished me with the following observations for the Picayune.

L. Q. W.

DIFFUSION.

"On the subject of the extraction of cane juice by the mode of diffusion there is great and increasing interest in the sugar-growing districts of the United States.

"The principle of diffusion is generally understood and greatly appreciated, and the practical question before us is: How can diffusion be fully tested upon sugar-cane, the growth of this country, under circumstances which will establish in the public mind full confidence in its advantages over every other mode of juice extraction, or the reverse?

"The interest manifested by Congress on this subject, in making liberal appropriations in 1884 and 1885, fully justified the expectations that our country should now be in possession of full knowledge of diffusion as applicable to our sugar production. This has been prevented.

"The Department has consumed valuable time in schooling itself to a knowledge of what was already in practical daily use in other cane-growing countries, and familiar to many practical and scientific men, whose devices in manufacture and skill in manipulation have long been available.

"The just expectations of the public have been wearied by delays in the exemplification of a system already well understood and practiced in this and other countries. * * *

"The plant in Kansas was sufficiently tested upon sorghum to satisfy the chief chemist of the Agricultural Department, Professor Wiley, who was in charge, as well as other experienced sorghum-sugar experts there, of the surpassing advantages of the diffusion principle.

"As some mechanical defects were apparent from this experience, and from the lack in Louisiana of the provision of a carbonizer for the generation of carbonic-acid gas, deemed valuable as a purifying agent in connection with the successful experiment in sugar-cane, Professor Wiley deemed it best to suspend the work of erection of the 'plant' in Louisiana. This postpones the trial in Louisiana until the season of 1886."

Mr. GAY's disappointment and disgust can be imagined now that Wiley has obtained another appropriation of $111,500, and expended nearly all of it, and again postponed the diffusion experiments upon the tropical sugar-cane in the Gulf States until the sugar-making season of 1887-'88, for which yet another appropriation will be demanded this winter.

It will be observed, moreover, that Mr. GAY says that the "liberal appropriations in 1884 and 1885 fully justified the expectation that the country should be in possession of full knowledge of diffusion as applicable to our sugar production," but that "it has been prevented." He then goes on and tells us how "it has been prevented." He says of Wiley's management:

"The just expectations of the public have been wearied by delays in the exemplification of a system already understood and practiced in this and other countries. The department has consumed valuable time in schooling itself to a knowledge of what was already in practical daily use."

HON. DUNCAN F. KENNER ON WILEY.

The following letter from Hon. Duncan F. Kenner, president of the Sugar Planters' Association, to Hon. EDWARD J. GAY, explains itself:

NEW ORLEANS, *February* 16, 1886.

DEAR SIR: Your letter of 13th February is to hand, and I am somewhat surprised at the information you give. I had supposed the chief chemist stood very high with our Kansas friends, and I was not at all prepared to learn that the Kansas people objected to the experiment in diffusion being renewed under the superintendence of the chief chemist. Your letter was a revelation to me. I agree with you fully that some practical knowledge must be infused into the control and management of the new process or we will never get beyond the theoretical point. The great difficulty will be to find a suitable person to occupy the position of superintendent of the new process under the Commissioner of Agriculture, with such necessary scientific knowledge and practical experience as to justify his appointment by the Commissioner. And next, would the Commissioner be willing to appoint him? * * *

I agree with you that we should treat the subject as if it were now upon us.

Yours truly,

DUNCAN F. KENNER.

Hon. EDWARD J. GAY, M. C.,
Washington, D. C.

Messrs. GAY and Kenner, it should be borne in mind, are among the largest and wealthiest sugar planters in the United States. Mr. GAY is re-elected to the next Congress from the district formerly represented by Kellogg. He has large experience as a sugar planter, manufacturer, and *refiner*, and at the present time the owner of a number of large sugar plantations. Mr. Kenner, president of the Sugar Planters' Association, is actively engaged in promoting the sugar industry. Both gentlemen have, it will be seen, put themselves upon record as to Wiley's unfitness for the place he now holds. If any further expert evidence is required it can be found on every hand, particularly among sugar engineers, chemists, and sugar experts generally.

MR. CHARLES G. JOHNSEN'S STATEMENT.

The eminent sugar engineer and successful inventor, Mr. Charles G. Johnsen, of New Orleans, wrote under date of March 16, 1886, to Hon. WILLIAM H. HATCH, chairman of the House Committee of Agriculture, as follows:

"In a review of the work done by the Agricultural Bureau I do not find a single discovery of any value to the sugar industry; on the contrary, much harm has been done by the misleading statements of the bureau.

"The Government has spent $218,000 attempting to educate Professor Wiley as an engineer and sugar-maker. It is a soft thing for Wiley.

"The solution of the future of the sugar industry does not rest, in the remotest degree, with the Bureau of Agriculture.

"CHAS. G. JOHNSEN."

Mr. Johnsen also wrote to General KING, Representative in Congress for the past eight years from the fifth Louisiana district, calling his attention to the above, and received a lengthy reply, which closed as follows:

"I most heartily agree with all you say as to Professor Wiley's unfitness to superintend, or even assist in superintending, the proposed Government sugar-making experiments in our State. You are quite right in saying that the Government has spent many thousand dollars in attempting to educate Professor Wiley as an engineer and sugar-maker, and Hon. Duncan F. Kenner, president of the Sugar Planters' Association, makes the same statement to me in his letter of the 15th ultimo.

"You are quite right, also, I am convinced, in stating that there are plenty of competent engineers and sugar-makers in Louisiana whose services can be obtained by the Government to conduct the diffusion experiments whenever needed.

"Western Senators and Representatives have, I am informed, expressed a determination to oppose all further appropriations for sugar experiments to be conducted by Professor Wiley in their section; and at least two members of our delegation are strongly inclined the same way.

"A well-known Kansas engineer and chemist, Professor Swenson, has accordingly been selected, as I learn, to take charge of the proposed sorghum-sugar experiments in that State.

"A similar arrangement should be made for the experiments upon the tropical sugar-cane of Louisiana.

"I have no personal choice in this respect, but am endeavoring to get the Sugar Planters' Association, through their president, to nominate a suitable person for appointment.

"Very respectfully,

"J. FLOYD KING."

As Mr. Kenner was quoted in the above, General KING sent him a copy, whereupon the following correspondence ensued (see CONGRESSIONAL RECORD, June 20, 1886):

"NEW ORLEANS, *April* 19, 1886.

"DEAR SIR: Your letter of 16th of April, including your correspondence with Mr. Charles G. Johnsen, has been received. I have to thank you for your kind attention in sending it to me. I was not at all prepared for anything of the kind. Your reply is perfectly unanswerable, and if it meets your entire approval, I will have it read to the Sugar Planters' Association at their next meeting. Several of our members are making constant efforts to find some one who will suit the purpose as an experienced chemist to assume the management of the diffusion apparatus, but so far without success.

"Yours, truly,

"D. F. KENNER.

"Hon. J. FLOYD KING,
"*Washington.*"

It is a well known fact that the authors of the above letters differ widely in many matters—in State politics and other things—but they all agree in utter condemnation of Chief Chemist Wiley.

It should, moreover, be borne in mind that Mr. Johnson's terrible arraignment of Wiley before the House Committee on Agriculture was mentioned in the Times-Democrat dispatches the day it was made, and afterward criticised and indorsed by a member of the Louisiana delegation in Congress, and transmitted to the president of the Sugar Planters' Association, and by him again indorsed and ordered to be read at the May meeting of the association, and by resolution, unanimously adopted, ordered to be "printed for the benefit of members not present to-night," and not one word was uttered at the meeting, or since, in defense of Wiley.

And so, in Senate debate of 10th of June last, on the agricultural appropriation bill, Wiley was again denounced, but no one said a solitary word in his defense. *Senators widely differed in other matters, but there was no difference as to Wiley. No one to say a good word for him—not one!*

OTTAWA.

A CRIME AGAINST THE UNITED STATES.

The Fort Scott correspondent of The Times-Democrat gives, in his report published in that paper on the 29th of December last, this account of an act committed by this man Wiley, which I think should be investigated with a view to a criminal prosecution, and have so stated to the proper authorities:

As to the addition of quick lime and of slaked lime by the thousands of pounds to the limited water supply, it would seem to be either the result of stupidity or something far worse. It was currently reported at the time that when Mr. Deming remonstrated with Professor Wiley, who directed this lime to be added in such quantity, and stated that it would interfere with the experiments which Professor Swenson desired to try, that Professor Wiley retorted, "D—n Swenson's experiments!" and when it was represented to him that the safety of the boilers would be endangered by the use of this lime water, that he exclaimed, "D—n the boilers!" If this statement is not true, it behooves Professor Wiley speedily to contradict it. If it is true, his course in the matter was clearly criminal and not the result of ignorance or stupidity. But he states that this lime was added on account of the bad condition of the water. Why, then, was it not added at least a month earlier and during the hot weather? He also states that the water was not alkaline, apparently forgetting how during the experiments with the Potter evaporator everybody exclaimed that there was in each experiment evidence of an excess of lime, for the presence of which nobody could account, as it was only the next day that Mr. Deming informed Professor Swenson of what he had done to the water supply, against his own judgment and at Professor Wiley's positive command.

Why did Professor Wiley have this mass of lime (sufficient to have made lime water of at least ten times the supply of water) directly before the supply-pipe which supplied the pump for the mill, and directly under the discharge of the sluice-box of the steam pump, so that every gallon of water for the works could only be obtained after it had been saturated by passage through a mass of quicklime? Should he be disposed to insist that it was harmless, I need but cite the testimony of everybody at Fort Scott competent to form an opinion that this addition of lime rendered, for the time being at least, all experiments useless, and I mention Professor Swenson, Dr. Collier, Mr. Kirchoff, and others.

The beneficial effects of this lime from a sanitary standpoint, as claimed by Professor Wiley, were secured by the addition of "so small a proportion of lime!" Professor Wiley had better consult some elementary text-book on chemistry and find how much water this lime he added would saturate. He is absolutely alone in his pretended belief that what he did was not, as Professor Swenson at least believes it was, intended to absolutely frustrate the possibility of success by anybody else after his own lamentable failure.

In the same letter with the above may be found the following statement:

WILEY THE SOLE CAUSE OF THE FAILURE AT FORT SCOTT:

"Professor Wiley gives unqualified approval to the machinery, excepting only the cane-cutters, which, however, after slight changes, so satisfactorily performed their work that he was willing to permit, if, indeed, he did not direct, that a large card should be placed near them announcing that they were 'designed by H. W. Wiley and built by the Pusey & Jones Company, Wilmington, Del.'

* * * * * * *

"Dr. Collier's repeated statements while here were that no sorghum crop ever grown was

RICHER IN SUCROSE

than that grown at Fort Scott had been at some time during the season, and before it was practically destroyed by the frost. He based his decided opinion upon an analysis of an average sample of cane brought in from the field August 30, the juice from which contained 13.25 per cent. of sucrose; upon another sample which, by his request, was analyzed by Professor Swenson October 15 from cane planted the 26th of July, and which had escaped the frosts of the 28th of September. This sample gave a juice containing 13.07 per cent. of sucrose and had a coefficient of purity of 81°, but a load delivered gave evidence of having been as good or better than these average samples, and Professor Wiley will hardly deny their superiority to even the Louisiana cane he worked, not only in content of sugar, but in coefficient of purity.

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FACTS ABOUT PROFESSOR WILEY'S PROCESS.

"The average results for the entire season show that by Professor Wiley's diffusion which, owing to the very high temperature at which it was conducted, would better be termed decoction—he lost by inversion exactly 14.53 per cent. of the sucrose present in the mill juice, and as the glucose formed by this inversion would keep its own weight of sugar from crystallization it is plain that by *his* diffusion process Professor Wiley lost exactly one-third of all the sugar present in the cane; and as this is the amount of loss by the roller mill, it is clear that *his* process lost all the sugar which it was hoped to recover by these experiments in diffusion. But this is not all. By *his* process of diffusion he added upon the average for the season over 53 gallons of water to every 100 gallons of juice, so that the amount of water to be evaporated was nearly doubled. Now, is this all? By *his* 'carbonatation' Professor Wiley destroyed over 28 per cent. of the glucose, converting it into a black and bitter product, which destroyed the molasses or rendered it unfit for use."

IN CONFIRMATION OF THE TIMES-DEMOCRAT'S STATEMENT

of these facts the representative of the Louisiana Sugar Exchange at Fort Scott certifies in his report, published in the Picayune of September 17, that the machinery provided by Congress for Wiley to experiment was all that could be desired. His report closes in these words:

Take it all in all, this sugar-house, if not the largest, is surely the most convenient of and decidedly the most perfected yet erected or in existence within the United States.

R. SEIG.

Mr. E. W. Deming, the engineer in charge of the Government machinery, certifies to the efficiency of American machinery built by The Pusey & Jones Company, of Wilmington, Del., in these words:

The cutters and diffusers are meeting all expectations, the former furnishing a constant supply of chipped cane, while the diffusers leave scarcely a trace of sweet in exhausted chips or waste water.

Regarding the Sangerhuysen, Germany, machinery, Mr. Engineer Deming makes this report:

The carbonic-acid pump, a huge affair of German manufacture, failed to give the necessary volume of gas for rapid carbonatation, reducing the work of the factory one-half, or to the use of one cutter.

According to all accounts this "huge German pump," purchased by Wiley of a member of his coterie, and forced upon the Government at a cost of some $3,000, was finally thrown aside and a little American pump, built in New York, and which cost less than the freight on the German pump across the Atlantic, was substituted, after which there was no trouble. All accounts agree that the triumph of American machinery was complete.

The sugar expert employed at Fort Scott by the Saint Louis Globe-Democrat makes his report upon the machinery after the German cane-cutters and huge carbonatation pump had been thrown aside and an American pump and cutters substituted, in these words:

As to the character, quality, and working of the machinery (American), there is but one verdict, to wit, that it is perfect and gives forth results with the certainty of clock-work. Of course it is not claimed but that experience may suggest slight improvements, but that the application of mechanical principles in its construction has been skillfully done no one denies. Investigation has also been directed to ascertain what quality of cane has been produced. Upon this point there is absolute unanimity of opinion by fully twenty gentlemen who have knowledge of the subject and who consulted in company yesterday. A gentleman who is widely known declared that he questioned whether any country had ever grown cane richer in sucrose than the sorghum he had seen drawn into Fort Scott every day for a month past.

It is thus shown beyond all question that this man Wiley has stagnated our whole sugar industry during the period that he has had control of the chemical division of the Department of Agriculture—since 1882 in fact.

With the best machinery in the world and an abundance of sorghum cane, as rich in sugar as any ever grown, he failed all through the season to make as much sugar at Fort Scott last season as could have been obtained by an old roller mill of the last century. The first 2,000 tons of cane, containing at least a quarter of a million pounds of available sugar, was ground, and the juice extracted, spoiled, and poured into the gutter. Instead of making more sugar by the new process than by the old, he actually made less.

Each ton of sorghum cane that was hauled to the Government experimental works at Fort Scott last season contained, and would have yielded, if worked at the proper time and in the proper manner—

From 100 to 150 pounds of available sugar.
From 8 to 12 gallons of molasses.
From 80 to 90 pounds of leaf fodder.
From 2 to 3 bushels of seed.
From 80 to 90 pounds of fine paper pulp.

All this is proven by repeated analyses made by honest and competent chemists at Fort Scott, Kans., and fully confirmed by the experiments of other equally competent chemists at Rio Grande, N. J., and Kenner, La.

Ninety-five analyses made by Professor Stubbs of sorghum juices at the Louisiana Experiment station during the past season were successful and conclusive in proving that sorghum will be a valuable adjunct to tropical cane sugar manufactured in the Gulf States; as by its earlier ripening and sugar making qualities it will enable our planters to extend the manufacturing season to six months or so. And yet this man Wiley, with all these advantages, failed to take off the crop at Fort Scott. Indeed, he failed, for weeks after the machinery was all put in working order, to make any sugar whatever, and it was not until he left the works in charge of Assistant Chemist Swenson, while he went on a few days' trip to Washington, that any was made.

A United States Senator [Mr. PLUMB] certifies in writing that Wiley desired to make the Government experiments fail last year, and I believe he is correct.

Hon. John S. Williams, Third Auditor of the Treasury, who was president of the Indiana State Agricultural College, and had this man Wiley under him for awhile as professor of chemistry, assured me that he is utterly unfit for the position he now holds; and his testimony is fully in accord with that of all who have knowledge of the man.

FOREIGN INFLUENCE.

The influence that the English, German, and French sugar interests are secretly exerting upon our affairs has not received the attention that it should. Indeed, it has scarcely been recognized. The strange obstacles thrown by unseen hands, as it were, in the way of the development of our sugar industry, after all the efforts made and money appropriated to promote it, is of the utmost importance, though the facts have strangely escaped attention.

Nearly one-third of the sugar product of the world is grown and manufactured in the British possessions, and we do not fully realize that the English sugar interest is, of all others, the most intense in its hostility toward American competition. The British colonial sugar growers and the Refiners in England are equally hostile to our sugar interests.

In my speech of the 6th of May last I showed that the exports of British East India sugar was increased from 41,000,000 pounds in 1879 to 200,000,000 in 1884, the last year named being an increase of 159,000,000 pounds in four years. Every pound of this sugar, it should be borne in mind, is the product of British East India slave labor.

It is estimated that there are 150,000 square miles of undeveloped British East Indian sugar, wheat, cotton, and rice lands yet to be put under cultivation, and upward of two hundred million British East India cooley slaves available for working them, and putting their products upon the markets of the world *in competition* with the free-labor products of the United States.

According to the board of trade reports to the English Parliament the entire sugar product of the world amounts to something over 6,000,000 tons per year. Of this amount 1,800,000 tons of cane sugar is grown and manufactured in the British possessions of Asia, Africa, Oceanica, South America, and West Indies, and wholly controlled in England.

About 2,200,000 tons of beet-root sugar is contributed to the world's supply by Germany, France, and other European countries; while 2,000,000 tons of tropical cane sugar comes from other countries, not directly antagonistic to the United States.

In other words, our English competitors are supplying the markets of the world, including our own, with about 1,800,000 tons of tropical cane sugar annually; while other European countries are contributing some 2,200,000 tons of beet-root sugar, making an aggregate European sugar-producing interest of 4,000,000 tons per year that is hostile to any development of the sugar industry of the United States.

This immense European sugar interest, representing two-thirds of the world's entire production, makes no secret of its hostility towards our sugar growers, or of its desire to crush us out.

When I read of the unsuccessful efforts made by agents of English sugar refiners in Parliament to obtain legislation adverse to the sugar interests of the United States, I at once perceived that an effort would be made to obtain secretly and by indirection in Washington what they had failed to obtain openly in London; the object being to stagnate the sugar industry of the United States, it mattered not whether it was attained openly in the English Parliament or by secret intrigue in Washington. Every effort made by Congress during the past six years to promote our sugar industry has been strangely throttled by some secret agency.

The chief chemist of the Department of Agriculture, a mere department clerk, having been permitted during the past few years to usurp the charge of almost everything relating to the sugar industry, even to the extent of recommending changes in the sugar tariff, and having sole control of the Government sugar-making experiments, has every opportunity to serve secretly these foreign sugar interests which are in every possible way antagonizing ours; and I say here and now that Professor Wiley improves his opportunities wonderfully well. I do not say that he is in their pay, for I do not know, but I do say that he is doing the work that a paid secret agent of these foreign sugar interests might well be expected to do. I am not indulging in conjecture

in this matter, but have substantial proof; and ask the attention of the House and of the country to what I have to say. I charge—

First. That this man Wiley has wantonly and extravagantly spent the money appropriated for the department as already most fully shown.

Second. That he is, in my judgment, in the employ of French and German beet-root sugar manufacturers and sugar-machine builders, and London refiners, whose sole object is to stagnate all efforts of the Government to aid in developing our cane-sugar industry by the introduction of the diffusion process which seems to me to be the only hope of our sugar planters and which it seems certain will, if the work is put in competent hands, enable them to compete with the bounty-fed beet-root sugar of Europe, and cooly-slave labor tropical-cane products of Cuba and British colonies.

That he is working in European sugar interests and against our own his every official and unofficial act since 1882 shows.

WILEY'S TRIP TO EUROPE—MORE FOREIGN INFLUENCE.

It has been stated that Wiley's trip through England, France, Germany, and Spain at Government expense, in the fall and winter of 1885–'86, was made by request of the Louisiana Sugar-Planters' Association. But I take this occasion to pronounce the statement unqualifiedly false. No such request was ever made.

After Wiley had gone to Europe in November, 1885, Hon. Duncan F. Kenner, president of the Sugar-Planters' Association, addressed a letter to Commissioner Colman through Mr. Colcock, secretary of the Louisiana Sugar Exchange, merely suggesting that Wiley be instructed, since he was already in Europe, that, inasmuch as Louisiana was not at all interested in beet-root-sugar production, he should direct his attention to the cane-sugar-diffusion experiments in Southern Spain. Mr. Kenner's suggestions were embodied in Commissioner Colman's instructions to Wiley, and forwarded to him in Paris.

It is important to know how he obeyed them. Instead of going direct to Spain as instructed, he reports at once to the British sugar refiners, and they find in him a willing tool for the accomplishment of their ends against the sugar manufacturers of this country. The British sugar refiners had sent a committee to this country to recommend to our Government a revision of the United States regulations concerning drawback, in accordance with their wishes and based on their calculations, but this English deputation had been very properly snubbed by the Secretary of the Treasury and had returned unsuccessful. They were quick to see, however, in the person of Mr. Wiley, a man whom they could use for the accomplishment of their purpose, and judged rightly that the official relation he held to the Government would give weight to his presentation of their cause.

In the following extract from a speech made by the chemist of the Agricultural Department at the annual meeting of the National Sugar Growers' Association, held at Saint Louis February 5, 1886, he unwittingly boasts of his action and presents as a finality certain statements relating to drawback—a subject concerning which he has not a single qualification to judge independently—which are, word for word, the arguments of British sugar refiners aimed at the industries of this country and which have no foundation in fact as applied to American manufacturers:

Professor WILEY. Mr. President and gentlemen of the convention: The idea, I suppose, which will be the theme of this address might be termed "recent improvements in the manufacture of sugar with special reference to their application to sugar-cane and sorghum," and connected with this an incidental account of the observations made during the investigations of these improvements in Europe during my recent visit.

On my arrival in London I at once addressed letters to the chief sugar refiners of Europe, inclosing my card and note of instructions which I received, and asking the privilege of visiting their factories for the purpose of consulting with them in reference to these matters. Every one to whom I addressed this note responded at once and very courteously, and not only accorded the privilege but offered every aid in their power to help me in the investigation. While awaiting those replies in London, I busied myself in visiting the refiners of the city, and in making the acquaintance of the men there who are, you may say, the sugar kings of England—those who are most interested in the development of the refining interests of that country. I found that there was quite a feeling among these men in regard to the policy of our own Government which promises a drawback for exporting sugar, which is really more than the duty which the raw sugar from which it has been made has paid. In other words the granting of a bounty on exportation, which is contrary to the spirit of our institutions.

Of course the object of the Treasury regulation, made some years ago, under which this bounty is paid was not to give a bounty, but simply to allow a rebate upon the exported sugar of the amount of duty which had been paid, but, unfortunately, as I think, the commission which was appointed in 1883 for the purpose of determining what this drawback should be listened more to the arguments of American refiners than to the interests of our country, and the result of their report seems to have been extremely unfavorable to foreign refiners. Now, I do not believe that the people of this country are willing to help contribute cheap sugar to England. It seems as if the whole world is determined that England shall pay nothing for her sugar; for the whole world is buying this sugar to-day and presenting it to the people of England. A most magnanimous act, perhaps, but one we can not afford. The bounty that is paid by the United States of America on exported sugar has swelled the exportations of fine sugar from almost nothing to nearly 150,000 tons annually, and the quantity which is exported is rapidly increasing. I found in every part of London American sugars were selling at a lower price than that for which the English refiners could buy raw sugar and refine it. The fact is that they receive a bounty of about three-tenths of one cent a pound more than the amount of duty that is paid upon the raw sugar from which it is made. You know that is a good margin: an eighth of a cent is a good margin in all sugar transactions.

This most audacious speech is a fair sample of Wiley. He is constantly promoting and advocating foreign interests and stagnating our own in any way in his power. In his address before the Washington Chemical Society, at the Columbian University in this city, on the 9th of December last, he went out of his way to sneer at portions of

PRESIDENT CLEVELAND'S MESSAGE,

in which the promotion of our own home industries are recommended; made ironical allusions to "*tariff-tortured citizens of New York*," and in terms of contempt referred to President Cleveland and his Cabinet as "*certain wise political economists*" who had gone astray.

My friend from Missouri [Mr. HATCH] assures us that there is an "understanding" that Wiley will have nothing to do with the sugar experiments hereafter; that "the Commissioner of Agriculture has so stated to more than one member of the Committee on Agriculture, both in the House and Senate; and *it was stated in conference*, when pressed by the Senate to agree to the terms of this amendment, *that the present chemist* (Wiley) *who had charge last season would not have it this season.*"

What an extraordinary confession is this from the member from Missouri in behalf of the present Commissioner of Agriculture! The chief chemist, who will have sole control of this appropriation, is so notoriously and confessedly corrupt and incompetenf that the Commissioner of Agriculture is compelled to confess judgment in his behalf in advance, and promise that he shall have nothing to do with the expenditure of the appropriation as a condition precedent to our voting for it! Would it not be better for the Commissioner to discharge his incompetent and corrupt chemist and appoint an honest and competent man?

We appropriated $111,500 for the chemical division last session on the same condition, and the Commissioner's promise was broken and falsified by his own subsequent action, and the bulk of the money squandered. I am opposed to appropriating more money on such terms. Some provision should be made for dividing the amount appropriated among the three existing sugar experiment stations at Kenner, La., Fort Scott, Kans., and Rio Grande, N. J.—an equal sum to each—the experiments to be conducted "independently of the Department of Agriculture as at present organized," as recommended by the late Professor Silliman, in his letter to Mr. Hewitt, which I have already placed before the House.

These three stations are already equipped and in charge of competent sugar experts. They will need very little new machinery in addition to that which we provided for last session. I will favor the appropriation of $50,000 in the pending bill, provided it is divided equally among the three existing stations and "independently of the Department of Agriculture as at present organized."

Consolidation of Naval Bureaus.

SPEECH
OF
HON. CHARLES B. LORE,
OF DELAWARE,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, March 3, 1887.

The House being in Committee of the Whole on the state of the Union and having under consideration the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes—

Mr. LORE said:

Mr. CHAIRMAN: Since my remarks of January 8 on this subject, the chairman of the Committee on Naval Affairs [Mr. HERBERT] has given additional reasons for the passage of the bill. Let us consider them:

First. He lays much stress on the fact that "set after set of boilers were constructed when there was either no use for them or long before there was any need of them." He appends to his remarks a table of United States vessels for which boilers were so constructed, and singles out the new vessel New York as a typical instance of the whole class.

If the chairman means us to infer that these errors and abuses grew out of a want of harmony between the Bureaus of Steam Engineering and Construction and Repairs, and would be corrected by the consolidation of these bureaus as proposed in this bill, all I have to say is his premises are as false historically as his conclusions are unjust and inconclusive.

I now submit to the candid mind his table, and give a short history of each case, which demonstrates that in every instance the order emanated directly from the Secretary of the Navy, so that the result possibly would have been the same if there had been a consolidation of bureaus as now proposed, aggravated perhaps by the interposition of another intermediary to make confusion worse confounded.

But let us examine the table on history:

A list of boilers for various ships, with dates of building and erection on board ship, furnished by the chairman of the Committee on Naval Affairs with the intent to show want of harmony between the Bureaus of Steam-Engineering and of Construction and Repairs.

Name of ship.	Boilers built or building.	When put in ship.	Reference to accompanying notes.
Amphitrite	1876, 1877, 1879.	Recently	Note 2.
Colorado	1876, 1877	Not yet	Note 9.
Franklin	1877	Not yet	Note 9.
Hartford	1877	1880, 1881	Note 3.
Juniata	1876	1881, 1882	Note 4.
Lancaster	1875, 1876	1880, 1881	Note 5.
Monadnock	1875, 1876, 1879	Not yet	Note 2.
New York	1883, 1884	Ship not launched	Note 7.
Omaha	1877	1883, 1885	Note 8.
Puritan	1876, 1877, 1879	Recently	Note 2.
Terror	1875, 1877, 1879	Recently	Note 2.
Wabash	1877	Not yet	Note 9.
Tuscarora	1881, 1882	Vessel sold	Note 6.

NOTE 1. In the Navy, as in the mercantile marine, the building of new boilers for a ship is seldom delayed until the ship is laid up for repairs. The life of a boiler, according to its type and the service to which it is put, is pretty well determined. When this period is nearly ended, new boilers are made and are ready to be put in at short notice whenever required.

In the mercantile marine a vessel is usually laid up for but a short time to receive new boilers, as the work is pushed as rapidly as possible in order to avoid having capital lying idle. In the Navy, on the contrary, the repairs on ships are often delayed to suit the money available for the purpose, and, consequently, boilers made for a given ship are sometimes unavoidably kept for several years to await other repairs to the ship, and are frequently put into sister ships where they may be more needed.

NOTE 2. The boilers of the Amphitrite were contracted for May 12, 1875; those for the Terror on April 14, 1875; those for the Monadnock on April 13, 1875; those for the Puritan on September 5, 1876. The contracts for the engines of these ships were originally made early in 1877, but were subsequently annulled on account of failure of appropriation to complete the work. Money has been recently appropriated for this purpose, and the ships are now being completed.

The reason for making the contracts for the boilers while the hulls were still in an incomplete state is shown in the annual report of the Engineer-in-Chief for 1876 (see Report of the Secretary of the Navy for 1876, page 250): "In my last report I had the honor to call your attention to the necessity of erecting engines on board the twin screw double-turreted monitors Amphitrite, Terror, and Monadnock. In this respect nothing has been done except to place under contract the boilers for these vessels as previously reported, that they might be placed in the holds of the vessels prior to putting on the iron decks, beams, and plates, a necessity arising from there being no permanent openings in the decks large enough to admit them into the holds of the vessels after the completion of the latter, then under contract by the Bureau of Construction."

The difference between interfering with the arrangements of an armored deck and removing part of a wooden one for the introduction of boilers into a ship may be illustrated by the case of the British ram Polyphemus. This vessel had boilers which on trial proved to be failures. It was determined to remove them and put in others of a different type. It was found more convenient to put the ship in dock, take out a portion of her bottom plating and frames, and take out the old boilers and put in the new ones through the opening so formed, rather than remove a portion of the iron-armored deck.

NOTE 3. The Hartford was laid up for repairs in 1869 and new boilers were put in. She then served for two cruises, one on the Asiatic station and one on the North Atlantic. Towards the end of the latter cruise, when new boilers would be probably needed, a new set was built, being completed in 1877. The old boilers on thorough examination proved to be fit for another cruise with slight repairs, and were retained in the ship until the end of her next cruise as flag-ship of the South Atlantic station. The new boilers were put in in 1880 and are still in the ship.

NOTE 4. The Juniata returned from a foreign station in 1876. The hull was examined and found fit for repair. New boilers were built and kept in readiness to put in whenever the repairs of the hull should be in a sufficiently advanced state. More important work prevented the repairing of the hull until 1879, when work was commenced on her at League Island navy-yard. The resources of this yard being small, the work progressed but slowly, and it was not until 1881 that the boilers could be put in.

NOTE 5. The Lancaster was in continuous commission on a foreign station from 1870 to 1876. Boilers were contracted for in 1875 in anticipation of her return, as the old boilers were known to be totally unfit for another cruise. The repairs to the hull could not be made until 1879 and were not far enough advanced to receive the boilers until 1880. Had any emergency required the services of this ship during the period that she was laid up, the substitution of new boilers for the old ones could have been speedily done and the ship put in readiness for active service.

NOTE 6. In 1881 material was procured for the construction of boilers for the Tuscarora, but as doubts were entertained as to the condition of the hull the building of the boilers was delayed until a thorough examination of the ship was made. The hull was condemned as unfit for repair and was sold. The boiler material, which is of the best quality, remains on hand ready to be worked into the next boilers required.

NOTE 7. The New York has never been launched. She, in common with others of her class, was commenced near the end of the late war. The building of the engines was commenced about simultaneously with the building of the hull. The engines built by contract were completed in a short time, but the work on the hull was stopped at the end of the war. It was decided by the Secretary to resume work on the ship in 1882, and boilers were built in obedience to that order. The work on the hull was again suspended for lack of funds. Of these six boilers four are about to be put into the Kearsarge, and the other two are available for the first of several ships which will soon need new boilers.

This class of boiler was designed to be interchangeable for a large number of ships. The history of the construction of the New York's boilers is detailed in the respective reports of the Secretary of the Navy.

NOTE 8. The Omaha served continuously on the South Pacific station from 1872 to 1877. New boilers were built for her in the latter year. The putting in of the new boilers was delayed until repairs to the hull were sufficiently advanced, in 1883. The boilers were, however, ready to be put in at short notice in case the ship was at any time required for active service.

NOTE 9. In 1876 it was decided by the Secretary of the Navy to use the frigates Colorado, Franklin, and Wabash for receiving-ships, instead of the old hulks which had previously been used for that purpose, and to keep them, as far as possible, in readiness for sea service at short notice. This policy is mentioned in the report of the Secretary of the Navy, 1876, page 105.

In pursuance of the policy of the Department to have the ships employed on the recruiting stations in condition for sea service as near as possible, the steam frigates Colorado and Wabash are now in commission as receiving-ships at New York and Boston; the Franklin, on her way home from Europe, has been ordered to Norfolk, and the Wyoming is fitting out at Washington. These ships constitute a reserved class, and, although not of modern type, might be employed with great advantage in any emergency arising near our coasts, as they carry formidable batteries and have steam power.

Soon after this work was begun on new boilers for these ships. The boilers, after completion, were kept ready for use when occasion required. The Colorado having been subsequently sold, her boilers were otherwise disposed of; two having been turned over to the Bureau of Yards and Docks for use in connection with the dry-dock pumping-engines at the New York navy-yard, and the others put into the Wyoming. Four out of the five Wabash boilers have been put into the Richmond, and one is on hand in good condition.

The Franklin's boilers are still on hand in good condition.

NOTE 10. Within the last two years new boilers have been built for the Alliance and the Swatara, six for the former and eight for the latter, to take the place of similar boilers which were worn out.

The Bureau of Steam Engineering determined to make an experiment on the former ship with a system of forced draught, which the officers of the bureau considered to be far superior to anything which had been previously attempted in that line. Accordingly, only four out of the six boilers were put in, thus allowing 27 tons more coal to be carried, and increasing her cruising endurance by about 18 per cent., at the same time lightening the ship about 10 tons.

Upon trial the ship easily reached her former speed and power, and proved the expectations of the Bureau of Steam Engineering.

The same system is now being applied to the Swatara, six only out of the eight boilers being put in. There are thus four boilers, two from the Alliance and two from the Swatara, reserved for use in some other ship; there being enough to reboiler a ship of the Alliance class. These boilers are interchangeable for this class of ship.

The fact of these boilers being on hand is the result of the successful experiments in forced draught.

NOTE 11. The boilers mentioned in these notes, as well as all other boilers built from time to time, have been noted by the Engineer-in-Chief in his annual reports, stating for what ships they were intended. The Bureau of Steam Engineering is the only bureau in the Navy Department which reports its expenditures in detail, showing the amount expended on each ship.

These boilers were all built by the orders of the respective Secretaries of the Navy, transmitted in the usual manner to the Engineer-in-Chief.

If there have been any mistakes as to the time or manner of building the same, or in the uses made of them, they were purely mistakes of administration, emanating directly from the Secretary of the Navy, and for which the Bureau of Steam Engineering was in nowise responsible.

I submit that in the light of the history of these cases given above it is disingenuous to make a scapegoat of the two bureaus named, when the fault (if fault there was) lay directly at the door of the Secretary himself in each case. It adds no force to the argument in favor of the proposed measure, and is an unjust perversion of history.

Second. But it is urged the late Secretary of the Navy, Mr. Chandler, recommended such a change, that the present Secretary and the Admiral of the Navy are now in favor of this measure. In the absence of convincing reasons, this is a singular argument to influence an American Congress and would savor much of Bismarckian intolerance and executive dictation to legislative power were it offered in sincerity. It is surely unnecessary to answer such a proposition in our well-adjusted and well-balanced constitutional Government. The interests of the people are paramount to the wishes of any and all their servants. The only question is, what is their best interest in this behalf.

The last argument, if it were possible to dignify the suggestion by such a misnomer, was the attempt of the chairman to influence this House by the extract from letters to Mr. Hewitt that this bill was antagonized by "a very powerful and influential body of naval officers and their friends, strong enough to hold the balance of power in any case of important action in either House or Senate." I am at a loss to characterize this statement.

It is an appeal to prejudice, an attempt to bias legislation by matters which have no relevancy to the merits of the bill and savor little of statesmanship. Indeed, it is a confession of weakness in the bill itself. If it refers to the staff officers of the Navy, it is an unwarranted attack upon that large and most efficient part of our Navy, and tends to encourage the assumed superiority of the line officers, which has been so offensively and persistently demanded and enforced by the line against the staff ever since science and steam have made the epauletted quarter-deck a gradually diminishing power.

The staff, which is the civil and labor element of our naval *personnel*, is drawn largely from civil life, and annually infuses into the Navy new elements of strength, and has been the potent factor in revolutionizing naval implements and naval warfare, and lifting our naval corps out of the rut of red tape, hereditary traditions and exclusiveness, and placing them fully abreast of modern progress and in full accord with our national life and institutions. In a word, it has popularized the Navy. We should take no part in the insane and aristocratic jealousy of the line officers against the staff, which was expressed in an evidently inspired editorial of the Washington Post of February 14 last, which branded the Corps of Engineers as the "engine drivers of the Navy," but see to it that exact justice is done to both staff and line, and their relative positions determined not by artificial lines and tra-

ditions, but by real merit and the best interests of this arm of our national service.

The line and staff are both essential elements of our naval organization. The harmonious blending of the two will insure the highest possible success. The glory of naval warfare will, in the future as in the past, gather about the brow of commanding line officers whose sole word moves the *personnel* and machinery of the floating leviathan as he proudly treads the quarter-deck, and at whose feet the trophies of victory will ever be laid, while the toilers of the staff, whose skill and science render the triumph a possibility, will labor obscurely in the superheated bowels of his steam-girt home. The applause of a grateful country will be lavished on the one, while the other will only be rewarded by the consciousness of work well done.

I therefore envy not the defender of this bill who is driven to such strait that he must invoke this jealousy in the Navy as ground for the innovation.

That the plan of reorganization will lead to economy is speculative. It starts with increased machinery and costs, and the friction of new methods and appliances will soon rub out all hope of a saving to the Government. Experience and common sense teach that increase in *personnel* and machinery tend to extravagance, not economy.

I have tried to summarize the new reasons given for the passage of the bill. I submit that they weaken rather than strengthen the position of its advocates.

On the other hand, the objections to its passage grow stronger the more they are considered.

At considerable trouble I have had made a diagram of the present and also one of the proposed organization of the Navy Department, which I here append, and which to my mind demonstrates the unwisdom of the proposed change.*

Diagram A represents the present eight-bureau system of organization. Commencing with the circle, central power, which represents the Secretary of Navy, each bureau connects directly with its chief, the Secretary, while the length of each arm gives the exact mathematical relation or point of expenditure of each bureau to the Secretary and to Congress. The unity and harmony of this system is apparent, and indicates the process of natural growth, under the only safe test, the crucible of the needs of a gigantic civil war.

Diagram B represents the proposed organization, and manifests the zigzag eccentricity of empiricism. The length of each arm here gives the exact relation of each bureau and division to the Secretary and to Congress under the proposed reorganization.

Under the new plan five of the old bureaus are abolished, namely:

1. Equipment and Recruiting.
2. Yards and Docks.
3. Steam Engineering.
4. Provisions and Clothing.
5. Construction and Repairs.

And in their places are created two new bureaus:

1. Material, construction, and repairs, with two divisions: (1) Construction and equipment; (2) Steam engineering.

2. Supplies and accounts, with two divisions: (1) Supplies and purchases; (2) Audit and accounts.

The diagrams show that under the present system the expenditure of each bureau bears a natural relation to the importance of the independent bureau as indicated by the length of each arm, while in the proposed system the arms run off in wild extravagance, as though seeking to hide their abnormal deformity or veil some hidden and unseemly purpose. Indeed, the proposed method can not be formulated into a geometric figure without disclosing its absurdity.

This objection, however, deals with the question in its financial relation to the Secretary and to Congress.

There is a more important and unanswerable objection to the proposed measure.

Congress has entered with spirit upon the rehabilitation of the American Navy. The people are demanding a restoration of our naval supremacy and prowess.

The old wooden ships, typified in the world-famed Constitution, whose decks were trodden in gory history by our naval heroes, Paul Jones, Hull, Lawrence, Perry, McDonough, and hosts of others, are fast passing away, and will soon become only a glorious memory and heritage of our marvelous birth among the nations.

In modern naval vessels for hulls we have gone down into the bowels of the earth for ribs of iron and sheathing of steel to take the place of the oak timber and wooden covering once cut from earth's surface for such use. For propelling power the white-winged sail, copied from heaven's winged denizens, is supplanted by scalding steam, borrowed from the subterranean forces that, now and then, rock and shake our earth from center to circumference. In short, the full-sail wooden ship, "a thing of beauty and a joy forever," is almost a memory, while in its place the iron-clad, iron-bound, and iron-ribbed leviathan cleaves the waves, vomiting forth smoke and steam from its subaqueous caverns.

In artillery the smooth-bore gun has given place to the rifled cannon, and the range of shot increased from a few hundred yards to ten and twelve miles, while the dynamite air gun, torpedoes, and other kindred devices are making naval warfare the embodiment of earth's mysterious subterranean forces.

In this evolution the men most familiar with these forces, who have studied their limitations and conditions, must inevitably come to the front.

To-day the question is not so much who shall command the vessel when made as who can best solve the problem involved in this transition from wood to iron, from sail to steam, who shall best fashion the infernal machine. Since the duel between the Monitor and Merrimac this transition has made rapid progress. In an able article on "The Navies of the Continent," in Harper's Magazine for January, 1887, by the great English naval authority, Sir Edward J. Reed, the problem which the naval powers of Europe have for twenty years been seeking to solve is stated to be "the effort to reduce the weight of the hulls of ships (apart from armor) by the extended use first of iron and afterwards of steel, and to apply the saving of weight thus effected to the development of engine-power, speed, and steam endurance."

In the solution of this problem continental nations have wisely invoked the highest constructive and engineering skill, and have given to naval constructors and engineers every stimulus of honor and reward.

We on the contrary by the proposed reorganization strike down the two Bureaus of "Construction" and "Steam Engineering" (the twin Titantic sisters which must nurse us into naval vitality), and make them mere divisions of a bureau. Further, as if in mockery of wisdom and experience, the "board of council" created by the proposed bill, who shall determine with the Secretary of the Navy the type of vessel, model of hull, design and power of engine of the new navy, will be composed of the Chiefs of the Bureaus of "Navigation," "Ordnance," "Material, Construction and Repair," and "Supplies and Accounts," with three other officers of the Navy to be selected by the Secretary, while the Chiefs of "Construction" and "Steam Engineering," the specially skilled and competent advisers in such matters, are left out. This is verily the play of Hamlet, with Hamlet out.

Think of such a "council" with the merchant chief of supplies and the quill-driving chief of accounts gravely prescribing the type of ship, hull, engine, with all the details of driving the electrical dynamo, steering, pumping, forced draught, twin propellers, &c., to the skilled, but unnoticed, constructors and engineers who have no voice save through their hermaphrodite head, the Chief of the Bureau of "Materials, Construction, and Repairs."

The wisdom that could conceive such a plan is only commensurate with the brilliant results that would cover the scheme in practice with undying ridicule.

Therefore, in reviewing the field, how slender are the grounds urged in support of the proposed change. Every reason thus far given is an administrative and not organic defect. The remedy is the enforcement of existing law. Let defiant subordinates be held to their duty by the Secretary of the Navy and the remedy is applied.

The destruction of the present system and construction of a new one on the basis proposed would be akin in wisdom to the reconstructor who took his ship to pieces plank by plank in order to remove the barnacles that had fastened on the bottom, and the man who took down his house piece by piece and brick by brick in order to get the soot out of his chimney, and then when out of the *débris* a new but inferior ship and house were reconstructed other barnacles would fasten and other soot would accumulate. Scrape off the barnacles and sweep out the accumulated soot by the strong hand of executive power, already provided, but leave the grand old system, naturally grown, well developed, and crowned with the glory of a magnificent success, unmarred in her symmetry. The system is good enough. Let the administrative hand be strong and firm, and we will have the needed reform.

The nation looks longingly for the new navy. Our naval constructors and engineers are able, trained, and of marked ability. Give them merited recognition and reward, and we need not fear competition with other maritime powers in the war ships that shall spring from their cunning fingers and fertile brains.

In this there need be no jealousy between the line and staff—each in his proper sphere co-operating for the national weal, bending every energy to the one end of rehabilitation.

The unconquerable spirit that prompted Nelson in 1798 at Aboukir to say, "Before to-morrow I shall have gained a peerage or Westminster Abbey," and to signal to his fleet at Trafalgar in 1805, "England expects every man to do his duty," and that fired our own loved Lawrence, as he cried in the throes of death, "Don't give up the ship," has ever been the characteristic of the line officers of the American Navy. In the hour of need they have been the bravest of the brave. With the petty jealousies between the line and staff (which I fear largely suggested this bill) buried forever, we may confidently look forward to the dawning of the day which shall hear proclaimed among the nations, in patriotic fulfillment of prophecy, "Columbia, not Britannia, rules the wave."

* NOTE BY PRINTER.—Diagrams not inserted, owing to lack of approval from Joint Committee on Printing as required by section 6 of Rules for Publication of RECORD.

Pre-emption of Public Lands.

SPEECH

OF

HON. JAMES LAIRD,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 21, 1887.

The House having under consideration the conference report on the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes—

Mr. LAIRD said:

Mr. SPEAKER: I think that the real point in issue in this controversy can be stated in a single sentence, and that is, whether the Congress representing the entire people of this country, is willing to protect every American citizen in his inalienable right to a day in court. This is the issue and all of it. All the hue and cry about fraud and robbery as against the right of a citizen to be heard is bosh. All the clamor of cattle syndicates and great land monopolies is foreign to the issue; it is a trap set by the hand of demagogues for the feet of the unwary.

Land-Commissioner Sparks for two years has robbed the Western settlers of their constitutional right to hold their property until they are divested of it by due process of law.

That Land Commissioner, through the Land Committee of this House, now asks this body to indorse his high-handed defiance of the property and legal rights of the Western settlers by rejecting the following amendment to the House bill proposed and insisted on by the Senate conferees:

Provided further, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, the Commissioner shall hold the entry for cancelation, which action shall become final unless within sixty days from notice thereof the claimant or other party in interest shall ask in writing for a judicial investigation of the case, and thereupon the Commissioner shall suspend further action in the case and file with the United States Attorney-General notice of such suspension, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained.

The Senate, Mr. Speaker, insists that a settler has some rights which he does not hold at the discretion of the Commissioner of the General Land Office, and in the effort to aid such settler in maintaining such rights it demands the adoption of the above amendment as a condition-precedent to the passage of the bill. The Commissioner and his too subservient committee in this House refuse to consent to that amendment, and ask you to indorse their refusal. They ask you to indorse their denial of the right of an American citizen to go into the courts of the country and defend his property. If we were in the dark ages, if we were savages and barbarians, I take it that the attitude of the House conferees might not challenge alarming attention; but as we are supposed to be at least semi-civilized, I cannot understand the brazen effrontery with which men contend for the right of confiscation now enjoyed by the all-devouring head of the Land Department.

Mr. Speaker, what is it that the Senate seeks to protect? It is the rights of the settler after issue of final receipt, after compliance by him with the laws and the conclusive statement of that fact by a final receipt, which in the absence of fraud is an absolute estoppel upon the Government, and that fraud which would void his final receipt can not be presumed, it can not even be inquired into, by the Land Commissioner under the law except on appeal from the local land officers.

A final receipt can not be attacked collaterally by the Commissioner. He can not, in the absence of an appeal from the decision of a local land office, have any jurisdiction over a final receipt, whether fraudulent or not, no more than he could have jurisdiction to set aside a patent. These things are for the courts, where a man can have his day and enjoy his guarantee that he shall not be deprived of life, liberty, or property without due process of law. Of this right the people of the West have been causelessly robbed by this Commissioner for two years, and to-day they want to know whether the House of Representatives of the United States will deliberately deny them the right of trial, which is all they demand.

I have sometimes thought that we of the West erred in supposing that all other Representatives were as familiar as we with the land subject, and particularly as to the respective rights of individuals on the one hand and the Government on the other. With this thought in view, you will pardon me if I discuss for a moment what is to us the a b c's of the case.

Mr. Speaker, what is a final receipt and how is it obtained? Let us suppose that A is seeking a pre-emption. His first step is to locate and make settlement on not exceeding 160 acres of the unappropriated public domain offered for sale under the pre-emption laws by the Government. Having done this, he must present himself at the local land office and there make oath that he is twenty-one years old, or the head of a family, that he is a citizen of the United States, or has declared his intention to become such, that he is not the owner of 320 acres of land in the United States, that he has made settlement on the tract of land which he offers to take, and that he desires to take it for his own use and benefit.

This being done, he is permitted on the payment of certain fees to make what is called a "filing" on the land. This being done, he must proceed to live upon and cultivate the same as required by law for at least six months from the date of the filing; when, if he so desires, he can "prove up" and take what is called his "final receipt." To do this he must first advertise the fact that he intends to do so, giving the names of his witnesses, the place and person before whom their evidence and his own will be taken, and this notice must be printed for sixty consecutive days in a newspaper printed and in general circulation in the district where his claim is located. This notice having been given he must present himself at the local land office with at least two witnesses and prove under oath his compliance with the land laws of the United States as to the time of settlement, at least six months, and also as to the character of the improvements.

He then becomes, if the land officers are satisfied with the proof, entitled to a duplicate register and receiver's receipt on the payment by him to the United States of $1.25 per acre, or $200 per quarter section, and certain land-office fees. This receipt is called the final receipt, and in the absence of contest is regarded as conclusive evidence of title, as conclusive as the patent of the Government, which without further action on his part it entitles him to.

It will not have escaped the notice of my colleagues unfamiliar with the detail of the land laws and practice thereunder that the claimant has been required to give sixty days' notice to the world of his intention to prove up. Under that notice any person can come in and contest or protest his title, and if that be done the local land officers withhold the final receipt and forward the whole case to the Commissioner of the General Land Office, who thus obtains his only jurisdiction over the case by appeal, and his decision is again subject to review by appeal to the Secretary of the Interior. In the absence of any protest or contest the final receipt issues and as against all comers, the Government as well, is title; that is, as between the settler and the Land Department the Government is forever foreclosed. If fraud has been perpetrated it can be reached but through the courts alone.

So strongly is this held that in the late Oregon case in the United States circuit court it was held that, admitting the fraud of the original taker, his grantee, for a valuable consideration, without notice, took a good title. The final receipt is evidence of the equitable title and entitles the possessor to the full legal title represented by the receipt. This is the universal holding of the courts, both State and National, and the question here presented is whether Congress will permit Mr. Sparks or any other ministerial officer to confiscate this private property in defiance of statute and Constitution, or whether it will compel this autocrat to bow his neck to the courts of the country, or if he refuses to bow, then break it.

Mr. Speaker, what is the status of this title by final receipt in the domestic courts of the West? As soon as the settler has his final receipt the taxing authorities enter his land on the tax-roll, and unless he responds it is sold for the taxes, and a good tax deed may be made on it years before the patent issues. If the holder of the final receipt is indebted the land may be sold on execution, and the purchaser at sheriff's sale takes a good title. If this final receipt is not good title, then for at least fifty years we have been taxing Government lands in the West; we have been selling and are to-day selling it in satisfaction of private debts.

If a final receipt is not title, then we have no title to land in the West, for that is all the title we do have and hundreds of millions of mortgage securities held in the East are worthless, for they are based on just that and nothing more. Are you men of New England and New York, the investing States, going to vote for a vast scheme of repudiation, and that a repudiation of the titles upon which rest the investments of the millions of your capitalists and the earnings of your poor? And yet this is what you will do if you stand by the House conferees.

Mr. Speaker, not only does this Commissioner of the General Land Office refuse to recognize the rights of the holders of uncontested final receipts, but he will not even allow their grantees in good faith to be heard in defense of their rights acquired by honest purchase. The gentleman from Illinois [Mr. PAYSON] undertakes to say, interrupting the gentleman from Kansas [Mr. PERKINS], that there has never been a time when the Commissioner of the General Land Office held that a grantee of the holder of title by final receipt was denied the right to intervene to defend his claim before that officer or the Secretary of the Interior.

Mr. PAYSON. I hope the gentleman will not misstate what I said. I say it was never so held by the Secretary of the Interior, as I understood was asserted by the gentleman from Kansas.

Mr. LAIRD. I understood you to say that it had not been so held by the Department of the Interior.

Mr. PAYSON. I did say by the Department of the Interior.

Mr. LAIRD. What took place between you and the gentleman from Kansas was as follows:

Mr. PERKINS. I want to call attention to one other point. A man settles upon

160 acres in the West and establishes his right to that land in the local land office. He pays his money; he gets his certificate; he prosecutes his efforts to make a home; he adds to his improvements; and when such a man as I spoke of a few minutes ago from Illinois, or Indiana, or Iowa, comes and finds these facts, buys from him his right, enters upon the possession, and continues the improvements, an agent who has been sent out by the Commissioner reports on *ex parte* testimony that the original occupant was a fraudulent one and did not conform to the law, and this *bona fide* purchaser, who, under existing law and existing practices, has gone there and invested everything he has in the world, is allowed no opportunity of defending his property, no opportunity of making an entry upon that quarter section of land as an original occupant.

Mr. PAYSON. Will the gentleman permit an inquiry?

Mr. PERKINS. Certainly.

Mr. PAYSON. Does the gentleman make that assertion upon newspaper reports or upon inquiry at the Department as to the practice? I wish to correct the gentleman because I know he desires to be accurate in his statement of facts.

Mr. PERKINS. I do, indeed.

Mr. PAYSON. I wish to say that there is not in the practice of the Interior Department a shadow of foundation for the statement the gentleman has just made, as I will proceed to demonstrate, when my time shall come, from official documents now in my hand. I interpose now simply for the purpose of correcting the gentleman from Kansas, who, I know, desires always to be accurate in his statement of facts.

Mr. LAIRD. You did say that it had not been the practice of the Department of the Interior to deny the grantee of the holder of a final receipt the right to be heard in defense of his interests, and you promised to demonstrate that the gentleman from Kansas [Mr. PERKINS] was wrong when he so states. Now, the Commissioner of the General Land Office is the head of the land bureau in the Interior Department. He is, in the absence of appeal to the Secretary, supreme in his authority over all questions touching the public lands and the rights of parties thereto. He is not only a part of the Department of the Interior, but he is too often the whole establishment; and I undertake to say that you can not demonstrate anything that you say on this point, for here are his letters, addressed to myself, which settle the controversy, and in which the Commissioner specifically refuses to allow the owner of a given quarter-section of land, to which he held a warrantee deed executed by the holder of the final receipt, to appear and prove his good faith and defend. The gentleman from Illinois [Mr. PAYSON] says that such was the rule of the Land Commissioner for a day or so. Here is his order denying grantees the right to come in, and here is the order of the Secretary reversing it. Compare the dates and you will find the Commissioner's order was the law over a year instead of two or three days, as you say. And yet this is the man you want to clothe with absolute power, and yet you must confess he does not know enough to know that a purchaser has some rights. You come confessing that his rules have to be reversed by the Secretary before they are defensible.

I also hold the written refusal of the Commissioner to allow the same person to be advised of the accusation filed against the title of his grantor by a special agent, on the ground that the complaint upon which he and his grantor were to be deprived of their title to the land in question was a privileged communication. The proposition that in a free country of free citizens, subject to enlightened government, a secret charge, in reality a public record, so important that it becomes the sole ground of the denial and destruction of vested rights being withheld from the person therein charged with fraud, is too monstrous to be entertained for a moment; and yet that is what this committee ask you to do. They demand that you shall fix this outrageous system in your laws and give a legislative recognition to the inquisition carried on by Sparks.

In this connection, Mr. Speaker, here is a sample of the orders (laws) of this man Sparks, who asks to be clothed with final and absolute power to confiscate private property:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 31, 1885.

To *Registers and Receivers and Special Agents:*

GENTLEMEN: The practice of ordering hearings, as a matter of course and without application, in cases of entries held for cancellation on special agents' reports, is discontinued.

Hereafter when an entry is so held for cancellation, the claimant will be allowed sixty days after due notice in which to appeal to the Secretary of the Interior, or to show cause why the entry should be sustained.

Applications for hearings must be accompanied by the sworn statement of claimant, setting forth specifically the grounds of his defense and what he expects to prove at such hearings. He must also make oath that his application is made in good faith and not for the purpose of delay.

Notice to claimants will be sent by registered letter to their last known post-office address, and the return letter receipt (or returned letter) will be transmitted to this office with register and receiver's report.

Notice will also be served personally if claimant can be reached, and registers and receivers and special agents will take every precaution to see that notice reaches the party or his attorney, and to preserve and transmit the evidence of service, or of attempt to procure service.

Attorneys appearing for alleged fraudulent entrymen will be required to file the written authority of the claimant for such appearance.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Approved.
G. A. JENKS, *Acting Secretary.*

I call the attention of the House to the second paragraph particularly:

Hereafter when an entry is so held for cancellation, the claimant will be allowed sixty days after due notice in which to appeal to the Secretary of the Interior, or to show cause why the entry should be sustained.

This circular does not refer to cases that reach the Commissioner on appeal and where he has jurisdiction; it refers to cases where the holders are seized of a vested right, which this man claims the monstrous right to divest them of without trial upon the secret report of a secret agent, which, when they ask to see it, they are told is privileged. Here are men deprived of their property on a secret report, and if they are not satisfied with the justice of the robber they may have sixty days in which to satisfy their despoiler that he was wrong or they can appeal to his legal superior, or they can submit like dogs—and you are asked in a free country governed by law to perpetuate a system that would not be tolerated in pandemonium.

Did the learned Commissioner never hear of what his profession calls a presumption of law? Is it not presumed that the officers of the Government did their duty when they passed upon the settler's proof and gave him his receipt? Is it not presumed that the settler and his two disinterested witnesses swore to the truth when they swore to his compliance with the law? In the absence of proof impeaching these mixed presumptions of law and fact, does he not know that the presumptions are conclusive, and does this man not know that by the rules, from the Roman law down, the one who alleges fraud must prove it; that the burden of proof is upon him?

Mr. Speaker, it is a simple thing which is asked here; so simple that the wonder is how any one can be found so blunted to the instincts of natural justice as to deny it. The people ask to be permitted to enjoy a fundamental right of appeal to the courts, free from the outrageous interference of the Land Commissioner. They ask that when an issue of law and fact affecting vested rights is raised it may, on the demand of the party affected thereby, be referred to a court and not be absorbed by an inquisitor who has thus far shown himself absolutely incapable of comprehending justice, much less of executing it.

If the law had always required issues as to the legality of title to public land to be referred to the courts, as is provided in the amendment under consideration, the nation would have saved $500,000 taken from the Treasury to quiet the title to certain lands in the State of Mississippi to which the Government, acting on the advice of the then Land Commissioner, had issued its patent and which was also claimed by other parties who were supported by a decision of the United States court.

Such a law as is now proposed would have saved the nation $25,000 growing out of conflict of titles in the State of Virginia, and, finally, would have saved this Forty-ninth Congress from legislating $250,000 out of the Treasury to make good the losses sustained by settlers in Nebraska and Kansas arising from a failure of the Government patent—a saving in fifty years of $775,000, caused by the blunders of the various Commissioners of the General Land Office and Secretaries of the Interior. Blunders that never could have happened had the practice obtained which is proposed by this amendment of referring questions of law, of constructions of statute, and the decision of the rights of parties under grants of Congress to the courts for judicial settlement as they arise, instead of allowing thousands of innocent people to acquire rights on erroneous ruling of the Land Department, finally to be ripped up by the courts.

Mr. PAYSON. What Commissioner was that?

Mr. LAIRD. It was not Sparks. That is one sin we can not lay to Sparks; the only one I know of. [Laughter.]

I trust, Mr. Speaker, that I have made it plain that the question is whether or not an American citizen, or one who has declared his intention to become such, is to be robbed of his title to land by the arbitrary act of a mere ministerial officer, and upon an inquiry which bears no more right relation to a judicial proceeding than the tortures of the inquisition bear to the peaceable Christian jurisprudence of to-day; or whether he shall be allowed his fundamental right of appealing to the courts of his country; whether we will or not make good the constitutional guarantee which provides that no man shall be deprived of life, liberty, or property without due process of law. There are doubtless from fifty thousand to one hundred thousand settlers upon the public lands in my State alone that are interested in this discussion, and I will be pardoned some warmth in a contention where their rights are drawn in question—not their doubtful, speculative, prospective rights, but their actual, present rights to property which they are now in actual possession of, holding the equitable title thereto, and have been in some cases for seven to eight years, but which if this law be not passed the Commissioner will strip them of without an opportunity to be heard.

I hold in my hand now a long letter from two citizens residing in the northwestern part of my State, who have lived upon their claims, one six and the other seven years; who have well-improved farms, one 75 and the other 50 acres, under plow; who have houses, barns, wells, orchards, and everything that goes to make up a rural home; whose lands have been taken from them on the report of a special agent, who, notwithstanding their seven years of residence, makes a secret complaint that they have failed of compliance with the law in that respect. They write to me, asking if the Congress of the United States will not afford them some relief against the dangerous system of espionage, seconded by the still more pernicious exercise of an arbitrary power by an irresponsible bureau officer.

One of the letters contains this paragraph:

Sparks might as well have sent Doc Middleton (a notorious outlaw of the Northwest) around to steal our horses as to send his agents, Coburn, Carr, and others,

to rob us out of our homes and turn our families into the street after we have lived upon these lands for seven years. They have sold our homes to be paid for in the perjury of the people who accuse us, and who, if we are beaten in these cases, are to be rewarded by the possession of our property.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. PERKINS. I yield the gentleman from Nebraska five minutes more.

Mr. LAIRD. After what has been said showing the nature of the title of the holder of a final receipt from the Government I take it that gentlemen will see the force in a supposititious case which I will put, and of which there are doubtless thousands and tens of thousands of parallels in the State of Nebraska alone: A settler having acquired title to Government land sells the same to an innocent purchaser, and after having done so innocently departs from the country; a special agent hears of this transfer and the departure of the grantor and reports the same to the Department.

That fact alone is held by the Commissioner of the General Land Office to be conclusive evidence of fraud upon the part of the grantor, because he assumes that the sale of this property immediately upon the receipt of the title thereto is upon a secret understanding between the grantor and the grantee, made previous to the settlement by the grantor, which vitiates the final receipt. Upon the receipt of this report by the Commissioner notice is sent to the holder of the final receipt that his entry has been canceled for fraud, proof of which was furnished by the report of the special agent, which he is not permitted to see, nor are his attorneys permitted to see it for him; and that he has sixty days in which to come in and show cause why the cancellation should not be made final, or in which to appeal from the decision of the Commissioner canceling the entry. If the holder of the final receipt, the grantor in the supposititious case, is absent from the country, and his grantee remains ignorant of what has transpired, there will be no answer to the *ex parte* proceedings before the Commissioner, and the cancellation will become final.

If the grantee chances to hear of this proceeding, he may ask to appear by attorney or he may, as has happened in my own district in scores of cases, write to his member of Congress and ask him to represent the matter to the Commissioner of the General Land Office and request that he be permitted to intervene and protect his rights in this property. The answer of the Commissioner is that he has no right to be heard to defend his interest in the property; that the department does not recognize his right to protect himself, and will not permit him to be subrogated to the rights of his grantor.

On the other hand, the person who may have furnished the special agent with the information as to the sale of this land by the holder of the final receipt to the grantee in question, and who is in the confidence of the agent, is upon the cancellation of this claim preferred over all other persons in his right to secure the land if he desires to. He comes in protected in the enjoyment of the fruit of his conspiracy against an absent neighbor; is permitted to file upon the land in question, avail himself of the improvements of the original taker, complete his settlement for six months as required by law, make proof of the fact that he has so done to the satisfaction of the local land officers, pay his money, and receive a final receipt, which in time ripens into patent.

By this time, let us suppose, the purchaser of the holder of the original receipt, some citizen of Massachusetts, or Maine, or Pennsylvania, comes on to examine his property upon which he has been mercifully permitted to pay taxes for several years, and finds an adversary in possession, claiming title, as he does, directly from the United States, and as evidence of the same displaying his patent for the land in question. He asks for possession—it is refused. What are his remedies? An action upon the covenant of warranty against his grantor, or an action in the circuit court of the United States to quiet his title. He goes into court, and he finds there the decisions piled mountain high that the final receipt, in the absence of fraud, is absolute evidence of title; so that, being prior in time to the holder of the patent acquired in the tortuous methods here set out, he is prior in right, and takes the property.

[Here the hammer fell.]

Mr. PERKINS. I yield three minutes more to the gentleman from Nebraska.

Mr. LAIRD. I repeat, prior in time, prior in right; and the grantee of the holder of the final receipt takes the property; and this in accordance with the laws of the United States as adjudicated by the Supreme Court and as affirmed by the supreme courts of all the States, so far as I have knowledge of their decisions. Certainly so in Nebraska, Kansas, Iowa, Colorado, and in all the States where of late years title has been acquired from the Government. So much for the supposititious case.

But what shall be said of the mischief resulting from the interference with the course of law by the Commissioner of the General Land Office? He has robbed the rightful owner of his property to bestow it upon a conspirator from whom it is taken in the end by the grantee of the original settler, not as reprisal, not by force or fraud, but by the solemn adjudication of the courts doing common, every-day, daylight justice between these two, and overthrowing the iniquitous judgments and proceedings of the Commissioner of the General Land Office, who has during the two years of his term sown the country west of the Missouri River with the dragon's teeth of litigation that are to rise for the next quarter of a century to harass and torture the otherwise prosperous West.

To return to the original proposition, all that is involved in the question is this: Whether upon a case presented which impels the Commissioner to think that there is fraud, and where notice of the cancellation of the claim of the holder of the final receipt is given to the claimant and he answers: "I desire to be permitted to come in and defend my title;" or if there has been a conveyance, his grantee comes in and says: "I desire to defend my title"—whether in such a case the Congress of the United States will permit that to be done, as is asked by the conferees of the Senate, or whether they will refuse to allow it to be done, as is asked by the conferees of the House. If the Congress of the United States want to do simple justice between man and man, to defend the common rights of the common people of the West, to give them some sort of a continuing guarantee of the sacredness of their titles, to inspire them with additional purpose and impulse in the great struggle which has built up empires, first west of the Mississippi, and then west of the Missouri—if the Congress of the United States want to do these things, then there is only one course for them to take, and that is, to stand by the conferees of the Senate and refuse to disagree with their report.

* * * * * * *

[Here the hammer fell. Then followed Mr. PAYSON'S remarks, at the conclusion of which Mr. STRAIT took the floor.]

Mr. STRAIT. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. The gentleman from Illinois [Mr. PAYSON] takes issue with the law on the subject. I desire to read from the decision of a district judge recently rendered in the State of Oregon. The language of the court is this:

When a certificate of purchase has been issued to a pre-emptor in due form and no appeal has been taken from the decision or action of the register or receiver the land described in the certificate becomes the property of the pre-emptor. He has the equitable title thereto and has a right to the legal one as soon as the patent can issue in the due course of proceedings. And he can dispose of the same and pass his interest therein as if the purchase had been made from a private person (Carroll *vs.* Safford, 3 How., 460; Myers *vs.* Croft, 13 Wall., 291; Camp *vs.* Smith, 2 Minn., 155; Cornelius *vs.* Kissel, 58 Wis., 237; Bull *vs.* Stiles, 35 Ill.).

Mr. PAYSON. His interest, whatever that was.

Mr. LAIRD. His interest is a vested interest; it is all the interest there is; it is property, and even you will not contend that Sparks can deprive a man of a vested right. It takes a court to do that, a court competent to understand the law and administer justice—two things impossible to Sparks.

Mr. Speaker, the case made out by the gentleman from Illinois [Mr. PAYSON] amounts to establishing, what he no doubt can establish again and again, namely, a conceded state of facts which no man defending these settlers seeks to palliate or deny. We are as much interested in the punishment of these scoundrels as you are. The virtue of the earth is not all confined to Illinois or Indiana; there is some decency outside of those States, and some even outside the precious personality of the Commissioner and his tools and defenders on this floor. You want to punish the guilty; so do we.

We want to protect the innocent; you do not. You say there have been frauds; so do we. We say there are innocent settlers; you deny it. You assert, declare, declaim, and pettifog; we demand proof, and contend that no man is guilty until proven so. You dodge the issue, play the demagogue, and from a score of cases of fraud denied by none, confined to a single class of men, relating to a time when owing to the absence of settlers frauds were possible, proclaim that a whole country is rotten with perjury and crime. I deny it, and I live in the midst of these people and know what I am talking about, and you do not, but base your denunciations of innocent men upon the cut and dried statements—privileged statements, secret accusations—of hirelings who are employed to assassinate the homes and honor of the West.

You of this committee league yourselves with a conspiracy against Kansas, and Nebraska, and Colorado, and Dakota, and other States and Territories which, minus the bloodshed of the border ruffianism of the old days, is more cruel, cowardly, and contemptible than that crime against the free State men in 1858 and 1859.

If this committee is willing that justice should be done, then let them open the letters of their spies. When was the stab of an assassin sacred before? Come with us into the courts of the country—give these hunted home seekers, denounced as outcasts and criminals, a chance to confront their accusers.

Is the great Commissioner of the General Land Office afraid to meet these outcasts in court? They are so poor that many of them have to borrow money to buy a postage stamp to send the letter that curses him. He has his hundred spies and an unlimited credit. If the Commissioner and his apologists and defenders on this floor are so armed in justice, why not meet these perjurers and robbers of the public domain in court? Your answer is that these people are guilty. Yes; if accusation and guilt are one, they are; but that is the question to be tried, and for one I demand for my constituents a change of venue—a change of venue to a decent court—an upright forum and a public trial, accorded by the Constitution before any man guilty or innocent shall be deprived of life, liberty, or property.

This right you deny, and demand that the fate of a great land and a brave people be intrusted in perpetuity to the hands of the Commissioner of the General Land Office. This is a fit sequence to a policy which suspended the very laws the repeal of which we are now considering, and which, by the order of April 3, struck down the title to a hundred thousand farms and made a half a million people homeless. You demand that Sparks try these people; you doubt the ability of the circuit and Supreme courts of the United States to do it; you doubt their zeal; you impeach their integrity along with that of the settlers; you can trust no one save Sparks.

What are the peculiar qualifications of this immaculate and infallible man? He has violated in his prosecution of the Western settlers all the laws of the country enacted for the protection of private property; he has ignored the rules as to the burden of proof; he has violated the presumptions of law as to public officers and innocent men; he has outraged the very instincts of decency. This is in brief the record of your judge. It would have been worse if he had known more. These are the qualifications of your judge, who, as opposed to the renowned jurists in the great forum of the nation, is better fitted to extract justice to these settlers from the secret and poisoned evidence of his spies than are they of the bench to award it after public trial, consideration, and judgment. And here, Mr. Speaker, I leave this case. These pretensions in behalf of Sparks are in keeping with the man they concern; an individual cipher, clothed with brief official power to injure, fortified in his immense stupidity, he presents a spectacle appalling to mankind, from the standpoint of the honest settlers of the West, infamous and contented.

A word in conclusion, Mr. Speaker. I submit to the House that the argument of the gentleman from Illinois [Mr. PAYSON] is entirely wide of the proposition presented to the House. He has shown that the Interior Department, upon *ex parte* testimony by *ex parte* affidavits, upon an *ex parte* hearing by *ex parte* officers of the Government, has been able to overturn the titles to thousands of acres of these lands. Then, if those titles have been obtained through fraud, let these gentlemen and the committee and the Commissioner of the General Land Office submit them to the courts, where the fraud can be established if it exists, and where, at the same time, innocent men will have an opportunity to defend their rights. The gentleman makes a tragic appeal to the galleries, and says that there sits a man who is the dishonest possessor of thousands of acres of land robbed from the Government. The difference between the gentleman and us in this controversy is that we come here to speak for men who are not able to reach the galleries. He pleads against a man in the gallery; we plead for the men in the "dugouts." And if the gentleman in good faith seeks the best interest of the Government, which includes the governed as well as the Government, then I demand that he support the amendment of the Senate, which takes a dangerous power from a dangerous officer and places it where conspicuous learning, together with publicity, guarantees justice to all.

Post-Office Appropriation Bill.

SPEECH
OF
HON. PRESTON B. PLUMB,
OF KANSAS,

IN THE SENATE OF THE UNITED STATES,

Saturday, February 12, 1887,

On the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

Mr. PLUMB said:

Mr. PRESIDENT: The remarks of the Senator from Kentucky, in connection with the remarks of the Postmaster-General which he has read, both considered in connection with the annual report of the Postmaster-General, seem to have left this matter in a little confusion, and no doubt a confusion for which neither he nor the Postmaster-General is responsible, but I should like to have it resolved in some way.

The Postmaster-General recommends legislation to enable him to establish mail facilities between the United States and the South American republics. He has not got the money nor the facilities now under the existing law. He therefore wants us to give them to him. There can not be any question about that, I take it. The amendment under consideration proposes to give him the money, just as he asks for it, and we do not limit him as to the amount he shall expend. We only say that he shall not spend more than a certain amount—$500,000.

Now, I can not see wherein we have failed to exactly respond to the request of the Postmaster-General. He certainly was not putting all this matter in his report simply to exhibit his fine writing. He argues the case at great length, and with equal ability he commends it to the consideration of Congress; he recommends that we give him the facilities necessary to do the very thing that he is there saying is so desirable, and this amendment is the response. Does it give him too much? If that is the case, I will ask the Senator from Kentucky, who is representing the Postmaster-General, to move to reduce the amount, if he thinks his friend is in danger of being run away with some night by a bad ship-owner.

Then I should like to have a little of the confusion that I am in in regard to the position of the Senator from Kentucky settled also. The Senator has voted on two or three different occasions for the subsidizing of a line from Tampa, Fla., to Havana, Cuba. I should like to have his attention to this matter now if I can.

Mr. BECK. I beg pardon.

Mr. PLUMB. I was saying that I am in a little confusion about the position also of the Senator from Kentucky, and I am very considerate indeed of his opinions. He has voted repeatedly during the last three or four years to subsidize a line of steamers to run from Tampa to Havana. The Government is paying to-day $60,000 a year to a line of steamers to carry the mails of the United States from Tampa to Havana, 90 miles of which distance is in foreign waters. The pay which that steamship line could receive under the law applicable to the foreign mail service would not be more than a thousand dollars a year. Yet the Senator from Kentucky has voted over and over again, and we have put into the body of the permanent law of the United States, by his help as well as mine, a provision that the Postmaster-General might pay whatever he saw fit for the establishment of a line of steamers between Tampa and Havana to carry the mails.

Mr. MCPHERSON. And he saw fit to pay $60,000.

Mr. PLUMB. And he saw fit to pay $60,000, at least sixty times the ordinary mail pay, a sum larger than the maximum sum provided for in this bill, to be paid within his discretion for a line of steamers to carry the mail from some ports of the United States to ports in the Argentine Republic.

Mr. President, it is worth something to get away from the crotchets of men, from the mere position of indorsing or condemning an administration, and to get down to the thing itself. Wherein is the proposition to pay not exceeding 50 cents a nautical mile, in the discretion of the Postmaster-General, any more of a subsidy, any more of a violation of that principle which is so dear to the Senator from Kentucky, and which he contends here so zealously for, than it is to pay double that sum to a line extending from the United States to Cuba?

Mr. President, I may be permitted to say that this second argument or second report of the Postmaster-General which the Senator from Kentucky has read is a mere subterfuge, an afterthought. He is not willing now to take the responsibility of his own official utterances, but wants to draw back from them. I shall read from the annual report of the Postmaster-General again to show how elaborate and well considered are his arguments, urging Congress to give him authority and the money necessary to enable him to contract for the establishment of a line of steamers between the United States and these South American republics, to provide him with means, with authority, which under existing law he does not have.

We have done just that, nothing more and nothing less, by this amendment. We said $500,000 because we did not know the amount that he might find it necessary to use. We provided that he should open it to competition, and in order that he might not be run away with unbeknown to himself by some bad ship-owner we limited him as to the amount he should pay. That is all. We provided a bulwark against his own lapse from virtue.

The Postmaster-General refers to the petition of the merchants of Chicago and other cities in his report. He argues in the first paragraph as to the necessity of this communication. For what purpose? After reading the report of the same officer for last year on this subject of mail communication with foreign countries, I felt that, following the ideas there expressed by the Postmaster-General, it would not do to vote money to carry our mails to foreign countries without first making sure that there should not be any indirect advantage given to anybody or to trade, and so pernicious did the Postmaster-General make it appear—this idea of using the mail service in the way of stimulating trade relations—that I felt the only way to be safe was to provide that the vessels which carried the mails should not carry merchandise, and thus wholly avoid the contaminations of commerce. But this year when the Postmaster-General comes to consider the question of the desirability of this service to be established by a provision of law which he solicits us to enact, he says—

> That our manufactures, particularly machinery and coarse cottons, are in demand there—

That is, in the Argentine Republic. What has that got to do with carrying letters and newspapers?—

> but our trade is limited by the lack of direct mail facilities and direct passenger and freight lines.

That is his argument in this case showing why we ought to give him this authority. He says:

> The particular application of these petitioners appears to me to be entitled to serious consideration. There is now direct mail communication between this country and no port south of Rio de Janeiro.

Continuing, he says:

> This application suggests the augmentation of existing service and the creation of new with the particular states—

He not only wants that given greater certainly as to existing lines for transportation of mails, but he wants new lines as well.

This application suggests the augmentation of existing service and the creation of new with the particular states, in both aspects desirable; the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner.

It is not an ordinary condition of things—it is an emergency which he asks us to provide for.

The requisite expenditure would be for something worthy of expenditure and within the general usage and the sound principles of the postal service.

That is to say, the addition to the old facilities and the creation of new ones not now existing by a new law and a new appropriation would be a worthy expenditure and "within the general usage and the sound principles of the postal service."

It should ever be regarded as wise administration to keep postal facilities rather somewhat in advance than in anything lagging to the rear of all the proper requirements of intercourse excited by the ties of blood or race, popular education and enlightenment, trade and commerce.

I think the fact that this amendment came from the Committee on Commerce is directly in the line of the recommendation of the Postmaster-General as to the results which he desires to be realized by the American people from the establishment of this line. Commerce, trade, business interest, and so on, were uppermost in his mind, and are foremost in his argument, in every line of it.

Upon this footing very many domestic routes are maintained at a cost many times beyond their immediate and direct returns—

Which was the whole basis of my argument last year in regard to the propriety of the expenditure then proposed—

but undeniably to the great increase of the country's general welfare.

No strict construction of the Constitution there, no limitation to the direct results to follow the carrying of a letter from the sender to the person who is to receive it, but the general welfare is to be taken into account, and that, too, in connection not alone with the distribution of the mails to persons upon our own soil but also to persons on a foreign soil—

And whenever the substantial need of intercourse by the mails arises provision for such communication is promptly made—

Referring now to the domestic service. Then he goes on to say that these considerations suggest the inquiry as to the necessity of the service, and he says to the President:

I respectfully suggest that you invite the attention of that body [Congress] to the subject in such terms as shall commend it to careful consideration. Should the recommendation meet with favor, in its general aspects, the Department might be authorized to solicit proposals for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment.

Not that of the Postmaster-General; he specially remitted that whole question to us. He did not burden us with the suggestion that he could get service for five, ten, fifteen, or fifty thousand dollars a year, but he urges the President to recommend to Congress and ask them to put such limitation upon this expenditure in regard to its terms and amounts as they shall deem wise—

with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise.

Taking in the widest possible scope of the results to be reached, he asked Congress to take them all into consideration in determining the cost of the service desired, and this amendment simply fixes a maximum and authorizes the Postmaster-General to do the best he can within the outside limit which we name. Within that he has entire discretion.

There is good reason for the expectation that such an invitation, open to fair and general competition, for a service of a sufficient duration to warrant the requisite provision of vessels, would result in proposals that would enable a desirable contract to be made and a system of communication to be established of great and lasting advantage to the United States. The rapid development and growth of the countries in view—

Not their capacity for subscribing to American newspapers or getting up a correspondence upon social or other friendly topics—

their lack of manufacturing establishments of their own—

What has that got to do with the mail service?—

the desirable character of their products for exchange, and the advantages of extending the fields of enterprise of our citizens, as well as of creating firmer ties between the peoples of our continent—

Now he is getting into the domain of the Monroe doctrine, the political consequences to follow the general assimilation of the institutions and destiny of the people inhabiting North and South America respectively. These things he says—

Invite the extension and enlargement of our postal facilities by every just, reasonable, and economical method in consonance with sound principles.

Mr. President, I have not placed my argument in favor of this amendment upon so broad a base as that. I have advocated it here and elsewhere upon narrower grounds. Still I was glad to welcome the Postmaster-General to this higher plane upon which he voluntarily put himself, and from which he has now, I suppose equally voluntarily, taken himself.

This whole thing is summed up in a nut-shell. The Postmaster-General says we need these facilities for all the great reasons which he has so well set forth. He says there is no provision of law and no adequate appropriation of money to enable him to provide them. In the amendment the committee propose to give him the money and the authority of law to contract, and then we say to him: "Use this just as you please for the accomplishment of this purpose; and you need not use it at all if you do not want it." Wherein is there subsidy in that?

According to the theory which he has developed in this new exegesis upon his report, he is paying a subsidy to every railroad in the United States to-day, and has been every moment of time since he came into the Department. If a thing is adequate compensation as determined by him, how does it become a subsidy? And if he can not trust himself, I am willing to deal more liberally with him than he is with himself, and to give him a chance to try his hand in the line of the recommendations of his report, more especially as I believe that this report expresses his sound and final judgment, and that he has only yielded to the solicitation of some people who saw with dismay that he had stepped over the line of the Democratic faith as expressed here and elsewhere upon this most important subject, and he has been coached until he has retired.

Mr. BECK. I did not catch the last suggestion of the Senator from Kansas. He said that somebody had done *what* with the Postmaster-General?

Mr. PLUMB. I said I thought that on the whole the Postmaster-General had been solicited to take back what he had said in his report because it had been discovered with some dismay that he had got out of the Democratic fold on this question.

Hon. William H. Cole.

SPEECH
OF
HON. BENTON McMILLIN,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,
Monday, February 28, 1887.

The House having under consideration the resolutions of respect in memory of Hon. William H. Cole, of Maryland—

Mr. McMILLIN said:

Mr. SPEAKER: The solemn duty has again devolved on us of commemorating the virtues of one who died at his post in our midst. Again we are by an illustrious example admonished that our stay here at the best is but brief and its termination inevitable.

Dr. Cole, the distinguished citizen and Representative of Maryland, whose untimely death we are called to mourn, was born in that State in 1837. Like many of our American youth he determined at an early age to leave the home of his fathers and try his fortunes in the West. In that, as in everything else, he evinced self-reliance and a determination to succeed. Protected by the laws of his country and encouraged by its free institutions he had no fear for the future. Wherever he went his life was characterized by activity and indomitable energy. Selecting the medical profession, he graduated with distinction in one of the medical colleges of Louisiana; but having a political turn of mind, notwithstanding he was well equipped for his profession, he determined to seek a field more congenial, and chose that of journalism.

When, in 1861, the civil war broke upon the country he identified himself with the people of the South, and showed a readiness to sacrifice himself for what he conceived to be right. As a soldier he had dauntless courage, and never shrank from the post of duty. Returning from the war he took up his residence again in the State of his nativity. He accepted the results of the war without murmuring. What a grand commentary it is upon the patriotism of the people of the United States that those who so recently engaged in fratricidal strife and were so ready to take each others' lives, when the war ended vied with each other in efforts to make our Government and keep it all that its framers designed it should be. Who that has seen Doctor Cole on this floor will doubt either his patriotism or his willingness to make whatever sacrifice was necessary to maintain and perpetuate our glorious Government.

Dr. Cole continued in a journalistic pursuit, spending a portion of his time as clerk in the Legislature of his native State. I remember well the first time I ever met him. It was in the contest of our present minister to France, Governor Robert M. McLane, for the governorship of Maryland. Having been invited to participate in that canvass, soon after my arrival at Baltimore I met Dr. Cole and traveled with him during a good portion of the canvass. He then said to me that if I continued in Congress he would meet me here. He spoke with the assurance of a self-reliant man. It was his highest ambition to become a member of the greatest legislative body on earth, and he believed that a combination of intelligence, integrity, and industry would insure it. How well he calculated and how thoroughly he had the confidence of his people is shown by the fact that he was elected to the second Congress chosen after the conversation I have narrated.

It was my good fortune to draw a seat immediately in front of him, so that I knew him not only as a citizen, but as a Representative, and

saw his everyday walk and heard his everyday conversation in the discharge of his duties; and I do no disparagement to others when I say that Maryland had no Representative who could exert himself more energetically and earnestly in the discharge of his official duties than did Dr. Cole. He was patriotic as a citizen, bold and fearless in his advocacy of the right as a Representative, and never tiring in the discharge of his duty. But it soon became evident that he was not long for this earth. Day by day he grew more pallid, and day by day became more feeble; but notwithstanding death had him marked and he knew it, his spirits never flagged, nor did his resolution ever fail. He seemed to feel that for a public servant there was no better place to end life than at the post of duty.

I remember the last time he was in this Hall. It had been supposed that he could never be brought here; but an important measure came up—one that it was known would require every friend of the measure to secure its passage—a bill looking to the reduction of the taxation of the people. Although physicians protested, and friends urged him not to take the risk, he was hauled to the House and brought up in time to cast his last vote. I remember approaching him and speaking to him, telling him how glad I was to see him able to be here. With a smile that showed that he feared not death and was not afraid to sacrifice his life in the discharge of duty, he said that, "although his physicians regarded it perilous, he had resolved to come and risk the consequences." He was taken back to his sick-bed, from which he never rallied. It is gratifying to be able to say that those who knew him best loved him most.

In the strenuous exertion he made to discharge his duty he was urged on by a confidence that even if injured in its discharge in this life there was a life beyond where faithful service was rewarded and where want of fidelity was punished. He had confidence that for him and for all who believed in the blessed Redeemer and kept His commandments there was a life eternal, where mortality should put on immortality, and where life should become an endless splendor.

Is it not sweet to think hereafter,
When the soul shall leave this sphere,
Love with deathless wings shall waft her
To those she long hath mourned for here?

Hearts from which 'twas death to sever,
Eyes this world can ne'er restore,
There as warm, as bright as ever,
Shall meet to part no more.

Mr. Speaker, this Congress has lost an efficient and faithful member, his family its strong support, and his country an unselfish patriot.

Interstate Commerce.

SPEECH

OF

HON. JOHN J. O'NEILL,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887.

The House having under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce—

Mr. O'NEILL, of Missouri, said:

Mr. SPEAKER: There is one phase of this question that I can not understand. The friends of this bill say that you must vote for the conference report, or if you do not vote for the conference report you are voting against the bill.

Mr. ADAMS, of New York. That is parliamentary law.

Mr. O'NEILL, of Missouri. Well, that is a confession either that gentlemen have not confidence in the members of those two committees, or else that they have not confidence in themselves. After a discussion ranging through many days in the Senate and extending over several days in the House, you have finally come to the conclusion that there are but one or two defects in this bill. I believe that the fourth section comprises nearly all of the points to which objections have been urged—the provisions in regard to the long and the short haul—and I believe the chairman of the committee would state to-night that if that section could be changed the result would be that the bill would pass this House by an almost unanimous vote. Now, for one, I am not willing to admit that if I should vote against the conference report, I would therefore be voting against the interstate-commerce bill. It is six weeks before Congress adjourns; this is a privileged question; your conference committee can report at any moment, and do you mean to tell me that that conference committee, after having obtained the judgment of the members of both Houses, could not meet and remove the many points of objection which you admit exist in the bill as it now stands?

Mr. CRISP. The trouble with the conferees would be in coming to an agreement. If it is not unparliamentary, I will say to the gentleman that the Senate have agreed to this bill.

Mr. O'NEILL, of Missouri. I am aware that they have, but it requires the consent of the two bodies to make a perfect agreement.

Mr. CRISP. But suppose we should disagree?

Mr. O'NEILL, of Missouri. Then it would go back.

Mr. CRISP. But the mind of the Senate is satisfied with this bill.

Mr. O'NEILL, of Missouri. Mr. Speaker, I do not want to repeat what has transpired in the Senate, but everybody knows that Senator after Senator got up there and stated that, while he did not think this was a proper bill, and while he thought certain provisions ought to be stricken out, yet he had to vote for the bill.

Mr. CRISP. And right there is the danger. If the House should vote down this report, whilst of course if I should have the honor to be one of the conferees I would do every thing I could to bring about an agreement, and while I would not say positively that we could not agree, yet I fear that we might not reach an agreement and the result would be that we should have no legislation upon this subject at this session.

Mr. O'NEILL, of Missouri. Let me tell the gentleman frankly that I believe that inside of twenty-four hours this provision in the bill which makes it objectionable and which causes members to hesitate to vote for it would be changed, and then the bill would pass. Let us look at this thing candidly. There is one serious defect in this bill. If the long and short haul provision is enforced in the spirit in which it is placed in the bill—if you leave out this little qualification about the commission exercising their discretion and come right down to the plain proposition that there shall not be any greater charge for the short than for the long haul, then if that results practically in increasing the rates from the West to the seaboard, the consequence will be that the great majority of your commerce from the cities on the lakes will go by rail through Canada, or else will go through the lakes to Buffalo, and from there over the New York Central road, which will not be controlled by this bill. Of course we shall be told that in that case, rather than see American commerce injured and the grain of our country shipped through a foreign land, the commission would allow our own lines to make different rates.

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

Mr. O'NEILL, of Missouri. Certainly.

Mr. CRISP. My friend seems to be under the impression that the House wants to change that fourth section.

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. CRISP. Now, does not my friend believe that if the majority had the power to change that section, the change they would make would be to strike out the authority given to the commission to make any change at all in the rule?

Mr. O'NEILL, of Missouri. You have given the commission ample power to prevent unjust discriminations, and that will do very well for all those little local cases where there are excessive charges for short distances; but you recognize the fact, as well as I do, that the trouble does not arise from the business of the great cities. I represent, in part, a city of about half a million people, and we have not much trouble about rates. We have some five trunk-lines to the seaboard. The trouble is at the way stations, and most of the support behind the bill comes from those little way stations where they are compelled to ship in broken cars and under other disadvantages.

Mr. CRISP. From the people.

Mr. O'NEILL, of Missouri. "The people." Well, I represent a city of half a million people, and I have not had the first human being in that city write to me in support of the long and short haul clause. On the contrary, many of the brightest business men in Saint Louis claim that it will seriously injure the great commercial interests of the country, and may also check the export of our grain.

Mr. CRISP. The gentleman should remember that the large cities do not embrace one-fifth of the population of the United States.

Mr. O'NEILL, of Missouri. I am not willing to admit, because I want to perfect this bill to get it in proper shape, that I am opposed to it, nor am I willing to admit that if I vote agninst this conference report I am voting against the interstate-commerce bill, and I will not be dragooned into voting for the bill under such conditions. That is about the amount of it. We have had it drummed into our ears day after day that if we vote against this conference report we vote against the bill. This is the first conference report you have had on the bill, is it not?

Mr. CRISP. The agitation of twenty years has resulted and ripened in this report.

Mr. O'NEILL, of Missouri. And it is the quintessence of human wisdom.

Mr. CRISP. And if this report be not adopted, it is possible we may have to wait twenty years more for another opportunity to consummate this legislation.

Mr. O'NEILL, of Missouri. I do not know about that. I am willing to trust this committee.

Mr. MCADOO. Will the gentleman from Missouri allow me to interrupt him a moment?

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. MCADOO. I wish only to say a word in reply about the New

York Central and the lake transportation—a subject which has been so often brought up on the floor of this House, and to which the gentleman himself has just referred. Any undue advantage that there might be in that direction is provided for in the proviso of the fourth section of this bill; that is the very sort of exception with which this commission is authorized to deal. They will prevent your lake transportation, your New York Central, and your Canadian railroads from having an improper advantage.

Mr. O'NEILL, of Missouri. The bill does not provide for that.

Mr. McADOO. Oh, yes, it does.

Mr. O'NEILL, of Missouri. How does this bill make provision in reference to commerce shipped from Duluth, Chicago, and other cities on the lakes?

Mr. McADOO. Because the commission will have the discretion to provide for just those exceptional cases.

Mr. O'NEILL, of Missouri. Then this is a sort of amendment to the reciprocity treaty.

Now, Mr. Speaker, I have stated my objection to this bill; and I am in earnest about it. If that objection were removed, I should be as earnestly in favor of this measure as any one.

Mr. BROWN, of Pennsylvania. Will you not vote for it as it is?

Mr. O'NEILL, of Missouri. No, not for this conference report.

In view of the fact that we have six weeks of this session before adjournment, in view of the fact that this is a privileged matter, which my friend from Georgia can bring up at any moment, and that there are but one or two objectionable points which the members of the committee know ought not to be in it, I think it the plain duty of the House to perfect this bill before enacting it into law. [Applause.]

District of Columbia Appropriation Bill.

SPEECH
OF
HON. WILLIAM L. WILSON,
OF WEST VIRGINIA,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1887,

On the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

Mr. WILSON said:

Mr. SPEAKER: The conferees have reached an agreement at so late an hour upon this bill that it is not deemed wise to imperil its passage by consuming any time in preparing the statement explanatory of their report, which the rules require, or even in revising the report itself with reference to the accuracy of its details.

I may say, comprehensively, that the differences between the two Houses have been settled, as is usual and proper, by mutual concession. We have agreed to many of the increases made by the Senate, and to some of its other amendments, but as to the frame and theory of the bill we have not felt free to make any surrender.

That was the unanimous result of two months earnest consideration of the bill by the House subcommittee, and has been several times as unanimously indorsed by the House. It has been subject to so much misconception that I may repeat what I have already stated, that it consists simply in applying to this bill the rule of specific appropriation observed in other general appropriation bills. This involved much labor, for it would have been far easier, and possibly more popular in influential quarters at least, to have adopted the plan of the Senate and appropriated lump sums with but general directions as to their expenditure.

This is not done with the great departments of the General Government if it is possible to avoid it, and to do so in this bill would be to introduce personal government in this District, contrary I am sure to the law establishing the existing scheme of government, and contrary to all sound policy. No one can fail to see that there is much ferment in the District now, much greater than at any time during the past four years that I have been intimately associated with its affairs. Local associations are forming in every section to look after local interests, and every section complains and doubtless really believes that it is discriminated against in the distribution of local improvements.

As long, therefore, as this bill fails to make some apportionment, however general, of those improvements, great complaint, much aspersion and resentment, inevitably follow those charged with such apportionment, no matter how prudently and uprightly they perform their duty.

In introducing into this bill some general distribution we do not wish to be put in the attitude of discrediting either the capacity or the integrity of the present commissioners. We are simply dealing with them as we deal with the heads of the Departments. We are relieving them from much of the censure and criticism which inevitably befall public officers whose means are limited, but whose discretion and opportunities for reasonable expenditure are not limited.

STREET IMPROVEMENTS.

As to street improvements, we have adopted the schedule of the commissioners in its details, adding one street in the northwest, not by way of preference, but merely as a footing of equality with the other scheduled streets of that section; and we have adhered to the House plan of distributing the fund, increased from $300,000 to $360,000, among the several grand divisions of the city. The provision as to contracts for new pavement is substantially as the House bill made it.

SUBURBAN STREETS AND ROADS.

The amount allowed for suburban streets and roads is specifically appropriated, and none of it is to be used in laying out new streets and roads.

We held to this limitation, not because the subcommittee have seen any reason to call in question the good faith and probity of any recent expenditure for these purposes, notwithstanding the wide criticism upon one such expenditure, namely, for the extension of Massachusetts avenue, but because for the coming year, at least, we were convinced that other improvements would meet a more urgent necessity and a more general desire among the tax-payers of the District.

SCHOOLS AND SCHOOL BUILDINGS.

We have accepted with some verbal amendment the limitations proposed by the Senate on the appropriation for teachers' fund. Personally I should have preferred a slight increase in this sum, and some change in these limitations, but the Senate conferees were very decided, and it is believed that the schools can be well maintained under this appropriation. As to new buildings the bill is very liberal. It provides for the erection of six eight-room buildings in the school divisions of the city, and of two one-room buildings in the country. This adds, in one year, fifty rooms for as many schools. We have put these eight-room buildings at the uniform price of $25,000 each, and added amounts for the purchase of sites, where sites are not already owned. The Senate amendment giving the commissioners general authority to sell unused parcels of ground for this purpose is accordingly stricken out.

ICE-BOAT.

The appropriation for an ice-boat was omitted, in lieu of which the House conferees were willing to insert a reasonable sum to keep the harbor open to navigation.

RENT OF BUILDING FOR THE COMMISSIONERS.

The Senate amendment increasing the amount for rent of building for the commissioners was stricken out, not that the conferees on either side deemed such appropriation unreasonable or unnecessary, but because they feared it might delay the erection or purchase of an adequate municipal building.

These, Mr. Speaker, are the main features of the bill as finally agreed upon in the provisions where the chief controversy between the two Houses occurred. The inevitable haste with which this conference report has been prepared and rushed through both Houses may result in some error of detail, but I believe the bill in its entirety an unusually good one, and that it will bear the scrutiny of the tax-payers of the District as both just and liberal in its intentions and provisions, and be finally accepted by the commissioners as a sincere effort to free them from much misconception and embarrassment.

River and Harbor Improvements---The Mississippi River.

SPEECH
OF
HON. CLIFTON R. BRECKINRIDGE,
OF ARKANSAS,
IN THE HOUSE OF REPRESENTATIVES,

Monday, January 24, 1887.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. BRECKINRIDGE, of Arkansas, said:

Mr. CHAIRMAN: The concluding address upon this bill on Saturday last was made by the gentleman from Mississippi [Mr. CATCHINGS]. In the course of his remarks he made statements concerning the improvement of the Mississippi River which I told him at the time I considered erroneous and to which I promised to reply.

I hold, Mr. Chairman, that the position of this work is clear and distinct, and that if it becomes dislocated by the errors of friends or the misrepresentations of foes, the result in either case will be the temporary abandonment of the work on the part of the Government, and, consequently, of injury to the people, not only of the alluvial districts, but also of the entire Mississippi Valley.

It is natural and customary in a work of this kind to expect those immediately adjacent to it to be most active in its inauguration and most

zealous in urging its completion; and yet the people of the alluvial districts are most dangerously situated for the execution of these purposes. There is no denying that they are far more vitally interested in the incident of the permanent improvement of the Mississippi River than they are in the main and the only constitutional purpose which the Government and the people at large have or need be expected to ever have—that incident is the protection of their individual lands from overflow, and the general purpose is the complete improvement of the Mississippi River under the commerce power of the Federal Government for the benefit of interstate and foreign commerce; in other words, for navigation.

This incident is certain to follow the execution of the purpose of the whole people and the purpose of the Government, but the anxieties of the riparian population cause them to steadily thrust forward the incident as being the lawful purpose of the Government, and this results solely in clouding and confusing the question and in endangering the interests of this most excellent part of our population. Their intense solicitude and anxiety causes them to underestimate the strength of the general purpose and to overestimate their dependence upon individuals, loud in their professions of local devotion, and their dependence upon mere executive instrumentalities. Hence, Mr. Chairman, this great work has two classes to fear—the one its over-anxious and immediately dependent friends, and the other class is its undoubted foes.

It is my observation and belief that the one is as dangerous to the success of the enterprise as the other.

My service of two years upon the River and Harbor Committee and my at least very laborious attention to this subject, an attention confined not merely to study of the records, conferences with engineers, and peoples, and to labor in the committee-room and also in this House, but embracing also many personal visits of close inspection to the works in progress—this, and I may add, the vital interest of this matter to the people of my State, must serve as my excuse for following up the subject to maintain the integrity of the unbroken line of policy which, up to this time, Congress has sought to maintain and now adheres to in the bill under consideration, and which I think is the only line, so far as present lights are afforded us, of success.

I have no secrets in public affairs. I have no friends to reward and no enemies to punish, but only the public interests to advance and defend, and I firmly believe that the only way to speedy success, and indeed to success ever and at all, is to deal with perfect frankness with public questions and to be the first to uncover and correct serious wrongs and errors which may exist in connection with the objects which we seek to advance, pursuing the dual policy of telling the truth and demanding our rights. In saying this I do not mean to impeach the motives or the integrity of any gentleman who differs with me, and all that I ask or have a right to expect is a fair consideration of the proofs which I adduce to sustain my position.

The gentleman from Mississippi [Mr. CATCHINGS], being a member of the present Committee on Rivers and Harbors, speaks, of course, as an authority on this subject in this House. I hold that the position he seemingly sustains, as set forth in the bill under consideration, is correct, and I hold that the position he sustains in the remarks he made on Saturday is incorrect, and this I will proceed to prove.

That part of the gentleman's remarks to which I shall allude is as follows (CONGRESSIONAL RECORD No. 32, page 923):

> Judging the question by what has been accomplished, I would say that $30,000,000 would be a large estimate. The commission has been most recklessly and needlessly assailed. It is composed of able and faithful men, who have given the work great attention, and whose achievements, notwithstanding what has been stated to the contrary, have been signally successful and fully justify the confidence expressed by them.
>
> The statement repeatedly made on this floor that they contemplated reveting the banks of the river on both sides from Cairo to the Gulf, at a cost of probably $150,000,000, is not justified by anything ever said or done by them. It is certain that they have never considered such a project. They are entitled to the confidence and respect of the country, and what they have said is entitled to far more consideration than the groundless assertions annually so vociferously declaimed here by the enemies of the enterprise.
>
> If the river is worthy of improvement, the work should remain in their hands. By experience, acquired through long years of careful study of the conditions of the river, the problems involved, and the means to be used in their solution, they are far better qualified to carry it to a successful conclusion than new and untried men would be.
>
> To strike them down is but part of the plan to strike down the whole enterprise, and I appeal to the friends of the river to turn a deaf ear to these insidious proposals, and hold up the hands of these able, impartial, and faithful public servants. If the plan being pursued is discarded, the whole work must be abandoned, for nothing is proposed in its stead.
>
> Is this House prepared to say that these engineers are imbecile, or what is worse, that they have acted and spoken insincerely or with duplicity, and that all efforts to restrain, control, and direct the energies of this greatest and most useful of rivers shall be abandoned? That is the real issue which its adversaries seek to present, disguise it as they may. If we are reasonable men we will be governed by the opinions of the scientific workmen who have it in charge rather than the clamor of those who strive to make reckless assertion obscure and overwhelm legitimate examination and argument.

The foregoing, as I understand it, contains the following propositions:

First. Thirty million dollars is a reasonable estimate of the cost of completion of the Mississippi River improvement from Cairo to the Gulf.

Second. The commission is composed of an able, faithful body of men, especially scientific and proficient in hydraulic engineering, and they are entitled to the full and entire confidence of the country, and consequently to the confidence of Congress, and they are logical, true, and consistent in their policy or plan of work and in their reports to Congress.

Third. The commission has never proposed a system or plan of work that it would probably cost $150,000,000 to complete, and they have been reasonably successful and economical in the work they have caused the War Department to execute.

Fourth. The commission itself is an engineering plan and not a supervisory executive body, and the Government is committed to the improvement of the Mississippi River according to the plan or plans, theory or theories, that they may evolve from time to time. In other words, that we have no specific, distinct, carefully matured, and adopted plan, formulated by engineers, recommended to Congress, and adopted by that body for the commission to advise and direct the War Department in the execution of; but Congress is appropriating money to be expended in any way that the commission may choose to devise, and that the present attempt to improve the Mississippi River hinges upon the maintenance of this commission, and it and the river must stand or fall together.

Fifth. All who criticise the organic idea of a commission, or who criticise the men who are now on that commission, or who criticise the manner in which the public money is being expended by them, are enemies of the Mississippi River improvement.

Now, in regard to the first proposition of $30,000,000 being a reasonable estimate for the final improvement of the river from Cairo down. I think, Mr. Chairman, that this is probably an estimate talked about some six years ago as the probable cost of improving some 200 miles of the worst part of the river, levees and all, and that it is too low an estimate for the 1,000 miles, or more, that has to be improved to a greater or less extent. But about this I am not entirely certain.

We have now appropriated nearly $10,000,000, which has been expended principally upon a small part of the 200 miles just spoken of, say one-third. We know that the expenditures at these localities are by no means at an end, and hence it seems reasonable to expect that $30,000,000, the way things are going, will be required, all told, for that portion of the river. I think it not an unreasonable conjecture to say that $50,000,000, judiciously expended, ought to effect the completion of the work from Cairo down. Certain it is that the benefits to this country are not to be measured by that sum or by ten times that sum—so far as benefits are concerned; but no one will contend that a work is to be done extravagantly for the sake of extravagance, however great the ultimate benefit to the people may be.

Hence we have to scrutinize carefully, at every stage, the expenditure of the public money. That the foregoing will be the limit of expense if we do not exercise a wise oversight upon proceedings, I do not pretend to say; but, sir, if a work be absolutely necessary and feasible, danger to its execution lies not in a careful and searching inquiry into its progress and into the conduct of the public servants intrusted with its execution; but the danger, and the only danger, lies in a failure on our part to exercise this sovereign oversight as delegated with lawful power and grave responsibility by the people so to do.

But why are we thus left to conjecture about the ultimate cost of this work, and I may say, substantially, about every part of this work? If it be admitted that even approximate estimates are impossible, then it is admitted that the whole work is purely experimental. We had some partial estimates in 1880. Those estimates were for certain reaches, of which I shall speak more fully later on. They have been promptly appropriated and rapidly expended, yet now, after the lapse of more than six years, Congress is still expending money upon these localities with no authoritative estimates, approximate or otherwise, for the completion of the entire river, or of the particular spots just spoken of.

Gentlemen may say that these difficulties are personal and not general, and that the true remedy and course of treatment is to effect a change of individuals in charge of the work; but my reply is that this matter is no new thing to me or to Congress; that the individuals are holding official places; they are strongly intrenched in private friendship, and to some extent with local political powers, and they still remain in office, and only by a sufficient power of public sentiment can it apparently be adequately demonstrated that their removal is necessary for the public interest.

I have no especial exception then to take from the gentleman's statement of what ought to be the total cost of final completion of this work; but later on I will take marked exception to what he states as the probable cost if the commission is to be permitted, as he advocates in his speech, to proceed according to their present, and, for the most part, past practices. It is, however, gravely to the discredit of these gentlemen that now, after nearly seven years of employment of most of them upon this work, we have no estimate of its probable cost to the Government nor of the probable cost of any part of the disconnected links on which they are engaged.

Now, sir, I wish to go to the next proposition contained in the gentleman's remarks, namely, that the commission is able, faithful, and especially scientific in hydraulic engineering, and that they are entitled to the confidence of Congress and the country.

As bearing upon that I call the attention of the House to the follow-

ing language, on page 37, of the bill now under consideration. This bill and this language is reported to us by the River and Harbor Committee, of which the gentleman from Mississippi [Mr. CATCHINGS] is a member, and that gentleman does not dissent from the language of the bill, nor does any other member of the committee. It is as follows:

That no works of bank protection or revetment shall be executed in said reaches or elsewhere until *after* it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks.

Surely, sir, neither the committee nor the House propose to set themselves up as hydraulic engineers. We have never ventured to adopt plans or specifications of this kind without the indorsement of specialists and scientific men. I have never known of an exception to this rule. Sometimes, when "the doctors disagree," we have to choose as to what seems the more reasonable, acting in our capacity as representatives of the people, and thus take one or the other of the plans or theories presented by scientific specialists, as we never take action—that is, we never appropriate money—until we see our way clear to adopt some definite general plan or theory of expenditure; but we do not originate these scientific plans; we simply take counsel, especially the committees do, and then we adopt or reject them, and on this action hinges the subsequent getting of appropriations of money.

But whence came the language in the bill that I have just quoted? Did this theory of work originate with Congress or with any member of Congress? No. Did it come to us as a recommendation from this commission, so capable, so scientific, and so worthy of our confidence and trust? Let us see.

We have a communication from the commission dated November 27, 1886. It was transmitted to Congress January 5, 1887. It is House Executive Document No. 66 of this Congress. This communication was before me; it was before the House; it was before the Committee on Rivers and Harbors, and it was before the gentleman from Mississippi [Mr. CATCHINGS] before this bill was brought into this House. What does it say? It speaks as follows:

The river and harbor act of August 5, 1886, imposed on the Mississippi River Commission the condition "that no work of bank protection or revetment shall be executed in said reaches or elsewhere until *after* it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks."

This, it will be observed, is the exact language used in the bill now under consideration. It is to be expected that these able, faithful, and scientific gentlemen have commended this language and condition in very high terms. Surely, we would not go in the face of men we should trust. But in speaking of this condition and language they say:

The commission is somewhat familiar with the opinions and writings of hydraulic engineers, and, so far as it is advised, this theory is totally unrecognized by any authoritative writer on hydraulics.

They further say, on page 2 of this communication, and in speaking of this same condition and language:

To adopt such a system is, in the opinion of the commission, to waste public money. Holding these views, the commission, as engineers, can not recommend to Congress so futile an undertaking.

Now what have we done? Have we trusted them? Have we paid the slightest respect to their opinion, and, I may say, to their unanimous opinion, for every member of the commission signed this paper? Has the committee trusted them? Has the gentleman from Mississippi [Mr. CATCHINGS] trusted them? Has any member on this floor treated their opinion with confidence and respect? It would seem not when the committee and the House retain the very language they condemn, and which they say is "to waste public money," and which they denounce as "so futile an undertaking."

It will readily be seen, Mr. Speaker, that the theory of improvement contemplated in the bill, so far at least as its application is concerned, is to bring the "high-water banks" of the river to a "uniform width," and that this is to be done by means of permeable contracting works at the excessively wide places, which are always just above the caving bends; and, mark the word, this uniformity of width, procured by these permeable contracting works, is to precede—I repeat, it is to precede—any revetting of the caving banks in the bends.

Now, whether the contracting works shall precede the revetting of the caving banks in the bends or whether they shall follow along after the revetting has been done, is supposed to make a very great difference indeed.

The authorities tell us that these two different methods proceed upon two entirely different, distinct, and antagonistic theories of work. The commission now tells us, if their language means anything, that the first proposition is "to waste public money," and that it is "so futile an undertaking." Others hold that the latter theory is equally unwise and futile. Little, sir, as may be our ability to choose wisely, yet, under our system of government the responsibility rests upon us to choose and to authorize by law the one or the other of these two plans of work, as I hold we did in 1880, and we can not escape the issue if we would, unless we conclude to stop the work and invoke further counsel. This would be only to defer the day of renewed decision and to limit expenditures the while to merely experimental undertakings, just as we do in military matters, matters of ordnance, &c., before we authorize and appropriate for extensive armaments.

I may say, in passing, that a contraction work is a work that projects from the river bank. It is a dike, and in silt-bearing streams it is generally a permeable dike, composed of one or more rows of piles, with saplings or boughs woven in between them. To revet a river bank is to grade it down to a moderate slope and then to cover it with stone, or with a comparatively thin mattrass, woven out of willow saplings or similar material, and to weight that down with enough stone to keep it in place.

I regret, sir, that the commission has made this issue anew. I deeply regretted in the Forty-eighth Congress, when I was a member of the River and Harbor Committee, to see that they were drifting into this issue, and of this I shall speak more fully later on. I saw then, and I see now, that Congress could not and can not accede to their views without a complete reversal of all it has done before, and I saw no wisdom in the change. I saw only expense and folly in the change, and I opposed letting the commission make the change of plan. The country may be unfortunate in not having wiser men than I, and wiser men than any of us to decide in these matters; but I opposed this change in the past, just as you, gentlemen, are opposing it now.

But let us see where we get authority for the proposition we have in this bill. I ask the attention of the House to extracts from the first, the great initial report of the Mississippi River Commission, this same commission, for the year 1880. It starts out with a heading the letters of which I will give of the size employed, that all may know that what follows was no minor suggestion. It is as follows:

"PLAN OF IMPROVEMENT RECOMMENDED."

I italicize certain parts of my quotations. The report reads as follows; and I will give all of the report under the above heading, making such deductions as I think are fairly and incontestably authorized:

The bad navigation of the river is produced by the caving and erosion of its banks and the excessive widths with the bars and shoals resulting directly therefrom. It has been observed in the Mississippi River, and is indeed true of all silt-bearing streams flowing through alluvial deposits, that the more nearly the high-river width, or width between the banks, approaches to uniformity, the more nearly uniform will be the channel depth, the less will be the variations of velocity, and the *less* the rate of *caving* to be expected *in concave bends*.

It is clearly stated here, Mr. Chairman, that the bringing of the high-water banks or high-river width to a width similar to that where the river is not too wide will lessen, or is expected to lessen, the caving of the river banks in the concave bends. This, I think, is most clearly stated. Now, the revetting of the banks in the concave bends is for the purpose of preventing the banks from caving, and the whole question is, shall we first do that which is stated to be a great preventive of the caving, and perhaps an entire preventive of it, or shall we leave that preventive unapplied and first revet the bends.

It may be said that if the preventive of caving is first applied the difficulties of successful revetment would be very greatly ameliorated and removed, and perhaps no revetment at all would be necessary. It is nowhere stated in this report, either in what I have read or in what I shall read, and I shall read it all, that the bringing of the wide places by contraction works to a width uniform with what are called the narrow or normal widths of the river, can ever be dispensed with. The reverse is everywhere insisted upon.

But it is clearly stated that the revetting, by far the most costly part of the work, may be largely, if not entirely, dispensed with as a result of first producing by projecting works from the banks the uniformity of width spoken of. This result, while not absolutely promised, was, in the language of the commission, nevertheless "expected," and this theory and order of work was adopted and authorized, and none other was adopted or authorized by Congress. This accords with the provision now in the bill, and it is an authority for it.

The official adoption of the plan of improvement from which I am reading will be specifically set forth a little later on; but the commission, in speaking of what I have just read, proceeded in regular order, as follows:

This would seem to be so in the very nature of things, because uniformity of width secured by contraction will produce increased velocity, and therefore increased erosion of bed at the shoal places, accompanied by corresponding *deposit* of silt at the *deep* places.

Please note that erosion and scour at the deep places, which are in the concave bends, is to be supplemented by "deposit," and, consequently, greater "uniformity of depth."

It would be interesting, Mr. Chairman, to quote from, I believe, the report of these gentlemen to the last session of Congress, and show where they repudiated the whole idea and plan of something like uniformity of depth, and to lay that over against the closing words I have just quoted, and I may do so later on.

Much revetting, or similar work, might have to follow the bringing of the wide places above the caving bends to a uniform and normal width. I do not say that many did not and do not expect it; but all conceded that it would be far less difficult, with the river "depositing" instead of "eroding" or "washing out" soil from the places to be revetted. This is the plain logic and meaning of plain words employed by our then advisers, and they were so understood by all men then, and they are so construed in the bill before us. I proceed to quote:

Uniform depth, joined to uniform width, that is to say, uniformity of effective cross-section, implies uniform velocity, and this means that there will be no vio-

lent eddies and cross-currents and no great and sudden fluctuations in the silt-transporting power of the current. There will, therefore, be less erosion—

Here we have it again—

from oblique currents and eddies, and no formation of shoals and bars produced by silt taken up from one part of the channel and dropped in another.

The shoals and bars here are the places to be deepened, and their scoured material is the "deposit" that is to drop in the "deep places" and not upon the other shoals and bars, which also are to be similarly deepened; and "no formation of shoals and bars" can then be "produced."

They further say:

As the friction of the bed retards the flow of the water any diminution of the friction will promote the discharge of the floods. The frictional surface is greater in proportion to volume of discharge where the river is wide and shoal than where it is narrow and deep. It follows, therefore, that *after* the wide shoal places are suitably narrowed, and the normal sectional area is restored by deepening the channel, the friction will be less than it was before. This will result in a more *easy* and rapid discharge of the flowing water, and consequently in a lowering of the flood-surface. It would seem, therefore, that the plan of improvement must comprise, as its essential features—

What does it comprise as the first thing? The first thing named is:

the contraction of the water way of the river to a comparatively uniform width;

What then follows after this, and not before it?

and the protection of the caving banks;

And what is all this presumed to mean? The commission plainly answers this question:

and this is presumed to be the plan referred to in the act as the "*jetty* system."

Now, sir, we all know what the jetty system is. It is what the bill before us insists upon, according to the report and plan that was recommended to us for adoption, and which was adopted in 1880.

Every success we have is marshaled under this plan of work. Every partial success has been where it has been partially adhered to. Every failure has been where it has been departed from. The commission has presented no reason to sustain their advocacy of abandonment, and their unwarranted abandonment in part has been condemned by failure. I firmly believe that for this generation at least the river and this plan must stand or fall together. If you strike down this plan what plan do you offer in its stead? Why strike it down? Why permit a body of obstinate, wrangling men to embarrass us by eating their own words, jealous of an illustrious former associate, the presiding genius of their early deliberations, who gave them the ideas that are in this plan, now envious of the credit the public gave him?

But, sir, the report is replete with just such language as I have quoted.

It goes on:

It is known from observation of the river below Cairo, not only that shoals and bars, producing insufficient depth and bad navigation, are *always* accompanied by a low-water width exceeding 3,000 feet, but that *wherever the river does not exceed that width there is a good channel.* In other words, bad navigation—

And it is navigation we are after, and the commerce power only that we are operating under—

invariably accompanies a wide low-river water way, and good navigation a narrow one.

Then comes a summary of all that goes before:

The work to be done, therefore—

What is the work to be done? It—

is to *scour out* and maintain a *channel through the shoals and bars* existing in those portions of the river where the *width is excessive* and to *build up new banks* and develop *new shore lines*, so as to establish as far as practicable the requisite conditions of *uniform velocity* for all stages of the river.

Where do they propose to build up new banks and to develop new shore lines? Where everything is flattened out and the "width is excessive," of course. They do not propose to make the river go on and cave in those banks that are already high. They expected to get a "deposit" there. Again, they want uniform velocity for *all* stages of the river; which means, of course, as is elsewhere said, that the projecting, silt-arresting works are to be renewed upon the deposits gained from time to time, until the new banks are built up by the current in these wide shoal places to the high-water mark.

They go on to say:

It is believed that this improvement can be accomplished below Cairo—

How? By revetting the bends? no, but—

by *contracting* the low-water channel-way to an approximately uniform width of about 3,000 feet for the *purpose of scouring* out a channel *through the shoals and bars* and, by causing, through the action of appropriate works constructed at suitable localities, the *deposition* of sand and other earthy material transported by the water *upon the dry bars* and other portions of the present *bed* not embraced within the limits of the proposed low-water channel. The *ultimate* effect sought to be produced by such *deposits* is a comparative uniformity in the *width* of the *high*-water channel of the river.

This reminds me of an error made by the gentleman from Louisiana [Mr. BLANCHARD] when he stated that the work being done and contemplated in the reaches was the same as that advised by the Army board in 1879. Why, sir, that board was convened to consider a low-water proposition, pure and simple. I may go into this a little more fully later on. The "initial" works in the reaches embraced all that the board of 1879 and their report ever contemplated. They nowhere even mention a "high-water" treatment of the river. It is very important that we should know exactly what we are doing, and I see nothing but evil to come from confounding things that are different and that can not consist.

The plan we were persuaded to adopt, and which we refuse to change, is clear, distinct, and far in advance of any other plan ever proposed for this river, and, I may say, far in advance of any plan for the treatment of a silt-bearing river that has ever been proposed. I think that our only hope of success and safety is in sticking to this adopted plan and in not permitting it to be confused, superseded, or explained away.

The commission proceed to state the minimum result, in depth, expected from the plan of treatment which they have set forth:

It is believed that the works estimated for in this report will create and establish a depth of at least 10 feet at extreme low stages of the river over all the bars below Cairo, where they are located.

Then the commission proceeded to advise us in regard to the question of straightening the river. They say:

It is the opinion of this commission that, as a general rule, the channel shall be fixed and maintained in its present location, and that no attempt should be made to straighten the river or to shorten it by cut-offs.

The commission then proceeded to assure us of the yielding character of the bottom of the river, showing that it will wash out wherever the current is gathered and directed upon it. They say:

The borings which were made in 1879 at New Madrid and Plum Point by direction of the board of engineers for the improvement of the low-water navigation of the Mississippi River below Cairo, and those of more recent date at Memphis and Helena, made under the orders of this commission, as well as those near Lake Borgne, reported by the levee commission of 1875, and others made along the proposed line of the Fort Saint Philip Canal, and the artesian well sunk at New Orleans, all furnish concurrent evidence of the yielding character of the strata forming the river bed.

I pause, Mr. Chairman, before quoting the next sentence to consider a point which it covers as well as that of the yielding character of the river bed. The same point is very clearly expressed in quotations which have gone before, but I wish to bring it out just here in connection with the succeeding sentence and also in connection with certain remarks of the commission in its latest communication to Congress (House Executive Document No. 66, this session, page 2). They say:

The contraction works at Golddust, Plum Point, Duncansby, and Baleshed have been followed by caving on the *opposite* bank, whose immediate result is, by again enlarging the cross-section of the river, to destroy any beneficial results the contraction works might otherwise produce.

They also say:

That such works may secure any valuable permanent contraction, the *opposite* bank must in general be held by protection works.

Now, Mr. Chairman, it will seem strange to any one who has given attention to the plain words which have been read from this report that works, directed solely and singly, as the commission confess have now been directed, straight toward that part of the river which is already caving and scouring and giving all manner of trouble by reason of being too narrow and too deep in its effective channel, could have anything to do with the projected works which we were told were to be directed toward those parts of the channel where the water was not deep enough.

The plan clearly stated that it was these wide and shallow parts of the river above the caving bends which were to be scoured out by means of these dikes, and deposits of this scour were to be dropped into the deep places, instead of works being projected right against such deep places so as to make them scour worse than they did before. It is very clear that the river scours in some places and deposits in others. It scours in the narrow bends which these gentlemen say they have been trying to make still more narrow, and it deposits on the wide bars just above these bends.

In other words, it has too much energy in one place and is sluggish in another, owing, as they told us, to a lack of uniformity of width, which uniformity of width they said would soon be followed by all the other uniformities so much desired, such as depth, velocity, and stability of banks, and they have said time over and again that this uniformity of width, the great condition-precedent, was to be obtained in no other way than by contraction at the excessively wide place; and now, with official solemnity, this strange and peculiar body of men come and tell us that the way to contract the wide place above a bend is to contract the narrow place below it.

In other words, if you wish to construct given works at a particular and given point, the way to do it is to go somewhere else and locate the works at this wholly different and far-removed point, and then you will have them, not at the point where you located them, but at the point where you said they ought to be located. This is simply an instance of the most wretched maladministration of the plan Congress was persuaded to adopt and which has led to the inexcusable heaping up of expenses in the reaches under treatment; and as to some further extraordinary statements about those reaches I will call attention to them further on. But to go back now to the succeeding sentence where I left off in quoting from the report of 1880. They say:

This evidence taken in connection with the fact that deep water is found in all the bends of the river where the width is not excessive, and that these bends have, by their shiftings at one time or another, probably occupied and covered nearly every part of the belt from 10 to 20 miles in width from Cairo to the Gulf, point to the conclusion, if it does not indeed justify it, that there is no extensive stratum of material capable of resisting erosion and preventing the river from deepen-

ing its own bed. In exceptional localities where the material is too tough or the gravel too heavy for removal by scour, dredging may have to be resorted to as an auxiliary, the depth secured by this means being maintained.

And mark, Mr. Chairman, how they are to be maintained—

By the works erected for *narrowing* the stream.

What a pity, Mr. Chairman, that these gentlemen should find difficulty in narrowing the stream where they say it is already too narrow; when, too, they are applying that as a pretended means of narrowing it where it is too wide; and what a pity that they should fail of good results by deepening it where it is already too deep when their plan was not to deepen it there at all, but to deepen it at the shallow place above there and to secure "deposits in the deep places" which they are now trying to make deeper; and this they tell us is an evidence of the impracticability of the former. But I proceed to quote from the report of 1880:

Experience, as well in this country as in Europe, justifies the belief that the requisite correction and the equalization of the tranverse profile of the stream, by developing new shore-lines and building up new banks, may be made,

How?

chiefly through the instrumentalities of light, flexible, and comparatively inexpensive constructions of poles and brush and materials of like character.

Now, once more, what is meant by these constructions on which they are to rely "chiefly?" Is revetment meant? Let the perfectly plain language which immediately follows speak for itself:

These constructions will *commonly* be *open* or *permeable* to such a degree that, without too violently *arresting* the *flow* of water, thereby unduly increasing the head and causing dangerous under-scour, they will sufficiently *check* the *current* to induce a *deposit of silt* in selected localities.

Revetment, Mr. Chairman, is not the current "arresting" dike that produces a "head" of water and that causes "a deposit of silt;" and yet these gentlemen now tell us when we require them to do what is expressed in the above quotation and in many others that I have read, that we are requiring them to do an unheard of thing. They claim to have tried this in cases where they have projected dikes so as to prevent deposits in deep places, when what is here stated is to cause deposits in deep places, and to cause those parts of the shoal places, which are left for the channel, to be scoured out, and that scour to be deposited in the very deep places which they now confess that they are projecting their dikes upon in order to make still deeper. They go on in this adopted report of 1880 and describe various devices to be used under different conditions and circumstances.

The works which have been used in similar improvements are of various forms and devices, such as the hurdle, composed of a line of stakes of light piles with brush interlaced; the open dike, formed of stakes with walling strips on both sides filled in loosely with brush; the continuous brush mattress, built or woven on fixed or floating ways and launched as fast as completed, as a revetment to a caving bank, the mattress used as a verticle or inclined curtain, placed in the stream to check the current—

It is proper to remark here that this last use of the mattress is as a screen suspended along the face of a dike, kept in place by the current, and is a common substitute for brush interlaced between the piles or for more solid structures of brush placed between rows of piles and generally weighted with stone, both being simply a projecting dike.

the same laid flat on the bottom as the foundation for such a curtain or as an anchorage for other brush devices; curtains of wire or brush netting, placed vertically or inclined in the streams, and various other forms of permeable brush dikes, jetties, or revetments. Some of these methods of construction have been used on the Mississippi and Missouri Rivers with increasing satisfaction and success, although they can not yet be regarded as entirely beyond the experimental stage. In some, perhaps in many localities, works of a much more solid character than those above indicated may be necessary.

The closure of deep channels or low-water chutes, with the view of confining the flow to a single passage, may require substantial dams of brush and riprap stone or gravel, but it is believed the lighter and less costly works will generally suffice.

The next paragraph is substantially a restatement of much that has gone before. It is as follows:

By a *permeable* dike located upon the new shore-line to be developed, connected with the old bank at suitable intervals by cross-lines of like character, or by jetties of hurdles or other permeable works *projecting from the bank* with their channel ends terminating on the margin of the proposed water way, or by any other *equivalent* works, the *areas* to be reclaimed and raised will be converted into a series of silting basins, from which the water, flowing *through* the *barriers* with *diminished* velocity, will, after depositing its heavier material, pass off and give place to a new supply. In this manner the accretions will go on continuously through the *high-water* season, or through two or more seasons if necessary, the works being *renewed* on the *higher* level as occasion requires.

Here, Mr. Chairman, is another very good point for the gentleman from Louisiana [Mr. BLANCHARD] to consider whenever he is disposed to justify anybody in giving merely a low-water treatment to this river. And it will be noted that they are dependent upon high water or floods as indispensable aids in the improvement.

They proceed to say:

Wherever necessary the new bank must be protected by a mattress, revetment, or some equivalent device.

That these methods of improvement are practicable is shown by the works already executed on the Mississippi and Missouri Rivers.

I will pause to consider for a moment the proposed revetment of the "new bank." As the "new bank" is formed where the river has been too wide, there is, of course, what is called a narrow or normal width of the river both above and below it. So far as the caving of this new bank is concerned, if it should be troubled to any degree in that way, it could not be prevented or moderated, further than existing conditions might affect it, by the means we have been advised to first employ as the great and chief preventive of the excessive caving of the old banks, under the particular conditions in which we are told they are originally placed, namely, by suitably narrowing the wide place immediately above, for in the case of these new banks we know there would be no wide place just above them to narrow.

The plan of revetting the new banks, should occasion prove to require it, is plainly stated; but there are two evidences which lead us to expect that the expense attending this revetment would not be excessive. One is, that if the treatment of the river were continuous we could hope that the caving here, the point being preceded by a normal channel, would be moderate, as they state to us that when they make the channel normal at these point they expect to lessen the caving in the bends just below them; and indeed they tell us that where caving was they would now hope to acquire something in the way of a fill or "deposit." In the next place, I attach very considerable weight to the testimony upon this point of Mr. Clemens Herschel, a distinguished hydraulic engineer of Massachusetts. On page 333, Report No. 1985, Forty-seventh Congress, second session, he says, in speaking of these new banks:

Q. But it has no protection in the perished dike work?
A. It has no artificial protection.
Q. Then it comes down substantially to the soil which forms the new bank?
A. I can say on that point that there is little or no fear of any erosion of those banks after they are formed; all experience proves that. I am not confined to reasoning on that point; it is a matter of experience.

Why is this? It is because the conditions are "uniform." "All experience proves that there is little or no fear of any erosion of those banks" where the widths are "uniform," for then, as stated, uniform depth and uniform velocity for all stages of water follow, and hence uniform stability. What is true of the new banks is equally true of the old banks under exactly the same conditions of uniformity.

The commission proceeded to say:

The plan submitted by the board of engineers for the improvement of the *low*-water navigation of the river below Cairo, in their report, dated January 25, 1879 (see House Executive Document No. 41, Forty-fifth Congress, third session), in which it is recommended that $600,000 be asked for the improvement of the Plum Point Reach, and "that the improvement be effected by *narrowing* the shoal and wide portions of the *low*-water river to about 3,500 feet, and by protecting caving banks *when necessary*," is substantially adopted for the *initial* works submitted for construction in this report.

This protection of caving banks by special means, as a secondary step, "when necessary," plainly as it has been set forth, will be, if possible, yet more plainly set forth later on.

I call the attention of the gentleman from Louisiana [Mr. BLANCHARD] to this paragraph in passing. It covers a former allusion, and it will be seen that where the plan of 1879 leaves off the plan of 1880 really begins. It is only in the "*initial*" works that they are the same.

The commission proceeded to say:

An *accurate* estimate of the cost of properly improving the entire river below Cairo can not be made until after the completion of the surveys now in progress. Moreover, estimates based upon the latest data from those surveys will doubtless require modification in *some* particulars, to meet subsequent changes in the river, and will perhaps *be considerably reduced* in the aggregate amount by improved methods of construction developed during the progress of the work.

Estimates, Mr. Chairman, always prove to be of value only in a general way. They only serve as a general guide. I am disposed to concede that an "accurate" estimate could hardly be expected from the commission even now, though I am not perfectly certain about this, for, if I mistake not, their maps, based upon complete surveys from Cairo down, have been issued now something like a year. But it is unfortunate and perhaps significant that now, after a lapse of more than six years, we have not even an approximate estimate from them of the probable cost of this work. They certainly have exact and full data now for these reaches, and much fuller data for the whole river than they had for the original estimates for the reaches in 1880. They ought to know something by this time. Either they or the work has to carry this reproach. I do not think that it rightly belongs to the work if rightly conducted. But to relieve the river from responsibilities that do not belong to it I will call attention to the fact that they expected the estimates they do give from "latest data" to be "considerably reduced" on account of "improved methods of construction developed during the progress of the work."

I call especial attention to this, because the utter failure of these expectations are distinctly laid upon the river and upon Congress, as I will specifically show. This attempt to make the river and Congress a pair of scape-goats must stand the test of the record as shown in the reports of the commission itself. Now, in regard to the initial work in the reaches under treatment, they proceeded to say:

INITIAL WORKS.

Under the authority conferred in section 5 of the act, estimates of cost of certain initial works, constituting a component part of the general system of works contemplated, are submitted.

These works of channel contraction and bank protection, which, in the judgment of this commission, may be advantageously undertaken during the coming fiscal year or as soon as Congress supplies the means, are confined to an aggregate length of 200 miles of the shoalest water below Cairo, embracing the following localities, namely: New Madrid, Plum Point, Memphis, Helena, Choctaw Bend, and Lake Providence.

The estimates are intended to cover the cost of the work for contracting the

channel, and for securing and protecting the banks; for the necessary outfit of boats, tugs, tools, &c., to carry on the work for local surveys, the salaries of engineers, superintendents, and inspectors, and the necessary office expenses. Further appropriations will be needed to complete the works, secure their permanence, and develop the full benefit of the system.

As regards the *final cost*, the novelty of the devices to be employed, and the absence of experience with respect to the rapidity and degree of their results, forbid any exact estimate, but it is believed that such *additional* works as will *ultimately* be required to *complete* and render *permanent* the improvement contemplated in this system at the localities specified will *not exceed* the amount herein below stated as needed for initial works.

This estimate, Mr. Chairman, will be given a little more in detail directly; but I pause to call attention to the limits which are given to it in the paragraph just quoted. The figures that I shall give will show whether or not the total estimates have been "considerably reduced" or not, and I shall at a more appropriate time in the course of my remarks take up the reasons which are given by the commission for their excessive expenditures in these reaches. I shall lay those reasons over against the facts as set forth in their own reports, and will show that their alleged reasons are not true; all of which means that either the commission is not making correct reports to Congress, that it is blundering in its work and butchering the river and pursuing no authorized plan, and is seeking by all manner of sophistry and misstatements of facts to cover up its errors and to conceal its waste of public money—I say all this either means that, or it means that the river and not the commission is responsible for what has taken place.

If we fail we should know exactly what principle or plan of work it is that has failed, and this we can only know by insisting upon and securing a faithful adherence in practice and expenditures to that plan. But they proceed to say:

It is considered necessary that a contingent sum, which is inserted in the estimates for initial work, be appropriated for use in any emergency that may arise for securing or protecting the works at any point after the specific appropriation may have been exhausted.

Now come the estimates for the reaches under consideration, and I give the footings:

New Madrid reach, 40 miles long, $923,000; Plum Point reach, 38 miles long, $736,000; Memphis reach, 16 miles long, $382,000; Helena reach, 30 miles long, $827,000; Choctaw Bend, 35 miles long, $576,000; Lake Providence reach, 25 miles long, $619,000; contingencies, $250,000.

Now, it will be remembered, that the ultimate cost "to complete and render permanent the improvement" * * * at the localities specified "would not exceed the amount * * * stated as needed for initial works." This makes it necessary for us to double the respective estimates for the foregoing localities in order to get at what they stated would be their ultimate cost, unless, indeed, they should prove able to "considerably reduce" the estimates. No increase was expected. That would make the total estimates then as follows:

New Madrid reach	$1,846,000
Plum Point reach	1,472,000
Memphis reach	769,000
Helena reach	1,254,000
Choctaw bend	1,152,000
Lake Providence	1,238,000

The commission proceeded to say:

Should it be determined not to appropriate the amounts estimated for *all* the initial works, it is considered important that the reduction should be made rather in the *number of places* at which work is proposed than by reducing the estimates for any one place—

Then follows a condensation of the foregoing estimates, and an estimate for levees of $1,010,000, and for

Checking enlargement of Atchafalaya, $10,000.

It will be seen, Mr. Chairman, that Congress dealt in an exceptional manner by this commission and by this work. It adopted the plan recommended for adoption by the commission, and since sought by the commission to be repudiated and abandoned; and the appropriations have been made in lump, except specifications for the checking of the enlargement of the Atchafalaya crevasse, and the last two bills that have passed mention some few places, but generally, even then, no diversions of funds were required. The commission had perfect liberty to concentrate expenditures upon as few of the foregoing reaches as they chose. Nay, Congress by repeated votes has refused to spread them out, and has ever shown a tendency to the limitations the commission asked for.

They proceeded to make estimates for surveys and expenses of the commission for the fiscal year ending June 30, 1881, amounting to $200,000.

Then the report continues:

If Congress shall authorize any extensive works of improvement on the Mississippi we would respectfully suggest that provision be made by law for the appropriation of such land and materials as may be needed in the work when the same can not be obtained upon equitable terms by purchase from the owner. We do not contemplate that a resort to such proceedings would often be necessary, but in the absence of any such provision of law individual owners of the property required might greatly and unjustly enhance the cost of the work.

Authority to file in the proper court of the United States an article of appropriation describing the property to be taken, and to have an assessment by competent appraisers of its value, would tend to prevent extortion, and at the same time secure to the individual a just recompense for the property taken.

We venture to suggest further that, in case the commission should be continued in existence and the works recommended by it be in whole or in part authorized by Congress, the execution of the work and the expenditure of the appropriations therefor shall not be made part of the duty of the commission. We think the duties of the commission should be limited to the preparation of plans, their modification when necessary, the advisory supervision of the work, and the completion of the surveys and observations.

This would secure unity of plan, greater efficiency in the work, and a better system of checks upon the expenditures than we could hope to secure if the entire work of devising, executing, and disbursing were cast upon the commission.

All of which is respectfully submitted.

Q. A. GILLMORE,
Lieutenant-Colonel of Engineers, Bvt. Maj. Gen., President Mississippi River Commission.
CHAS. R. SUTER,
Major of Engineers, U. S. A.
HENRY MITCHELL,
Coast and Geodetic Survey.
JAS. B. EADS.
B. M. HARROD.

Hon. ALEXANDER RAMSEY,
Secretary of War, Washington, D. C.

It will be seen from the closing part of the report that the commission had doubts about the wisdom or necessity of their continuance. I think now, Mr. Chairman, that it was unfortunate that they were not dispensed with then and there, and the continuation of the surveys and the execution of the plan left with the War Department. There has been nothing but envies, strifes, inconsistences, efforts to magnify and continue self and to draw pay, ever since. As long as the War Department is the executive department for these civil works we ought to leave the execution of them with it, excepting, of course, when we can make contracts more economical than is promised by our own executive, and then we leave, and justly, the War Department to inspect and approve of the work before we pay out a cent. Thus we have definite responsibility. We follow the usual order.

But here we have an advisory body ordering all the details of execution. In other words, it is a mixed and multiform executive body, and a mixture of both advisory and executive functions. Hence the advice and the results are made to square at every turn. We have nothing else like this in our system. It was, I am now persuaded, in this, as in other particulars, a grave mistake to give this body directory powers. No one man is responsible, as the President and the cabinet officers are. This body is under no man; not even under the President. It is a group, accountable, with mixed functions, to Congress alone. We are their only critics and supervisors. Every principle of sound and customary administration is violated in this case.

I would put all these civil works into a civil organization, just as we are talking about separating the Weather Bureau from the Military Signal Bureau. I would not confound these things, especially after they get big enough to divide. I would have our military engineers (scarcely more than one hundred in number that we have for sixty million of people), the best military engineers in the world, abreast with the rapid growth of the science of war, conversant with all of our wants and resources, and full of the pride and honor of their special profession. I do not approve of this "half-and-half" policy. It makes neither "fish nor fowl."

There was a short minority report, signed by Messrs. COMSTOCK and HARRISON, expressive merely of some doubts entertained by those gentlemen, and which it is not necessary to quote.

In the course of the analysis I have made of the report of 1880 it will not be lost sight of that in discussing these matters under the head drawn from the remarks of the gentleman from Mississippi [Mr. CATCHINGS], of "the ability, trustworthiness," &c., of the commission. I have sought to sustain, or rather to show that the report sustains and compels the language in the bill, and refutes the statement of the commission that there is no authority for it or for the proposition therein involved, namely: that revetment of the bends must come after and not before the shallow bars above have been washed out by means of jetties or dikes projecting toward them from the banks. And if I have succeeded in vindicating the language in the bill, I think I have, while vindicating the action of the gentleman from Mississippi [Mr. CATCHINGS], refuted his speech.

But, Mr. Chairman, the report of 1880 is not the only place that we have this main feature of the adopted plan plainly set forth. The report of 1880 was preceded by many and lengthy discussions on the part of the commission. The report is simply the embodiment of sundry propositions which were formally drawn and submitted to the commission for adoption. It may be well, therefore, if any one disputes the meaning of the report of 1880, to go behind that report to the minutes which preceded it—to consider the report in its formative state when the propositions embodied in the adopted report were distinctly stated as propositions. This calls for no deductions and permits no doubts as to what was intended to be the meaning of the report. Of course very many propositions were considered. Some were rejected; some were accepted in part and in part not accepted.

I have looked for something comprehensive in its character and perfectly plain in its meaning; and I desired, if possible, to find such date where it had been adopted by the commission without a dissenting voice. I find that in the deliberations of the commission on the 17th of January, 1880, preceding the final draughting of the report, and while the report was being blocked out or constructed in its fundamental elements, the minutes say:

The commission met at 11 a. m., pursuant to adjournment.
Present *all* members and the secretary.

In the course of this meeting the following resolution was presented. This resolution was offered by the then president of the commission, General Gillmore, also president now, and it is as follows:

That the method of improvement of the navigation of the Mississippi River, which promises the most valuable and permanent results, will comprise as its essential features the contraction by suitable works of the water way in the wide portions of the river and the protection of caving banks by special means *wherever the contracting works referred to do not effect that result.*

Mr. Chairman, what "result" is meant here? You observe that it comes in the qualifying clause immediately after the last declarative clause of the sentence. There must be "protection of caving banks by special means *wherever* the contracting works do not effect *that* result," namely, that "protection" to caving banks.

You have seen in the early part of the report of 1880 that the bringing of the river to a state of uniformity, by contracting the wide and shallow places, was expected to materially, if not altogether, prevent the caving of the banks, which generally is in the bends. Indeed, where caving was it was expected, as a result of the foregoing, that a "deposit" and not further washing out would be had. Then we see that if any revetting had to be done the difficulties arising from rapid currents and deep water would be greatly lessened when the spot to be treated became so circumstanced, as was proposed, as to be the recipient of "deposits" instead of washouts and scour; in other words, when the river should become constructive instead of destructive at these points.

But how were they to know how much the contraction would lessen the caving until after the contraction works had been constructed and had operated? Indeed, they say themselves that they are only to resort to protection of caving banks "by special means *wherever* the contracting works referred to do not," in other words, shall not, "effect *that result.*"

But, perhaps I am proceeding a little too fast. This resolution was not adopted in the exact form in which it has just appeared. The commission seemed to think that the word "wherever" did not sufficiently express the idea of time and order of proceeding; and hence we find that when the commission next met, which was on January 9, 1880, Sunday having intervened, they made a change in the resolution.

It is proper to observe that the minutes of this meeting show that of the members of the commission there were—

Present—*all* the members and the secretary.

Various propositions of Mr. Eads' were taken up. I find that they were adopted by votes of 5 to 2, 6 to 1, and 6 to 1, and 6 to 1. And then comes a proposition from Major Suter holding the question of improvement to be less a matter of principle than of special methods and appliances, which experimental way of doing business, which disregard of what the hydraulic engineers tell us are the plain and simple laws and principles controlling the flow and management of water, which, if I may use the word, with so excellent a "constructive" engineer, and, perhaps, accomplished engineer in all that relates to earthworks, sapping and mining, and the various other things incident to the art of war, to which art he has been educated—which empirical doctrine I do not trace up to see whether it was acted upon at some subsequent meeting or not. It was only submitted at this meeting, but the resolution we have just been considering, by General Gillmore, was taken up. It is preceded by the following language:

Resolved, That the following general principle be embodied in the report of the commission:

Then follows the resolution I just read from General Gillmore with the change that I spoke of. That change is a single word. They change the word "wherever" into "*whenever.*" So it reads as follows:

That the method of improvement of the navigation of the Mississippi River, which promises the most valuable and permanent results, will comprise as its essential features the contraction by suitable works of the water way in the wide portions of the river, and the protection of caving banks by special means *whenever the contracting works referred to do not effect that result.*

This was "unanimously adopted."

Now, Mr. Chairman, I will again produce the language that we have in the bill under consideration at this time. It is on page 62, and is as follows:

That no works of bank protection shall be executed in said reaches or elsewhere until *after* it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks.

Mr. Chairman, I ask any gentleman to point out to me and to this House any logical difference between the language of the bill which I have just quoted and the plan and principles so plainly set forth in the adopted report of 1880; and what difference is there between the plain meaning of the language I have quoted from the bill and that of the resolution which was offered by General Gillmore for the express purpose of being made a part of the report, and which was "unanimously adopted" by that body.

And, sir, this language in the bill is the identical language that was in the bill that passed at the last session of Congress, and it is the identical language quoted to us by the commission in their communication transmitted to Congress on the 5th day of last month, in which communication they say that the idea expressed in this language

Is totally unrecognized by any authoritative writer on hydraulics.

And they further say in the same communication:

To adopt such a system is, in the opinion of the commission, to waste public money. Holding these views, the commission as engineers can not recommend to Congress so futile an undertaking.

Mr. Chairman, I would be glad for the gentleman from Mississippi [Mr. CATCHINGS] to let us know whether or not this commission is consistent; to let us know whether or not they are warring, not only perhaps among themselves, not only in general feuds and rivalries, but also warring upon the Mississippi River itself. I would like to know how, if these gentlemen are so eminently worthy of our confidence as engineers and as public officials, that they can speak as they have spoken in the quotations I have given; and how his committee can bring into this House such proposed legislation as we have in the bill before us, right in the teeth of the views now expressed by the commission. We knew that they were as much opposed to this provision when it passed both Houses of Congress last session as they are now.

Clearly, Mr. Chairman, somebody is radically wrong, and I wish to save the Mississippi River and the adopted plan from the inevitable consequences of errors so gross.

No one ever entered this Congress a firmer believer in these gentlemen than I was. No one had less faith in them than I had when I got to know them and their doings well. Time, study, and reflection have only convinced me that they are an incubus upon the public Treasury and a curse to the river and to the public interest. They have discharged their functions. They have outlived their usefulness. They ought no longer to be carried upon the public pay-rolls.

To Congress only do they report. The President can remove them; but neither he nor the Secretary of War is called upon to review their course. At the proper time, if opportunity offers, I shall move to abolish them and the places they hold, and let the Secretary of War go on and execute the orders of Congress in carrying on the adopted plan. If I fail in this I will urge the President to remove them. I have waited two years upon the tardy action of gentlemen from Louisiana and Mississippi, in which States two of the commissioners live. It is a grave mistake to keep men in charge of this great work in whom Congress has no confidence. Their suggestions are disregarded. Their pay even is not voted. When matters come to this pass they had better be dispensed with. But if they do stay I trust the President will appoint men in their places who will not fight the plan they are ordered to execute; who are free from these quarrels which make fidelity now the means of their mortification. And I will say that in my opinion not a man on that commission should come from the alluvial district south of Cairo, nor come in any way to be influenced by the local property interests on the river.

But, sir, this bill and the last bill that passed Congress are not the only ones in which Congress has sought to enforce fidelity to the adopted plan of 1880. At the second session of the Forty-eighth Congress in the bill of January 17, 1885, on page 33, it was required that the moneys there appropriated for the Lower Mississippi, &c.—

Shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, and of an *advisory engineer of said commission*, which office is hereby created.

It is very well known, Mr. Chairman, that the above language and that which follows it, which it is not necessary to quote, was for the express purpose of supplying this commission with engineering ability.

That is the only honorable and truthful statement of the case, as shown by the committee's action. It desired fidelity to the adopted plan of 1880.

As a means of securing fidelity to that plan it provided, so far as it could provide, for the employment by the Government of James B. Eads, who was considered the real father and author of the main ideas and principles of the plan that Congress adopted in 1880. It provided that the Government should pay him an annual salary of $3,000. Gentlemen, remember that during that short session of Congress there was, as there always is, much filibustering against the river and harbor bill. We were told by some that the principal objection was the matter of personal pride about having Mr. Eads being made a head over the commission.

Of course it laid in the power of any six or any one man at that time to filibuster under the rules, and thus defeat the bill in that soon-expiring Congress, it going out on the 4th day of March. But the committee had no desire to help or to unnecessarily hurt any body, but simply to advance in some effectual way the public interest. Hence they agreed, as is well known, to strike out all that related to the employment of Mr. Eads as an advisory engineer, and to insert in lieu thereof a specific requirement and order that the commission should adhere to the adopted plan of 1880. The bill failed to pass, as it often does at a short session, but it will be observed that as far back as this third session of Congress, the idea now in the bill was clearly and positively insisted upon. I took all the part that I knew how to enforce this proposition two sessions ago, and I support it now. An abandonment of this policy before it has been logically and faithfully tried is most hurtful to the public interest.

If the commission are a help, and are competent, and all that, why not call them here before committees? Why adopt legislation, session after session, and here this session, right in the teeth of their statement

that our action is "a waste of public money," why condemn them, disregard them, cut off their pay, which latter part we should not do, and treat them with unanimous and repeated contempt, and not grant them a hearing? Is this the way to treat men of ability, worthy of the confidence and following of Congress and the country? I do not call this tact. I do not consider it good public policy or private fair play.

When I was on the committee I did not call them here again when I voted to condemn them, because I had heard them fully and I was satisfied. I did not think them competent or faithful. I would not have condemned them, as this bill does, if I had had confidence in them. They have no money now, perhaps, to travel on. Their pay has been stopped. They had money last session and were not brought here. Some are Army officers, and have their pay and live near here. Have any been invited to come, if they chose, to defend themselves? No. Why not? I think it is because there is no doubt felt that they are incompetent and have been heard enough.

They have had their day. Their reports and newspaper articles and speeches and clap-trap generally have all been gone over time and again. They were before the River and Harbor Committee in 1884—the spring or summer of 1884. They did not come here by my asking, for I had my doubts about them then. The proceedings were published, and placed upon the desks of members. A more impotent proceeding I never knew. They slaughtered and butchered the Mississippi River right in the committee-room.

The gentleman from Louisiana [Mr. BLANCHARD] knows all this. Others know it. Why permit the river to carry the dead weight of incompetent men? Did not the committee proceed at once to strike out, and did strike out, every dollar that we had in the bill for levees and conservation thereby? Did not all know and agree that the commission asked for levees and at the same time argued them out of court? Was it not childish, and was it not so pronounced? Was not the contingent fund alone considered enough "to waste" in the hands of men who evidently did not know what they were driving at or anything about the work they had in hand? Let gentlemen stand by the record. Let them reconcile the facts. Public interests are too grave to be put in jeopardy by personal favoritism.

Who are these "hydraulic" engineers that gentlemen seek to make the Mississippi River responsible for? Lawyers, architects, professors of geography, and military specialists. Is there one who has ever been employed or consulted by any citizen or business concern, the world over, about a single hydraulic work? If so, name the man and name the work. Is there one who has ever achieved a single success in a hydraulic work? If so, name the man and name the work. Eminent "hydraulic" engineers! God save the mark! Give us a surgeon and a professor of astronomy on the board and complete the harmonies at once. I will not, Mr. Chairman, see the Mississippi River made the scapegoat of incompetent men.

Now, sir, the next proposition I wish to call the attention of the House to is the denial of the gentleman from Mississippi [Mr. CATCHINGS] that the commission ever contemplated a plan of improvement that it would probably cost $150,000,000 to complete. The gentleman saw fit to use positive words about this. I wish to be distinctly understood as saying that Congress never authorized any such plan, and I trust it never will do so, unless the present plan should clearly prove to be a failure, and the public interest should justify this perhaps threefold increase of expenditures. I stated in debate in the Forty-eighth Congress that the commission contemplated and was practicing departures from the authorized plan, and that their course was not only a disregard of law but that it was also going in a direction that sound engineering advice and the teachings of experience would not permit us to sanction.

I further stated that I could not figure out the end of this new step at less than some $150,000,000, and that I was unable to point the House to any evidence that the work would stand or serve its purpose even after that sum might be expended. Sir, it is belief of this kind that is the basis of the legislation in the bill before us now, and was the basis of the legislation in the bill that passed Congress last session, as well as of the proposed legislation cited in the bill of the session before that, at which time the gentleman [Mr. CATCHINGS] was not a member of the House. All agree that such evils and departures must be corrected.

Sir, I spoke with deliberation when I expressed this opinion to the House. I had served two years upon this subject and I had often inspected the works. I have kept close upon the track of this subject now for two years more, and I here and now repeat the statement and opinion I then expressed. I have seen and heard denials of the correctness of my statement; but I have never seen or heard any denial accompanied by proof. No gentleman has taken the actual final cost of all or of any part of the work of this kind, as shown in the expense accounts in the reports, and even attempted to figure it out at a less figure than I gave. Of course, what I say is nothing unless I prove it. But if I clearly prove it from the official facts and figures, certified to us here by the commission itself, then denials are perfectly worthless unless gentlemen can show that my citations are false, or that my conclusions from them are unsound.

It is a grave matter to state this if it be not true, and it is equally as grave a matter to conceal it and not to state it if it be true.

We have got certain leading points to consider—first, the cost per unit of measure; second, the extent of application; third, the frequency of renewals of the work.

Reasoning from the data given us—I call attention to page 2565, report of 1885—we find that the original estimate for the final improvement of the 25 miles of Lake Providence reach was $1,238,000. This is also given in a previous quotation. We find on page 2566 of this report that, in the opinion of one of the commission—

> It is now certain that the cost of these works will be not less than *three* times the original estimate, and even yet it is not practicable to state with definiteness what the ultimate cost will be.

Now, no less estimate has been made by any member of the commission. Three times the above estimate makes $3,714,000 as the yet unclosed estimate, under the largely unauthorized manner in which this work has been done, for this 25 miles. This threefold increase alone would, if general—and he can not point to a lesser figure—bring the gentleman's $30,000,000 up to $90,000,000, and my $50,000,000 to $150,000,000. The rate here, however, makes $148,560 a mile, exclusive of levees. This reach consisted of bad navigation; that is, of much shoal and wide river. Where the river is very deep there the revetment is most difficult and expensive, as, for instance, at Memphis Harbor.

Such work as that at Memphis has proved more expensive than the reach under consideration. The river consists, substantially then, of these two kinds—that at Memphis and that in Lake Providence reach. What the river costs or may cost at these two places, if we permit the work to be conducted as it has been at both places, gives a fair index of the average cost of giving fixation to the river in that way all along the line. How, then, does it figure out? The original estimate for Lake Providence reach was $1,238,000. There had been expended on this reach down to November 30, 1885, $2,255,503.53, nearly double the original estimate. (See page 10, Ex. Doc. No. 38, Forty-ninth Congress, first session.) The estimate I have quoted, saying it is "certain" that $3,714,000 will be needed, and that it is uncertain how much more will be needed, seems reasonable.

Now from Cairo to the mouth of Red River is, say, 870 miles. The whole length of this has got to be treated either as in Lake Providence reach or as at Memphis. That at Memphis takes in a bend, first on one side of the river and then on the other, with dike works, divided into silting basins in between these bends; and as this costs more, as matters are going, than the work in Lake Providence reach, we are not in excess of the total cost when we apply the lesser to the whole. Eight hundred and seventy miles of river at $148,560 a mile amounts to $129,247,200 as the probable first cost from Cairo to the mouth of Red River, so far as these items go. But, we are told, after this basis is given us that—

> Even yet it is not practicable to state with definiteness *what* the *ultimate* cost will be.

Will that cost run up to $150,000,000? Perhaps not. But this calculation for the total cost does not include the great cost of levees. When you get to Red River you are still, say, 300 miles from the Gulf. The last time I came up the Mississippi River the water was, say, 15 feet above low water; but we had only 9 feet of water then on the bar below the mouth of Red River. The "bad river" is extending rapidly down stream, increasing the length. The deep-water "jump off" is no longer at Vicksburg, no longer at Natchez, no longer even at the mouth of Red River. We are now struggling with caving banks even at New Orleans, within 100 miles of the Gulf.

The estimate I have given, drawn from official data, of the way things are going, includes no part of the river from the Red River to the Gulf, neither channel nor levee work. Will all these things bring the total up to $150,000,000? I think, Mr. Chairman, that amount a reasonable and low estimate of even first completion. Hence, I approve of the language in the bill, holding the commission back to the original plan, having, for my part, great faith in it and none in these departures of the commission, which clearly foreshadow such expenditures, and, as I will yet show, even worse.

Later on I will consider the question of the stability of these unauthorized experimental works.

Now, I will take a look at the figures at Memphis. We find on page 2779, Report of 1884, that the cost of revetment per linear foot of bank for mattress, 150 feet wide, and stone work, 100 feet (approximate), $17. This is not including plant and equipment.

They are finding, however, that they need to extend the revetment double the above distance, or 300 feet, under water, and a number of their mats are of that width. (See page 2776.) There is nothing in the reports or in my personal observation to satisfy me that even this is adequate to stand, except where the current has largely ceased to attack it. But on page 2774, Captain Sears, the officer in charge, says:

> I have estimated my revetment work at $20 per linear foot.

This is a little higher than the "approximate" estimate made by Engineer Reese, immediately in charge of this work.

I think I have seen it stated somewhere, but can not lay my eye upon it just now, that the cost here, including plant, which has been "excluded" before, is $30 a foot.

But on page 2955, Report of 1885, Captain Leach, engineer then in charge, states that his revetment "*can* be put down," not has been, for "$25 per linear foot." But even this, he says, is with the proviso that no piece of work be undertaken until money and material to complete it are in sight. He does not say whether this includes "plant." I take $30, then, especially as they find they have to get wider and wider, and considering usual contingencies, as a reasonable and authorized estimate.

But, Mr. Chairman, this is the second, if not the third or fourth, time this work has been done. Work has been going on there since 1878. The work remaining there to-day has never yet had a real test. The river may this year test some of it; but last year there was not very high water or even long-maintained water, such as it was. But the real cost is to take the money that has been spent and the work there is to show for it, and from this figure out the actual cost as measured by money spent and results obtained.

But apply these figures first to the whole river from Cairo to the mouth of Red River, allowing that the dike work at the short sections between revetments would amount to the same per linear foot, measured by the axis of the current, for they run back and forth so as to form silting basins, and we have the following result:

At $30 a foot, taking former distance, total cost, exclusive of levees and of works below Red River, $137,808,000.

This is cost upon an estimate from the engineer, applied to the greater part of the river for such work as they are doing, and its stability is not proven, and for years the boasted work of the same kind preceding this has regularly and time after time utterly failed. If their widening should continue, as seems quite certain, the cost would run nearer to $50 a foot. The partial but greater cost at this rate would be $229,680,000. Cost per mile at $30, is $158,400; at $50, it is $264,000 per mile.

I wish now, however, to go back to the total expenditures and final results, and figure from them. We find on page 2955, report of 1885, under the head of "Memphis reach and harbor," that—

The work on the Memphis reach has been entirely for bank protection.

It is perfectly well known that it has been for revetment exclusively, not a dollar having been spent to contract the wide places. The reach includes the harbor. On page 2774, report of 1884, printed also with the report of 1885, is a statement of the allotments for this work from August, 1882, to July, 1884, for this work, and also of the expenditures, as follows:

Amount allotted by appropriation of—		
August 2, 1882		$325,000 00
January 18, 1884		90,000 00
July 5, 1884		200,000 00
		615,000 00
Total amount expended to September 30, 1884		431,672 97
Balance available October 1, 1884		183,327 03

Then turn to page 2956, report of 1885, and we find the following:

Balance on hand October 1, 1884, as per last report		$183,327 03
Long Lake levee		15,000 00
		198,327 03
Amounts received since		315 56
		198,642 59
Expended from October 1, 1884, to June 15, 1885:		
Memphis reach and harbor	$180,783 03	
Long Lake levee	15,000 00	
Total expended	195,333 03	
Estimated liabilities to June 30, 1885	1,750 00	
		197,083 03
Balance June 30, 1885 (Memphis reach and harbor)		1,559 56
This leaves		
Expended to September 30, 1884		431,672 97
Expended since (exclusive of Long Lake levee and to June 15, 1885)		180,333 03
		612,006 00

But this omits an item of $54,870.89 that appears in the general statement just below this, combining both of the statements I have given, and which item is an allotment, April 1, 1885, drawn from the "general service" fund. This statement makes the total expenditure June 30, 1885, $670,195.07. This is exclusive of Horn Lake levee and inclusive of the $1,750 of liabilities, and the $1,559.56 on hand and unpledged. Taking then the cash on hand and unpledged from the total spent and due for work done, and we have $670,195.67, less $1,559.56, equal to $668,636.11. This sum then is the total that has been actually spent here, exclusive of expenditures from 1878 to August, 1882.

Now, what have they got to show for it?

On page 2862, report of 1885, this same report, the commission tell us that—

The total length of revetment is about 4,700 feet.

And of this, the "submerged" part, the costly part, is only "1,600 feet." The best they say about it is that it "appears to be secure;" and then they proceed to say that—

Work in Hopefield Bend consisted in the repair of breaks, the extension of the upper bank revetment for about 3,000 feet, and construction and sinking of about 3,000 feet of mattresses 150 feet wide.

This width is about half of what they are finding or thinking necessary, and consequently is not up to the standard of endurance or of cost. I by no means confess that this or any of it has ever withstood a fair and square attack of the current. But I know what this "repair" means. I examined that bend, in company with the engineer then in charge, Major Miller, during the first half of this fiscal year quoted from.

No revetment was to be seen there, save here and there a random stick, and I could not learn, upon inquiry, of any remains anywhere. The "repairs" going on there was new work outright. You observe that the top work and the submerged work exactly tally. In other words, there is, or was at the time of this report, just about 3,000 feet of revetment in that bend, and that of short cut and measure. The grand total then was 4,700 feet of so-called good work, part of it submerged, and 3,000 feet of short measure (narrow) work, making in all 7,700 feet of revetment; half, or more of it not yet completed and none of it yet tested. This and only this is what they had to show after an expenditure of $668,636.11.

This distance is a little over one mile and a half, and the work is not equal to one mile of "completed" work. This we have of untested work, and we only know that it is of a kind that has never yet stood a single square test of this river, and we have paid out $668,636.11 for practically one mile or less of it.

Our work to be done, of all kinds, reaches down nearly 1,000 miles to-day. It is growing daily, and while we sleep the neglected and betrayed river continues its rapid self-deterioration. Sir, since 1828 the width of this river from Red River up to Cairo has become nearly half again as great as it was then, before nature's self-sustaining means were destroyed by advancing agriculture; and that signifies much more in the way of general deterioration.

Who can measure the ultimate cost of this unauthorized plan? No levees are in these last figures. Is the probable first cost $150,000,000? Is it $600,000,000? Is there any limit to a system that has no stability? Had this plan been authorized I would call a halt. Being unauthorized, I rebuke it both as a gross breach of law and betrayal of trust, and an immeasurable waste of the public money.

These are startling figures, Mr. Chairman. They were startling to me when I first was compelled to see that they were being piled up upon us and upon the Mississippi River; but, sir, what was more startling to me was the clear conception and conviction that such totally unauthorized and unnecessary things would dare to be done.

"Legitimate examination and argument" can best be drawn from the official reports and other authenticated data. If gentlemen choose to stand by their constituents, personal friends, and favorites on the commission they can do so; but I protest that their eyes are being blinded to what is best for the river and the public interests.

I wish now to show some of the difficulties that are experienced by seeking to revet before that change is made which it is said will lessen the difficulties, if, indeed, it does not render the revetting wholly unnecessary. The following is an instance of work at Memphis, page 2777, report of 1885:

On August 12 the construction of a mattress 300 feet wide was begun; great care was taken in its construction and also in removing it to the shore.

Two five-eighths-inch iron rods and three five-eighths wire ropes were run through it longitudinally. It was held to the mooring barge by 1-inch and 1¼-inch slip lines every 16 feet across the head. Seven shackle lines, from 1¼ to 2 inches diameter, ran from the head to the shore, while the mooring barge was held in place by nine lines of from 1¼ to 2 inches diameter, all the lines having long leads. In addition the mattress was fastened to shore by diagonal lines running across it at about every 100 feet in length.

After completing 690 linear feet, an attempt was made to sink. The entire mat was well ballasted, and the head sunk to the bottom, when it broke straight across a short distance below the middle. The lower portion swinging around was checked and sunk in front of the elevator. Another mattress 250 feet wide was immediately begun, additional strength being added in the shape of iron rods and cables; this also broke when being sunk, parting the iron rods and wire rope.

When it is remembered that these mats are powerful structures of poles capable of floating many tons of stone, and strongly bound by wire at every joint in addition to the rods and cables spoken of, it will be seen what almost incalculable force is thus gratuitously opposed. We need not wonder that these great structures snapped like walking sticks, nor that the same unaltered current cuts away the bank beyond them and under them until it all caves into the river and the mattresses are broken up and carried down the great river.

Another illustration of the difficulties attending this unauthorized work, this reversal of the adopted plan, is shown at Delta Point, opposite Vicksburg (see page 2787, same report). Down to October 10, 1884, there had been expended on this point $303,229.87. Captain Sears says:

The point has been held by brush and stone revetment against a fierce current for two years, but at great expense for repairs and enlargement.

This means that the whole revetment has continued to tumble into the river, as I have observed from the recessions and changes of the point that it has done. I last saw it in the autumn of 1885. I was satisfied then that the caving in, which was then in progress, would go on until the river changed its course and ceased to attack it; but when

the river ceases to attack a bank it no longer needs to be revetted. Indeed, the engineer says substantially this in his next sentence:

There is no reason to suppose that extensive repairs will not be necessary *annually*, unless the river, due to changes in the curvature above, changes over so as to leave this point in *slack water*.

Of course "slack water" never scours out a river bottom or caves in a bank. Captain Sears plainly and frankly gives up the whole case. I observed that the current was beginning to stand over toward the other side of the river, and would probably soon begin to form a bar along the revetted bank. I asked a very intelligent pilot to continue observations there for me, as well as all along the river, and I will introduce one or several letters that I have received from him. There are no men in the world who are equal to the pilots as observers of physical facts on a river. That is their business, and they have to keep an account in a book, every trip, of the changes on the shore and in the channel.

They are not engineers, and their opinions about the cause of changes are not apt to be any more sound than those of other intelligent men living on the river, but who are not engineers; but no men are so reliable as to the facts of where bars are forming or changing, where the channel is changing, and what is becoming of the river banks and of that which is on them. In addition to repeated personal observations of these facts, I have made it a rule to ask the pilots about them, and there is not a more honest and manly class of men in America than this class of our people, and I say to this House that I know of no instance, and I have never heard of one, from a pilot or from any other disinterested party, where this revetment work has stood against a fair attack of the current at a really high stage of water—not one.

Had they carried out the plan of first scouring out the bars—the submerged dams—above, and of first producing the contemplated uniformity of width, depth, or velocity—faster on the bars where now too slow, and slower in the bends where now too rapid—had they done this, and then failed, as they have so often failed, I should be compelled to admit that the plan of improvement had received a blow.

But the plan has not received a blow. The river, however, has received a stab. I wish gentlemen to see the wound, and to know by whose hands it has been dealt.

I will here introduce a letter from Mr. Harrison Matson, a pilot on one of the Anchor Line steamers plying between Saint Louis and New Orleans. The gentleman from Mississippi [Mr. CATCHINGS] knows him to be a good pilot, as honest a man as lives, a man with a cool head and fine sense. He is a plain man, but the peer in point of pure, high, and intrepid character of any gentleman upon this floor. Mr. Matson has been a pilot upon the Mississippi River for many years, and it is hardly a figure to say that he has seen every stick of piling and every square foot of revetment that has ever been put into that river, and he has seen all the changes, and he knows and says that all the revetment the commission has ever put there has regularly yielded to the unregulated and unrestrained current until such time as the mighty current has gone away from them and let them alone.

Mr. Matson says:

ON BOARD SAINT LOUIS AND NEW ORLEANS ANCHOR LINE STEAMER ARKANSAS CITY, *Vicksburg, March* 24, 1886.

DEAR SIR: I learned to-day on my arrival here that Captain Sears, of United States engineers, had just made an examination and, I believe, a resurvey of Delta Point, Louisiana, opposite South Vicksburg, in obedience to the instructions of the river commission. And as it is well known that this Delta Point is *the last resort they have to establish the efficiency of their manner of revetting the banks* and as it is the only piece left not entirely destroyed, and as they no doubt intend to use this in another attempt to relieve themselves of the unpleasant position the results of your investigation placed them in, thereby making you an interested party, I felt I could perhaps be of some service to you in at least putting you on your guard. Now, this Delta Point business is the most flimsy subterfuge you can imagine when you or any one else understands it. Now, it is true Delta Point is not washing away now, nor will it wash away for some time, but the revetting is not the *cause* of its not washing away, for it is also true that Delta Point did wash away, *revetting* and all, yes, just as substantial revetting as they have there now did wash away as so much sand, till there was a *cause* that stopped it. Now I will try and tell you what that cause is. When they commenced work on this point the channel from Young's Point Landing (which is in the bend opposite mouth of Yazoo River) went over above King's Point, Mississippi, and was deflected by King's Point to Delta Point, and all the revetting they could do did not hold the point, but they kept up the work as fast as the revetting would cave away and the mattresses float away down the river. In the mean time the bank at Young's Point Landing was caving away very fast, whole plantations going in, thus making the crossing lower down from the Louisiana shore to King's Point, until leaving the shore so low down the current did not touch King's Point at all; and having nothing to deflect it to the right or Delta Point, it took a direct course to Kleinston or South Vicksburg, and has been cutting that away ever since the depot and part of the railroad track at Kleinston caved in last fall; and not only was Delta Point relieved by the natural course the river had taken, but if you will look on the map you may see the bar that has been opposite Grant's Canal above Delta Point for years. Well, the caving of the banks at Young's Point Landing has caused heavy deposits on this bar, augmenting it and affording relief to Delta Point, which is just below on same side. Thus, you see, Delta Point is relieved by the river itself by taking a course favorable to Delta but very unfavorable to Kleinston or South Vicksburg, and this course, as I have shown, is not due to any revetment, but is due to the caving of the banks above where the engineer's work could have no influence whatever.

I fear I have not made it plain enough, as you are aware of the difficulty of a satisfactory description of anything of this kind. I may sum it all up in this, namely:

First. King's Point no longer deflects the current to Delta Point.

Second. The bar immediately above Delta Point, on the same shore and opposite "Grant's Canal," has been augmented and aids in deflecting the current from Delta Point, and thus the preservation of the revetment at Delta Point is from a natural cause, and not from the efficiency of the revetment itself.

You may be aided by the map. Unfortunately, I have not this part of the map of the river with me.

You know those in charge of the river improvement above Cairo pointed with pride to their stopping up the Illinois side of Devil's Island. Well, the river took a notion to go down that side last low water. It was the channel, and one of the Anchor Line boats in running it in the night struck a part of one of the old dikes, knocked her chimneys overboard, and I haven't heard them refer to that piece of improvement since.

I intended to speak of other parts of the river, but will defer it, hoping this long letter will not prove too great an annoyance.

I am yours, truly,

HARRISON MATSON.

Hon. C. R. BRECKINRIDGE.

The point of value in this letter is the fact that the river, having no deflecting works at all, steadily caved in the revetment at Delta Point until the general caving there and above was followed by the channel or current leaving the point in comparatively slack water. Then and only then the revetment begins to stand. The same is stated of all the balance of the revetment work.

It is almost pathetic to read the remarks of Captain Sears, in the report of 1885, page 2963, in speaking of estimates for his, the third district, in which Providence Reach is the principal work. He says:

I am not prepared to ask for any definite sum as being the amount that can profitably be spent during the next fiscal year, as this will depend upon whether we continue the *experiments* of revetting caving banks.

Then he says $200,000 can be "profitably expended" upon certain dike work, repair of plant, &c.; and, if the "experimental" revetment work be "renewed," then "$400,000 in addition can be expended;" but he refrains from saying that it can be "profitably" expended.

On the previous page he speaks of the over two miles, 12,500 feet, of revetment work at Pilcher's Point, and says:

I confess my deep disappointment at the result of this work.

And again he says of this work:

I apprehend no further caving until next high water, when I should not be surprised to see the rest of the revetment go.

He further says:

It seems to me to demonstrate that the *average* bank of the Lower Mississippi can not be held at a reasonable cost by this form of revetment.

Then he says he "thinks" it could have been held with "double lower mattress" at a cost of "about $30 a linear foot."

Here it is, five or six years from the beginning, millions upon millions spent, and all is conjecture, all "experiment," and what they were told to try not tried yet. This is all the more significant when we read Captain Sears' statement, page 2774, report of 1884:

It is not expected that bank revetment will have *any* positive effect in improving a channel-way.

Sir, the extent of caving banks in any given reach of river is not only clear to observation, but we have some very interesting figures on page 2685, report of 1884. Changes are always going on and new points becoming involved; but as a first measurement, and making no allowance for the inevitable losses of work and increases of space, we have from Island No. 1 to Island No. 10, in a distance of 55 miles, 209,850 feet of caving bank, or 3,816 feet to the mile. From Caruthersville to Frame Chute, in 115 miles of river, we have 502,000 feet of caving bank, or 4,365 to the mile. From Commerce Cut-off to Saint Louis Landing, in 77 miles of river, we have 392,520 feet of caving bank, or 5,098 feet to the mile. Sir, he is a bold man, and one unsustained by facts or experience, who will venture the opinion that the extent of this unwarranted and unauthorized revetment upon the two sides of the river for a length of 100, or 200, or 500, or 1,000 miles of the river will not exceed the navigable length of the river embraced.

We have another piece of evidence, and very striking testimony it is. People are more particular about spending their own money than they are about having other people's money spent for them. Recipients seem to accept money on any terms, and call it reasonable; but the same parties often refuse to take money out of their own pockets for the same kind of investment. The people of Memphis raised some $60,000 to protect their river bank. Did they permit it to be expended for revetment? No, sir. They put every dollar of it in spur dikes.

For my part I think they acted wisely. I think they would have done better to have put some thousands of it in a permeable dike or two to cut out the bar above them; but if they did not feel equal to that they did well to put spur dikes along their front.

We have a similar case at and near my town, Pine Bluff, Ark. Sixty-odd thousand dollars had been absolutely thrown away in revetment. Every citizen was disgusted with the work and with the result of the work. Spur dikes were afterwards put in, and not a dollar has been lost. The work has stood perfectly. The accomplished young officer of engineers, Captain Taber, now in charge of the Arkansas River improvement, made a careful study of his problem, submitted his views to his chief here in Washington, and got permission to use deflecting dikes.

He located them so as to take hold of no more current than he could handle; and by following up his ground, receiving aid at every step from the dikes above him, he has, with a trifling expenditure of $48,000, cut out one of the worst bars in that great river, regulated a long stretch of it, and moved the river at one point squarely out of its old bed and placed it, like a child in a cradle, into a new bed, symmetrical in form, and exactly where he said he was going to place it. I believe that if he had the work to do over again he could accomplish it with

the knowledge and experience he now has for one-half of this expenditure.

The first channel work, if I mistake not, ever done on the Mississippi River was done prior to 1840, at Saint Louis, by Capt. Robert E. Lee of the United States Engineer Corps. I recall a, to me, most interesting conversation with this great engineer in 1869 upon this subject. His opinion was in favor, substantially, of the policy Congress has authorized.

But I proceed. The gentleman from Mississippi [Mr. CATCHINGS] says these gentlemen (the commission) are not only faithful, able, and all that, but also that they "have been signally successful." This, in one way, has already been considered. But page 2 of Executive Document 66, this session, the commission say, in speaking of the work in Lake Providence and in Plum Point reaches:

> The work has been conducted under difficulties which can justly be called extraordinary. * * * On two occasions the annual appropriations have failed entirely, and in no case except one has it reached the amount recommended. During long intervals of time the works have remained in an unfinished condition, exposed to injuries which under favorable conditions might have been prevented.

We have heard and seen much in reports and elsewhere to the effect that results would have been better if a reasonable and steady supply of money had been granted them. I presume the gentleman from Mississippi means that the commission has been signally successful considering the small and disjointed appropriations that Congress has made for them. To say more than this is to be refuted by the commission itself. Now let us look into this.

You remember that they recommended in 1880 that work be restricted to a few reaches, rather than scattered over many, in case Congress should not appropriate fully for all. From that day to this Congress has taken them at their word and has left them at liberty to use as much money as they chose out of every appropriation for as few (reaches) as they chose. It is fair to say that if they allotted to Plum Point and Lake Providence reaches, and spent in regular and uninterrupted order upon those reaches all they said they could spend, or that they asked for, then their complaint has no ground to rest upon, and all this kind of talk is unworthy of any respect, except that personal respect and courtesy which is due to the gentleman from Mississippi [Mr. CATCHINGS], who is hardly expected to be the first to see fault in his friend and influential constituent who is on the commission, or in those that that gentleman stands up for.

I think it unfortunate, and it may be repetition to say so, that this commission has not been composed solely of competent engineers and of men entirely removed from the local constituencies upon the river. This is, legitimately, simply a scientific question so far as Congress had any use for this commission; and local sentiment has proven, without exception, a vicious and baneful influence, retarding and thwarting the national purpose, and warping and being warped by the national agents. I think these "resident" members of the commission are better politicians than they are anything else, except that they have overreached themselves; and as for being engineers, it is a farce to use the word. But what were the estimates for these reaches?

To revert to the report of 1880, we find them as follows:

Plum Point, for initial works	$736,000
For final completion	736,000
Total	1,472,000
Lake Providence reach, for initial works	619,000
For final completion	619 000
Total	1,238,000

The first appropriation was in the act of March 3, 1881, and was for $1,000,000. On page 6 of that act we find the following language:

> For the improvement of the Mississippi River, *in accordance with the plan therefor recommended in Executive Document No. 88, second session Forty-sixth Congress, by Mississippi River Commission*, to be expended by the Secretary of War, with the advice and under the supervision of said commission, the sum of $1,000,000.

It will be observed that this was not "continuing" an old plan and work according to the usual language in the bill. It begins a new work, upon a specific plan; and right there a great mistake was made by Congress. Having a plan, I say again, Congress ought not to have assumed that the War Department did not have enough sense and enough fidelity to law to execute it. There was no more occasion to continue this commission to run the War Department than there was to continue the Tariff Commission to run the Treasury Department. Congress may well bring in all sorts of counsel to aid it in shaping legislation; but that being done, and propositions being crystallized into law, then the execution of the law should be intrusted to one or the other of the great Executive Departments of the Government.

We have always done that except in this instance, and I, for one, sincerely repent of this departure. A useless and idle body has invented all sorts of pretenses for its own continuance to draw pay. It has become vain and pig-headed, setting itself up against the War Department, against Congress, and against the law. Supervising the War Department! Like our once famous Doorkeeper, transported to unexpected authority it has become "a biger man than old Grant." It has made only mischief and trouble, and in its meddlesomeness and misstatements it has given an additional illustration of the truth of the old couplet that—

> Satan finds some mischief still
> For idle hands to do.

Well, what did they do with this $1,000,000? They could do just what they wanted to in the way of concentration. As a beginning they, of their own free will, gave $491,552.44 to Plum Point reach and $364,456.12 to Lake Providence reach. As I stated, they need not have started but one if they had not thought this sufficient for two, counting upon the chances of a prompt and adequate appropriation the next year. Hence we see they did exactly what they wanted to do, and without a particle of constraint as to the amount of money for any given point.

What, then, was the next step? You find on pages 33 and 34 of the same report statements brought down to December 1, 1882. They state as follows:

Amount allotted for improvement of Plum Point reach	$700,000
Allotments Lake Providence reach	650,000

It will be remembered that the act of August 2, 1882, the act immediately succeeding the one just referred to, and coming promptly the year after it, appropriated $4,123,000 for this work below Cairo, and it also left the commission at perfect liberty to concentrate their full estimates upon these two reaches. Then, turning to page 32 of the report for 1883, what do we find? We find a table called—

Table of total expenditures, construction department, Mississippi River Commission, from the beginning of construction up to November 1, 1883.

[Covering appropriations of March 3, 1881, and August 2, 1882.]

Plum Point reach	$1,406,216 85
Lake Providence reach	1,225,582 33

These are the amounts they actually spent in the first two years. Here are the amounts they spent, and they might have spent double these amounts here had they liked. Now, when the parsimony, &c., of Congress is talked about, let us see how these figures compare with what they said would "complete" these works; and engineers' estimates are generally very ample if the appropriations be prompt, and none could be more prompt than was the case here, and certainly none more ample. They expected also to lessen and not to increase expenses when they came to working under their estimates. The total estimate to "complete" the Plum Point reach was $1,472,000; and the total estimate to "complete" the Lake Providence reach was $1,238,000.

Thus it is seen that they promptly had and spent within $65,783.15 of the estimated total for the final completion of Plum Point reach, and within $12,417.67 of the estimated total for the final completion of Lake Providence reach; and they had the money and the power to put as much more as the total upon either or both the reaches, then and there, had they wanted to. There were floods in the river. Of course there were floods in the river. It is a rare exception when there is not a great spring and summer flood in the river; and they were and are actually dependent upon these same floods to help them build up their new bank and to scour out the bars at the wide places.

There is nothing in all this talk about scarcity of funds and unexpected difficulties, and neither the river nor the plan nor the supply of money is responsible for this unhappy showing; but maladministration is responsible for it.

But some gentleman will say "'it was the last feather that broke the camel's back,' and the lack of these last few dollars caused the works to be left incomplete and exposed. They lacked their capping and finishing touches, owing to the foolish, wicked delays of Congress." My first reply to this is that they had the money to make this up and they ought to have used it. My second reply is that they had the money to make this up and they did use it. Let us see. From the appropriation of 1881 Plum Point got $491,552.44; from that of 1882 it got $700,000, and by a transfer from other works it got on March 16, 1883, as shown on page 7, report of 1883, $300,000.

This makes the total assigned to Plum Point, but not all yet spent, $1,491,552.44, or considerably more than the original estimate for "final completion." And as for Lake Providence it got $364,456.12 in 1881; $650,000 in 1882, and a transfer, as above, of $187,500 in 1883, making a total of $1,201,956.12, but a few thousand less than the surplus upon Plum Point, which they could put here, and without that it is within, say, $12,417.67 of the total by the autumn of 1883. Then came the failure of the river and harbor bill to pass at the short session of Congress, followed by the early and prompt appropriation of $1,000,000 on the 19th of January, 1884, with a large addition the following July, amounting to $2,070,000 more, making a total for 1884 of $3,070,000. (See page 2570, Report of 1885.)

Money has been shoved in upon them, so far as the needs of these reaches are concerned, without measure and without stint, and the reasons assigned to us do not exist. Why, sir, without following the details further, look at the result down to November 30, 1885, only four short years since these works were begun—works that they said it might take years to complete, as they were dependent upon floods. (See page 10, Supplement to Report of 1885.)

Expended on Plum Point reach	$2,387,850 13
On hand	18,742 30
Total to November 30, 1885	2,406,592 43

Expended on Lake Providence reach	$2,255,503 53
On hand	37,475 71
Total to November 30, 1885	2,292,979 24

In other words, they have had and have spent on these two reaches in the short space of four years nearly double the amount of money upon each that they said would suffice for final completion. They could have applied double these amounts if they had wanted to. They have had all they wanted and more than they could spend on these reaches, and they have had it promptly and have spent it promptly and under normal conditions; and the reasons assigned for the partial results and dismal showing have no foundation in fact.

Now, sir, at the risk of repeating something that has gone before, I will refer briefly to the legislative history of the commission. The Mississippi River was desired and needed to be improved. All sorts of "plans" were crowded upon Congress and in Congress. Congress was not competent to deal with the *technique* of the question. Congress was not a body of engineers, nor a body of specialists; and never is, and perhaps there was not and is not an engineer in this body. What, then, did it do? The House appointed a committee on the improvement of the Mississippi River, to which committee in the first place all propositions were referred. What next? This committee could not fairly decide. So they brought in a bill to organize a commission to look into these plans, &c., and to report to Congress what legislation they thought would do. They were instructed to report on all these plans, and also to report some plan that in their opinion would work. I will here give this act, the act of organization:

[Public—No. 34.]

An act to provide for the appointment of a "Mississippi River Commission" for the improvement of said river from the Head of the Passes near its mouth to its headwaters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created to be called "the Mississippi River Commission," to consist of seven members.

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers. And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law, and the other three commissioners shall receive as pay and compensation for their services each the sum of $3,000 per annum; and the commissioners appointed under this act shall remain in office subject to removal by the President of the United States.

SEC 3. It shall be the duty of said commission to direct and complete such surveys of said river, between the Head of the Passes near its mouth to its headwaters as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act. And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary.

And the Secretary of the Treasury shall, when requested by said commission, in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

SEC. 4. It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purpose aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

SEC. 5. The said commission may, prior to the completion of all the surveys and examinations contemplated by this act, prepare and submit to the Secretary of War plans, specifications, and estimates of costs for such immediate works as, in the judgment of said commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress.

SEC. 6. The Secretary of War may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission.

SEC. 7. The Secretary of War is hereby authorized to expend the sum of *one hundred and seventy-five thousand dollars*, or so much thereof as may be necessary, for the payment of the salaries herein provided for, and of the necessary expenses incurred in the completion of such surveys as may now be in progress, and of such additional surveys, examinations, and investigations as may be deemed necessary, reporting the plans and estimates, and the plans, specifications, and estimates contemplated by this act, as herein provided for; and said sum is hereby appropriated for said purposes out of any money in the Treasury not otherwise appropriated.

Approved June 28, 1879.

What did the commission do? Authorized in 1879 and organized at once, they made a report in compliance with this act in 1880—the report I have given and referred to so often. It is dated March 6, 1880. Congress formally adopted the plan therein recommended in the act of March 3, 1881. The language I have heretofore given. From that moment the Committee on the Improvement of the Mississippi River has been a defunct committee of this House. It has never had a lick of work to do, for a plan had been agreed upon and adopted, and after this it only remained for the appropriating committee to provide money for its execution and for Congress to see that the plan was fairly tried.

We were ready to say to inventors, "A plan has been agreed upon and adopted, and we can not entertain any new plans until we see how the commission gets along executing the one we have already agreed to try." Nothing remained but to make further surveys and final calculation of total cost for the whole river. This, as well as the execution of the adopted plan, should have been promptly intrusted to the War Department to execute, which really does all the work now. The plan was, and is, simple. The commission really knew that their real usefulness and logical functions were ended. See what they say on page 20 of the report of 1880:

We venture to suggest further that, in case the commission should be continued in existence and the works recommended by it be in whole or in part authorized by Congress, the execution of the work and the expenditure of the appropriations therefor shall not be made part of the duty of the commission.

Every subsequent bill has carried with it the language "continuing improvement," which language always continues the former plan unless a change is specified and permission granted.

What, then, Mr. Chairman, must be our surprise, and how serious must be the issue with the great body of the people who authorize this work and pay for it, to find the commission coming in with a radical abandonment of every leading feature and principle of the plan of 1880, denying facts and refusing to obey the law, and the friends of those gentlemen announcing the doctrine that "the commission is a plan," and "we are trying the plan of a commission," instead of the fact that we are trying a plan of engineering device which the War Department certainly has sense enough and I trust fidelity to law enough to execute, and that Department should be intrusted with the execution of all such plans until we transfer the execution of them to some civil department either existing or to be created. Indeed, the friends of the commission have advanced far enough to tell us that the "commission and the river must stand or fall together." We must either say that we have the adopted plan, or that we as yet have no plan, or that we have and approve of the plan as shown by the practices and recent utterances of the commission, with all the expense and folly it figures up and foreshadows. Which of these alternatives shall we accept?

I repeat that the plan and the river must stand or fall together, and I will defend that plan and the river from all assumptions of personal supersedure and from all responsibility for the errors of individuals, come from whence it may. I would attack the War Department as quickly as I do the commission if it too disregarded law and betrayed the public interest; and I solemnly warn the gentleman from Mississippi that the people of this whole country are not improving the Mississippi River for the sake of his friends and of my friends, and of scores of them I may say, my blood kin, who live upon its banks. They think we are. They hug a fatal delusion to their breasts, and to inject their favorites, men they have been taught to believe they are dependent upon, men who in fact have caused appropriations for them to be restricted, but living in part among them have taught them to think were procured by them—to do this is to reduce that work to a scandal, and temporarily to a wreck.

Sir, this is no new question. We have the board of 1879, as it is called, the report of which is House Executive Document No. 41, Forty-fifth Congress, third session. It is a low-water report exclusively. The heading of it is:

Low-water navigation of the Mississippi River.

Then, again:

Letter from the Secretary of War, transmitting report upon the improvement of the low-water navigation of the Mississippi River.

It is a very good report of its kind, but gentlemen make a mistake in saying that it is at all the equivalent of the distinctively "high-water" plan of 1880 that we are operating under.

Then we have the report of the commission of the act of June 22, 1874. That act is short, and it is as follows:

An act to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and directed to assign three officers of the Corps of Engineers, United States Army, and to appoint two civil engineers, eminent in their profession and who are acquainted with the alluvial basin of the Mississippi River, to serve as a board of commissioners; the president of said board to be designated by the President of the United States. It shall be the duty of said commission to make a full report to the President of the best system for the permanent reclamation and redemption of said alluvial basin from inundation, which report the President shall transmit to Congress at its next session, with such recommendations as he shall think proper.

SEC. 2. That the members of the commission who may be appointed from civil life shall receive compensation at the rate of $5,000 per annum. The commission may employ a secretary at a rate of compensation not exceeding $200 per month for the time he is employed, and the necessary traveling expenses of the members of said commission not officers of the Army, and of the secretary, shall be paid upon the approval of bills for the same by the Secretary of War.

SEC. 3. That the sum of $25,000, or so much thereof as may be necessary to carry into effect the foregoing provisions, is hereby appropriated, and shall be subject to disbursement by the Secretary of War in accordance with the provisions of this act.

Approved, June 22, 1874.

The report which came out of this is Executive Document No. 127, Forty-third Congress, second session. It is not now by me.

Then we have the very exhaustive report of Humphries and Abbot, a report that has been shown to contain many errors; but nevertheless a very valuable report, and very correct for its day.

Now, Mr. Chairman, I want to call the attention of the House to the, to my mind, criminal manner in which the commission has neglected the work at the head of the Atchafalaya. This involves a great waste of public money, an augmentation of destruction by overflow, and a complete departure from every expression of principle upon which the levee system is based. As bearing upon this, and clearly expressing the matter, I introduce some of the remarks of the commission in the Report of 1880, under the head of "Outlets." They say:

THE OUTLET SYSTEM.

It has been supposed by many persons that, because the immediate effects of a crevasse during a flood is the reduction of the height of the river's surface in the vicinity of the crevasse and below it, lateral outlets, either natural or artificial, by which the flood-waters of the river are drawn off and conveyed through a shorter route to the sea, tend to prevent the recurrence of destructive floods, by supplying additional avenues for their escape. This method would undoubtedly be effective if the flood-waters of the Mississippi were not highly charged with sedimentary matters, which are held in suspension in the water by the current. To support this immense mass of earth and sand in suspension, and thus insure its transportation to the Gulf, the velocity of the current must be sustained. Without stopping to determine, or even discuss, the character of the relation which exists between the various velocities of current and the proportionate quantities of sediment which such velocities are capable of carrying in suspension, the fact seems to be established that when the current is checked in its natural flow during floods, a deposit of sediment will occur. Shoals are found in the river immediately below crevasses which it is difficult to refer to any other cause than the loss of current velocity which takes place below the crevasse.

As a portion of the volume of the river is drawn off by the crevasse when it is first made, it is impossible that the current below the crevasse can then be as rapid as it was before its occurrence. Being less rapid, it is unable to sustain the whole quantity of matter held in suspension by the more rapid current above the outlet, and consequently its surplus sediment falls to the bottom below the crevasse. This deposition continues until the size of the river below the crevasse has been so reduced by the shoaling that the current is again restored through the short distance in which the bottom of the river has been thus raised and the channel diminished. If the crevasse remained open, however, for several years, it is evident that the shoal will continue to extend down the stream, for the reduced velocity will still exist in the river below the shoal. If the crevasse be kept open indefinitely, the shoaling will continue to extend down the stream until certain other injurious effects are produced, which will be presently referred to.

It is a well-established law of hydraulics that the ratio of frictional resistance per unit of volume increases if the sectional area be diminished. Thus, if the volume of the river were suddenly divided by an island into two channels, the water flowing in them would encounter more frictional resistance than it met with while flowing in a single channel. Hence the currents through these channels would be more sluggish. As the water is charged with sediment the sluggish current would cause a deposit in the channels which would first begin at their upper ends, and would continue until the bottoms of the two channels would be so steepened that the current would attain a velocity capable of carrying the suspended sediment through them without further deposit. If the two channels were of nearly equal length and size, they would probably remain permanent, and the slope of the river's surface in flood time would be found to be steeper through them than above and below, where the volume flows in a single channel.

If one of the two channels were materially longer than the other, the effort of the river to increase the steepness of the longer channel would be abortive, because its slope would be controlled by the shorter one. A shoal in the upper end of the long channel would, however, be built up to such height by the depositing action of the sluggish water in it as finally to shut it off altogether from any connection with the river, while the still water at the lower end of such channel would promote the deposition of sediment at that end to such an extent as to build it up also, and thus completely separate the long channel from the main body of the river; in the mean time the shorter channel would have enlarged so as to accommodate the entire river. The longer channel would, in this event, constitute a lake, like one of the many lakes which are seen on a map of the alluvial basin of the river. Being removed from the influence of overflows, these lakes remain deep and clear for many centuries. The phenomenon just described invariably accompanies the formation of a cut-off. When one of these occurs, the volume of the river is at first divided into two channels of unequal length, an island being left between them.

In the case of a crevasse an island is also formed, having the main body of the river on the one side of it, and the crevasse channel on the other side. As the volume flowing in the main channel below a crevasse has been decreased by the amount drawn off through it, a steeper slope in the main river, if the crevasse be kept permanently open, becomes inevitable; because the shoal below the outlet, as it grows in length down stream from the deposition of successive floods, gradually increases the frictional resistance of the volume flowing through that diminished channel, and this tends to check the current of the river above the crevasse, and thus the shoaling of the river bed and the raising of the flood line above the site of the outlet ensue as a secondary and permanent effect.

The fall of the Atchafalaya is about 6 inches per mile from its head to the Gulf level, while the fall of the Mississippi from the same point is less than 2 inches per mile. The volume of the Atchafalaya is only about one-twelfth as great as that of the Mississippi where they separate. The fall of the South Pass is 3 inches per mile, whilst that of the Southwest Pass is but 2 inches per mile. The volume of the South Pass is only about one-quarter as large as that of the Southwest Pass.

As water selects the line of least resistance in flowing from a higher to a lower level, it follows that, inasmuch as that portion of the Mississippi floods which enters the Atchafalaya seeks the Gulf level through a route not half so long as that which follows the main river, and as it has a descent threefold greater than the portion that flows in the main river, the resistance in the shorter and steeper route of the Atchafalaya must be so much greater that these elements which tend to increase the current are so far neutralized as to produce in both routes to the sea that rate of current which is capable of transporting the sediment without loss or gain to the Gulf level, and thus a condition of equilibrium is established between these two routes to the sea.

It seems unnecessary to state that the ratio of frictional resistance to volume of water resulting from the smaller size of the Atchafalaya is so much greater than that in the main river, that this condition of equilibrium or regimen of the two channels is the result. Anything which will tend to increase the flow permanently through either route would, if unchecked, have a tendency to cause the entire river to find its way ultimately through that route to the sea by lessening in it, as it enlarged, the ratio of frictional resistance to volume of water flowing in it.

The subdelta building ability of the smaller passes by which they prolong their length and thus flatten their slopes, will invariably tend to cause their extinction by results similar to those hereinafter referred to at Cubitt's Gap, the Jump, and the extinct outlets below them.

This cause has tended to the extinction of many well known bayous below the Atchafalaya. That the Atchafalaya remained so long unaltered, and is now evidently enlarging, is owing to important changes in the bed of the Mississippi near it, by which a large portion of the floods of Red River have been recently discharged through it.

This explanation of the relation between slope and volume is, of course, applicable to the other existing outlets referred to in this connection. *For this reason the commission believes that no surer method of ultimately raising the flood surface of the river can be adopted than by making lateral outlets for the escape of its flood-waters.*

The rising of the flood surface necessitates an increase in the height of the levees and leaves shallower channels for navigation.

As the system of improvement proposed by the commission is based upon a conservation of the flood-waters of the river, and their concentration into one channel of an approximately uniform width, it would seem scarcely necessary further to consider a system based upon theories and arguments so diametrically opposed to it as the outlet system is thus shown to be.

With reference to that part of the plan set forth in House bill 5413, relating to the Atchafalaya outlet, the commission suggest that, as Major Benyaurd, of the United States Corps of Engineers, in charge of the Government works upon this portion of the Mississippi, has now under consideration the question of the permanent improvement of the mouth of the Red River, with the intention, as expressed in his last annual report, of making a special report thereon at *the earliest possible moment*, it is not deemed advisable that any work at this locality, except what may be required to *check the enlargement* of the Atchafalaya, should be recommended by this commission in anticipation of the matured views and opinions of that officer. This can be done in such locality and in such manner as will not interfere with the navigation of the Red and Atchafalaya Rivers, and at a cost not exceeding $10,000.

Now, we find the part of the total floods that escaped through the Atchafalaya, through which some years prior none escaped at all, was 12 per cent. There is no need of going back to the record to show the truth of what the commission says, that as the channel divides up the friction increases and the floods rise higher in all silt-bearing streams. It may be granted that the reverse of this is true of streams that do not bear sand and soil in their currents. But just as the floods below Red River have increased while the Achafalaya crevasse was growing from nothing to 12 per cent., so it has gone on increasing, as the commission told us it would, while the crevasse was growing from 12 to, say, over 30 per cent. It was 28 per cent. several years ago, and I presume it is over one-third of the total flood to-day.

It is idle to talk levees and yet to equally talk crevasses or outlets, and also to systematically practice crevasses. If we want to abandon the conservation or levee system, let us know it. But I, for one, believe in it, and hence I oppose its abandonment either openly or secretly. This crevasse could have been held at a capacity of 12 per cent. of the floods in 1880, as we see from the report, for $10,000. That amount was all that they said was needed to pass a "sill" or mattress band along the bottom across the outlet, extending from one bank across to and up the other. I think every bill from 1881 down to this time has made special mention of this crevasse. Not a dollar has been spent to stop enlargement down to the last report.

It would be difficult to say, Mr. Chairman, to what extent the expense of treating this crevasse has been increased by delay. It is my belief that a couple of hundred thousand dollars, or somewhere about that amount, would have effectually closed this crevasse in 1880, upon the basis and principles of the report of that year.

But what do we find now? In the report of 1884 they want (page 2561) $960,000 for dams, and sums for other purposes in connection with this work aggregating $6,010,000.

And what do they say in their report to this session about this simple question of a crevasse? On page 3 they say:

The rectification of the Red and Atchafalaya Rivers presents a special problem, a solution of which was offered by the commission in their report of December 19, 1884, the plan presented being, however, subject to modification after *further study of the conditions.*

Mr. Chairman, they have been studying these "conditions" for seven years. That is a long time for a work that finds its duplicate in every break in a levee that ever occurred. We know that this is a flagrant abandonment of the levee system. If one crevasse is good, why not have forty? Congress has in vain tried to get the commission to begin this work. We adopted the plan of 1884 and told them to start ahead. We adopted the "sill" beginning of 1880. We have mentioned this work in every bill. I am unwilling to believe that these men are such amazing fools as not to understand the simple "conditions" of a crevasse. They knew them all seven years ago. They have known them ever since. Their delay is to magnify a trifle in science, but a matter of grave importance, logically and materially, to the public; and all to continue to draw pay and to be pig-headed about the plan of 1880 that they did not get the credit of.

Sir, some charitable friend may say, "Well, what further proof have you of their abandonment of the plan of 1880?" I call attention to their language on page 2538, Report of 1884, saying:

They also deem it essential to the success of the work already done, and a necessary part of their plan of improvement, that the *revetment* of banks, which are caving with sufficient rapidity to endanger or embarrass navigation, should

be at once undertaken and carried forward *systematically*, beginning at Cairo and progressing down stream, precedence in time being given to those places where the caving is most rapid or injurious. Throughout the portions of the river lying between the reaches of bad navigation are found many long stretches where navigation is now good, and which only need work of *this character* to keep it so, while at other points shoals exist which would probably disappear or become less troublesome if the banks were held and the river allowed to contract and deepen by *natural* agencies.

This language, Mr. Chairman, is as plain as their practices. Here they swing entirely loose in profession, as they had substantially already done in practice, from the plan of 1880. This is for revetment only. The contraction and deepening is not only not to precede revetment, but it is not to be applied at all (and this embraces both reaches and bends), just as it has never been applied above Memphis and other places, and only partially so in the reaches. They are hostile to the plan, from pride, or vanity, or some other reason, and they fight it instead of executing it, and eat their own words, trample on the law, and waste the public money.

In the face of the language I have just read the commission say, on page 2868 of their next report (1885):

It may be stated that it is not the *intention* nor has it been the practice of the commission to protect a bank by revetment merely because it is caving. Other considerations must govern this question. But where an imminent danger threatens the immediate destruction of interests of great value, as, for example, where a caving bend is about to take in flank and carry away costly works of improvement or produce a disastrous cut-off, or where a city's front is to be maintained, as at Vicksburg, or a portion of the city itself is to be protected from undermining, as at Memphis—then it is believed to be imperative that the local remedy of holding the banks intact by a mattress revetment or other equivalent device should be adopted.

I would like to know, Mr. Chairman, what cities are "systematically" situated on the bends and reaches, "beginning at Cairo and progressing down stream," which are to receive the benefit of "work of this character *only*." What "costly works of improvement" have they got in here to protect the "flank" of?

This is on a par with their statement on page 2866, same report, that the—

Minutes of the proceedings of the commission show, however, that a detailed estimate for each of the six reaches was prepared by a committee, presented to the commission, discussed, and adopted without recorded dissent, all the members being present. In that estimate the works for bank protection on the six reaches were computed to cost four and a half times as much as the works for channel contraction.

There is hardly a true word in this statement. They back it by no quotations, and they can not do so. The minutes show that the estimates they speak of were introduced February 12, 1880. They met at 11.15 a. m. General Harrison made a single statement, and then the report is introduced by Mr. Harrod. "Absent—Mr. James B. Eads, until 1 p. m., and Maj. C. R. Suter." There is not a line to show that these estimates were ever even considered. The "report," which is spoken of separately from the estimates, was frequently "discussed," and it was in the hands, by subjects, of other committees. The only form of estimates ever shown to have been adopted or "considered" are those given in our copy here of the final report of 1880, in which no such separation appears. An allusion to "estimates" at the close of the minutes of February 11 shows no such division.

We hear a good deal, Mr. Chairman, about the jetties at the mouth "damming up" the river, and the increase of floods below Red River are cited in proof of this. The commission told us in 1880 that if crevasses were left open the friction would be increased and the floods increased; and this is a reasonable cause. But if we want to seek another and go to the mouth of the river for it we must admit that the first effect of the "damming up" there would be seen immediately above the dam. Argument has not been wanting to prove that the reverse would be the ultimate result of this. There has been much argument on both sides, but the facts are the final means of determining the matter.

Some two years ago I saw the record from the Government inspector at the jetties, and whatever may once have been the temporary reading of the gauge, say some few inches increase until the scour set in, nevertheless the record showed that the final and settled condition was that at given stages of flood-water the gauge reading was about eight-tenths of a foot lower at the Head of the Passes than it was before the improvements were made. It is a mistake, therefore, to say that the improvements have increased the floods in the upper parts of the river, when the effect just above the works, where the increase would be first noted, is a permanent lowering of the flood-mark for every given volume of water in every flood.

Mr. Chairman, the gentleman from Mississippi [Mr. CATCHINGS] is correct in his bill and wrong in his speech. I oppose any effort to make the river and the adopted plan responsible for the acts of the commission. I would gladly see matters made a little easy for them if we were rid of them. I have spoken only of matters that the reports show, of what I have seen personally, and my proofs are drawn, not from hearsay, but from the official reports and from personal testimony of parties having no connection with this work or selfish interest of any kind. The commission should be paid off and dismissed. The plan of 1880 should be adhered to, and until the commission is dispensed with it should be composed of men in harmony with Congress and the adopted plan.

Mexican War Pensions.

SPEECH
OF
HON. RICHARD W. TOWNSHEND,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 1, 1887.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes—

Mr. TOWNSHEND said:

Mr. SPEAKER: I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes. I desire to present on behalf of the Committee on Appropriations a substitute for the original bill. The matter will occupy but a moment. The bill is designed to make appropriations in pursuance of the bill recently passed providing pensions for the soldiers of the Mexican war.

The SPEAKER. The substitute proposed by the gentleman from Illinois [Mr. TOWNSHEND] will be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions provided for under the act entitled 'An act granting pensions to soldiers of the Mexican war, and for other purposes,' approved January 29, 1887, as follows: For the balance of the fiscal year ending June 30, 1887, $2,300,000; for the fiscal year ending June 30, 1888, $4,600,000; in all, $6,900,000: *Provided*, That the whole sum herein appropriated shall be available for expenditure until the close of the fiscal year ending June 30, 1888."

Mr. TOWNSHEND. This is the unanimous report of the Committee on Appropriations, and proposes to appropriate the amount estimated by the Secretary of the Interior, covering the period from now until June 30, 1888.

The SPEAKER. If there be no objection, the Committee of the Whole House on the state of the Union will be discharged from the further consideration of this bill, and the House will proceed to consider it.

There was no objection, and it was ordered accordingly.

The substitute proposed by Mr. TOWNSHEND was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

Mr. Speaker, in addition to what has just transpired permit me to say that the bill authorizing pensions to be granted to soldiers and sailors of the Mexican war became a law on January 29 last. Before, however, those entitled can receive the benefit of that law it is necessary that Congress shall pass the bill I have just introduced, making appropriations from the Treasury of the money to pay such claims when allowed. This bill is intended to provide the funds for that purpose. Acting upon the estimates of the Secretary of the Interior and the Commissioner of Pensions, the Committee on Appropriations has determined that the amounts carried by this bill will be sufficient to pay all the pensions which will accrue under the Mexican pension law during the first year and a half following its enactment.

The Commissioner of Pensions states that the probable number of surviving enlisted men of the various classes described in the act is 34,748, and the probable number of widows is 13,826. It will be seen by reading the law, which I will append to my remarks, that the following classes, as has been stated by the Commissioner of Pensions, are entitled to receive pensions under that act:

The first group of conditions which entitles a claimant to pension is that he served sixty days in the military or naval service of the United States in Mexico, or on the coast or frontier thereof, or *en route* thereto, in the war with that nation, and is sixty-two years of age, or is disabled, or is dependent.

The second group of conditions which will entitle a claimant to pension is that the claimant was actually engaged in battle with the enemy in that war, and is sixty-two years of age, or is disabled, or is dependent. The length of service is not an essential element in this group of conditions.

The third group of conditions which will entitle a claimant to pension is that the claimant was personally named in a resolution of Congress for some specific service in said war, and is sixty-two years of age, or is disabled, or is dependent. The length of service is not an essential element in this group of conditions.

Mr. Speaker, in the enactment of this law Congress has simply adhered to the policy established by the fathers when they granted a service pension to the soldiers of the Revolutionary war. The same policy was extended to the soldiers of the war of 1812.

Before becoming entitled to a service pension the Mexican soldiers have been compelled to wait longer than those of the war of the Revolution, but their reward came to them earlier than a reward of the same nature came to the soldiers of the war of 1812.

This measure falls short of what has been done for the survivors of the other wars. I have mentioned all who were in those wars have been pensioned. I believe the time has arrived when every veteran who served the Republic in the Mexican war should be pensioned. In order to accomplish that object I presented, in March, 1884, a bill in this House to that effect, which was passed by over two-thirds majority. It finally failed because of amendments placed upon the bill in the Senate. While I did not believe the bill which has finally passed is as complete and just as it should be, yet I supported it because it was in the right direction, and it seemed to be all that could be secured at this session; and, imperfect as it is, yet it will bring relief to a vast majority of Mexican veterans, and in some degree will furnish the needed necessities of life to many aged and infirm veterans who are in extreme poverty.

No patriotic breast in this country will grudge the small pittance Congress has given these old soldiers as a recognition of their services in Mexico. It is not my intention now to again tell the story of the Mexican war, of the heroes who fought for the flag of the Republic upon the bloody fields of Mexico, of their unparalleled victories, of the immense area of territory and incalculable national wealth achieved by their valor. All these are well known throughout the civilized world and have gone into the imperishable archives of history.

I am gratified that the law authorizing pensions to be granted to these veterans has been passed in Congress by such unanimity that it has received the approval of the President and has been so generally acquiesced in by the people.

Acting upon the authority given me by the Committee on Appropriations, I presented to this House on the 6th of January last the annual appropriation bill, which appropriated $75,000,000 to pay during the coming fiscal year all pensions not included in the Mexican pension bill—being all the pensioners of the war of 1812, of the Indian wars, the Mexican war, and the late civil war, as will be seen by a portion of the proceedings of that date which I will quote from the CONGRESSIONAL RECORD of January 7, last:

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. HERBERT rose.

The SPEAKER. The motion of the gentleman from Illinois has precedence over the order of the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 7635) to consolidate certain bureaus of the Navy Department, and for other purposes.

The SPEAKER. That motion can not be made while the other motion is pending. The only way to reach that is to refuse to agree to the motion of the gentleman from Illinois, which has precedence under the rule. The question is on the motion of the gentleman from Illinois.

The question being taken, there were—ayes 94, noes 28.

So (further count not being called for) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

"A bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes."

Mr. TOWNSHEND. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. TOWNSHEND. I now ask the Clerk to read so much of the report as relates to the bill.

The Clerk read from the report (by Mr. TOWNSHEND) as follows:

"The Committee on Appropriations, in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1888, submit the following in explanation thereof:

"The estimates upon which the bill is based will be found on page 153 of the Book of Estimates for 1888, and amount to $76,252,500.

"The accompanying bill appropriates $76,247,500, apportioned as follows:

For the payment of pensions	$75,000,000
For fees and expenses of examining surgeons	1,000,000
For salaries of pension agents	72,000
For clerk-hire	150,000
For rents	15,000
For fuel	750
For lights	750
For stationery and incidentals	9,000

"The amount for payment of pensions is the same as was appropriated for 1887.

"The amount for examining surgeons is increased $179,000 over the sum given for the current year, and the appropriation is limited to payment for services rendered within the fiscal year 1888."

Mr. TOWNSHEND. Mr. Chairman, I ask that the reading of the remainder of the report be omitted, as it consists simply of tables, which do not explain the character of the bill or throw any light directly upon its provisions. I have no remarks to make, and unless there be a desire for debate, or unless some gentleman wishes further explanation of the bill, I will ask that the Clerk proceed to read it by sections.

The CHAIRMAN. If there be no objection, the committee will proceed to consider the bill under the five-minute rule.

There was no objection, and it was so ordered.

The bill was accordingly read and considered by sections.

Mr. TOWNSHEND. Mr. Chairman, I move that the committee now rise and report this bill to the House.

The motion was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

The total amount embraced in both these bills for payment of pensions allowed by law, outside of all expenses of adjusting and paying same, aggregate the sum of $81,900,000. This vast sum is over twenty millions greater than all the pensions annually paid to the soldiers of all the other nations of the world combined. It can no longer be said all republics are ungrateful to its military defenders.

Interstate Commerce.

SPEECH

OF

HON. ROBERT M. LA FOLLETTE,

OF WISCONSIN.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1887.

The House having under consideration the report of the conference committee on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce—

Mr. LA FOLLETTE said:

Mr. SPEAKER: Throughout this debate we have heard complaints without criticisms and objections without reasons. Gentlemen rise to condemn, and conclude with the statement that they will support the bill. It does not quite suit them in all respects. They would like it much if "some things" were omitted from it, or it would please them greatly if "some other" provisions were incorporated in it. They entertain grave doubts as to it in "some respects," and though it will doubtless do "some good," yet there is serious apprehension that it may result in "some harm."

No man can have followed gentlemen who have spoken and failed to observe the indefiniteness and general mistiness of much of the criticism upon this bill by many even who support it. There appears to be upon the part of certain gentlemen a consuming desire to hedge against future developments when it shall have become an applied law. Because certain sections have, under ingenious manipulation, been twisted from the plain and manifest purpose of the words, they seem to see it as a deformity, a sort of legislative enigma. They describe it as equivocal, uncertain, vague, obscure, ambiguous.

Each one of them leaves with the House and the country the unmistakable impression that he could have framed a bill that would at once have brought this suffering and confused people, and particularly this legislative body, out of the chaos of difficulties which close us round; that he could have blessed us with the very acme of statutory perfection by a few strokes of the pen. True they have none of them said just how this would have been done, and it will surely go down to history as one of the unfortunate things connected with this important discussion that each of these distinguished gentlemen concluded his speech of general complaint and solemn prophecy without a single flash of his intellectual head-light on the Erebus-like darkness which he has, alas, only sensibly deepened and intensified.

But, sir, it occurs to me to say that even if there were real, intelligent differences of opinion, definitely and unqualifiedly expressed here as to the purport of the several sections of this bill, it would not for that reason alone stand condemned. The proper test of this or any other measure is not whether it satisfies every one in all respects, nor yet whether each one gives exactly the same interpretation to all of its language. I apprehend that such a statute has never been passed in the whole history of law-making.

If the framers of the Constitution had sought to define and limit the meaning of each word used, and to explain the exact application of every clause of that instrument in every possible contingency, they would never have finished their labors, or if they had, the highest value of that great charter would have been absolutely destroyed. So all laws of large scope enact general propositions under which varied and multitudinous controversies may be determined as they arise rather than a complex infinity of rules to forestall every imaginary case which human invention may suggest. Laws embracing large subjects to be effective must enunciate principles and leave their application to the courts.

The right test of this legislation is whether it provides with reasonable certainty proper and efficient means of securing necessary, just, and legitimate objects. The question at issue is, then, whether there is necessity for Congress exercising its constitutional power to regulate commerce between the States, and if so, will the provisions adopted by the committee of conference fairly meet the objects for which they were designed.

The discussion has arisen chiefly from difference of opinion as to the

best methods of correcting existing evils. That is an open question, a new field of speculation, and consequently many different views have been presented upon it. But there is no opportunity for theory and conjecture and difference as to the necessity itself of some legislation. There are too many bare, uncontrovertible facts testifying the urgency of some action designed to remove the unequal burdens which partiality and favoritism have created, and to secure to the great body of producers and consumers alike common rights and common justice.

This bill has been so long resisted, so strenuously opposed on the one hand, and so ardently advocated, so persistently sustained on the other, its disastrous effects so tragically depicted and its certain benefits so glowingly declaimed upon, that the opinion prevails everywhere that it is a most unusual and extravagant piece of legislation. It is supposed to deprive railways of nearly all their natural rights and with the same stroke to confer on the people very extraordinary powers and privileges.

As I understand this bill it but declares certain common-law provisions in reference to common carriers, and provides means for their enforcement.

Railways have so long ignored all the restrictions of the common law that they have actually come to believe their rights are not only coextensive with but paramount to those of individuals. They are so sincerely convinced of the necessity and justice of their business code that they succeed in convincing others of it; and it has taken sixteen years to persuade Congress that there is anything intrinsically wrong in it. Even now many defend this bill much as a "war measure," much as though there were no excuse for it except necessity. Some of its supporters seem to feel that it is a bold invasion of the natural rights of railways instead of a removal of encroachments made by railways on the natural rights of the people.

Now, if I believed such to be the character of this bill; if I believed that it is designed or would operate to place arbitrary and artificial barriers about commerce, I would not vote for it. But its purpose is simply to remove the artificial restrictions that hinder the natural operation and course of trade and traffic.

There is probably not a railway of any importance in the country that does not make itself liable to countless common-law actions daily. Whenever and wherever persons engage in the business of public carrying, the law says to them: You must provide efficient service, you must be fair and impartial, your charges must be just and reasonable. Your "legitimate function is transportation." In your capacity as a public servant you must know nothing of persons, things, or places. You are legally bound to treat all alike. Discriminations and favoritisms are forbidden.

How do the practices of railways conform to these first principles of the common law? While Congress has been considering, debating, and through its committees investigating this important subject, interesting evidence has been taken, many facts compiled, and much valuable matter contributed to the railway history of this country. I invite your consideration for a moment to a few typical illustrations of usages violative of the public obligations mentioned, and answering fully and plainly the question just asked.

The respective classification of domestic dry goods and groceries imposed in 1883 a rate of 75 cents per hundred pounds on domestic dry goods from New York to Chicago, while the rate on coffee or sugar by the car-load was 35 cents per hundred pounds. The representatives of the dry-goods interest urged that it cost no more to haul a car-load of cotton fabrics from New York to Chicago than it did a car-load of coffee; that dry goods were cleaner, more easily handled, and less liable to damage than sugar and coffee; and, finally, that the profit on domestic dry goods was notably smaller than on almost any other class of wholesale trade, and furnished no justification for the policy of making it bear twice as large a proportion of the railway charges as other lines of trade.

The unjust distribution of charges in this instance probably has its origin in custom, and is a sort of survival. The profits on cotton goods were much greater formerly than now, and according to the practice of "charging freight what it will bear," the rates were established which it is now found impossible to get changed. No such explanation, however, can be offered for the discrimination made in rates on live-stock and dressed beef, under which on the first day of last month dressed beef was charged 65 cents per hundred pounds and live cattle 35 cents per hundred for transportation from Chicago to New York. One writer, after reviewing the reasons assigned on the part of the railroads in defense of this practice, says:

The inadequacy of these pretexts forces us to believe that the real reason why the railways uphold this discrimination is, the generally received one, that railway corporations themselves, or the influential railway managers, have large proprietary interests in live-stock yards throughout the country, and that, rather than allow their vested interests to be depreciated by the general introduction of dressed beef, they are united in depriving shippers and consumers of the benefits of the economy of transportation made possible by the dressed-beef trade.

Discriminations as to places have led to some highly ridiculous absurdities. Think of goods being transported one-fourth cheaper from New York to New Orleans than from New York to Atlanta! Behold Pittsburgh freight destined for Texas start for New York and return by way of Pittsburgh! Look at Pennsylvania wheat going by way of Ohio to New York; of goods from Chicago to Denver by way of San Francisco, and the coal of Eastern Pennsylvania selling at a lower price in Boston than in Philadelphia!

It is scarcely necessary to cite instances of partiality to special corporations and individuals. It is the most reprehensible and least excusable form of favoritism, and is by no means the least common. There is scarcely a shipping point of any significance in the country where railways have not practiced this vicious abuse. The Standard Oil Company is an appalling example of its evils. It has been well said concerning this that—

It does not require any great technical knowledge to see that the payment of $10,000,000 rebates to a single oil-refining corporation in sixteen months is a vital attack upon the independence and even the existence of its competitors. * * * The wealth of this company represents the reward which can be obtained by securing the favor of the railways to crush out open and honest competition. The infliction of that curse (the Standard Oil Company) upon the nation must be charged to the policy which unites the railways in efforts to suppress competition among themselves and to give favored shippers a monopoly of the traffic by discriminating rates.

No one on this floor can defend such acts as these. Think for a moment of their general application. If individuals were to resort to such practice it would condemn and ruin any private business dependent on the good will of the public for its support. What would become of the farmer's market if the price of his produce varied with his customer's ability to pay? What liveryman could afford to charge patrons more for the hire of his carriage one hour than for ten? How long would any merchant stay in business who favored customers from one locality over those of another?

No, gentlemen, such a system of management is absolutely without defense or justification. It violates not only the simplest and best understood common-law obligations, but it unsettles all business calculations—is against all business principles. It builds up one man's fortunes on the ruins of another, is without legal or moral support anywhere, and unchecked is a menace to private and public prosperity.

Any measure which deals temperately and fairly with the great interests involved, but at the same time brings the railways back and confines them with strong hand to their legitimate business as common carriers, restoring to the public its own again, would be little less than a second bill of rights.

I am not such an enthusiast as to expect this of a single legislative act alone, nor a single spasm of interest in the subject by the people; but all advancement must have its origin, and I am for this bill because I believe it moves out in that direction.

The key-note of the whole measure is sounded in the first section, which declares that all rates shall be reasonable and just. The next few sections, until we come to the provision for the establishment of the commission, little more than specify and forbid special practices of railways which are in violation of this principle.

It is unjust and unreasonable for a common carrier to charge one person more than another for the same service, under similar circumstances and conditions, so the second section prohibits special rates and drawbacks. And all devices which are a means to this end are prohibited and declared unlawful.

The third section involves exactly the same principle, but especially directs its application to the prevention of preferences being given to one place or kind of traffic to the prejudice or disadvantage of any other place or kind of traffic.

The much-discussed fourth section seems to me to be little more than a corollary to those which precede it. The practice of charging more for a short than for a long haul when the shorter is included within the longer presents on its face an unjust discrimination. Hence, the section specifies such cases as violations of law. This would doubtless have been the judgment of the courts in most instances when such cases came before them for determination without this express provision. The value of this as well as the two preceding sections lies in the fact that the application of the law is here made certain and definitely settled in a large class of cases, and in some measure a proportionate amount of litigation will be thereby forestalled and obviated.

It is, however, contended that it is not unjust and unreasonable to charge more for a short than for a long haul, and gentlemen here and elsewhere have pronounced this section both arbitrary and preposterous. They maintain that it will work great hardship to railroad companies and greatly injure the large commercial cities and shipping points and country tributary thereto; that it will deprive them of the natural advantages which built them up and bring them to the common level, commercially, of every little village and station in the country. They argue that it is not an unfair discrimination to charge, for instance, less for a car from Chicago to New York than from some intermediate point.

They say the effect of this law will be to raise the price of the car from Chicago without in the least degree lessening the rate from the intermediate point. The natural inference to be drawn from this is that railways are carrying through freight at a losing rate and making their profit upon local traffic; and it has been asserted that through freights are simply carried because they help pay running expenses, while local charges are regulated to yield a fair return upon the great capital invested.

Whether this be true, the public has no means of knowing. They are ignorant, totally ignorant, of the profits or losses of railways on their capital actually invested. There is, however, no sufficient reason

which suggests itself to the average mind why railways, obeying no law but their own voluntary regulations, should fix through rates so low as to yield no profit at all. But some one says competition forces them down at these great shipping points to actual losing rates. Surely competition between the railways alone does not do this, for none of the competitors could or would long pursue such an expensive policy from choice. Besides, they have a plan of combination called "pooling," which pretty effectually dulls the edge of railway competition, makes the different corporations members of one great family, with ties stronger than those of blood.

Ay; but, says some gentleman, strife with river, lake, and coastwise carriers is, however, a competition which forces rates below all possibility of profit for the railways, and where this exists they always carry at an actual loss on the through freight. While it is true that lake and canal charges modify railway rates in a degree in localities and on lines in contact with the water system, still even here railways are not wholly defenseless, although it has been asserted and gone unchallenged in this debate that they are. Several qualifications, and even exceptions, I think, may be fairly made to this claim, and I state them briefly without taking the time to enlarge upon them.

Carrying by water is limited to comparatively few shipping points, while the discriminations complained of in long and short hauls are not confined to those competing points nor their connecting lines, and can not, therefore, be assigned to this cause alone.

Water ways are open to use for only a portion of the year, and though the effect of their competition is marked during that time in the sections of country contiguous to them, yet the advance in railway rates in the winter months is not so great as to indicate a certain losing rate while navigation is open.

The rates from Chicago each month of the year 1885, which I give you, do not, I think, show either such rates or such a variation in rates as to warrant the belief that from the 1st day of May to the 1st day of December the railroads were carrying freight to New York at less than cost.

The rates from Chicago to New York upon certain products, as reported by the several trunk lines upon the first day of each month for the year 1885, were as follows:

[In cents per 100 pounds.]

Months.	Cattle.	Horses.	Sheep.	Hogs.	Dressed beef.	Grain.	Flour.	Potatoes.	Tobacco.	Lard.	Pork.	Wool.	Lumber.
January	40	60	50	30	70	25	25	30	27½	30	30	60	35
February	40	60	50	30	70	25	25	30	32	30	30	60	32
March	40	60	50	30	70	25	25	30	32	30	30	60	32
April	40	60	50	25	70	20	20	30	28	25	25	60	32
May	40	60	50	25	70	20	20	25	28	25	25	60	30
June	30	60	40	25	70	20	20	25	28	25	25	60	30
July	25	60	40	20	43½	15	15	25	28	25	25	60	30
August	25	60	40	25	43½	20	20	25	24	25	25	60	30
September	25	60	40	25	43½	20	20	25	28	25	25	60	30
October	25	60	40	25	43½	20	20	25	28	25	25	60	30
November	25	60	40	25	43½	20	20	25	28	25	25	60	35
December	25	60	40	30	43½	25	25	25	28	30	30	60	35

Some articles in the foregoing table are shipped almost entirely by rail, and yet there runs about the same variation throughout the whole list. All rates were a little lower through the summer and autumn months, when there was not so much produce to move.

There is another significant fact meriting mention in this connection. In this day and age of changing markets and perfect telegraph communication quick transportation is one of the most vital considerations both with producers and shippers. Only a limited number of articles of commerce can afford to take the chances of fluctuating markets to which they are subjected in the delays and uncertainties incident to water transportation. Quick and certain delivery at a fixed date, for most articles of farm produce especially, is demanded by the commercial spirit of our times. These are strong inducements to all shippers to pay freight charges to the railways, notwithstanding the opportunity to ship by water, which lifts them above the necessity of accepting a losing rate, or even one barely paying the expense of moving the train.

And so I say it may be fairly doubted, even where the facilities for water transportation are perfect, whether the railways in order to get their share of the business in any instances are compelled to carry at less than cost or indeed without a reasonable profit.

It must, however, be admitted that to a certain extent water ways and railways are competitors, and that the former with their natural courses have some advantages over the latter. It is for this reason, and for this reason chiefly, I apprehend, that the bill confers upon the commission it creates the authority to suspend the operation of the long and short haul provision. I do not believe that clause was born out of an overweaning desire on the part of the committee to protect either the railways or the shippers, but that it was prompted by a wise and thoughtful prudence.

And right in this connection I desire to ask the gentleman representing the conference committee on the part of the House, Judge CRISP, whether I rightly understood his explanation of the term "special cases" as used in this fourth section. When the gentleman from Iowa [Mr. HEPBURN] asked him whether these words in his judgment referred to shipments or to roads, he answered that in his judgment the words referred to shipments. Following out that construction logically it would mean this: Since the operation of the long and short haul provision will only be suspended by the commission "upon application, in special cases," if "special cases" means special shipments then application and decision will be required in each particular case or class of shipments before exemption or suspension can be made. Such a construction, it seems to me, and I say it with great respect to the distinguished gentleman, narrows the scope and meaning of the language unreasonably.

Mr. CRISP. I did not intend to convey that idea. As I understand this section, or that provision rather, it was inserted with this idea: Some of us, and I was one, believed that the absolute prohibition of a greater charge for a shorter haul should be made. I believed in that principle. Other gentlemen insisted that there were particular cases where it would be only just to the railroad to permit the increased charge for the shorter haul; and while I confess that to my mind any suggestions they made in that regard were unsatisfactory, yet in the interest of an agreement, and to prevent any sort of injury, we provided that where there was a particular case, and the railroad company could show it to the satisfaction of the commission, the commission should have power to relieve that railroad company at that station or wherever the case originated from the operation of the rule.

Mr. LA FOLLETTE. Let me inquire further. Do you mean by particular case, particular shipments only, or may not the term fairly apply in your judgment to a particular road or part of a road, as well as to special cases or classes of shipments?

Mr. CRISP. I am inclined to think a reasonable construction of the language would allow it also to apply either from a particular station to a particular station, or to the whole line of road if they might show a proper case. That is what I understand it to mean.

Mr. LA FOLLETTE. That is exactly as I understand it, but it is not the interpretation which the gentleman gave in answering the question asked by the gentleman from Iowa.

Mr. CRISP. I will look at the exact language.

Mr. LA FOLLETTE. I think if you will look at your speech you will find the construction there is not the same as the one just now given.

And when a short time ago the gentleman from Tennessee [Mr. PETTIBONE] said he would whip any twelve-year old boy in his school who did not at once subscribe to a very similar construction of the same clause, I wanted to advise him never to try it, for the boys ought to and probably would pitch him from the school-house for attempting to force such a reading as that upon them.

Mr. BROWN, of Pennsylvania. That would be a strike. [Laughter.]

Mr. LA FOLLETTE. Yes, and would justify it, if anything could.

Mr. CRISP. I find on reference to the RECORD that this is the language used:

> Mr. HEPBURN. I would be glad if my friend from Georgia would allow me a question here before he proceeds with his remarks.
>
> Mr. CRISP. Certainly.
>
> Mr. HEPBURN. Does the word "cases," in the fourteenth line of the fourth section, in your judgment, refer to shipments or to roads?
>
> I refer to the use of the word in connection with the proviso:
>
> "*Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property."
>
> Mr. CRISP. In my judgment it applies to shipments.
>
> Mr. HEPBURN. If I believed that I would not vote for your bill.
>
> Mr. CRISP. I should be sorry to lose the support of my friend from Iowa. I do not want to be misunderstood in the answer I have given. I think that it applies to shipments in this sense, that all like cases on that railroad should be operated under the same rule.

Is there any material difference?

Mr. LA FOLLETTE. It seems to me the only conclusion to be drawn from the language just read is that the commission could not suspend the operation of the rule in reference to places and roads, but only in case of shipments. I did not believe that to be the right interpretation, and I am glad to have drawn out the explanation and correction given by the gentleman in this connection.

I do not agree with him in his opinion that the power to suspend in special cases should have been altogether withheld. While I regret its necessity, because it requires special application and decision to give it effect, and on this account renders the section less serviceable than it would otherwise be in contravening litigation and determining issues really before they are raised, still I believe it was an absolutely necessary discretion to confer on the commission, and I would not see it stricken from the bill. And, sir, finally, when subjected to fair consideration this entire section will be found wise in its purposes, certain in its terms, practical in application.

The fifth section, which forbids pooling, is but a declaration of the fundamental principle of law that agreements in restraint of trade and competition are against public policy, and are therefore unlawful.

The question of the legality of pools has often been before our courts, and they have almost uniformly held that such contracts are unlawful. In 15 Federal Reporter, 650, we find:

> An association of carriers to regulate the price of freight, with provisions prohibiting the members from engaging in similar business out of the association, has a tendency to increase the price of carriage, and to suppress competition, and is therefore illegal.

Language no less plain and strong can be found in the reports of New York, Pennsylvania, Ohio, and other States.

Those who object to this section can not do so on the ground that it is any infringement of the lawful rights of railways. But there are those who maintain that pooling is for the people's interest; that it secures certainty and uniformity of rates and should be encouraged as a matter of public policy. Some even seem to think Congress should exercise its power to regulate commerce in making laws to sustain and perfect the pooling system instead of providing means of enforcing the common law against it. The practical objection to this is that pools do not prevent frequent and bitter railway wars and correspondingly uncertain fluctuations in rates. I believe the well-considered checks and balances incorporated in this bill will absolutely protect the business interests of the country from the shocks and disorganizing effects of variations in rates to which they are frequently subjected under the present system.

The simple provisions of the sixth and seventh sections requiring railways to keep in convenient places for public use schedules of their rates and fares, and requiring them to give ten days' notice of any advance in such rates and fares, may seem at first glance to have little significance. But these requirements, together with the restraints of the long and short haul clause, will prove powerful agencies in securing equable and uniform rates. Railways will be reluctant to hastily reduce their rates if they are obliged to give ten days' notice before they can restore them. They will not be apt to allow jealousy nor strife nor even the desire to injure or destroy another company to induce a rate-war when the law forces them to lower all their local charges whenever and wherever those of the short haul exceed those of the long.

The pool destroys competition. It fails signally to preserve even moderately stable and uniform rates because the courts will not enforce the pool agreements and rightly declare them agreements to suppress competition and against public policy. They have therefore become a kind of covenant made between railways with reference to the public business, although the public is not a party, to be kept so long only as it is more profitable to the immediate parties to keep than to break them, and at pleasure ignored as quickly as it is not so profitable, no matter how direful the consequences to the public interest.

It may be difficult to make the provisions of this bill reach every species of these agreements, but it breaks through the line and announces a judgment which at least is the beginning of the end of pooling.

I can not forbear to notice briefly in conclusion upon this section the statement often made in the discussion that even if the pool does interfere with competition this bill will in effect destroy it completely. Why is competition desirable? Simply as a means of securing reasonable rates to the public. And if the effect of this bill is to completely destroy a competition which the pool has already practically suspended it gives us something in its stead which the pool did not give us. It gives us a law which says rates must be reasonable, and furnishes us the means of enforcing that law. It lays bare to the public the business, the books, the expenses, the earnings of the railways, so that it may know when the rates are reasonable. This is all the most perfect competition could give the public, and infinitely more than competition shackled with combinations and pools has ever been able to bestow.

And now a glance at the means provided for the enforcement of these provisions, and I am done. The reasons why unlawful discriminations have been tolerated until a reaffirmance of the common law forbidding them seems like a revolution are obvious. Few indeed dare enter into litigation with railways. The amounts involved are usually small, litigation expensive, results uncertain. Those who can afford to fight the railways are those usually who enjoy their favor. And thus arises the necessity of the Government providing means for the enforcement and execution of the law.

To meet this necessity the bill provides for the creation of a commission whose duty it shall be to watch over the railways and punish violations of law. Every citizen of the United States is given the right to present his grievance and have his case tried without the attendant cost which now practically closes the courts to him. The definition of the powers of the commission, the directions for making applications, the requirement of written reports of all investigations and decisions, thus preserving for public inspection full records of all their proceedings, the right of appeal by petition to the United States courts and for the payment of expenses, are simply means to an end, and for the first time in our history arm the individual for an even-handed contest with a corporation. It has been objected that the commission can not do the work intended. The idea of five men overseeing all the railways of this country has been much ridiculed. Answer might be made that two or three men do dictate the policy of most of them under the present régime; but without flippancy it may be suggested that it will be easy to provide the necessary force to do the work as soon as it is found that the commission is overburdened.

If it were to be presumed that the law would be persistently defied, and that every case arising under it would be tried, the commission and the courts would indeed have to be multiplied many times to meet the emergency. But the committee has not proceeded upon any such theory, nor is it the correct one. If we can judge the operation of this law from the experience of States in the administration of similar legislation affecting corporations, we must be prepared for some sharply-contested litigation in the beginning. The railways will insist on their own construction of it; the people upon theirs. But the cool, determined administration of the law in a few test cases settling pivotal points will change the whole aspect of affairs, will bring order out of chaos. The railways will alter their management to conform to the decisions, and the benefits of the law will soon be secured without further strife or opposition. The judicial functions of the commission will cease to be arduous, and will become chiefly supervisory and executory.

Mr. Speaker, I have no apology to make for my support of this measure. I know little of railway management, but I think it is no injustice to suppose that some of the fear and alarm expressed in railway circles concerning this bill is but the exaggerated apprehension with which conservative men always regard any radical change in the method of conducting their business. The prosperity of this country and of railways are interdependent. Any measure that would permanently injure railways, that would cripple their usefulness, would certainly be against public interests. But this legislation has been under consideration many years. All sides have had a hearing. It is no hasty expedient adopted to meet some sudden emergency or popular demand of the hour. It pursues no short-sighted, suicidal policy. And all railways that are sincerely anxious to put their business upon a firm and stable, an honest and enduring basis will share the benefits of this law equally with the public.

It is urged in vindication of these discriminations as to different kinds of traffic that they are the result of custom and that railways are not to blame for the practice. If railways maintain incongruous rates upon dry goods and groceries simply because dealers in the one insist upon a long-established low tariff while transporters of another submit to a relatively exorbitant rate because of long usage, if managers dare not make new classifications because of the responsibility that the consequent strife and contention and business disturbance would place upon them; if this is true—and it is the reasoning of men who ought to know—then in this instance the law will surely be a great benefaction to railways. They will secure the benefit of a reasonable and just standard of classification without being in any degree made answerable for any of the unfortunate consequences that may result from the change. If the enforcement of the provision that all rates must be just and reasonable should necessitate a readjustment of the charges on different kinds of traffic, surely no one could complain nor hold the railways answerable for any temporary business unsettlement that might occur, because the classification would be made in accordance with express law.

So if discriminations in favor of places are, as is claimed, necessary under existing conditions of competition, and if the provisions of this law, operating as they do upon all railways alike, relieve them from the pressure of that necessity, they will profit accordingly. If the publication of rates, the obligation to give notice of any advance in them, together with the restraint of the long and the short haul clause, operate to make their business certain and stable, railways are as much the gainers as the public. While it may cut off a few sources of large profit, it acts as a preventive of great losses.

And so, sir, while it may be difficult for men of the present school of railway management to adapt themselves to the new conditions; while it may be impossible for them to understand how any other practices than those which have been long established can succeed, still I believe the time will come when even they will recognize the wisdom, from a business standpoint, of the principles of this law; when they will wonder how a management permitting such disproportional rates, such acts of favoritism, involving so many conflicting ideas, how such a management ever flourished.

And, sir, the time will come when it will be a marvel how such abuses ever arose and why they were so long tolerated; when all parties alike will wonder how the just and simple provisions of this initiatory measure ever created such bitter and uncompromising opposition.

And so, Mr. Speaker, believing as I do that this legislation is for the real interest of all parties and for the whole country, I give it my cordial and hearty support without reservation or without qualification. I do this, too, knowing full well that its enemies will not be swift to admit its wisdom, and that some of its friends will not find its immediate effects an entire fulfillment of their most ardent anticipations.

Those who expect the law will cure all evils; that it will bring prosperous times and pay every man's debts; that it will make the sun shine opportunely and the rain fall in season; that it will open a mine on every man's land and put money in every man's purse, are to be grievously disappointed.

But those whose expectations are in line with the purposes of the bill will, I trust, ultimately see its promises fulfilled. It may take years of supplemental legislation to accomplish it, but I believe the time will surely come, and I hope it is not far off, when railways will be limited to their legitimate sphere as common carriers; when they will conduct their business upon the same principles of impartiality toward persons, places, and things as govern the United States mail service; when they will have but one standard of regulating rates, the cost of transportation; when they will seek but one object, perfect service to the public and fair profits upon the great capital actually invested.

Revenue and Tariff Laws.

SPEECH

OF

HON. E. B. TAYLOR,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1887,

On the revenue laws and the tariff.

"Oftentimes the cheapest is the dearest; the money price is not always the whole price."

Mr. E. B. TAYLOR said:

Mr. SPEAKER: The bill now under consideration affords an opportunity for discussion of the opposing doctrine of protection and free trade, but I shall not avail myself of it to any considerable extent; and yet I shall glance at some of the views of those engaged in the controversy.

He who adopts a theory of legislation founded upon philosophical speculation purely, without regarding the conditions existing outside of it, although he may remain satisfied with his principles and confident of success finally, will be astonished to find unexpected results when he makes the application to practical affairs. Experiments made in an exhausted air-receiver might not be recognized when repeated in the open air.

So it is useless to inquire what would be the true principles of international trade if the conditions of all the nations were alike, or if unlike, equal in respect to each other. In that case one might conclude that the freest exchange of the diverse products of all would be to the advantage of each, but if location, fertility of soil, superior natural productions, ability or skill in availing itself of advantages, one nation should be superior to all others, or to any other, it might be fairly concluded that free, unregulated interchange of commodities might result in the disadvantage of some.

The abstract question of free trade therefore is an unprofitable subject of debate.

Ours is an undeveloped, new country, occupying a peculiar situation, abounding in condition elsewhere non-existing. So far as it has been developed, and so far as its conditions have been fixed by legislation that development and those conditions have been made under and largely by virtue of protection legislation. Under such circumstances as surround us now it is not necessary to inquire what would have been wise in the beginning, but rather what is wise now.

We can not if we would, and I trust we would not if we could, abandon custom duties. Revenue must be had, and must be raised by duties on importations, by special tax on home products, or by direct taxation apportioned among the States in proportion to population. The last named method would be unequal and unendurable; the second is also unequal and obnoxious.

The first is most adjustable, fairer, less burdensome, and it has capacity to protect and relieve. We should act for the interest of our own people and not for the benefit of rivals. Those even who look to foreign sources for their opinions will adopt this view.

Our aim is the just interest of England regardless of the object of other nations—

Declares the Cobden Club. Bismarck wrote:

In revising the tariff our own interest is the only thing that can guide us.

He also said:

In the field of political economy the abstract doctrines of science leave me perfectly cold, my only standard of judgment being experience.

Claiming to be as patriotic as Bismarck or the Cobden Club, I adopt the sentiments of these citations and look upon the promotion of our own national interests as a duty and to experience as a safe guide.

Thus far protection to American industry has assisted in the development of the resources of our people, and has given our wage-earners better remuneration for their labor than was ever received before by the laborers of any country. An English author long ago wrote:

It is much more desirable that the laboring classes should be well paid for a much more important reason than any that can relate to wealth, namely: The happiness of the great mass of society.

And again:

I consider the laboring classes as forming the largest part of the nation, and therefore their final condition is the most important of all.

To which I add an earnest Amen! With large employment of labor at good prices a country must be prosperous; no other test of prosperity is so certain. Aggregate wealth may abound, and still misery and poverty be the rule. The sails of commerce may whiten every sea and the capital of the world center in her borders, but a nation whose people work for low wages or are unemployed is full of paupers and sunk in vice. The state of a nation is fixed by the state of the common people, and the wage rate determines as well as measures the condition of the common people.

It may be that the poor will always be with us, but the highest good of all, as well as the clearest justice, requires that the industrious laborer shall not want for the comforts of life, including reasonable means for the education of his children. If there must be poverty, let it only arise from idleness and vice.

A tariff is a tax, but it is not always paid by the country imposing it, and it often ceases to have the effect of a tax; always when by the protection it affords by inducing investments of capital and development of skill it has created competition and reduced the price of commodities below the rate they would otherwise carry. Experience points to a thousand pages of our history covered with the record of such results, in proof of which I point to the acknowledged, unanswerable and decisive fact that all manufactured goods, most highly and for the longest period protected and which are most largely consumed, are now lower in price and better in quality than ever before. Domestic and foreign competition have been more effective in reducing prices than foreign alone would have been.

Notwithstanding this great success, however, it must be admitted that we have not been able to reach the "market of the world," that cold and cruel north pole of free traders, to reach which no expense of effort or sacrifice of prosperity has been or is being spared. Expedition after expedition is wrecked in the frozen seas of senseless experiments in fruitless endeavor, but the disappointing search goes on and on. Each new pilot with the charts of the lost before him is sure of his points, and under his guidance fools embark in successive voyages, and never emerge from the frosty fogs which experience in vain warns them to shun. Suppose it reached, what would be its value? The world's market glutted with the products of cheap toil is a disastrous market for a cargo produced by well-paid labor.

Can we sell glass in Belgium; silks and fine cloths in France; cutlery in Sheffield; cottons in Manchester; iron goods in Birmingham; or ships in Liverpool or Glasgow at our present rate of wages? We can as well reach that El Dorado of the free trader's dreams, the market of the world, with our tariff on as off if we can sell needed commodities cheaper than others. We may stand in that market-place and cry our wares in vain in any case, unless we can sell as cheap as any. We may take our duties off iron and steel, woolens and fibers, but will England buy our cereals at greater prices than those of Russia and India cost her? Will kindly feelings control her on change, and will sentiment govern her bargains?

The business generosity of England is known to the ends of the earth and in the isles of the sea. She built for our use Alabamas, Floridas, and Shenandoahs, and equipped and manned some of them. She is now willing to build or sell us ships and is ready to supply us with engines for our Navy, and in the most disinterested way she furnishes us, free of cost, literature glorifying free trade, and she illustrates the doctrine by an exhibition of one million of her pauper people.

Notwithstanding our high appreciation of the unexampled generosity of the business interest of England, let me repeat, by way of warning, the maxim of the Cobden club: "Our sole aim is the just interest of England regardless of the objects of other nations;" and suggest that England, possibly, after all, may not care to pay for our manufactured goods or agricultural products beyond the price they bear in the market of the world, even though we humbly lay ourselves at her feet, and for her sacrifice the great system of American development.

Mr. Speaker, though deprecating the attack this bill makes on the lumber, salt, and fish interests, yea, even the slight reduction of duty on sugar, and on the various manufactured articles which come within the scope of its proposed operations, I shall mainly confine my remarks to the feature of the bill affecting wool, and in a preliminary way I desire to call attention to previous, and especially recent legislation upon the subject.

Early in this century import duties were placed on wool, and they remained with only trifling changes till 1867, when disagreements, and perhaps jealousies, having grown up between wool-growers and manufacturers of woolens relating to the effect of existing laws upon their respective industries, an adjustment of their disputes was effected, and was expressed in the laws of that year which largely increased the duties on wools and woolens. The rate then made remained unchanged until 1883, when it was slightly decreased on each.

This reduction caused very great complaint on the part of wool-growers, and much discussion as to the responsibility of the reduction. It was

charged upon the Republican party as they were in power, but was by them vigorously denied. They claimed that in the Senate there was no preponderance in their favor, while in the House nearly all their members were opposed to the reduction, while nearly all the Democrats were in favor of a still more sweeping change. Those who made the change, however, had the advantage of a suggestion in the President's message expressly favoring the reduction.

The full strength of this fact can be tested by recent occurrences. If the official recommendation of the President involves the party to which he belongs in the full responsibility of the measures so favored, it follows that the Democracy is not only pledged to the civil service reform but also to radical changes in our silver coinage. The doctrine is not so firmly held now as it then was. However that may be it is well to present the facts and allow the people to judge of the responsibility as it was then called, or the measure of praise as it would seem to be now considered, to which each party is entitled in the premises.

It should be remembered that for years prior to 1883 a great and constant clamor, having effect upon the public mind, was kept up in favor of a revision of what was called "war taxes" by the Democrats and some others, and which resulted in the general expectation and desire that the tariff should be revised. Each party desired to do the work; the Republicans because they feared the others would prune too much, would revise to death; the Democrats because they feared their adversaries would treat it too tenderly.

The Forty-seventh Congress, barely Republican in politics, provided for a commission to examine and report upon the general subject. On this commission the President, among others, appointed a gentleman largely interested in the manufacture of woolens, and also the president of the Wool-Growers' Association of the United States. These gentlemen with their associates agreed upon what was by them supposed to be a fair schedule for wools and woolens, and made their report to Congress. The House Committee on Ways and Means took this report under consideration, and in due time reported a bill conforming in this respect to the recommendations of the commission, not having heard a word of complaint from any wool-grower, intending to make a reduction not large, but all along the line.

Soon complaints of injustice came from the flock-masters; the committee reconsidered its action and having become satisfied that injustice had been done, it authorized one of its members, Mr. MCKINLEY, to offer in the House at the proper time an amendment to the effect of conforming the bill to the then existing law of 1867.

It never came to the notice of the public that any Democratic member of the committee opposed in the first place the proposed reduction or aided in authorizing the amendment; on the contrary, the public understood, and I here charge the fact to be, that the Democratic members urged a still greater reduction even to the abolition of duties on wool altogether.

I invite contradiction if I err in this assertion. The bill being in the Committee of the Whole was debated clause by clause with pertinacity, till near the close of the session, without ever reaching the wool schedule, and thus no opportunity was given Mr. MCKINLEY to offer the committee's amendment. At this period of time a bill, which had early passed the House, relating to internal revenue, came from the Senate with amendments involving the substance of the House tariff revision bill till then under discussion. The Senate had also adopted the views of the tariff commission so far as the subject now in hand is concerned.

The House bill had been talked to death purposely, because its proposed reduction on wool and various other products was too slight to meet the views of the minority; it was therefore of necessity abandoned, and the Senate amendments to the House revenue bill considered instead. As disagreements arose between the two Houses a committee on the part of each met in conference when the House managers made an effort to strike out the provisions relating to wool and failed, so that the bill was voted on in the House entire without an opportunity for amendment.

Most of the Republicans voted for the bill protesting against this feature of it; a few Democrats voted for it under like protest, but nearly all of them voted against it, not because the reduction was contained in it or because it was excessive, but because it was not sufficient. Some of the Republicans voted against the bill because of the reduction of duties on wool and two or three other articles, among them five members from Ohio, including Mr. MCKINLEY and myself.

While the bill was before the Senate, on the 20th day of February, Senator SHERMAN'S motion to strike out the proposed reduction on wool was lost by a close vote, every Democratic Senator voting "no."

After the passage of the law the Democratic press, public speakers, and conventions denounced the action of Congress as unwise, unjust, and outrageously distructive to the interests of the farmers, alleged that the Democrats voted to protect that interest, and promised to restore the duty on wool when in power. By means of such charges and such promises largely, the Democratic party at the next election carried the House by a majority of about 70. A bill to restore the duties of 1867 on wool was introduced early; after much difficulty and delay it was brought to a vote on motion to suspend the rules and pass the bill, a vote requiring two-thirds of those voting. Of course the bill was lost, no one expected any other result. The bill received 119 votes, 84 cast by Republicans and 35 by Democrats. Against the bill 121 Democrats and 5 Republicans voted.

These facts should be known to the people, and to assist that knowledge I record them here. The distance between promise and performance is too great to require comment, and I make none further than to say that I hope that the people will some day, and in some way, exact from their political leaders a degree of honesty on the stump and in the press that would keep them out of penitentiary if applied to business affairs.

After this attempt at fulfilling promises, the Democratic conventions, notably in Ohio, continued to resolve in favor of restoring the duty and to denounce the Republican party for reducing it. They took advantage of an apparent phase of the vote in the Forty-seventh Congress, and construed their vote against the tariff-revision bill as an intended vote against the reduction of duties on wool and nothing more, as dishonest a construction as it would be to read the command against murder omitting the word "not." Many, however, were honest in it, having been misled by those who were not.

The people were made to feel that the Republican party had done the wool-growers a great and purposed wrong, and that relief must come through the efforts of their opponents. None of the many Democratic orators informed the people that wool was raw material and should be free. None of the Democratic conventions whose proceedings I have seen have yet declared that fact. Nay, even in the national platform of 1884 is repeated this charge of having injured the great wool-growing interest in these words:

It—

The Republican party—

has depleted the revenues of American agriculture, an industry followed by half our people.

A damaging impeachment, if true, and as damaging against any other party of whom it becomes true. From the many pledges of that platform I also quote one:

The Democratic party is pledged to revise the tariff in the spirit of fairness to all interests. But in making reduction of taxes it is not disposed to injure any domestic industries, but rather to promote their healthy growth.

The platform, by complaint and pledge, had its expected effect, and its fruit has been gathered in the election of a Democratic majority of the House and a Democratic President; but now, at the first opportunity, that majority, forgetful of charges made against opponents or pledges made by their own party, seek to put wool on the free-list. Had the distinguished chairman of the Committee on Ways and Means put the avowals of this bill into the Chicago platform, the question of civil service reform would not now be seriously disturbing the harmony of the Democratic party.

Under these circumstances the introduction of the bill is an unexpected event, but by far it is less surprising than the reasons given by the committee for it. I quote two extracts from the report:

From the statements of the Ohio Wool-Growers' Association it appears that the market price of wool is not three-fourths of the cost of actual production; that with the existing protective rate of 10 cents on the pound the price is still 10 cents below the price at which it can be profitably grown in the great wool-growing States of Ohio and Pennsylvania.

Again:

It has already been shown, by statements of wool-growers, that the wool duty imposed by General Garfield's associates, successors, and school of economists did not promote the growth of sheep husbandry, and it is proposed to remove it.

These extracts, it must be remembered, are the statements of the committee and not of the Ohio Wool-Growers' Association or of wool-growers, notwithstanding the phraseology of the report. The allegation that the tariff of 1867 did not promote sheep husbandry is as certainly the assertion of the committee as are the words immediately following, to wit: "And it is proposed to remove it." The statements of the Ohio Wool-Growers' Association as to the cost of growing wool were made during a period of extreme depression of its price, when wool brought the lowest price it had ever reached, quality considered. The reduction of duty in 1883, joined with other depressing influences, had driven it out of the range of ordinary quotations, and from which it was expected to recover even with an unchanged duty. Moreover, they were made with a view of inducing a restoration of the old rate of duty, and, confessedly upon a basis of mere approximation of cost, necessarily so.

To take such statements, made to apply to a temporary condition of affairs, and represent them as showing the condition of sheep husbandry, past and future as well as present is apparently to be uncandid and unfair. To make them the basis of legislation as showing the natural and permanent situation of the subject upon which it was to take effect would be to exhibit the extreme folly of apprenticed statesmanship.

The ability and known candor of the eminent gentlemen composing the majority of the committee preclude the possibility of their having acted in so important a matter upon such reasons, and I infer that this part of the report was written without due consideration.

It is to be regretted that the committee was not more specific as to the authority upon which they declare that the wool duty of 1867 did not promote the growth of sheep husbandry. It is not fully satisfactory to say: "It has already been shown by statements of wool-growers." One would like to know what the statements were, who "the wool-growers"

are; or does the committee refer to the Ohio Wool-Growers' Association, and to the statements quoted? No wool-grower of any intelligence in his own business could have made any such statements, and none ever did. No matter, however, what the character or intelligence of the informant, abundant facts in the possession of the committee, or easily obtainable by it, forbade any faith in such information.

I know of no better illustration of the power of duties upon import in development of industries than that furnished by the law of 1867 and its results. In the spring of that year there were in the United States 22,000,000 sheep, yielding 60,000,000 pounds of wool; in 1883, notwithstanding the business depression of 1873 and several succeeding years, involving all lines of business, sheep had increased to the number of 50,000,000, shearing 320,000,000 pounds. By reason of careful and expensive breeding and attention the clip was more than doubled per head and the quality much improved, so that we had the best wools in the world. Food and shelter had been provided at unstinted cost, and the farmer was proud of his work.

In 1883 the capital invested in wool-growing was estimated at more than $500,000,000, more than three times that of 1867. This result was traceable directly to the act of 1867. The committee say, however, that the statements of wool growers show that the tariff of 1867 did not promote the growth of sheep husbandry. Impossible! If this be not growth, what is it? If it be not astonishing growth, at what could we be amazed? Without profit no one would have persisted during all those years in investing money, labor, and intelligence in the enterprise.

But lo! misfortune has come and that by a change in the stimulating, developing law existing for years, and the flock-masters come to Congress for aid and petition only to be put back to their old place; the mockery of a hearing is allowed them; they come again to this Congress, open their books and show their claims; they ask for the law under which they prospered; their bill lies on the table of the Committee on Ways and Means without even the poor favor of an adverse report, lest it be placed on the Calendar within the limits of a possible vote; but as their business seems not to be—is not—profitable just at this juncture, the committee seize that fact as an excuse for its attempted destruction; they are told: "Your business is not good; we will take it from you. You have to be sure of $500,000,000 in it, yielding $120,000,000 yearly to the resources of the country. But let it go; we have promised to reduce taxation, and to put wool on the free list will reduce the revenue $3,164,295.96 annually, while the tax has been a great national hinderance to the woolen-manufacturing industry."

Shades of Machiavelli and Munchausen! The free trade Democratic House Committee on Ways and Means urging the interest of "the robber baron monopolists" as a reason for withdrawing all protection from the wool-growing agriculturists! In the words of Reverend Jasper, "Brethren, the sun do move."

As one more example of the fairness of the reasons given by the committee I refer to page 3 of their report, and quote:

> For many years last past the rate on imported wool has been more than double that imposed on other products of the pasture, field, and farm. These lower tax-protected products have outrun or kept far in advance of the wondrous growth of our population. Wool protected double as much has fallen farther behind.

I have already shown how true this last sentence is. Prior to 1867 we furnished but a small proportion of the wool entering into consumption. Since then, or at least recently, notwithstanding the "wondrous growth of our population," and the still more wondrous growth of consumption, we have been able substantially to supply the demand.

On the same page the committee say:

> The price of wool has been downward for many years; it declined when the tax was highest and protection greatest.

Are they prepared to say that it declined because of protection and consequent home competition? If not, there is no point in the statement. If yea, what becomes of the essential theory of free trade that a duty increases the price of commodities? Mr. Speaker, the committee knows that the price of wool has declined because of the increased production in Australia and New Zealand, cheaply and abundantly grown, and though they failed to mention it, they know that wheat has declined in as great proportion for like causes. "The products of pasture, field, and farm" have in truth lessened in value; cereals, fibers, and vegetables, as well as the products of the orchard and the dairy, are cheaper, but shall their productions be despised and abandoned? You who eternally clamor for cheap things should rejoice; and you do. There need be no great anxiety for a decrease of the revenue. I think I see causes which will make it sufficiently limited. The surplus in the Treasury can be gotten rid of, and doubtless will be. If our productive industries are to be continually raided and crippled our people will soon become too poor to buy imported luxuries or necessaries, and the blessings of a depleted Treasury will be on us before we are prepared for the boon. This bill, if it becomes a law, may assist in reducing the public revenues, but that is not certain, because it is now unknown to what extent importation of woolen goods will take place under its provisions; but admit that a reduction of over $3,000,000 will be effected, as its friends contemplate, I submit the sacrifice made to obtain it is too great. If wool-raising is unprofitable with a duty of 10 cents on each imported pound, it can not exist if that duty is remitted. Deduct ten, and the industry can not survive, and the capital invested in it must for the most part be lost.

A measure to facilitate the introduction and spread of pleuro-pneumonia would be as wise and not more destructive. It would, like this, also reduce the revenues of the people, if not those of the Government. There are some industries that must be preserved at any or all costs, no matter what supposed political exigencies may require, or what the Manchester school of political economy asserts. We must at all times have the skill and means of forging and providing all weapons and materials necessary for defense, whether they be ships, or guns, or food, or clothing. Wars will come, and when they do it will be too late to buy Krupp guns, or armored ships, foreign food, or foreign clothing. He is no friend of his country who in times of peace disarms and binds her; he is no friend of his country who buys ships abroad and would put English engines in our Navy, and permit the skill and muscle of our artisans to perish of non-use; but such are no less patriotic than he who would feed us from the granaries of India and clothe us from the wools of Australia.

The rot of cheapness possesses men's minds and paralyzes their good sense. Oftentimes the cheapest is the dearest; the money price is not always the whole price. An English writer of nearly a century ago said:

> If a country can only be rich by running a successful race for low wages, I should be disposed to say at once, "Perish such riches!"

A glance at this bill shows that its penalties fall mainly on the farmers. It is difficult to account for this, as the first clause of the committee's report shows that duties of 200 per cent. ad valorem rest on some articles of import. To reduce such enormous duties would lessen the revenues and on free-trade principles relieve the consumer; but they remain untouched while an article of domestic industry of prime importance, involving the welfare of millions of people, though bearing but 30 per cent. duty on its average price, is selected for the free-list and destruction.

Place the already quoted paragraph from the Democratic platform of 1884 by the side of this fact and note their correspondence:

> The Democratic party is pledged to revise the tariff in a spirit of fairness to all interests. But in making reductions of taxes it is not disposed to injure any domestic industries, but rather promote their hearty growth.

Possibly sheep husbandry may be regarded a domestic industry not to be injured, but rather promoted in its healthy growth. The assurance of healthy growth may not be apparent in this bill, but it is doubtless there; real free-trade growth and fostering care! such as is assured a kitten in a bag at the bottom of the river.

What a huge joke, what a screaming farce those solemn words disclose when read in the light of their true interpretation here!

For a time the pledge answered its purpose and appeased those Democrats who, in the Forty-eighth Congress, assisted in the defeat of the late lamented horizontal bill, and thereby made possible the return of the Democracy to power, but beyond them and their following it did not amount to deceit. It was not intended for further belief. Nevertheless it was an attempted and successful crime against the faith of the people, one that will not be forgotten or condoned, but one to which due punishment is attached by the laws of justice and of fate. No righteousness imparted to the little band of Democratic protestants can again ward off swift and thorough condemnation; nay, by joining in the organization of the House they have made this bill a living, threatening danger.

A blind rage for revising "the odious war tariff" has seized upon the Democratic party; it matters not to them how or when it is done, so that it is accomplished. In the Forty-eighth Congress a general, even reduction all through was attempted. In the Forty-ninth Congress a bill was introduced striking at a long line of industries, iron, steel, cottons, woolens, glass, &c., but not at wool. The laboring men engaged in those industries brandished their organized votes in the face of the committee and in sight of the House, when instantly the whole array of gentlemen bearing Democratic pet names, such as "iron king," "robber baron," "monopolistic" and "wage-grinding aristocrats," found favor in the sight of free-traders and were released from serious peril. But the vow had been recorded; the sacrifice must be made, and Isaac was offered instead of the ram. In the effort to revise the tariff the farmer was made the victim.

The farmers, undemonstrative, patient in carrying the burdens of others, loyal to party, confiding in promises, inclined to accept excuses and apologies, although millions in number, being unorganized in action offered the least prospective resistance and received the blow.

But, gentlemen, you have made a mistake. The farmer is also a laboring man, though you had forgotten it; he too votes, and you will learn his power. You cower and cringe before the cap and apron of the mechanic, but you will learn in time that red blood runs in the veins of agriculturists also. You should have known it. It crimsoned every battlefield of the great rebellion.

The farmer was at the beginning and end of the war. He was at Gettysburg, in the Wilderness, at Appomattox, and he will meet you at "Philippi." He can take care of his interests by his ballot, as he protected the flag and saved the country by his arm. He is as earnest

now as he was then, and as strong. You have played the foot-ball with his interest long enough. He now says to you, "Beware!"

The sudden change of the front of the enemy of the development of American resources deceives no one. The attack began early in last session on iron, steel, ore, cottons, woolens, glass, and pottery, abandoned for the most part as to them, and continued as to salt, lumber, fish, and hemp, and later commenced on wool, is in every phase an attack on the citadel of protection. There has been no change of mind or heart on the part of the assailants, only a change of point of assault. Once in the citadel, it matters not by what gate they entered.

The woolen manufacturers and free-traders have made no compromise. The lion and the lamb have not lain down together, or if they have, so much the worse for the lamb. The attachment of the free-traders to the manufacturers, notwithstanding the wooing language they now employ, is not as strong as the love of David and Jonathan, above that of women. The intention of the free-traders may be honorable, but I advise caution against a betrayal.

In any event, however, I can assure all interested that if for free goods and light tax the flock-master's investments are destroyed, he will need very cheap goods; taxes will interest him less, as he will have little to pay on and less to pay with.

Mr. Speaker, in conclusion I protest against the blind policy of legislation which runs amuck with great national interest for mere supposed party necessity, careless and indifferent as to all other objects, striking to the right or left as accident, caprice, or chance of success may direct, with wisdom no more emphasized than that which sent a cargo of skates to Rio de Janeiro, under the equator, for a market in 1808.

NOTE.—"War taxes!" During the war and just after almost every article of domestic manufacture was taxed specially; the list contributing to the internal revenue was endless, and brought in one year, 1866, more money by $16,000,000 than the receipts in 1884–'85 from all sources. Now the list consists of whisky, malt liquors, tobacco, and national-bank circulation. Income tax, stamps, and all others excepting those stated have been abolished.

Also during the war in addition to expending the revenues we made large indebtedness; now with largely reduced income we are paying debts and pensions. As large a revenue is required to pay debts as to create them.

Why, then, should we not expect to bear, even yet, some of the burdens of the war. The war debt is unpaid and the interest on it is constantly maturing. The widow of the dead soldier and the battered victim of the war still live. The war is over but the cost is not paid. Thousands of millions will be required before the debt-sheet is balanced. Let those who made the war shudder at the recollection of their crimes rather than shirk the expense.

Legislative, Executive, and Judicial Appropriation Bill.

SPEECH

OF

HON. NEWTON C. BLANCHARD,

OF LOUISIANA.

IN THE HOUSE OF REPRESENTATIVES,

Saturday Night, February 26, 1887.

The House being in Committee of the Whole on the state of the Union for the consideration of general appropriation bills, and having under consideration the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. BLANCHARD said:

Mr. CHAIRMAN: It is due to the House collectively, and to my friends on the floor of the House individually, as well as just to myself, that I should be given the opportunity to state my reasons for my inflexible opposition to this bill.

Those who are responsible for this bill, its preparation and presentation to the House, should seek the earliest possible opportunity to confess themselves in the solemn and impressive language of the Episcopal prayer-book, "We have done those things which we ought not to have done, and have left undone those things which we ought to have done."

A MEMBER. "And there is no health in us."

Mr. BLANCHARD. The bill is an abomination both as respects matters that are in it which should be out of it and matters that are out of it that should be in it. It is a record of some of the sins of the committee—sins of commission and sins of omission. On the one hand it might be fitly characterized as a bill of suppression of the just and legal rights of some of the officials of the Federal Government, and on the other hand it may be not inappropriately described as a bill of expression of favoritism to a fortunate few.

I have heard the bill denounced by a competent judge, himself a distinguished and experienced member of this body, as the worst and meanest appropriation bill of the kind which has been brought in in years.

Mr. Chairman, that is strong language with which to criticise a bill brought in by a committee of this House, and I give utterance to it with the greatest deference for the House, and with profound respect personally—with a distinct emphasis upon the word "personally"—for every one of the fifteen estimable and excellent gentlemen composing the Committee on Appropriations. But, sir, however harsh the language may seem to be, if I have time to speak on the bill at length, as I shall have if it be considered in the ordinary way, and is not attempted to be put through under suspension of the rules, I hope to justify it by an analysis and dissection of the bill before the House.

Mr. Chairman, this House has for years witnessed the spectacle of the Committee on Appropriations attempting to dominate over and to dictate to the House, and it is time that that should cease. As I understand the duties of the Committee on Appropriations, it is that it is given to them in charge to bring in a bill appropriating in detail, pursuant to the provisions of existing laws, the funds necessary to carry on the business of the Government. Their mandate is prescribed to them in specific terms, and the right or power to change existing law in reporting appropriations is distinctly and jealously withheld.

The rule of the House is as follows: "No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

This bill attempts to evade that rule both directly and indirectly.

Directly, by containing provisions which operate a change of existing law, and were deliberately designed to accomplish that very thing. Indirectly, by withholding appropriations called for by existing laws, and without which the duties and work enjoined by those laws can not be performed—tantamount to repealing or rendering inoperative those laws, and equivalent to a direct proposition to change them.

Mr. Chairman, after a study of this bill for some days I stand here in my place with all the responsibility devolving upon me as a representative of the people, to say that the bill violates the rules of the House more than one hundred and fifty times. Those violations consist in changing existing law by raising salaries in some instances, and in other instances reducing salaries below the amounts at which they are fixed by law. Not only that, sir, but there are other provisions in this bill that have no relation to salaries, which change existing law. The very first few lines of the bill contain the provision that the salaries in it "shall be in full compensation for the objects hereinafter expressed," and yet, as I have stated, in more than one hundred and fifty instances the salaries of officials have been changed by the bill from the sums at which they are fixed by law.

A point of order will doubtless be made against those words "in full compensation," and under the rules of the House they will be ruled out. And what will be the result? Why, sir, every official of the Government whose salary is reduced by the bill can go into the Court of Claims and sue for the difference between what the bill provides for him and what the law fixes his salary at, and recovery is inevitable. On this very point I quote the language of the gentleman from Indiana [Mr. HOLMAN] himself, chairman of the subcommittee which prepared this bill and who is now in charge of it—language used by him in debate in the last session of Congress when the legislative, executive, and judicial appropriation bill of that year was under consideration.

I read:

Mr. HOLMAN. As a matter of course if the language "in full compensation" is to be omitted from this bill, Congress should at once appropriate the whole amount of these various salaries, for otherwise the Government will be subjected to the expense of suits in which recovery by the officers is absolutely inevitable.

The Committee on Appropriations in that session of Congress had put the words "in full compensation" in the bill, and the point of order against it was made by the distinguished gentleman from Illinois [Mr. MORRISON]. The point was sustained and those words were stricken out, and it was in the debate on the point of order that the gentleman from Indiana used the language I have quoted. Notwithstanding the lesson then taught him that it was a violation of the rules of the House to use the words "in full compensation" in a bill which reduces salaries below what they are fixed by law at, he brings in the present bill with identically the same language.

Mr. Chairman, early in this session of Congress, I, with one or two of my colleagues from Louisiana, and with the senior Senator from our State, went before the Committee on Appropriations and pointed out to them the law creating the Mississippi River Commission, prescribing the duties of the commission and fixing the salaries of its members. We further pointed out to them that in the first session of this Congress they had deliberately omitted from every one of their appropriation bills provision for the salaries of the commission, notwithstanding their fixed legal status and their undeniable right thereunder to their salaries. We reminded the committee that it was as much their duty to provide for the payment of the salaries of the com-

mission as it was to provide for their own salaries or for that of the President himself.

Mr. HOLMAN. I hope the gentleman from Louisiana will remember that the salaries of the members of the Mississippi River Commission were never in the legislative, executive, and judicial appropriation bill at any time.

Mr. BLANCHARD. Mr. Chairman, I thank the gentleman for his interruption, for it gives me the opportunity to say that the senior Senator from Louisiana and myself conferred with the chairman of the Committee on Appropriations [Mr. RANDALL] on that very point, and that gentleman gave it as his judgment that the sundry civil appropriation bill, of which he was in charge, and where those salaries have heretofore been provided for, was really not the proper bill for them, and that the legislative, executive, and judicial bill is the proper one.

The gentleman from Pennsylvania [Mr. RANDALL], who now sits near the gentleman from Indiana [Mr. HOLMAN], well remembers that conversation. We replied to the chairman of the committee that it mattered not to us which bill contained the appropriation, provided it was incorporated in one of them; and the impression left on our minds was that it would be done. After this conversation with the chairman we went before the Committee on Appropriations and asked those gentlemen to put into one of their bills—if not the sundry civil, then the legislative, executive, and judicial bill—a provision to pay the salaries of the commission. We stated what had been said to us by the chairman of the committee, that the sundry civil was not the proper bill in which to make provision for the salaries of the river commission, and that the legislative, executive, and judicial bill was; and at that meeting of the committee, at which this statement was made, the gentleman from Indiana [Mr. HOLMAN] was present.

It comes, therefore, now with bad grace from him to plead as an excuse for the omission of an appropriation for these salaries in this bill, that the salaries of the commission have not heretofore been provided for in the legislative, executive, and judicial bill. Why were they not, then, provided for in the sundry civil bill, which was reported from the committee earlier than the present bill? And not having been included in that bill, and after what had been said by the chairman of the committee, the gentleman from Indiana is now estopped to deny that this is the proper bill for them.

In the first session of this Congress, Mr. Chairman, when, under the arbitrary direction of the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN], who disport themselves as first and second lords of the Treasury, and who rule the Committee on Appropriations, no provision whatever was made to pay the compensation guaranteed by law to the river commission, we from Louisiana submitted to their unjust action without a word and permitted their appropriation bills to go through the House without obstruction. We hoped the Senate would remedy the injustice and take care of the commission, but for some reason or other it was overlooked there, and all the appropriation bills became laws without providing for the compensation of the commission. Notwithstanding that fact the river commission have been and are now actively engaged in the discharge of their duties prescribed by law, though they are being paid nothing.

Early in this session we asked this Committee on Appropriations to put in the deficiency appropriation bill a sum to cover the salaries of the commission for the current year. In other words to perform now the duty it was incumbent on them to have performed in the last session of this Congress.

They ignored entirely that request to them to perform their simple duty, as well as the request to perform their further duty of incorporating in some one of the appropriation bills a provision for the salaries of the commission for the next fiscal year.

This refusal was an outrage upon the State I in part represent, and upon the section from which I come. We, down there, are vitally interested in the maintenance of the great work being done by the Government upon the Mississippi River, and we know the work can not be done unless the officials appointed to do it are paid.

I will pause long enough here to say that the gentleman from Missouri [Mr. BURNES], who is chairman of the subcommittee in charge of the deficiency appropriation bill, was not present when we appeared before the committee.

What right has this Committee on Appropriations—these grave and reverend seignors who esteem themselves high lords of the Treasury—what right have they to override the law? What right have they to say, "We will not appropriate for these officials, notwithstanding the fact that they are creatures of the law and their salaries are fixed by law?" It is just that kind of domination, just that kind of attempted dictation, which I, for one, protest against and will continue to protest against as long as I have a voice upon this floor.

The Committee on Appropriations, sir, are but a committee of audit; that only is their function under the present rules of the House. They are but a committee to audit the expenditures of the Government; to ascertain what expenditures in number and amount the law has directed, and prepare bills appropriating the funds to meet the same. It is not given to them to say that this or that official, or set of officials, is not needed, and therefore we will cut them off. The exercise of any such power by them is an usurpation, is an attempt to dictate to the House, is a going beyond the scope of their powers, and can not be too severely rebuked.

In another view of the matter it is ridiculous to fail to appropriate for the salaries of officials created by law. The failure to appropriate, while it works great inconvenience, does not destroy the right to the compensation fixed by law. Nothing is plainer in law than that the officials thus ignored can go into the Court of Claims and sue for their salaries, and recover a judgment against the Government for the amount of same.

A salary fixed by law for an official discharging his duties is in the nature of a contract between the Government and himself, and has been so held repeatedly by the Supreme Court of the United States.

That the Court of Claims has jurisdiction of such suits will be seen at a glance by the following extract from the law (Revised Statutes, 1059) defining its jurisdiction:

> All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

And in the case of Patton *vs.* United States, 7 Court of Claims Reports, 371, the court held as follows:

> All questions of salary are questions of contract. Whether the salary be fixed by law or by the order of a Department under authority of law the Government contracts to pay the officer his salary, and, failing to do so, is liable to be sued therefor whether the case arise under a revenue act or any other.

It is clear, therefore, that the river commission can go into the Court of Claims and sue for and recover a judgment for their salaries, and that the United States will be mulcted in costs. Under the circumstances it is absurd and puerile for the Committee on Appropriations to withhold provision for their compensation.

While this bill, Mr. Chairman, reduces the salary of more than one hundred unfortunate officials, in a few instances it increases the salaries of favored officials. Let us run over the list a little.

The assistant treasurer at Philadelphia is one of the favored ones. His salary in the last bill of this sort was $4,500. It is here increased to $5,000. But then, you know, the great State of Pennsylvania, in which Philadelphia is, can boast that she furnishes the chairman of the Committee on Appropriations.

The assistant treasurer at Chicago got $4,500 in the last bill. In this one he gets $5,000. But then, you know, the great State of Illinois, the State of Lincoln and Douglas, produces statesmen in this generation as well as in the former, and somehow or other two able-bodied ones from that State have found lodgment upon the Committee on Appropriations. [Laughter.]

The Commissioner of the General Land Office, also from the State of Illinois, finds himself well taken care of by the committee, since his salary is raised, in violation of the rules of the House, from $4,000, as fixed by law, to $4,500.

Take the case of the Assistant Commissioner of the General Land Office, for whom, as well as for his chief, I have great regard and esteem. His salary is fixed by law at $3,000. Yet we find it raised in this bill to $3,200. Does he come from Louisiana? Oh, no; if he had he would have been "left." He comes from the great Hoosier State of Indiana, the land of Hendricks and Holman; and, of course, his salary is increased.

We also find that the salary of the Assistant Commissioner of Patents is increased from $3,000, as fixed by law, to $3,200. And yet, wonderful to relate, he actually comes from North Carolina and not from Indiana; and, stranger still, the Old Tar-Heel State has no representative on the committee. Raising his salary must have been a mistake—an oversight, perhaps, of the clerk of the committee.

The Commissioner of Indian Affairs finds his salary increased from $3,000, as fixed by law, and from $4,000, as appropriated for in the last bill of this sort, to $4,500, as fixed in the present bill. That is accounted for, most likely, upon the ground that the gentleman who now occupies that position was himself once chairman of the Committee on Appropriations. Otherwise the increase is remarkable, as that gentleman comes from Tennessee, and that State has no representative upon the committee.

But take the case of the Assistant Commissioner of Indian Affairs, also from Tennessee. That gentleman finds himself lonesome when he peruses this bill. He sees the salaries increased of the Commissioner and Assistant Commissioner of the General Land Office, of the Assistant Commissioner of Patents, and of his own chief, the Commissioner of Indian Affairs. Yet there is no increase for him; his salary remains at $3,000, though the law requires him to perform, besides the duties of assistant commissioner, those of chief clerk of the Indian Bureau. The Assistant Commissioner of the General Land Office and the Assistant Commissioner of Patents, both of whose salaries are increased, do not have to perform the duties of chief clerk of their respective bureaus, a chief clerk for each being provided at a salary of $2,000. No explanation of this gross discrimination is vouchsafed in the elaborate report which accompanies this bill.

There are other increases of salary in the bill, but the instances I have given suffice to show their general character.

Let us look now at some of the reductions. Take the cases of the

governor and judge of Alaska—officials sent to that far-away land of ours, more than 10,000 miles from this capital city, to an inhospitable and frigid climate, away from home and friends; sent there under a contract with the Government to receive $3,000 a year salary. Yet this Committee on Appropriations, in a spirit of miserable economy amounting to parsimony, has pinched off $400 from the salary of the governor and $500 from the salary of the judge.

Contrast that with the action of the committee in adding to the salary of the favored officials heretofore mentioned coming from favored States whose favored sons have been given places on this favorite committee.

Take the case of the tally clerk of this House. He comes from Michigan—not Indiana—and it is a work of supererogation to add that Michigan has no representation on the Appropriation Committee. His salary is fixed by law at $3,000. This bill reduces it to $2,500. The same thing was attempted in the last session on this very bill. The House rebuked it then and restored the salary. Now the reduction is attempted again. The rebuke of the House last session on this thick-skinned committee appears to have made no impression.

From the meager salary of $2,500 given by law to the chief of the division of captured property, claims, and lands in the Treasury Department they have pinched off $250.

Mr. REED. That is "economy!"

Mr. BLANCHARD. That is "economy," Mr. Chairman, with vengeance. The Commissioner of Customs in the Treasury Department finds his salary, which is fixed by law at $4,000, reduced to $3,600.

The assistant treasurers at Baltimore, Cincinnati, Saint Louis, San Francisco, and New Orleans all find their compensation reduced in this bill to $4,000, though their salaries are rated by law, respectively, at $5,000 and $4,500.

The assayer at Denver moans over the reduction of his salary from $2,500 to $2,250; the assayer at Helena, Mont., from $2,250 to $2,000; and the assayer at Saint Louis from $2,500 to $2,000.

The Superintendent of Foreign Mails is reduced to $2,500, though his salary is fixed by law at $4,000, and though he was allowed in the bill of last session $3,000.

This office is held by Mr. Nicholas Bell, of Missouri, and how my friend from Missouri [Mr. BURNES] sat on the committee and permitted the salary of that very efficient officer, who was for years secretary of the Democratic national executive committee, to be reduced in violation of law and in violation of the rules of the House, I do not understand. He must have been absent from the committee when this "pinching off" process was indulged in.

Mr. Chairman, these are but a few of the reductions in salaries made by this bill from what they are fixed by law. That there are some reductions which should be made I do not doubt, but the point I insist on is that reductions on an appropriation bill are violations of the rules of the House. The rule which forbids any change of existing law on an appropriation bill may be a bad one. If so, the best way to bring about the repeal of a bad law is to enforce its execution.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas. I ask that the gentleman from Louisiana [Mr. BLANCHARD] have fifteen minutes more.

The CHAIRMAN. The gentleman from Louisiana has been speaking in the time of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Chairman, the gentleman from Louisiana, I think, is fairly entitled to a half hour, for he understood from me, I have no doubt, that he was to have that amount of time in opposition to this bill. I hope there will be no objection to his occupying half an hour. [Cries of "Go on!" "Go on!"]

Mr. BLANCHARD. Now, Mr. Chairman, as showing some of the discriminations practiced by the Committee on Appropriations in making up this bill, let us take the case of the subtreasuries. The very report of the committee shows that at the subtreasury in New Orleans the business transactions aggregate $64,000,000 a year. At Cincinnati, in the great State of Ohio, which State is fortunate in having two able-bodied representatives upon the committee, the subtreasury does $24,000,000 less business in a year than the subtreasury at New Orleans. Yet what does this committee do?

Mr BUTTERWORTH. Mr. Chairman——

Mr. BLANCHARD. I can not yield.

Mr. BUTTERWORTH. If you can not yield, I hope you will be accurate.

Mr. BLANCHARD. I will yield for a correction, if necessary.

Mr. BUTTERWORTH. The salary of the subtreasurer at Cincinnati was cut down against my vote.

Mr. BLANCHARD. I am not talking about the salary. My friend from Ohio [Mr. BUTTERWORTH], for whom I have profound respect as well as admiration, misunderstands me. I was going on to say that the result of the work of the Committee on Appropriations with reference to the subtreasuries at Cincinnati and New Orleans is that, whereas New Orleans does $24,000,000 a year more business than the subtreasury at Cincinnati, yet when it comes to providing clerks for those two offices the committee give the subtreasury at New Orleans nine employés and the subtreasury at Cincinnati twelve. They give New Orleans for salaries, including the salary of the subtreasurer himself, $13,690, and Cincinnati $16,060. At Baltimore, where their own report shows the subtreasury does $10,843,000 less business per year than is done at New Orleans, what do they do, this interesting Committee on Appropriations? They allow Baltimore fourteen employés as against nine for New Orleans.

Mr. BRECKINRIDGE, of Kentucky. Has Maryland a member on the Committee on Appropriations?

Mr. BLANCHARD. Yes, sir; it has Mr. MCCOMAS.

Mr. MCCOMAS. The salary there of the subtreasurer is decreased.

Mr. BLANCHARD. I am not now speaking of the salary of the subtreasurers. Take the case of the subtreasury at Saint Louis, a State represented by my distinguished friend from Missouri [Mr. BURNES]. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Another member of the Committee on Appropriations.

Mr. BLANCHARD. Yes. The subtreasury at Saint Louis does just $6,551,000 less business per year than is done at New Orleans, as shown by the report, yet the committee give Saint Louis ten employés and New Orleans nine.

The amount allowed for clerical work at the subtreasuries of these cities, including the salaries of the subtreasurers, is as follows:

New Orleans, $13,690.

Baltimore, $21,100, or $7,410 more than New Orleans.

Saint Louis, $15,360, or $1,670 more than New Orleans.

Cincinnati, $16,060, or $2,370 more than New Orleans.

Yet New Orleans is far ahead of any of them in the aggregate of business transactions done at the subtreasury there.

Take the subtreasury at San Francisco. The transactions per annum at that office amount to $69,056,000, or only $4,561,000 more than at the subtreasury at New Orleans. Yet San Francisco is allowed fifteen employés, New Orleans nine. San Francisco is given $26,620 for clerical work, New Orleans $13,690. San Francisco is thus allowed $12,930 more than New Orleans, though her transactions amount to only four and a half millions more than New Orleans.

This is simply blind discrimination, for it happens that no member of the Appropriations Committee comes from the great Golden State. In the case of San Francisco the committee seem to have opened up the liberality of their souls, and actually give to the subtreasury there nearly double what they give to the one at New Orleans, though the business done is approximately the same. Their method of economy is unique. It seems to come and go like the shifting sands on a treacherous shore. But they constantly keep "an eye to the windward" when their own home affairs are up. They can see the greatest necessity for economy and practice parsimony in almost every proposition pertaining to other States and affecting other people, but are always great, generous, liberal-minded fellows whenever a question arises relating to their own States or affecting their own people.

There is nothing mean about them—oh, no! nothing at all—when their home matters are involved. But they are marvels of frugality and simplicity when some other fellow's home affairs are up for consideration. With them, like with all other mortals, "it makes a good deal of difference whose ox is gored."

The CHAIRMAN. The gentleman's time has expired. [Cries of "Go on!" "Go on!"]

Mr. HOLMAN. I yield further time to the gentleman.

Mr. Chairman, I have heretofore referred to the fact that this bill increases the salary of the subtreasurer at Philadelphia and the salary of the subtreasurer at Chicago from $4,500, as fixed in the last bill of this sort, to $5,000, and that this was not surprising since the honorable chairman of the Committee on Appropriations comes from Pennsylvania and two members of the committee hail from Illinois. It is true that $5,000 is the amount fixed by the permanent law for these salaries, and I am not finding fault that they apply that rule to Philadelphia and Chicago, but do find fault that they should discriminate in favor of those two places by failing to apply the same rule to the adjustment of the salary of the subtreasurer at New Orleans, and to the adjustment of the compensation of over one hundred other officials named in this bill who do not happen to come from either Pennsylvania or Illinois.

Mr. TOWNSHEND. Will the gentleman do me the justice to state, since he has referred to the members of the committee from Illinois, that the work of the subtreasurer's office at Chicago is nearly twice as great as that at New Orleans, and yet the salary is only $1,000 more than that paid at New Orleans?

Mr. BLANCHARD. The point I make is that you give the assistant treasurer at Chicago the amount to which he is entitled by law, but refuse it at New Orleans, and refuse it to over one hundred other officials named in this bill.

Mr. Chairman, there are many other matters in this bill subject to grave objection and criticism; but what I have already alluded to suffices to show its vicious character.

A few days ago, sir, we witnessed the spectacle of the Foreign Affairs Committee of the House attempting to pass the consular and diplomatic appropriation bill, which is given to them in charge—a bill which contained many increases of salary over what the law fixes the same at. These increases, it was pointed out, were all recommended by the

State Department. Yet the gentleman from Missouri [Mr. BURNES] and the gentleman from Indiana [Mr. HOLMAN], two shining lights on the Appropriations Committee, stood in their places and made points of order on every increase as changing existing law and, therefore, obnoxious to the rules of the House; and in every instance the points were sustained, and the Foreign Affairs Committee saw their bill knocked out on every round, until at the end, so disfigured was it, that they knew it not. And yet, sir, at that very time this abortion of a legislative, executive, and judicial appropriation bill was on the desk of the gentleman from Indiana, and itself contained over one hundred and fifty violations of the same rule he was invoking against the consular and diplomatic bill.

O Consistency, Consistency! Thou mayest be, as it is said, "a jewel," with all the brilliant radiance of the diamond; but no single ray of thy light ever guides the devious action of some members of this House, else we would not have beheld the edifying spectacle of the gentleman from Indiana straining at the gnat of the meager salary of the governor of Alaska, while he gulps down without a grimace the huge camel of a dependent pension bill which would have carried an expenditure of forty or fifty million dollars a year over and above the eighty millions a year we now pay for pensions; nor have seen him repeat the nauseous dose, the Executive veto to the contrary notwithstanding.

The right of actual settlers and citizens of Florida to the ownership of their homes on the public lands of the United States and the necessity of the forfeiture of the grant to the State of Florida by the United States of May 17, 1856.

SPEECH

OF

HON. WILKINSON CALL,

OF FLORIDA,

IN THE SENATE OF THE UNITED STATES,

Thursday, March 3, 1887.

Continuation of remarks made on January 19 and 21, 1887, on resolutions submitted by himself January 7, 1887.

Mr. CALL said:

Mr. PRESIDENT: First, the Secretary of the Interior is neither a court nor the Legislature nor governor of a State nor the Congress of the United States. He is subject to the laws, and can neither make nor unmake them.

His opinion beyond controlling his subordinates in the performance of an executive duty authorized by law has no force or effect.

I said that the fact that the State of Florida had expressly denied to this company the right to the grant of 1856 had never been considered by the Interior Department. The report of the Secretary shows this to be the fact. If it is not true, point out where it is stated.

I had supposed that on the production of the acts of the Legislature of Florida and the message of her governor and the opinion of her attorney-general in December, 1858, that this fact was established, that by an act of sovereign legislation, of full force and effect, the State of Florida did in 1858 deny to the Florida Railroad Company the benefits of the internal-improvement act of 1856, and granted it to another company.

I reasonably assumed that this act of legislative power could not be questioned by any executive officer of the United States, and that when the governor and the Legislature of a State, on a subject within her own territory and subject to her exclusive authority, had made a law, that no executive authority of the United States could unmake it; that when the State had declared that a corporation, a creature of her laws, should not receive the benefits of a grant of land resting in her absolute disposal for certain purposes, that twenty-three years after a Secretary of the Interior, an executive officer of the United States, could not substitute himself in the place of the State and give the land to the corporation to which the State had denied it.

But it seems to be necessary to enter into the consideration of these propositions. I will endeavor then to state the facts and the proposition. In 1858 the governor of Florida, *ex officio* trustee of the board of trustees of the internal-improvement fund, in the exercise of his official duty and power as governor of the State, informed the Legislature, three years after the passage of the internal-improvement act of January 5, 1855, that the Florida Railroad Company had not accepted the provisions of the internal-improvement act for the part of the line from Waldo to Tampa, and that the line of railroad from Waldo to Tampa was not then under construction, and recommended that another railroad company should be incorporated, and the benefits of the internal-improvement act should be given to the company then to be incorporated. In pursuance of this recommendation such a company, namely, the Florida Peninsula Railroad Company, was then incorporated, and the benefits of the internal-improvement act granted to such new company. In 1868 the State again, by a joint resolution, declared that the Florida Railroad Company should not have the benefit of this grant.

These acts of the Legislature were acts of lawful sovereign power, unless they were void for violation of the Constitution of the United States or of the State, in impairing a contract, even if so long acquiescence in them, until after the grant had expired, would not estop the Florida Railroad Company from claiming any contract right or vested right in the grant. But let us see if there is even a vestige of a reason for alleging that these acts impaired any contract or vested right. No claim of this kind was made by the Florida Railroad Company until many years after this grant expired and the land had become valuable by the settlement of the people on it and by the construction of other lines of railroad.

Let us see if the opinion of the attorney-general in 1858, and the act of the Legislature of Florida, that the Florida Railroad Company had not acquired any right to the benefits of the internal-improvement act of Florida of 1855, and that the State had full, complete, and unquestionable authority to grant the benefits of the act for that part of the line to another railroad company, is not entirely and abundantly clear.

The charter of the Florida Railroad Company required it to build a railroad from Amelia Island to some port or terminus on the Gulf of Mexico south of the mouth of the Suwannee River, but it could have only one terminus. Under this charter it was located at Cedar Key. The internal-improvement act was approved January, 1885. It required a main line to Tampa, and a branch or extension to Cedar Key.

The internal-improvement act required railroads authorized at the time of its passage to build any part of the lines to give notice of acceptance in six months.

The Florida Railroad Company accepted for Cedar Key, and could only accept for Cedar Key because it was not until December, 1855, that its charter was amended so as to allow it to build a main line to Tampa with an extension to Cedar Key, and then the six months had expired. So that under the law it could only have acquired any rights by grading 20 miles, and surveying and adopting the survey, and filing a plat in the office of the secretary of state, which it did not do until 1860, two years after the Legislature had chartered the Peninsula Railroad Company, and given it an exclusive right.

The most remarkable part of this fraud, equally stupid and bold, is the acquiescence in 1881, of the General Land Office in it, and the absurd legal pretenses on which it is founded.

Here is land worth probably a million and a half or two millions of dollars placed in the hands of a few speculators in New York, depriving the people of the proceeds of their labor and their families of comfortable food, clothing, and houses, without a single even plausible reason, without evidence of even a single material fact, with the act of May 17, 1856, before them, which in express terms forbids any disposal of these lands except by the Legislature of the State, which requires the governor to select the lands, with the refusal of the governor to select, with the failure and the refusal of the Legislature to dispose of the lands under the act of Congress, even up to this hour, as [to the Waldo and Tampa line, with the certificate of the governor which I herewith print, that the Florida Railroad Company and its successors did not own and were not building the road from Ocala to Tampa, but that the Tropical Railroad Company was, a company that is not publicly known to have any existence, but which these enterprising people are probably carrying in their pockets, in order to claim 13,600 acres to the mile more of the swamp and overflowed land grant besides this grant.

I here print copies of the letters of Governor Bloxham, in 1881, with the letter of Mr. Hendricks, former Commissioner of the General Land Office, stating that the reservation from entry under the grant, not of the Waldo and Tampa line, for that was never selected, never located, not even to this day, but was for the first time reserved in 1881 by Mr. Schurz, but of the line from Jacksonville to Pensacola, and the line from Amelia Island to Cedar Key, that the reservation was allowed conditionally. On the assumption that the Legislature would authorize it, and would dispose of the land, which they never did or pretended to do under the authority of the internal-improvement act.

EXECUTIVE OFFICE, *Tallahassee, Fla., July* 11, 1881.

SIR: I have the honor to certify that the railroad from Waldo to Ocala, in the State of Florida, being a part of the line of railroad from Amelia Island, on the Atlantic, to the waters of Tampa Bay, specified in the act of Congress approved May 17, 1856, and entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," has been completed, and is in actual operation, and that said railroad from Waldo to Ocala is of a continuous length of 44.88 miles.

I have the honor to be, very respectfully,

[SEAL] W. D. BLOXHAM,
Governor of Florida.

Attest: JNO. L. CRAWFORD,
Secretary of State.

Hon. SECRETARY OF THE INTERIOR, *Washington, D. C.*

EXECUTIVE OFFICE, TALLAHASSEE, FLA.

To the honorable Secretary of the Interior of the United States, Washington, D. C.:

I have the honor to certify that 26 miles 520 feet of railroad, commencing at Ocala, in Marion County, State of Florida, and running southwardly toward Tampa Bay, the same being a part of the line of railroad designated in the act

of Congress approved May 17, 1856, entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," to run from Amelia Island, on the Atlantic, to the waters of Tampa Bay, with a branch to Cedar Key, on the Gulf of Mexico, are completed, and that the said 26 miles 520 feet of railroad is owned and operated by the Tropical Florida Railroad Company.

In testimony whereof I have hereto set my hand and caused the great seal of the State to be hereunto affixed at the capitol at Tallahassee, this 5th day of August, A. D. 1882.

[SEAL.]

W. D. BLOXHAM,
Governor of Florida.
JNO. L. CRAWFORD,
Secretary of State.

I now print here in connection with these letters an official letter from Mr. Hendricks, Commissioner of Public Lands of the United States, to show that at the time this grant of 1856 was made, one year and four months after the internal-improvement act was passed, on the 5th of January, 1855, in which he states that at the request of Mr. Yulee, then Senator, and president of the Florida Railroad Company, he has informally and provisionally, in anticipation of the State's legislative action, withdrawn the lands along the line of the routes designated in the internal-improvement act, including the route from Amelia Island to Cedar Key, but had not withdrawn the land from Waldo to Tampa. It appears from this letter that Mr. Yulee did not even ask for the withdrawal of the land from Waldo to Tampa, and with the letter of Mr. Joseph Wilson, Commissioner of the General Land Office, it shows the decision of the General Land Office that the grant could only be located and the lands disposed of by the action of the Legislature of the State.

GENERAL LAND OFFICE, *May* 20, 1857 (1856).

SIR: I have the honor to herewith inclose the copy of "An act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States, approved May 17, 1856."

On the 17th instant telegraphic dispatches were sent from this office, at the request of Senator Yulee, of Florida, to the several land offices in Florida and Alabama, withdrawing all the lands from sale and location, within the probable limits of 15 miles on each side of the several railroads named in the act, except the part of the road terminating at Tampa, and on the same day instructions were transmitted by mail to the land offices at St. Augustine and Newmansville, giving a list of the townships to be withheld for the said railroads from Fernandina to Cedar Keys, according to the route furnished by Mr. Yulee.

The first thing to be done, if not already effected, is to locate the several roads and transmit, duly certified under seal of the State, separate connected maps thereof to this and the proper local land offices, each showing the actual location of the road and its connection with the lines of the public surveys, on a convenient scale, say one inch to the mile, and it will be sufficient if only one section on each side of the road be shown.

On the receipt of the maps of final location at this office, the routes will be laid down on the township plats, as also the 6 and 15 miles lateral limits, and lists prepared without delay of the vacant and sold lands within 6 miles, also such lands as are found not to fall within 15 miles, the prescribed limits of selection, can at once be relieved from suspension and returned to market.

As the title of the State will vest in the alternate sections within 6 miles of the roads, from the date of filing the maps at the local land offices, and also the "right of way" under the general law of the 4th of August, 1852, from the date of filing the same in this office, the importance of early compliance with these requisitions, as well as the accuracy in showing the tracts actually cut by the routes, will be seen.

A similar communication to the above has this day been made to the governor of Alabama relative to the grant falling in that State.

I am, very respectfully, your obedient servant,

THOMAS A. HENDRICKS,
Commissioner.

His Excellency JAS. E. BROOME,
Governor of Florida.

GENERAL LAND OFFICE, *August* 13, 1856.

SIR: I have the honor to acknowledge the receipt of your communication of the 2d instant, and of the certified maps of the adopted route of the Florida portion of the Pensacola and Montgomery Railroad therewith transmitted, which I have to inform you has been placed on file in this office for further action whenever the duly authorized agent of the State shall present himself to co-operate with this office in the adjustment of the grant, as suggested in the communication of the Commissioner to you of the 20th of May last. In the mean time the line will be laid down upon the official plats of this office as heretofore promised.

In reply to your request to annex a copy of the act with explanations of the duties which attach to the governor of the State, according to one construction of the law, I beg leave to refer to the printed copy of the act heretofore sent, there being no extra copies in this office, and to make the following suggestions: After the State Legislatures shall have accepted the grant, a copy of the law, together with any other acts of the State for incorporating or constituting the railroad companies to which the grant may be turned over, on which subject, it is understood at this office, that the State has legislated prospectively in reference to lands which might be granted to the State by the United States. The particular routes now described in the act of Congress should be immediately transmitted to this office, certified under the seal of the State.

Of course it will depend on the condition of the transfer from the State to the companies as to what duties, if any further than transmitting certified copies of the laws, may devolve on the Executive, and until such legislation is had those duties can not be defined. But it will be observed that the law of Congress, which is our only present guide, makes the grant direct to the State of Florida, placing it, however, at the disposal of the State Legislature, and authorizing the selections to be made by any agent or agents, to be appointed by the governor under it; therefore any action of the companies had now can only be recognized through the governor; hence the necessity of attaching the seal of State to the maps of the roads, to give them a binding effect under the law, which is important, as they constitute the basis of adjustment.

The appointment of an agent for the adjustment of such grants has usually been left to the companies. It is therefore respectfully suggested that such appointments be made in the present case by the companies, and be approved and transmitted to this office by the governor, which would be in accordance with the word of the act of Congress above quoted.

It will afford me great pleasure to answer any inquiries, if in power, and to make such further suggestions as may be considered necessary, with the appointment of the proper agent or agents. In the mean time I respectfully request that the maps of location of the several roads may be forwarded to this office with as little delay as practicable, in order that the lands not needed for the grants may be relieved from suspension, and such additional withdrawal of lands as found necessary may be made for the Tampa Bay main stem, for which no land has been withdrawn for the want of the sketch of the route.

I am, very respectfully, your obedient servant,

JOSEPH S. WILSON,
Acting Commissioner.

His Excellency JAMES E. BROOME,
Governor of Florida.

The internal-improvement act of Florida, under the twenty-first section of which this claim is made, contains these provisions, all of which must be considered:

SEC. 5. The several railroad companies now organized or chartered by the Legislature or that may hereafter be chartered, any portions of whose routes as authorized by their different charters and amendments thereto shall be within the line or routes laid down in section 4, shall have the right and privilege of constructing that part of the line embraced in their charter in giving notice to the trustees of the internal improvement fund of their full acceptance of the provisions of this act, specifying the part of the route they propose to construct, and upon the refusal or neglect of any railroad company now organized to accept, within six months from the passage of this act, the provisions of the same, any other company duly authorized by law may undertake the construction of such part of the line as they desire to make, and which may not be in progress of construction under a previous charter.

Hence in six months from the date of the act, in January 5, 1855, they were required to give notice of acceptance to the trustees, but this was not all that was required for the purpose of the act. The building of a railroad could not be carried out by giving notice of their acceptance of the act, and failing to perform the provisions of the act, and thus keep the Legislature from authorizing other companies to build the road, and thus prevent the provisions of the act from having effect in building the railroad; hence the act provides, in the eighth section, "that before any railroad company shall be entitled to the provisions of this act, said railroad company shall first grade continuously 20 miles according to the following specifications:

But the company might accept and might also grade continuously 20 miles, and yet the route it should take to the terminal point be unlocated and indefinite; therefore before it could exclude any other company from building a lateral road over the same route it must do something more. It was provided by the twentieth section:

That after the routes indicated have been actually surveyed and adopted, and a plat thereof deposited in the office of the secretary of state, it shall not be lawful for any other railroad to be built, cut, or constructed in any way or manner, or by any authority whatever, running laterally within 25 miles of the route so adopted.

Up to the time of accurate survey, adoption, and filing of the plat in the office of the secretary of state it was lawful for any other company to build a line laterally over the same route within 25 miles, and being so lawful in the opinion of the attorney-general and the legislature and the governor, it was not intended by the act that if such other company should build such lateral road over the same route to the same termini that the benefits of the act should be given to the dilatory and defaulting corporation which had not surveyed accurately and adopted and filed a located line.

Hence, in December, 1858, there were three things necessary to have been done before that time by the Florida Railroad Company, even if, under its charter, it had the right to build to Tampa and Cedar Key, to acquire a right to the benefits of that act for the line or any part of it from Waldo to Tampa, so as to constitute a valid and lawful acceptance.

First. Notice of acceptance to the trustees of the internal-improvement fund, the governor, the attorney-general, the comptroller, the treasurer, and the register of public lands of the State.

Second. Grading 20 miles on the line from Waldo to Tampa.

Third. Making an accurate survey, adopting it, and filing a plat thereof in the office of the secretary of state.

These three things constituted the valid legal acceptance of the act.

Another essential thing was required. The route was to be a main line from Amelia Island to Tampa Bay, with an extension to Cedar Key. The building of a line of road to Cedar Key with an extension afterward to Tampa was not a compliance with the provisions of the act. In December, 1858, the governor and the Legislature declared that the Florida Railroad Company had not accepted the provisions of the act, and that the route from Waldo to Tampa was not under construction, and granted the rights and privileges of the act to another company. If it was competent for the Secretary of the Interior, twenty-three years after the act and after acquiescence in it by the Florida Railroad Company until 1875, nine years after the act of May, 1856, had expired, and nine years after the Florida Railroad had been sold under this internal-improvement act as a completed road, what evidence is there that the Florida Railroad Company before December, 1858, had given notice of their acceptance of the provisions of the act, and had graded 20 or 10 miles of the road from Waldo to Tampa, and had accurately surveyed, adopted, and filed a plat of their route from Amelia Island to Tampa?

On the 3d of January, 1860, five years from January 1, 1855, less two days, F. L. Vellipigue, secretary of state of Florida, certifies that "on *this* day a map of the location of a portion of a railroad between the points of Amelia Island and Tampa Bay," which is being constructed by the Florida Railroad Company, * * * to the town of Ocala, the total length of said located road being 44.88 miles," was *that* day filed. Given under his hand and the great seal of the State.

Here is the evidence under the great seal of State, that five years after

the passage of the act the road was for the first time located, not to Tampa, but 44 miles to Ocala.

This is conclusive evidence, taken in connection with the presumption of law arising from the governor and the State's legislative act that the provisions of the internal-improvement act had not been accepted in the sense of the law, and that no part of the line from Waldo was under construction in 1858; and that no part of it was either being built or could be built under the internal-improvement act by the Florida Railroad Company, but that it had commenced this part of the road under its general charter. The road to Ocala, not to Tampa, 44 miles, was then for the first time located and a plat filed, two years after the Legislature had declared their right not to have attached, and had granted all the benefits of the act to the Florida Peninsular Railroad Company.

The affidavit of Mr. Yulee, made on April 3, 1856, does not allege that in 1858 or in January, 1860, any part of the road from Waldo to Tampa had been graded, and the act says:

Before any railroad company shall be entitled to the provisions of this act such railroad company shall first grade continuously 20 miles.

The evidence, then, under the great seal of the State conclusively proves the fact as stated by the governor and acted on by the Legislature in the passage of the act incorporating the Florida Peninsula Railroad Company in 1858 and granting to it the benefits of the act of internal improvements and denying the benefits of the act to the Florida Railroad Company. On what ground, then, can the sovereign legislative power of the State to enact this law granting the benefits of the act to the Florida Peninsula Railroad Company be questioned or denied? On what ground of reason can any one deny the legislative power of the State in this act, standing as it does unrepealed, but re-enacted in the joint resolution of 1868 denying the benefits of the twenty-first section of the act of internal improvement to the Florida Railroad Company?

How can any reasonable person maintain that any Secretary of the Interior can annul and set aside a law of the State and dispose of a grant to the State in a different manner and to a different person from that designated by the State? And when the State by legislative action disclaims any interest in the grant and places it at the disposal of Congress, how can the Secretary of the Interior invalidate her act and how can Congress declare that the State was mistaken in her knowledge of her rights? Suppose she was, does that invalidate the law? And can the Interior Department or Congress release a corporation in the State of Florida from obedience and subjection to her legislative will and power?

But let us suppose, for argument sake, that the Florida Railroad Company had complied and given notice of acceptance of the provisions of the internal-improvement act for the route from Waldo to Tampa, and had graded 20 miles continuously, and had filed a plat of the survey of the route actually made and adopted, what then if it did not complete the road to Tampa in eight years? What then if it stopped and proceeded no further, and did not build a foot of the road, but waited from July, 1855, until 1881 without building any railroad. Is that complying with their contract, to delay performing it for twenty-one years? What if the State has repeatedly and continuously given the right and authority to other companies, and given them the lands which once constituted this trust, has the Secretary of the Interior or Congress the right to step between the State and her defaulting corporations and citizens and annul her laws?

In 1858 the State refused to allow the Florida Railroad Company the benefits of the improvement act and of this grant, so far as the internal-improvement act had anything to do with it, and granted it, so far as the internal-improvement act was concerned, to the Florida Peninsula Railroad Company. In 1868 the State again denied it, no road being then built, both to the Florida Railroad Company and all other companies then chartered.

In 1869 the State authorized the issue of money bonds to any railroad company who might be authorized under a charter from the Legislature, all the lands of the internal-improvement fund having been attached, under the decree of the circuit court, for the debts of the old Florida Railroad Company and its new purchasers. The Florida Railroad Company took the bonds, as I am informed, and failed to sell them, and failed to build an inch of the road from Waldo to Tampa.

In 1870–'72 the Legislature limited the Florida Railroad Company to two years to complete the road to Tampa, on condition of forfeiture of the right of way, and it failed to build an inch of the road in two years. In 1881 the State incorporated the Tropical Peninsular Railroad Company, and gave them ten thousand acres to the mile of the swamp and overflowed land and the alternate sections of the same, and it failed to build an inch of the road; and yet in the face of these facts in the public laws of the State running through so many years, and so many acts of the exercise of unquestioned legislative power, the audacious fraud of a pretended right to this grant of May, 1856, conferred by the State in this company is asserted in the Interior Department in 1881, and allowed by Secretary Schurz, without any investigation or any consideration or any knowledge of the facts. These important facts are not even alluded to in the Executive Document 91, Forty-eighth Congress, first session. Now let us recapitulate the facts.

Charter of incorporation of Florida Railroad Company to build railroad from Amelia Island, in Atlantic Ocean, to some point on Gulf of Mexico, south of the mouth of Suwannee River, having a harbor and depth of water for a sufficient outlet for sea-going steamers in 1853. Amendment to charter in December, 1855, allowing Florida Railroad Company to construct a main line of railway from Amelia Island to Tampa Bay, with an extension to Cedar Key, under internal-improvement act of January, 1855. Internal-improvement act of January 5, 1855. To build lines of railroad from Saint John's River to Escambia Bay—that is, Jacksonville to Pensacola—and from Amelia Island to Tampa Bay, with an extension to Cedar Key.

This act conveys all the swamp and overflowed lands granted in the act of 1850 to the State; also all the internal-improvement land granted by the act of admission and previously to the governor, treasurer, comptroller, attorney-general, and register of State lands as *ex officio* trustees to sell the same and pay the interest on the bonds of certain lines or parts of lines of road.

The act also in its twenty-first section promises to give the benefits of any land which shall thereafter be granted by Congress to the State for internal improvement to the railroad as authorized by the act which should accept its provisions and build the designated roads subject to all the conditions and requirements of the act of Congress.

The act of incorporation of December, 1858, of the Florida Peninsula Railroad Company authorizes that company to build the road from Waldo to Tampa, and gives to them the benefits of the internal-improvement act and of the second section.

The message of the governor in 1858 and the proceedings of the Legislature, as evidenced by the governor's message and the opinion of the attorney-general, deny to the Florida Railroad Company the benefits of the internal-improvement act of 1855 and of the twenty-first section. On the 3d of December, 1856, Thompson B. Lamar, chairman of senate committee on internal improvements, reported that legislative action by the State of Florida was necessary to give any railroad company the benefits of the grant of May 17, 1856, and that the twenty-first section of the internal-improvement act is not sufficient hereunto.

The report was adopted, and the two houses passed an act giving the Alabama and Florida Railroad Company the benefits of the grant of May 17, 1856.

No legislative action has ever been had giving the other companies or the Florida Railroad Company the benefits of this grant.

In 1868 the State passed a joint resolution declaring that the requirements of the grant had not been complied with, and the roads had not been built, and asking Congress to pass an act for the renewal of the grant on condition that the Florida Railroad Company and the Peninsula Railroad Company should not have the benefit of the grant.

In 1866 the Florida railroad was seized and sold under the trustees of the internal-improvement fund as a completed road. In 1868 the internal improvement lands were attached under decree of the United States court for the debts of the Florida Railroad Company, and the claim to this grant is made through the alleged right of the stockholders and contractors of that company, who purchased the road when it was sold for their default in paying their own debts and obligations incurred in its construction.

From this time the trust ceased, and the lands of the trust have been given away by the State Legislature for the construction of other lines of railway on other and different routes; and the act which declares that a line of railroad from Waldo to Tampa and a line from Chattahoochee to Pensacola are objects of internal improvement to be aided in the manner hereinafter provided has been repealed by other and inconsistent acts which are now the law, which act gave away to other lines and other routes all the trust fund.

In 1869, on the 11th June, the Legislature of Florida passed an act incorporating the Jacksonville, Pensacola and Mobile Railroad Company in order to secure the speedy completion of a line of railway from Jacksonville on the Atlantic coast and Pensacola on the Gulf coast.

Section 4 gives the exclusive authority for twenty years to this company to build a line of road over this route—being from the terminus of Pensacola and Georgia road, at Quincy, to a point on the Pensacola and Louisville road north of Pensacola, and thence in the direction of Mobile.

Ninth section. The governor of the State is directed to deliver to the president of said company coupon bonds of the State to an amount equal to $14,000 per mile of the estimated length, the State to receive a mortgage on the road for the same.

The twenty-fifth section of the act provides that for the purpose of completing that part of the line of railroad from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida, provided for in the act of July 6, 1855, "it shall be lawful for any corporate company which may have or acquire the right to construct the same to execute and deliver to the governor of the State of Florida for the time being a deed of trust carrying all the rights, franchises, and privileges of said company * * * and issue bonds of the company for $14,000 a mile having thirty years to run or to be delivered as each 10 miles is completed, said bonds to be indorsed by the governor and collected by him."

This act also failed to accomplish the building of the railroad from Waldo to Tampa or from Chattahoochee to Pensacola. The bonds were issued for both lines in violation of the provisions of the act and delivered and no part of either line built. Four millions of State bonds

for the Jacksonville, Pensacola and Mobile Railroad Company were sold in Germany, and the supreme court of the State declared them void. The bonds for the Waldo and Tampa line were not sold. The Florida Railroad Company having accepted the provisions of the act of 1869 and having the right under its original charter to go to Tampa, in 1870 the Legislature of the State of Florida passed the following act:

SECTION 1. That the Florida Railroad Company is hereby required to commence operations on the construction of the road, commencing at a suitable point on their present line of road and running southward to some point on the Gulf coast, within twelve months next succeeding the passage of this act, and to complete said road as far south as the town of Ocala, in Marion County, within two years from the date of this act. That in case of failure of said company to comply with the provisions of this act all exclusive right of way between said road and Tampa Bay heretofore granted to said Florida Railroad Company shall cease to exist.

At the extra session, June 9, 1870, the Legislature passed the following act:

That the said railroad—

That is, the Jacksonville and Pensacola Railroad Company—

shall, within five years from January, 1870, complete the road, otherwise all chartered rights vested by this act—

Being act of 1869—

shall be forfeited to the State.

Neither road was even commenced by 1875.

In 1881 the State of Florida granted a charter of incorporation to the Pensacola and Atlantic Railroad Company to build a railroad from Chattahoochee to Pensacola, Fla., and granted them 23,600 acres to the mile of the swamp and overflowed land grants and the internal-improvement grant given the State on her admission; and in the act, section 16, provided as follows:

That the State of Florida hereby grants to the said company, its successors and assigns, all powers and privileges and all the title and interest of the State in and to the lands granted by an act of Congress, approved May 17, 1856, entitled "An act granting public lands in alternate sections to the States of Alabama and Florida for the construction of certain railroads," so far as said lands lie along the proposed railroad from the Apalachicola River to the waters of Escambia Bay, for the uses and purposes mentioned in said act of Congress, and upon the completion of each and every section of 10 miles of said road all the right, title, and interest of the State in the alternate sections granted by said act shall vest in said company.

This railroad was built in the time required by the act.

In 1856 the Senate committee reported that legislation by the State was necessary to dispose of the State's rights to this grant, and the Legislature granted the alternate sections from Pensacola to the Alabama line to the Alabama and Florida Railroad Company.

In 1858 the governor in his message informed the Legislature that no disposition had been made by the State of the grant to any other company, and stated that he had asked for lists of the land from Jacksonville to Escambia Bay and from Waldo to Tampa that he might lay them before the Legislature for their disposal.

This was never done.

No other action was had by the State until 1868; the State declared that the act of Congress had not been complied with, and that it had expired, and asked Congress to revive it.

No location of the land under the grant to the State by authority of the State was ever made, and none ever communicated to the Legislature or acted on by them. Lists were made by the Pensacola and Georgia Railroad Company, but that corporation never built a foot of the line from Chattahoochee to Pensacola and became a defunct corporation under the laws of the State; hence in 1881, twenty-five years after the grant was made and fifteen years after it had expired, no location had ever been made under it up to that time, and none has been made up to this time. The grant is still a part of the public domain. It was not possible for the State to dispose of it, for no title ever vested in the State, and neither a location of the road by any authorized company or any building of the road was ever done until after the grant had expired.

In 1881 the State by act of the Legislature incorporated the Tropical Peninsular Railroad Company, and by section 2 provided that the said company shall have the right and privilege to construct and complete a railroad from a point in Marion County at or near Ocala, at the terminus of the Peninsula Railroad, via Leesburg and Sumterville in Sumter County, and Brooksville in Hernando County, to the city of Tampa, and section 4 donated to it the alternate sections of the swamp and overflowed land grant for 6 miles on each side as each 6 miles was completed; and also granted 10,000 acres to the mile as each 6 miles was completed, and required it to commence in one year and be completed within four years.

It will be thus seen from the above acts that the Legislature of Florida never gave by any act or in any form any rights in this grant to the Florida Railroad Company from Waldo to Tampa; that it never has given by any act, deed, or word to this day any of the lands of this grant from Waldo to Tampa to any corporation; that the lands were never located, and have never to this day been located, under the authority of the Legislature; that the Legislature denied the right of the Florida Railroad Company; that the Legislature commencing in 1858, before any road was commenced from Waldo to Tampa, gave all the benefits of the internal-improvement act to another corporation; that it has made numerous grants of charters of incorporation with the aid of the swamp and overflowed lands, and with State bonds to different companies, who failed to build the road for twenty years, never claiming any interest under this grant of 1856 of the lands from Waldo to Tampa. That by express provision of law in 1870 it limited even the exclusive right of way of the Florida Railroad Company to two years from the date of the act for the completion of the road to Tampa, which expired without a foot or an inch of the roads being built.

All these acts were manifestly inconsistent with and repugnant to the internal-improvement act of 1856, and repealed the same in these respects.

I will now show that under the act of Congress the Legislature had no power to make any disposition of the lands from Waldo to Tampa, and that even if the second section of the internal-improvement act had become operative for the benefit of the Florida Railroad Company as to the lands from Waldo to Tampa, no estate or title could have vested in the Florida Railroad Company, or its successor. The act of May 17, 1856, contains these words in section 1:

Provided further, That the lands hereby granted for and on account of said roads and branch severally shall be exclusively applied to the construction of that road or branch for and on account of which said lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatever.

Now, the grant expired before this work on the part of the line ever commenced or progressed, hence until 1879, thirteen years after the grant expired, the State could not have disposed of them, because the work had not progressed nor been commenced in twenty-three years.

In section 3 it is provided that the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof for the purposes aforesaid and no other. The Legislature alone could dispose of them, and the Legislature not only did not ever dispose of them to the Florida Railroad Company, and not only refused to dispose of them to the Florida Railroad Company, but if the Legislature had given them to the Florida Railroad Company the disposal would have been invalid and forbidden by the act.

SEC. 5. That the lands hereby granted shall be disposed of by said State only in manner following; that is to say, that a quantity of land not exceeding one hundred and twenty sections for each of said roads and branch, and included within a continuous length of 20 miles of each of said roads and branch may be sold. And when the governor of the State shall certify to the Secretary of the Interior that 20 continuous miles of any or either of said roads or branch is completed then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads or branch having 20 continuous miles completed as aforesaid and included within a continuous length of 20 miles of each of such roads or branch, may be sold, and so from time to time until said roads are completed. And if any or either of said roads or branch is not completed within ten years no further sales shall be made, and the lands shall revert to the United States.

The State never sold or authorized the sale of any of these lands nor could it dispose of them, for she was prohibited from disposing of them "only as the work progresses," and the work never did progress. In 1879–'80, thirteen years after this grant had expired, twenty-three years after the Legislature of the State, which, alone by the terms of the act of Congress of May, 1856, could dispose of these lands, had refused to dispose of them to the Florida Railroad Company—fifteen years after the eight years required in the internal-improvement act for the completion of the road to Tampa—ten years after the Florida Railroad had forfeited even an exclusive right of way from Waldo to Tampa—twenty-five years after the Legislature had incorporated the Florida Peninsula Railroad Company to build the line from Waldo to Tampa because of its neglect and refusal, as the attorney-general said, to come within the conditions and obligations of the laws of which the Legislature was the sole judge—after the sale of the trust fund and the determination of the trust and the repeal of the law by the passage of new enactments inconsistent with and repugnant to it—after the charter of the Florida Peninsula Railroad Company by the Legislature in 1858 and the act to perfect the public works of the State in 1869, and the limitation in the act of 1872 to two years for the completion of the road to Tampa and after the charter of the Tropical road company in 1881—after the building to Tampa of the South Florida Railroad with the lands of the internal-improvement fund, without a single foot of road built towards Tampa in all this twenty-five years—the persons who had bought the Florida Railroad and its franchises when it was sold to pay their debt—the same persons for whose debts the proceeds of sale of the school lands of the State had been used, and for the payment of whose personal debts and obligations four millions of acres of the swamp and overflowed lands of the State had been sold, the same persons who in the name of the Jacksonville, Pensacola and Mobile Railroad Company and the Florida Railroad Compay, consolidated under a general act of incorporation as the Florida Railroad and Navigation Company, have created an indebtness of $18,000,000 on these railroads, appear in the General Land Office and perpetrate this barefaced and audacious fraud.

Suppose the Florida Railroad Company had accepted the internal improvement act, and that the twenty-first section was operative, can there be any doubt that failing to build the road, the State could charter other companies to do it, and that in the lifetime of the grant the State could have given it to any other corporation, subject to the conditions and limitations of the act?

The pretexts on which the fraudulent claim is based that the State through its Legislature ever gave the benefit of this grant from Waldo to Tampa to the Florida Railroad are irrational even to the extent of childish absurdity, and are a disgrace to the Government and to Congress. They are as follows:

First. That the twenty-first section of the internal-improvement act

of Florida promised that if the United States should grant land to the State for internal improvement the State would give it to the companies authorized by the act.

Second. That the Florida Railroad Company was authorized by the internal-improvement act.

Third. That a location of the grant was made by the filing of a map without the governor's certificate in 1860.

Fourth. That the location of land under this grant by the other companies authorized by this act was made by the General Land Office by the filing of a map of their several routes, with the approval of the General Land Office.

Fifth. That the Florida Railroad commenced to grade the line from Waldo to Ocala in 1860, or before the war.

Sixth. That the war interrupted them.

Seventh. That the Secretary of the Interior refused to recognize their right to this grant of January, 1856, in 1875, and they were thus delayed until 1881 in commencing it.

These are the several propositions on which their claim is based. If they were true, which they are not, no rational person will say that either separately or collectively they maintain the proposition that the Legislature disposed of the grant to the Florida Railroad; or, second, that the Legislature disposed of it to the Florida Railroad Company only as the work progressed; or, third, that the Legislature authorized the location of the grant or the route; or, fourth, that the governor certified any lists or any completion of any part of the line; or, fifth, that the Florida Railroad Company ever built any road on the line from Waldo to Tampa; or, sixth, that it built any road from Waldo to Tampa in the eight years required by the act; or, seventh, that the internal-improvement act did not cease to have force by its repeal and by the passage of other repugnant and inconsistent enactments.

The claim of the validity of the right of the Florida Railway and Navigation Company to this grant is quite as unreasonable as it would be for the Interior Department to formally decide that two and two did not make four, but that it made ten, and for the Senate to sustain it in this deduction. The act of May 17, 1856, grants to the State the alternate sections for 6 miles on each side of a line of road built from Jacksonville, on the Saint John's River, to Escambia Bay, at Pensacola, and a line of railroad built from Amelia Island to Tampa Bay.

The road must be built, not laid out, before any right can attach to the land, for the act says the State can dispose of them "only as the road progresses," and if no road is built there can not be any "land for 6 miles on each side" of a railroad that does not exist.

This act of May 17, 1856, requires the railroad to be built in ten years from the date of the passage of the act; here is a claim to land made twenty years after the time limited in the act for building the road, on the ground that they are 6 miles on each side of a road that was never built and is not now built, and which there is no charter to build.

The fact was that the Pensacola and Georgia Railroad Company was chartered under several acts to be built from Jacksonville to Pensacola before 1855, and was required by the internal-improvement act to be built in eight years, but the eight years expired and the road was not built for any part of the line from Chattahoochee to Pensacola. The Pensacola and Georgia Railroad Company selected the lands for 6 miles on either side of the road that was not built, and became defunct without building the road. The State did not select the land nor approve the selection, and could not do so under the act; and in 1881, and fifteen years after the act expired, the claim is that she can give the land selected by a railroad company 6 miles on each side of a railroad that was not built.

If the Pensacola and Atlantic Railroad Company could take under this grant to the State fifteen years after the grant expired, it will have to be of land for 6 miles on either side of the Pensacola and Atlantic Railroad Company, and the road actually built after 1881-'82, and the land will have to be selected under the direction of the governor and be approved by him. They certainly can not take land certified without the governor's approval and without the Legislature's disposal, and in violation of the express terms of the act to the Pensacola and Georgia Railroad Company, which was never built and where there is now no railroad.

It would seem that it ought to be too plain to need any argument—

1. That there is no such land as that described in this grant, namely, the alternate sections for 6 miles on either side "of a railroad not built."

2. That the Pensacola and Atlantic Railroad Company can not claim under a grant from the State made in 1881, fifteen years after the State was by law prohibited from making any disposal of the land under the grant, the alternate sections for 6 miles on either side of the Pensacola and Atlantic road, then for the first time to be selected from the public domain, in violation of the rights of actual settlers and in violation of the express terms of the act of May 17, 1856; but no such selections have been made and this whole claim is for the alternate sections of the line projected, and not built, by the Pensacola and Georgia Railroad Company.

As to the line from Waldo to Tampa the claim is that the Florida Railway and Navigation Company, incorporated after 1881, under the general incorporation law of the State, became the owner from the Florida Railroad Company, of the land for 6 miles on either side of a line of road from Waldo to Tampa, which the Florida Railroad did not build, and which was never selected or located, and for the first time reserved from entry by Mr. Schurz, Secretary of Interior, in 1881, fifteen years after the act expired, and which is not to-day being built on any line from Waldo to Tampa, but from Waldo to Plant City, where it makes a junction with the South Florida Railroad from Sanford to Tampa. The letter of the governor of the State, herewith filed, states that in 1882 the road from Waldo to Tampa was owned by the Tropical Railroad Company, but the Florida Railroad Company, which was created in 1881, and aided by a grant from the State of 13,600 acres of the swamp and overflowed lands, but which has no grant from the State, but rests its right to dispossess the citizens of Florida of their homes and their rights under the homestead law on the ground that they are the successors of the Florida Railroad Company, and have the right under this act of Congress to the "alternate sections for 6 miles on either side of the railroad" which the Florida Railroad Company did not build and which they never claimed or selected or located. The letter from Hon. M. S. Perry, governor of Florida from 1856 to 1860, conclusively proves that this grant was never located and no selections ever made by the governor of the State or by authority of the Legislature, and therefore that it is within the express language of the decisions of the supreme court a case where no estate, right, title, or interest ever vested under the grant, a selection and location by the governor under authority of the Legislature being a condition precedent to the vesting of any right, title, or interest.

EXECUTIVE CHAMBER, *Tallahassee, November 3, 1859.*

SIR: I have noticed a paragraph going the rounds of the papers to the effect that certified lists have been issued by your department for the lands lying along the line of the Florida, Atlantic and Gulf Central Railroad, being a portion of the land inuring to this State conditionally under the Congressional act of May 17, 1856. Mr. Wells, the land agent of the State and agent for the Florida, Atlantic and Gulf Central and Alabama and Florida Railroad Companies, informs me that he has only received the certified lists for lands to which the Alabama and Florida Railroad Company are entitled by virtue of the Congressional act of May 17, 1856, and the act of the State Legislature of December 27, 1856; that when he left Washington he understood it to be the opinion of your department that the certified lists could not issue to the companies direct for lands to which they may be entitled for the obvious reason that the grant being a grant in entirety to the State of Florida "subject to the disposal of the Legislature thereof for the purposes aforesaid," your department could not recognize third parties to whom no assignment had been made by the State.

In this view he concurred, and did not ask for certified lists from your office for lands which the Florida, Atlantic and Gulf Central Railroad will be entitled to receive from the State. By the act of the Legislature dated December 27, 1856 (which I herewith inclose), the State of Florida accepted the lands granted to her upon the terms, conditions, and restrictions imposed in the Congressional act of May 17, 1856, and by the second section of the same act disposed of that portion of it to which the Alabama and Florida Railroad Company are entitled and have received.

The Legislature has as yet made no further disposition of the lands inuring to this State under the Congressional act of May 17, 1856. That body will again be in session within the present month, when they will undoubtedly make such disposition of these lands as in their wisdom they deem proper. In the mean time I request that the adjustment of the grant to the State may be brought to as speedy a conclusion as the labors of your Department will permit, and that lists of the lands be made out in the name of the State and forwarded to me that I may lay the matter before the proper body for disposition as provided for by the third section of the act of Congress of May 17, 1856, making the grant.

Very respectfully, your obedient servant,

M. S. PERRY.

Hon. THOMAS A. HENDRICKS,
Commissioner of the General Land Office, Washington city, D. C.

Levees on the Banks of the Mississippi River.

SPEECH
OF
HON. J. FLOYD KING,
OF LOUISIANA,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, March 3, 1887,

On the bill (H. R. 4937) for closing the gaps in the levees on the banks of the Mississippi River, and for locating, strengthening, and giving permanency to the same.

Mr. KING said:

Mr. SPEAKER: The Committee on Levees and Improvements of the Mississippi River had before it for several months the pending bill, and after the most searching examination of all the authorities and all the facts bearing upon the subject unanimously recommend its passage.

Sir, silt-bearing streams, flowing through alluvial deposits, have certain fixed laws, conditions, and tendencies, which govern them under all circumstances. Of the governing tendencies, the most frequent—and at the same time the most disastrous to navigators and to dwellers on the river-banks—is the aptitude of the stream to burst through its shores, or to overflow them, and thus to injure navigation and, for a time at least, to destroy agriculture.

Various plans have been devised for the prevention of these irruptions, but the careful and laborious researches of scientific experts who have made a life study of this important question have, in almost every case, resulted in recommendations to permanently confine the stream, not only by building artificial boundaries, but by assisting na-

ture herself to repair the damage she has done, and by taking advantage of the operations of her laws to insure their not being broken in the future.

Thus, the plan of constructing jetties and levees to confine the flood volume has recommended itself to the most eminent experts, and has been adopted by the present Mississippi River Commission. It is true that other and less effective schemes have for a time occupied the attention of that eminently respectable body, but the result of these later experiments has not been such as to induce to their further prosecution.

The amount asked for by this bill is small indeed, if the object it has in view will secure to the people of the Mississippi Valley, the United States, and the commercial world—safety to the first in the cultivation of their lands, sure and rapid transportation of their products to the second, and certain and secure water communication for ports on the river with all other commercial ports for all. To prove that a judicious expenditure in the line of levees will do this I will offer a few arguments and facts.

First of all, let me state here, broadly and specifically, that that greatest of the world's geniuses, James B. Eads, the foremost of the men of science in magnificent works of engineering, he who has spanned the Mississippi with his marvelous bridge at Saint Louis, explored its depths in marine armor, controlled its outlet to the sea, and made it navigable for the largest steamships of the world—Eads, who projected the wonderful marine railway for the transfer of ships of the most stupendous size and burthen from ocean to ocean across the American isthmus—declared, when a member of the Mississippi River Commission, and since, by publications and by arguments before committees of both bodies of Congress, that levees are of primary importance to the improvement of the Mississippi River and for the prevention of destructive floods.

Mr. G. R. W. Bayley, an eminent civil engineer, who gave much intelligent study to this subject, said (in his paper read before the American Society of Civil Engineers, "Transactions," No. CXXI):

> There is no evidence that the normal flood-line of the Mississippi River from Red River to the Head of the Passes (except where affected by cut-offs) is a fraction of an inch higher now than in 1717, before the commencement of the levee system, but there is evidence that it is not higher.

Messrs. Harrod (civil engineer) and Suter (military engineer), a committee appointed by the Mississippi River Commission to investigate this subject, declare, after a careful examination as to facts of both history and conditions, that "the building of levees, originally undertaken for reclamation only, has now become a question of maintaining artificially the former height of the banks to preserve navigation."

General Warren, of the United States Engineers, says:

> Obviously we cannot get the increased "scour" until we build the levees and close the outlets, so as to confine the escaping flood waters.

He also remarks that the levees should be, at the first—

> As high as if the river-bed was unchangeable, even though, when once the water was actually confined to the channel, the flood heights should afterwards, through many years of erosion, gradually diminish.

The Mississippi River Commission, while discussing the attacks upon the "levee system," propound the following pertinent questions, which can be answered only in the affirmative:

> 1. Would not the navigation of the river be most seriously obstructed if the normal banks were lowered 7 or 8 feet (as they would be by the obliteration of levees), so as to allow the dispersion of the flood waters at a stage that much lower than the height which the river established in compliance with the laws of its regimen?

The word "regimen" is here used to mean proper or orderly government.

> 2. Do not the present levees, instead of being only supplementary works built on top of the banks, stand as a part of the normal bed, giving that height of bank and maintaining that restraint upon flood waters which were established as conditions of its regimen?
>
> 3. Is not the retention of such part of the flood discharge as is now (1881) held by the levees necessary to maintain the navigation of the river in its present condition? Without these levees the most moderate floods would overtop the banks and disperse their waters through the innumerable lateral swamp-drains from bluff to bluff, with loss of velocity and consequent obstruction of the channel. (Report of Commissioners, 1881, page 125.)

General Barnard, of the United States Engineers, in a letter to De Bow's Review, as far back as 1850, says:

> The levee system, instead of favoring, as is alleged, the tendency of the bed of the river to rise, has precisely the reverse effect. By confining the waters within their limits, levees increase the velocity and abrading power of the current, causing a deepening rather than an elevation of the bed. It may be safely affirmed that the bed of the river is lower now than it would have been had no levees been made.

Again, in 1858, he writes to Mr. Bayley:

> There is but one protection for Louisiana, and that is levees. * * * The idea that levees have any tendency to cause a rising of the bed is so simply absurd, so destitute of a single reason to justify it, that it hardly seems necessary to allude to it. It is the want of levees, and that alone, which can cause such a rising.

Capt. T. P. Leathers, an old steamboat captain of great experience, testified before a committee of Congress that when he first came on the river, in 1836, the deep water was continuous only where the levees were built; and that above the levees the bars had only from 4 to 5 feet over them. When levees were built above Red River the channel began to deepen; and in 1857 there was not less than 8½ feet on bars where formerly there had been but 4. He continues, and I give his own words:

> I am convinced from my observation that if the levees were built and kept up on the low lands, the concentration of volume and consequent acceleration of current would soon wash out a channel large enough and deep enough for any purposes of commercial navigation. * * * I am confident that the only way of deepening the channel and getting reliable navigation is to concentrate the current; and if the great river accommodates itself by scouring out the bottom, there will be no necessity for higher barriers at the top, and the levees will become more solid and reliable, because relieved, in a measure, from the great pressure to which they are subjected.

(The commission, however, in the course of their investigations and experiments, have seen good reasons to recommend an increase in the heights of levees above what was formerly considered sufficient, rightly judging that in this, as in other cases where great interests are involved, "an ounce of prevention is worth a" million pounds of cure.)

In the report of the Mississippi River Commission for 1881, page 11, we find the recorded opinion up to that date:

> There is no doubt that levees exert a direct action in deepening the channel and enlarging the bed of the river during the periods of "rise" and "flood," when, by preventing the dispersion of the flood waters over the adjacent lands (either over the river banks or through bayous and other openings) they actually cause the water to rise to a higher level within the river-bed than it would attain if not thus restrained. * * * There is reason to believe that during the period when levees were in their most perfect condition (from 1850 to 1858) the channel of the river was better generally for purposes of navigation than it has been since that time. It is known that during the last twenty years (1861 to 1881) the levee system has been continuously interrupted by a great number of crevasses between Cairo and Red River.
>
> The immediate effect of the levees would be to increase the volume and height, and accelerate the velocity of the flood-waters between them, resulting in an erosion and deepening of the river-bed; and, ultimately, in a corresponding lowering of the flood slope in accordance with the general law, that "an increase in the normal volume of discharge in a sediment-bearing stream flowing through alluvial deposits, results ultimately in a lowering of the flood surface." It would seem, therefore, that a closure of the crevasses might be expected to accelerate the removal of the shoals which have been produced by them; and if this closure be accompanied by the requisite contraction of the channel to a more nearly uniform high water width, a lowering of the flood level may be expected.
>
> A levee system aids and facilitates the postal service by protecting from injury and destruction, by freshets and floods, the various common roads and railways upon which that service is conducted to and from the river banks, and generally within that portion of the alluvial region subject to overflow. Moreover, the permanent maintenance of a connected levee system of sufficient strength to inspire confidence would act as a prompt and powerful stimulant in rapidly developing a largely increased trade and commerce in all the productions of agricultural industry indigenous to that region, and in those branches of manufacturing enterprise relating thereto.

In their report on the Missouri River floods of 1881 Engineers Harrod and Suter say, in effect, that—

> If the floods that had been restrained by levees where necessary, and, still better, if the high-water section had been reduced to any approximately uniform and suitable width, the water surface would nowhere have surpassed, and would generally have fallen much below, the level of the present banks.

From this report and the accompanying facts submitted the commission conclude that the importance of levees in preventing such overflows applies not merely to the protection of the alluvial lands on the river bank from inundation, but also to the prevention of injurious deposits in the river-bed, which have been shown to accompany this overflow of lands.

> In a comprehensive scheme of improvements [say the commission] it is essential that the water reaching the river shall be kept thoroughly under control throughout its course, and that its action shall be so concentrated by suitable works as to insure the excavation of a water way of sufficient size to pass off any water which may arrive with the least possible elevation of flood-level. Large losses of water, either by lateral outlets or by escape over the banks, should be effectually prevented.

In November, 1880, the committee of the Mississippi River Commission, appointed to investigate the question of levees *vs.* outlets, after an exhaustive examination and discussion of the history and effects of crevasses at Cubitt's, the junction of the Mississippi, Red, and Atchafalaya Rivers and the Yazoo Bottom front, came to the final conclusion, which they supported by a formidable array of facts:

> That the direct influence of a levee system is to improve navigation and prevent destructive floods by the establishment of a regimen and the elimination of varying abnormal local conditions.

In other words, the levees act by establishing an unyielding governing power, and thereby doing away with the occurrence, from time to time, and irregularly, of accidental, unusual, or irregular movements of the waters; also, the confinement of the flood-waters within regular and permanent bounds and by artificial means, such as levees, is becoming of more importance every year, both in preserving navigation and preventing destructive floods, and has, in many parts of the river, become essential.

Mr. Henry Mitchell, assistant in the Coast and Geodetic Survey, in a report to the commission (of which he is a member), 1882, also favors the employment of levees as aids to low-water navigation. Like his brethren of the commission, and in accordance with the experience of all who have studied the history of the river, he finds the worst bars or shoals in front of the great "bottoms" or outlets, where the river has lost a great deal of its volume by the escape of the floods through gaps natural or artificial. He shows by reference to the history and condition of Cubitt's Gap (4 miles above the Head of the Passes) that "the escape of water over a waste-weir 6 feet deep has been sufficient to turn the great river from its former course at a depth of 4 fathoms"—a most significant fact, and one which, it would seem, if deposited upon

heads of the "outlet" agitators ought to cause a disappearance of them and their schemes more rapid than the transformations of the clown in the pantomime, and, we might hope, more lasting.

He further states (and for obvious reasons I do not use his own words; but those who wish may read them on pages 263–265 of the report of the commission for 1882)—he says, in effect, that a greater depth in the channel at low water must result from the establishment of levees, because their introduction, confining the waters within narrower bounds, compels the floods to greater velocity, and consequently to cut out at the bottom instead of at the sides. The bed of the river will take a new shape; instead of being wide and flat it will become narrower and sharper at the bottom, and naturally deeper, although the stream of deepest water will not be so wide.

He concludes that "the levee is a useful auxiliary to channel improvement even as now located; and, if relocated with due regard to the special office of river improvement, would be of decided benefit."

The above are opinions of eminent men based upon reason, experience, and facts. Below are given a few facts, which we select from thousands:

The Bonnet Carré Crevasse of 1850.—This great break caused the formation, in the bed of the river immediately below it, of a great shoal, which diminished the depth about 12 feet and the area of a cross-section of the river at the site of the shoal 75,613 feet as compared with a similar cross-section above the crevasse. This shoal disappeared when the river was confined by the new levee, and when, by the erection of that levee, the stream had risen high enough to assume its greatest velocity. (Report of Mississippi River Commission 1881, page 126.)

In 1871 the river again broke through at this place, and final inclosure was not made until 1883. The cost of the new levee was defrayed by the Mississippi River Commission, the State authorities, the New Orleans and Mississippi Valley Railroad Company, and private parties. The closing of the crevasse had a remarkable effect in deepening the bed of the river in the vicinity.

The closing of the outlets on the Atchafalaya River in ten years lowered the river-bed and flood surface by several feet; and lands on its borders which were swamps before the levees were constructed were found, after ten years, under cultivation and above the reach of high water.

Between 1852 and 1858 engineers were engaged in closing the outlets on the same river, and in the latter year it was found that, notwithstanding that the aggregate capacity of the outlets closed was greater than the whole capacity of the river itself, the lands 50 miles below the closed outlets had, in a season of exceptionally high water, higher banks than ever before known. At the same time the bed of the river was deepened and its general capacity increased.

Engineer Leavenworth says, in 1875:

> The closing of thirty-seven outlet bayous on either side of the Atchafalaya caused the river to scour its bed, deepening and widening it everywhere.

The effect of jetties (which work in the same manner as levees) when applied to river bars affords a remarkable confirmation of the truth of the statements in favor of confining the currents of silt-bearing streams, and thus deepening the channels.

Eads, by his jetties, deepened the mouth of the Mississippi River in the South Pass—a pass unknown to navigators before Congress gave it to him for improvement—from 6 to 31 feet, as is shown by the Government reports. This depth is permanent, and where the smallest sea craft dared not venture, before the largest ships now go in and out with the ease and regularity of railroad trains. Levees, as it is known to all, are but comparatively inexpensive and easily-maintained jetties on the banks of the river.

Capt. J. A. Aiken, late president of the New Orleans and Red River Transportation Company, stated before a committee of Congress as follows:

> The water over Snaggy Point Bar (Red River, 75 miles above its mouth) and Alexandria Bar (3 miles below Alexandria) was increased in depth by the construction of jetties, so as to offer no longer any obstruction to navigation. Snaggy Point Bar deepened from 20 inches to 5½ feet in less than fifty hours. Alexandria Bar, which had but 16 inches, deepened to between 4 and 5 feet at the lowest stages of the river; and freight charges by the steamboats were in consequence lowered one-third.

After nearly four years' of labor and experiment the Mississippi River Commission, in its report for 1883, settles the question as to the deepening of the channel below crevasses or outlets by the increased scour caused by building levees and closing those outlets. Careful examinations, surveys, and measurements resulted in developing, beyond a doubt, the fact that an increased scour, amounting to about 12 per centum of the low-water area, followed the building of the levees, and the probabilities are that in some cases it would be found to be even more.

Thus far I have, in support of my position in favor of levees as an important factor in improving the navigation of streams like the Mississippi, confined myself to instances on the river itself and its tributaries. Let us now look at the history of river improvements in other countries.

Holland, the land of dikes and canals, teaches us many useful lessons on the subject of embankments, the most valuable of which is, first to be satisfied that a scheme proposed has the elements of success, and then not to spare expense in carrying it out to completion. She increased her area by dikes and embankments to restrain overflow. In 1833 her area was only 8,768 square miles, and in 1877 it had been enlarged to 12,731 square miles, due to impoldering and draining operations. The amount of reclamations was as follows: In North Holland, up to 1864, 72,283 acres; in the South Holland Islands, to 1850, 168,302 acres; Friesland, to same date, 36,368 acres; Groningen, to same date, 86,838 acres; in North Brabant, to 1843, 95,391 acres; Zealand, to 1859, 220,411 acres.

By planting the marshy grounds and the ground along the foot of the dunes with trees and agricultural products, and by the conveyance of the water from the numerous springs at the base of the dunes through canals to the great cities, the agricultural condition of the country and the sanitary condition of the cities were both vastly improved at the same time. The result of the drainage of the country by the dike system was the disappearance to a great extent of the unhealthy climate, and the comparative freedom of the Netherlands from the malarious influences formerly so prevalent. We have reliable data for early periods; but the statistics for twenty-five years—from 1840 to 1865—show an annual death-rate of 1 in 36.73, or 100 in 3,673; not a large rate certainly for such a country, whose swamps and fens and overflowed lands were formerly so deadly to humanity. The population, on the other hand, during the forty-seven years between 1829 and 1876, had increased 1,368,182, and its density per square mile from 295 to 312¾. Besides, the area of waste lands had diminished 4.6 per cent., and the cultivated and arable lands has increased 3½ per cent.

Dikes, or embankments for protection against overflow, were constructed in Holland as early as the days of the Romans, and also in the eleventh, twelfth, and thirteenth centuries; but the comprehensive system now in operation, and which is the admiration of the world, belongs to modern times. The formation of the first dikes was quickly followed by the construction of a connected system of earthen ramparts, behind which the country now lies secure; while at the same time hundreds of thousands of acres of fertile land have been recovered from the sea. The united lengths of the canals amount to 1,522 miles.

There are some notable features in connection with floods and overflowed lands in Holland similar to conditions obtaining in the immediate valley of the Mississippi. The great floods we find to occur in Holland once in eleven years, whereas on the Mississippi the period of recurrence is ten years. The famous Haarlem Lake (drained between 1848 and 1852) formerly presented the same features as do the lakes on the Mississippi—the results of former cut-offs, such as Lake Concordia, Lake Saint Joseph, Horn Lakes, Horseshoe Lake, Devil's Elbow, and many others.

Haarlem Lake was a relic of the northern arm of the Rhine, and being united with the smaller lakes in its vicinity by successive inundations, finally threatened Amsterdam on one hand and Leyden on the other, and occupied an area of 70 square miles. It was drained inside of four years by a very laborious and expensive process, and the reclaimed lands (42,000 acres) were at once sold for more than two-thirds of the whole cost of the enterprise. The figures are as follows: Cost of drainage, dikes, &c., $5,400,000; price for which the reclaimed lands sold, $3,640,000; net cost, $1,760,000.

The people of the Netherlands spared no legitimate expense to make themselves secure. The famous Westkappel Dike, a little over 2½ miles long, cost $62,500,000. It is 23 feet high, 39 feet wide on top, and carries both a roadway and a service railway. This dike protects an immense amount of country, and has fully repaid the government for its cost.

The annual expenditure for maintenance of the dike and drainage system in Holland for 1877–'78 was $10,217,940.

It is noticeable also, in examining the history of these great public works, that a series of floating (or rather sunken) jetties was used for the purpose of deflecting or turning aside the current. They are called zink-stukken (sinking-pieces), and are composed of bulrushes, reeds, and branches laden with stones, and are mostly about 400 yards in circumference. A somewhat similar plan has lately been proposed for the same purpose in the Mississippi River by Mr. G. Erkson, of New York.

As to canal cost, it may be mentioned as an example that for the one single Amsterdam canal—extending from Amsterdam to the sea (a distance of 16½ miles)—there was expended the sum of $11,250,000.

In Hindustan dikes and embankments were made for purposes of irrigation mainly, but the canals are also used for commerce. The system of confined water ways, called the Three Nadiya Rivers, in Bengal, are kept open for traffic by a constant system of supervision and inspection, such as is suggested on page 15 of this report for the Mississippi. The cost of maintenance was, in 1877–'78, £9,522, and the receipts from tolls £32,494.

For 2,800 miles of embankments in the lower valleys of the Ganges and Brahmaputra Rivers the government expended in one year £79,105, or about $395,500 (1877–'78), but the results justified the outlay.

The Han-kiang or Han River, in China, has its summer water-line for a greater part of its course above the level of the banks, and these are protected from overflow by levees. These levees are very high, and are constructed at a distance back of the natural banks. This space is

flooded every year, and by the deposit of sand and soil the embankments are annually strengthened. It is said they have kept out floods for one thousand years.

In the province of Gaan-hwuy (or Peace and Plenty Province), the name arises from the extreme fertility of the soil, which is protected by levees from the encroachments of floods from the Yang-tse-kiang and the Shun-gan-kiang.

Disastrous inundations often accompany the rise of the Hwang-ho, because the greater part of the plain through which it flows is below the level of the river and is not properly protected.

It is to be understood from the preceding remarks that the people of the Mississippi Valley want a system of levees which shall serve to improve the low-water navigation of the river, and at the same time protect the adjacent lands from overflow at all times. In planning such a system, we must consider the following conditions:

I. The cost, which will, of necessity, be great in the outset.

II. The great cost of repairs and the immense damage to the channel and to landed and other property should they be broken through or overtopped from want of sufficient strength or height.

III. On the other hand, the great advantage to commerce from the deepening of the channel, and the immense value of the alluvial lands which would be reclaimed by the construction of embankments sufficiently high and strong to control the greatest floods.

If it be urged that it would be cheaper (if the interest on the outlay is taken into consideration) to allow great floods to break through or overflow the levees than to incur the expense necessary to avoid an evil that occurs but seldom, we reply that the real damage in such a case would be, not to the levees, but to the bed of the stream and to the valuable reclaimed land behind the levees, and no one could predict how great that damage would be. Once a flood of this exceptional character occurs, it defies all rules and all prognostications, and all we can certainly rely upon is that the results both to the channel and to the adjacent lands will be lamentable in the extreme.

The records show, also, that great floods are not so rare as many persons have imagined. Reasoning from the history of the river during the past twenty-eight years, exceptionally high floods may be expected at intervals of ten years, as follows:

At Cairo, 51.5 feet; at Memphis, 34.5 feet; at Helena, 46.5 feet; at the mouth of White River, 47.5 feet; at Vicksburg, 49 feet; at Natchez, 48 feet; at Red River Landing, 47 feet; at Carrollton, 15.6 feet.

These extremely high floods should form the basis on which to plan the proper system for improving the channel and securing the lands from overflow.

The Mississippi River Commission—on the basis that for half the distance below Cairo only one bank of the river needs levees (the other side being protected by the proximity of the hills), and that a very large portion of the works is already in existence, the result of the endeavors by the several bordering States to protect their lands—on this basis I find that the commission estimate the amount of earthwork embankment required at 45,775,000 cubic yards, and the cost of the same at $11,443,770. Congress might hesitate to appropriate this in "a lump sum," although its expenditure would be but a small matter compared with the valuable results which are claimed, namely, the improvement of the river channel and the value of the restored lands. Indeed, it would not be advisable under present conditions to do so. Therefore, this bill (No. 4937) by providing for the appropriation of $3,000,000 for the same purpose, presents something definite, something tangible and understandable, something the effects whereof Congress can have presented before it year by year, so that if what is claimed shall be done is not done no good money need be thrown after bad. But if the results of the expenditures are satisfactory, as they have already proven most highly under the commission, and as proving the soundness of the premises upon which we reason as advocates of a levee system, then it is hoped that Congress will press the good work on annually to its completion.

It must not be lost sight of in this connection that the struggle with the Mississippi and its complicated conditions will be a continuous fight. Congress having adopted a plan embracing levees as a principal feature, when that system is established and completed to the best of our ability, we can not sit idly down and fold our hands in peace. We can not say to the mighty Father of Waters, "hereunto shalt thou come and no farther," unless we stand sentry always on the banks, and armed at all points, to see that the untiring enemy does not turn our flank. But the cost of keeping the works in first-rate order, of watching for and at once repairing the merest little crack or crevice in their continuity, will be a trifle, and the lines will need only eternal vigilance from the dwellers on the banks.

If we expect, therefore, to improve the navigation of the river, and reclaim the vast acreage now waste and valueless on its banks, we must be prepared to expend on the establishment of the barriers to inundation a sufficient annual sum until they are completed; and when completed we must exercise vigilance—intelligent and untiring vigilance—to see that they are not overcome and our labor and expense cast away. A system of inspection should be organized; and the riparian communities and other owners should be expected to give their energies and local knowledge to a watchful care, that shall always be at hand to check the slightest inroad at its very beginning, thus preserving the impregnability of the whole structure at an almost nominal pecuniary cost.

Now, as to heights of these levees, assuming that enough proof has been adduced to satisfy the most skeptical that levees are a necessity, the Mississippi River Commission treats this subject, if we may be allowed the slang expression, gingerly. They know and feel (they can not, as educated men and skilled engineers, but know and feel) the importance of the question. But I think they shrink at the cost, and are also rendered somewhat timid by the persistent opposition of one of their number, General Comstock, for whom personally I entertain the highest regard, who decries the levee system and will have none of it, although he seems to have nothing to offer in its place. Let us, for the space of a few lines, review the official action of the commission on this particular question.

In their preliminary report for 1880, just after organization, the commission, while recognizing fully the importance of a levee system as a factor in the improvement of low-water navigation, make this statement:

> For the absolute prevention of destructive floods the former height of the levees would have to be increased; but no exact estimate of the cost of these higher levees can be made at present for want of necessary data.

In the report for 1881, under the head of "Borings" (page 15), occurs the remark:

> On the assumption of an immovable river-bed, heights have been proposed for levees which are now seen to be unnecessarily great.

In the report for 1882 they approach the subject more nearly. On pages 38, 39 we find the following:

> The standard of elevation for levees should be sufficient to confine floods most frequently recurring, with the intention of producing the maximum effect of channel improvement at a minimum of cost. The restraint of those great floods, which recur only at long intervals, would involve a cost disproportionate to the injury which would be inflicted upon the maintenance and improvement of the channel by overflows occurring at such intervals. The extent to which the system should be carried would be determined by considerations of economy. * * * It is proper to add that, while levees, judiciously erected, under the system we have indicated, would produce the maximum effect in channel improvement at a minimum of cost, they would not be of sufficient height to protect the adjacent lands from overflow during great floods.

Mr. Henry Mitchell, in a separate paper in the same report (page 265), says:

> The grades to which levees should be raised are those required by floods; but provision against anomalous floods is not necessary unless under a question of economy.

In the report for 1883 we find a cautious but important advance toward the final and proper conclusion:

> It may be stated that there are serious practical difficulties in the way of constructing a system of levees no higher than would be necessary for the confinement of ordinary floods, and at the same time protecting them against disastrous injury from the great floods which occur at irregular intervals. It is obvious that for the secure protection of the valley from overflow, there is necessary a system of levees high enough and strong enough to withstand the greatest flood. No other means of protection is practicable or even possible. These facts obviously suggest the idea of co-operation between the General Government and the communities interested in the prevention of overflow, for the maintenance of a levee system which shall serve at the same time the purposes of improvement in the channel and protection from overflow.

(That is precisely the kind of a levee system that is needed, and to aid in the construction and maintenance of which this bill is designed.)

In the report for 1884 we find the following (pages 16, 17):

> Since such levees as have been built have never restrained the higher floods in safety, it can not be expected that the closing of "existing gaps" will suffice to restrain volumes greater than those which have heretofore overwhelmed them. They must be higher, stronger, and more continuous than they have heretofore been built.
>
> The grade of levees for the improvement of navigation should be at least the normal height of the bank of the river, or the height to which the bank would be built by such floods as recur with sufficient frequency to exert an appreciable influence in bank-building or enlargement of water-way. This grade should be supplemented by such additional height as will protect it against frequent injury or destruction.

This is all we have from the commission up to date. It is obvious that they only await encouragement from Congress to recommend strongly what is, doubtless, in their hearts; that is, the construction and maintenance of a levee system which shall at the same time meet the demands for improvement of low-water navigation, and be strong enough and high enough to protect the adjacent lands from any overflow whatever. This is the kind of levee system which the people of the Mississippi Valley and the people of the whole country want.

There are many more facts that could be cited and many more arguments adduced, but I deem the subject exhausted. It remains only to say, with the great preacher of Ecclesiastes, "Hear the conclusion of the whole matter." Given a certain volume of water, obliged, through circumstances over which it has no control, to reach an outlet through a certain channel-way, the velocity of that volume of water and its scouring properties will be increased or diminished according as the width of that channel is diminished or increased. A system of well-built levees of sufficient height, by confining the floods to the river-bed proper, will increase the velocity of the current and the erosive (or wearing-away) power of the floods. So that by the deepening of the channel the height of the flood-rise will be regularly and steadily diminished. In addition the adjacent lands will be protected and will grow more valuable year by year, agriculture will flourish, commerce and manufactures will be attracted, and what was formerly a swampy, ma-

larious waste of fen and fog in our beautiful Mississippi Valley will blossom as the rose.

Let us consider a moment, though not perhaps the point of the greatest importance in the levee system, the enormous extent and value in a commercial sense of the alluvial lands of the Mississippi Valley. There is not at present any accurate information as to their extent, and I would strongly advise that an investigation be had by Congress through some competent person or persons of the actual area of inundated and swamp lands bordering on that great river and its tributaries. A full and exhaustive report made to Congress after such investigation would give tangible information upon which to proceed. At present we can only make, from the best means at our disposal, an approximation; and we estimate that their area is not less than from 25,000,000 to 30,000,000 of acres, a territory very nearly as great as the whole tillable area of the State of Kentucky. The value of this enormous extent of country when made fit for tillage is, however, not to be attained through comparison with the whole area of any State, because it is capable of being made vastly more productive than the arable lands of any ordinary State.

In nearly all of the States in this country and Europe the soil is not over a foot or so deep, and, after a certain time, it becomes impoverished by cultivation; but these alluvial soils extend to a depth of hundreds of feet, and are altogether composed of the waste of other soils which the rivers have swept from the upland districts. They are extraordinarily fertile, and, in case of surface exhaustion, after a lapse of time, irrigation and a new supply of silt from the streams is easy. It is safe to say that the whole of this area will in time have the tillage value of the similar soils in Holland or the lower portion of the valley of the Po. On this basis it will be fair to place the money value of these lands at not less than $200; which, on the above estimate of 25,000,000 of acres, gives a value of five thousand millions of dollars for the land alone, without reference to any concomitant elements of wealth, such as cities, towns, or transportation routes, which the development of population would create. A small portion of this value has been already won by the improvement of a limited part of this alluvial land by means of levees; but even this scant winning of territory from the domain of the river depends mainly for its security on the way in which the ever-increasing danger of floods is to be met by the devices of engineering.

Again, as to the value of the stream for purposes of navigation and commerce. The extent of streams in this valley traversable by some form of trading-craft is not less than 10,000 miles. Add to this the improvement of the less navigable streams through Government appropriations, and it is likely that the water ways will, within fifty years, have a total length available for trade of not less than 20,000 miles, or about one-fifth of the total present railway mileage of the United States. Although railways have taken the place of water-ways in certain forms of carriage, experience in all countries has gone to prove that interior water-ways have, for other certain forms of commerce, indubitable advantages. In carrying such products as grain, coal, iron, building materials, &c., which are the most important elements in the interstate commerce of the Mississippi Valley, the actual cost over considerable distances by water routes is far less than by rail. A large part—probably nearly one-half—of the commerce between the States bordering on the Mississippi system of waters is aided, if not made possible, by the flow of its streams. When the mineral products of this valley—those products it is so well fitted to return—come to have their place in the commerce of the world (as they soon must), then this route to the sea will have its value much increased.

It will be seen that the Mississippi River and its tributaries offer the greatest advantages for the needs of traffic to the sea, particularly our trade with South America, provided a liberal commercial policy is adopted toward those southern countries by this Government, and the ports of this continent south of the Rio Grande, as well as with the islands above the American Mediterraneans—the Gulf of Mexico and the Caribbean Sea. The shores of these inland seas are as extensive as are the bordering lands, and more fertile than those of the European Mediterranean. They are at present waiting for the commercial awakening which will come to them when the population of the Mississippi Valley—in time having obtained the control of that domain and having affirmed their, as yet, imperfect industries—shall extend their commerce to those dormant lands.

The geographical configuration of the Mississippi Valley, as well as the character of its population, makes it easy and safe to prophesy that its people will control the commercial life of this great realm of tropical lands, provided that a reasonable care can be taken that nature is not hampered or impeded in her proper tendencies by unwise commercial restrictions. The maintenance and improvement of the Mississippi River channel as a great highway of trade seems one of the first conditions on which depends the fulfillment of the great promise of our future commercial supremacy on the shores of the Mexican and Caribbean seas. If that channel remains a pathway of uncontrolled floods; if the vast area of fertile lands which border it for thousands of miles of its course are allowed to stay in the state of unprofitable swamp, we will probably have to abandon the opportunity of gaining this field of national commerce. If, however, the wealth of this district is developed by the improvement of the river and the bordering low lands; if the ports at the mouth of the river are brought to the condition of power which these improvements would give them, then the future of our commerce with the central districts of the American continent will be assured.

We have previously referred to the advantages, from a sanitary point of view, which would accrue to the valley by the protection of the bordering lands by levees. It is now confessed by every civilized government that the physical condition of its people is a matter of consequence to the state, and that there exists an obligation to do all that is possible in order to make their condition as good as can be made by the public control. Where possible, these sanitary measures should be cared for by the local government; but in case the evil is only to be met by national control, as in the matter of quarantine, or the extirpation of plagues, the general government must exercise its legitimate power. It is for such purposes that general governments exist.

The Mississippi Valley is, on the whole, a healthful region. The exception is the inundated area of the lower part of the main river and its tributaries, which are extremely malarious. The people of this district, in consequence, are subjected not only to a number of local diseases, but the whole population is accessible to the more malignant fevers which are brought from tropical countries. It is noticeable that yellow fever, though frequently imported into the valley, has never obtained anything like a firm foot-hold except within the district of inundated lands.

It is now, also, a generally accepted opinion that malaria is generally connected with a variable level of water—that is, that its home is for the most part in those regions which by floods are alternately inundated and left to dry. As long as the Mississippi Valley is left in this condition, it will be the breeding-place of fevers. Its population will be lowered by malarial diseases, and will in time become a weak element in the social system of the nation. If, however, these lands are brought into the condition of the similar districts in Holland and by the same means, there is every reason to believe they may become wholesome fields for the occupation of the race. If the sanitation of these lands were within the province of any one State, it would doubtless be fit that the problem should be left to the local governments; but as the waters which need to be controlled are derived from nearly half the States of the Union, and as the acts for their control ment will have to be executed in those States, it is evidently not a matter with which individual commonwealths can deal. The regulation of these waters is the most distinctly national problem with which this country has to deal, the matter of seaboard defenses being the only engineering problem which can be compared with it in importance.

As Holland, as has already been shown, elevated her sanitary condition by means of dikes from that of the lowest to a very respectable position in the scale of health—so that her death rate in 1865 was but one in thirty-seven—so can the valley of the Mississippi be reclaimed by confining the floods, draining the overflowed and swamp lands, and restoring to agriculture what is now but a den of malaria and disease.

Now, as to the cost. The highest estimate has made it not more than $40,000,000, with a strong probability that it will not be more than twenty-five millions. Holland spent five millions on Haarlem Lake alone; and the Westkappel Dike cost sixty-two millions. She expends over ten millions annually for maintenance of her system; and yet her entire area is 13,000 square miles less, or about one-third of the area of the swamp lands of the Mississippi Valley. These lands again, according to Professor Shaler's valuation, will, when fully reclaimed, have a money value of $5,000,000,000—a sum so vast that one can hardly comprehend its immensity.

In the speech delivered by me in this House on the 6th of May last I quoted the following startling figures from the remarks of Hon. Mark H. Dunnell, delegate from the Saint Paul convention, which was held in September last, before the Committee on Rivers and Harbors. I wish to call the attention of our Western friends particularly to this; it but foreshadows the result were the improvements on the Mississippi River alone carried to a final and successful consummation:

During the season of navigation of the Mississippi River the rate from Saint Louis to Liverpool, by rail to New York and by river to New Orleans has been as follows for the past three years:

1883.	Via railroad to New York, per bushel	23 to 29
	Via river to New Orleans, per bushel	17 to 23
	Difference in favor of the river route	6
1884.	Via rail to New York, per bushel	15 to 29
	Via river to New Orleans, per bushel	11 to 20
	Difference in favor of the river route	4 to 9
1885.	Via rail to New York, per bushel	14 to 27
	Via river to New Orleans, per bushel	13 to 13
	Difference in favor of the river route	1 to 14

And this, it must be borne in mind, is done on a river which, between the points mentioned, on account of numerous bars and bad channels, is not navigable for large boats during several months in the year.

In relation to the improvement effected by the jetties built by Eads at the mouth of the river, I quote from Mr. Converse, ex-president of

the New Orleans Chamber of Commerce, who appeared before your River and Harbor Committee on the occasion above referred to. He states a series of facts, each and all of which deserve the earnest consideration of this House. I quote him as follows:

Before the jetties, the foreign steamship arrivals in 1873 numbered 83, with an aggregate tonnage of 107,000 tons; in 1883 they numbered 402, with an aggregate tonnage of 653,000 tons.

Before the jetties, a vessel of 1,500 or 2,000 tons capacity was above the average in arrivals. Now vessels of 5,000 tons capacity are loaded at New Orleans.

Before the jetties, vessels were loaded to not over 14 feet of draught. Now vessels loaded to 26½ and 27 feet pass out to the sea.

Before the jetties, skilful pilotage and management were of no avail, for the channels were ever changing. Now, where a vessel is kept within the jetty channel, detentions are unknown.

Before the jetties, the towage on vessels was from $1.25 to $1.50 per ton. Now it can and has been had for 50 cents a ton, and a proportionate reduction in the rates of insurance on vessels and cargoes has also been made.

Before the jetties, the exports of grain were 5,750,000 bushels in a year. Now they are 14,250,000. The total exports were valued at $68,000,000. Now they amount to $94,000,000, an increase of 50 per cent.

Before the jetties, foreign freights were 18 to 24 cents per bushel. Now it is from 8 to 12 cents; and right here I will state that although there has been a reduction to some slight extent in the rates of river transportation, it is not nearly proportionate to the reduction in ocean freights, because, from the improved outlet to the sea, the largest of steamers can come and go at will, while upon the rivers the need of improved navigation prevents it.

This, Mr. Chairman, is the result of removing one bar, and thereby opening the mouth of the Mississippi. What must be the result if we remove all the bars between Saint Louis and New Orleans and open the river to continuous and safe navigation the year round?

In this connection, I will read the following telegram to the New York Times, dated Berlin, 11th ultimo:

The German River Shipping Association reports that within the last ten years the shipping of goods has doubled on the Rhine, tripled on the Elbe, near Hamburg, and quadrupled on the Oder, near Stettin.

These rivers have been improved under the supervision of the ablest engineers, civil and military, of Europe, and on a scale unknown on this side of the Atlantic.

At the same time I stated that the British East Indian Government had expended upwnrd of four hundred million dollars ($400,000,000) in improving the water routes and railways from its cotton, sugar, rice, and wheat producing regions to tho seaboard since 1880, and that the earnings of these improved transportation lines amounted in 1883-'48 to $62,441,280.

According to British Official Reports, the export of the East India cotton increased from 332,255,728 pounds in the year 1879 to 691,049,376 pounds in 1883, an increase of over 358,000,000 pounds, or more than 100 per cent. in four years, or an average of upward of 25 per cent. per year increase.

The export of British East India wheat, according to the same authority, increased from 95,000 bushels in 1874 to something over 43,000,000 bushels in 1885. The exports of 1884 and 1885 amounted to 84,600,000 bushels, resulting in a loss to our farmers of over $80,000,000, and of nearly 4,000,000 tons of freight to our water routes and railways.

In 1883 we exported 106,385,000 bushels of wheat at $1.12 per bushel. In 1885 our export of wheat was reduced by competition with British East India wheat to 84,500,000 bushels at 87 cents per bushel.

The shipment of wheat from San Francisco for the six months ending December 31, 1884, was 12,447,000 bushels; for the corresponding months of 1885 only 5,850,000 bushels.

Our shipments of wheat to Great Britain during the last five months of the year 1884 were, stated in round numbers, 11,900,000 bushels; for the corresponding months of 1885, 4,500,000; showing a decrease of 7,400,000. During the same months the shipment of East India wheat to Great Britain amounted to 6,833,000 in 1884, and to 8,867,000 in 1885; showing an increase of 2,034,000.

The exports of British East India sugar was increased faom 41,000,000 pounds in 1879 to 200,000,000 in 1884, the last year named being an increase of 159,000,000 pounds over the export of 1879.

It is estimated that there are 150,000 square miles of undeveloped British East Indian sugar, wheat, cotton, and rice lands yet to be put under cultivation; and there is a population of at least 260,000,000 "ryots" or slaves available for working them.

The British East Indian "ryot," slave, or farm laborer, the worst oppressed and most degraded of all human beings, lives on broken rice and millit seed, goes almost entirely without clothing all the year round, and for about three "annas," or 8 or 9 cents per day; thus Great Britain is forcing the products of its slave labor into our markets in direct competition with the free labor of the United States.

It was for this purpose that Great Britain laid her deep and long projected schemes, whereby the war of secession was brought about for the double purpose of at once exterminnting slave competition and destroying republican institutions in this country.

Had it not been for the machinations of England and English gold, I am convinced that the institution of slavery would have soon disappeared from the United States peaceably, as it has since done from all the civilized nations on the earth, whereby the oceans of blood shed in that protracted and terrific struggle would have been saved, and all the suffering and ruin which has followed would have been averted.

There were not exceeding 4,000,000 slaves in the United States, whereas Great Britain to-day controls a population amounting to nearly 300,000,000 human beings, who are slaves to all intents and purposes.

It is with this unpaid, unclad, poorly fed, forced labor, which produces all classes of raw material for food, drink, and manufacture, that American free labor is called upon to contend in the markets of the world.

When our wheat-growers in the Great West, our wool-growers in Texas, Ohio, and Vermont, our sugar growers in Louisiana, Texas, Florida, and California, our growers of cotton and rice throughout the great producing South inquire for the cause of the fatal depression in their business and the low prices of their products, one has but to point to slave-ridden British India, the British possessions in Africa, to the continent of British Australia, and the British dominions throughout the tropics worked by cooley labor, where Great Britain is rapidly acquiring a monopoly in the production of all that is consumed by man. It will be seen from this brief and hasty review of facts that England aims not only at a monopoly of the world's market for the products of manufacture, but also of raw material—cotton, sugar, wheat, rice, lumber, wool, and all other products. It is with these forces, though remote apparantly, but direct in their action, that we must deal largely in the consideration of this subject.

Mr. Speaker, I have endeavored to show the interest this country, as a whole, has in the improvement of the Mississippi River. I have quoted the highest and most responsible authorities to prove that a permanent, continuous, and efficient line of levees on the banks of that river is the most important feature in the work proposed for its improvement. Hence, in my judgment and in the judgment of the committee having this matter in charge, and I believe it is rapidly becoming the judgment of the entire country and of all who are interested in cheap transportation in the Mississippi Valley, where three-fourths of the internal commerce of this country is carried on, and of the people concerned in the protection of the States in that valley from overflow, a system of levees built high enough and strong enough and so located and protected as will confine the water of that stream to its channel, thereby giving ease and safety to navigation all the year round, and preventing its overflow at all times, is the first and most economical work the Government could undertake to rectify that stream. To this end I hope the commission in charge of these improvements will be instructed by Congress to direct their energies.

Gentlemen may say that if this is so rich and valuable a section of the world, why do not the people who live there protect it themselves? In reply, I will state that, in the first place, it is not their duty to do so. The Federal Government owns the Mississippi River, and should control it. It is a sea flowing through a number of States who have no right under the Constitution to enter into any compact with each other for any purposes whatever; and even if they possessed that right, which the Constitution distinctly denies them, it has been proven by nearly a century of work that they are unable to do so of themselves; and secondly, that this wealth is but potential—it has yet to be developed—this vast and rich country has yet to be reclaimed before it can become strong enough for self-protection; but, as I have said, it is clearly the duty of the Federal Government to employ its own great power in controlling this stream, so that it will become the greatest highway of commerce in the world, and cease to be a terror to those who dwell upon its shores. By levees alone this can be most economically and effectively accomplished.

To the statesman, values expressed in money units are of much interest; but of vastly greater interest are those values which can be stated in terms of human life to be—life which is to find its place on the earth by his foresight and intelligent law-giving. From this point of view, the subjugation of the watery deserts of the Mississippi Valley affords a noble prospect in those who are planning the future of this continent. This area is capable of maintaining in plenty a population as dense as that of the richest agricultural lands of Europe. It can from its rich soil easily supply the necessities of fifteen millions of people. Its products are neighboring to one of the greatest systems of water-ways, and may find by those ways easy transportation to regions in the more northern parts of the Mississippi Valley, which are destined by their stores of mineral wealth to be the seats of great manufacturing industries. Thus, it is not merely for its possible acres of corn or cotton and sugar, but on account of its relations to the development of the whole country, that this inundated region commands the attention of all those who feel an interest in the future of the people of this great nation of unparalleled growth and power.

The commission, to whom has been intrusted the responsibility of improving this river, was created by act of Congress in 1879, after I had first taken my seat in this body. Since then it has received and expended appropriations amounting to something over $8,000,000 in their work, which has consisted of levees, jetties—perminable works—and bank revetments. However effective, the latter have proven costly, and are necessarily slow of construction. The former—the levees—are built easily and rapidly, cost but little comparatively, and can be made absolutely permanent.

It will be a long time, Mr. Speaker, before the revetting of the banks and the perminable or jetty structures can be completed; but with the

expenditure of what must prove to be a small sum when compared with results that will be achieved the levee feature of this work can be finished from the Gulf to the highest point desirable on this river in the course of three or four years. For this purpose the commission asks a little over $11,000,000. They have expended already about a million and a half; but suppose the completion should cost twenty millions, it would be nothing compared with the vast benefits that would follow to the country. Had the commission put every dollar they have received into the construction of such a system of levees as is finally proposed by them there would have been to-day a magnificent line of such works already completed on the river which would have given us safe navigation and protection to the States through which the river passes from the perils and destruction of inundation.

This was the principle idea of the great engineer Eads when he accepted a place on the commission, and all other features of the work for the improvement of the river were subordinate. Even General Comstock, the most skeptical on this subject, has admitted that levees can be built strong enough to confine the water to the bed of the stream, and all testimony goes to confirm the wisdom, the practicability of the Eads plan of controlling the river by levees.

The day is not distant when the country will demand its absolute and unqualified adoption. It may be tampered with and postponed, but it must come.

Then, Mr. Speaker, will the grandeur of this wise and munificent legislation be triumphantly vindicated to the eyes of the whole world.

Internal Revenue.

SPEECH

OF

HON. GEORGE D. WISE.

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 3, 1887.

The House having under consideration a bill to modify the internal-revenue system of legislation, and for other purposes—

Mr. WISE said:

Mr. SPEAKER: This bill contains many important provisions, and, if passed, will afford relief from many of the annoyances and hardships of an odious system of taxation. So far from diminishing, I am satisfied that its effect would be to increase the revenues of the Government by preventing prosecutions for trivial offenses. If gentlemen will examine in this connection the letters from Mr. Durham, the First Comptroller, addressed to Mr. Jones, United States attorney for the western district of North Carolina, they will be convinced that large sums of money are annually being taken from the Treasury for the payment of the costs of such prosecutions without compensating or beneficial results. He tells us that the practice followed in issuing warrants for alleged violations of the internal-revenue laws in this district resulted in bringing to the Treasury during the fiscal year ending June 30, 1886, the sum of $265, and in taking therefrom the sum of $1,807.41.

An examination of the accounts of United States commissioners and deputy marshals reveals the existence of methods in the inauguration of criminal proceedings which call loudly for legislative correction. The provisions of this bill, which have for their object the extinguishment of these practices, have been carefully considered and favorably reported by the Committee on the Judiciary of this House, and it seems to me that no one should halt in the opinion that they should be adopted.

The producer of leaf-tobacco is limited by existing statutes in the disposition of his crop to licensed dealers, except that he may sell at the place of production at retail directly to consumers, to an amount not exceeding $100 annually. And he is forbidden even to issue as rations or supplies to his laborers or employés tobacco of his own growth and raising in excess of 100 pounds in any special tax year, without first having paid the special tax of a dealer in manufactured tobacco. These restrictions work a great hardship to the tillers of the soil, and should not be continued when there is no necessity for them. They are especially injurious to the small farmers, who should be the objects of the fostering care of the Government, instead of being subjected to unfriendly and repressive legislation.

No citizen, except under peculiar circumstances, requiring the exercise of such an extraordinary power, should be deprived of the right to dispose of the products of his toil and labor as he pleases; and if this internal-revenue system cannot be maintained without interfering with the rights of ownership of private property, that fact is the best argument against its perpetuation. As the tax is paid by the manufacturer of tobacco, I am unable to discover a reason for the continuance of this limitation upon the producer thereof.

While this bill is a step in the right direction, and will, as I have said, afford relief from many unnecessary hardships and vexations, it stops short of that full measure of relief for which my people have petitioned. The people of the States in which the culture and manufacture of tobacco are important industries are loud in their demands for the abolition of the system of direct taxation known as the internal revenue, which was resorted to with reluctance when the country was in the throes of a gigantic civil war.

We have been deluged with a flood of petitions favoring action in this direction, coming from the best representatives of the industries and the interests involved. These petitions were sent here not by moonshiners, of whom gentlemen speak contemptuously, but by men of large experience and commanding influence, and they embody the sentiments of an overwhelming majority of the people of the States where the vexations and hardships inherent in the administration of the system are felt. They come from gentlemen who have an intelligent appreciation of the subject, and whose views and opinions are worthy of respectful consideration. Their clamors for relief can not be silenced by sneers or denunciation.

"From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue," and such in my opinion they should continue to be. Internal taxes have never been resorted to, except when required by extraordinary emergencies, and on all former occasions were repealed promptly when the necessity for their imposition ceased to exist. They have never failed to arouse a feeling of discontent among the people. The first attempt to obtain revenue by this method, authorized by the first Congress which assembled under the Constitution, caused in the western counties of Pennsylvania what is known in history as the "whisky rebellion." The spirit of resistance which it aroused was so violent and persistent as to require an armed force for its subjugation.

The present system was devised and put into operation during our civil war, but not until nearly fifteen months after its outbreak. Even then, when the requirements of the Government for money were most urgent, and when a sufficiency of it for the equipment and supply of troops could not be obtained from other sources of revenue, Congress hesitated to resort to this method. It was feared that the imposition of direct or internal taxation would create such discontent as to interfere with the vigorous prosecution of the war. Twenty-two years have passed since the termination of hostilities, and these internal-revenue taxes remain, and there are many here unwilling even to make such a modification of the statutes which authorize their collection as will render them less odious and obnoxious.

The people are restless under the unnecessary exactions to which they are subjected, and while their opposition has not been carried to the extent of forcible resistance, their demands for corrective legislation are loud and deep. The day of their deliverance may be postponed, but this agitation for reform will continue until existing abuses and evils shall have ceased to exist. Our attention has been repeatedly directed to the necessity for the reduction of the revenues of the Government, which can only be accomplished by a thorough and radical revision of our fiscal arrangements.

We are told by the Secretary of the Treasury in his last annual report that under the operation of existing laws the proceeds of surplus taxation amount to more than $100,000,000 per annum. The effect of the continuance of this useless depletion of the earnings of the people must be to paralyze business and cripple industries. If this annual surplus should be kept locked in the vaults of the Treasury a panic would thereby inevitably be created, and the result would be widespread ruin and disaster. This vast surplus can not be much longer used in the extinguishment of our indebtedness without paying to the creditors of the Government large premiums in the purchase of bonds before the dates of their maturity.

Upon this subject the President in his annual message says that—

The application of the surplus to the payment of such portion of the public debt as is now at our option subject to extinguishment, if continued at the rate which has lately prevailed, would retire that class of indebtedness within less than one year from this date. Thus a continuation of our present revenue system would soon result in the receipt of an annual income much greater than necessary to meet Government expenses, with no indebtedness upon which it could be applied.

The employment of this surplus in useless and unnecessary expenditures is not to be thought of as an excuse for its continuance. There is but one remedy for the evil, and that is to be found in the immediate reduction of taxation.

We have reached the point when something must be done to escape the dangers close at hand. We will soon be confronted with the serious and blighting consequences, which must inevitably follow, if some action be not taken "to transfer our present and accruing proceeds of surplus taxation from the Treasury vaults to the pockets of the people." Hesitation is weakness and folly; and the policy of inaction is criminal when the demands for money to be employed in productive industries and commercial enterprises are so urgent. I beg to remind my party friends upon this floor that we are in a large majority, and that the people will hold us responsible for the failure to do something to avert threatened evils.

In the platform upon which the present administration came into

power the Republican party was denounced "for having failed to relieve the people from crushing war taxes," and the distinct pledge was made to accomplish that result and "to purify the administration from corruption." I warn you that our lingering in the policies and methods which characterized the conduct and management of public affairs by the Republican party will be pursued with whips of scorpions. Our people have become accustomed to import duties, and they are endured without a murmur, while on the other hand internal taxation produces friction, and is regarded with feelings of hate and aversion.

The aggregate collections from this source amounted, in round numbers during the last fiscal year, to $117,000,000, which is less by $8,000,000 than the surplus for the same period. If this odious system is not to remain permanently as a part of our fiscal arrangements, then the time has arrived when we can and, in my judgment, should move in the direction of its repeal. In assuming this position I place myself in harmony with the settled policy of the Government from its foundation and in accord with Democratic platforms since the war, and especially with those of our party in the States of Virginia, Pennsylvania, New Jersey, Ohio, North Carolina, and West Virginia.

In this bill material modifications and changes are proposed by which the system will be relieved of many of its irritating and oppressive features, but the financial situation will not be improved by its enactment. The difficulties and embarrassments by which we are surrounded will still remain to plague us. The people will still be left to stagger under unnecessary burdens. Tobacco is the chief money crop of several of the great States of the Union, and the continuance of the tax upon it is injurious to the interests of their people. An excuse for its retention can not be found in the necessity to make suitable provision for the defense of the country, nor is it required for the preservation of the faith of the nation to its creditors and pensioners.

If time permitted, many strong and urgent reasons for its immediate abolition might be offered, but none more convincing than the bare statement of the fact that the effects of the laws enacted and maintained to insure its collection have created and fostered monopolies. They have operated to deprive many poor and deserving citizens of their accustomed employment and to confer special favors upon the rich. The gentleman from Iowa [Mr. HEPBURN] says, "there is no monopoly; any man can secure the right to buy and sell if he chooses to." He takes a very narrow view of the subject, and exhibits a paucity of knowledge of it which renders his opinion of little value. "Any man can secure the right to buy and sell," if he has the capital with which to engage in the business. Let me place by the side of this declaration the statement of the wholesale dealers and manufacturers of tobacco and cigars of the city of Baltimore, which is, that—

> The fostering care of the Government in levying the tax on tobacco has ruined the great bulk of the small manufacturers and aided in building up a few gigantic factories which are striving to monopolize the business, and in a great measure they have succeeded. One renowned factory of smoking tobacco, not in Baltimore, turns out millions of pounds a year, on which they have a profit of 20 cents a pound, or about 75 per cent. on cost of production. This is accomplished through the internal-revenue tax law, as it turns the business into a sort of patent. The poor consumer buys on account of the picture on the package and the windy advertisements of the factory, as he is not permitted to open the package to examine the goods. The law says if the stamp is broken it is illegal to sell it—so, in every case, he must buy his pig in the bag, sight unseen.
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> Since the internal-revenue tax has been levied the tobacco business of Baltimore has constantly decreased in importance. Formerly there were twenty to thirty smoking-tobacco factories located in Baltimore; now there are but five or six. The plug-tobacco commission business, once the pride not only of Baltimore, but the largest in the country, has been comparatively wiped out.
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> The sale of plug tobacco for export has been about abandoned at this port on account of the internal-revenue tax. Vessels can not wait a week or ten days to get the tobacco from the Virginia factories, and tobacco in store can not be sold for export, because it is stamped, without the loss of the cost of the stamps.

These are the utterances of men having knowledge of the subject of which they speak derived from experience. Similar results have been produced in Virginia and other States. But there are those who tell us that tobacco is a luxury, and that the abolition of the tax upon it is not to be thought of until we shall have conferred "upon the wage-earners of the United States the boon of untaxed clothing." I am in favor of a revision of the tariff, as my votes here show, but we must not lose sight of the question at issue, which is, what shall be the sources of revenue, the methods of taxation?

In speaking upon this subject Mr. Madison said that "the system must be such a one that, while it secures the object of revenue, it shall not be oppressive. Happy it is for us that such a system is within our power, for I apprehend that both these objects may be obtained from an impost on articles imported into the United States." And in harmony with the views thus presented by that great statesman are the declarations of our party platform, to which I have already referred, "that from the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue, and such they must continue to be."

Tobacco may be a luxury; call it so, if you will; but I make the assertion, without fear of successful contradiction, that in taxing it you place upon the shoulders of wage-earners a heavier burden than is imposed by the taxation of any other article. It is the poor man's luxury; the solace of his toil. It is in general use by the laboring classes, and they will not be without it if it can be had. During our civil conflict the soldiers of the Union were always found ready to give in exchange for it clothing, or their rations of coffee and sugar. I know of no greater luxury than a large bank account, ample for the supply, not only of the necessaries of life, but sufficient to enable its possessor in the pursuit of pleasure to surround himself with all the allurements which his fancy may suggest. There was a time when a luxury of that kind was made to bear a portion of the burdens imposed for the support of Government. I refer to the tax on incomes, which was removed in 1870, nearly seventeen years ago. We did not hear then the cry that this tax should remain until the duties on certain articles of general consumption should be reduced. This income tax was obnoxious because inquisitorial, and I beg gentlemen not to forget that that presents one of the chief points of objection to the whole system of internal-revenue taxation,

Blackstone, in his Commentaries, says:

> The rigor and arbitrary proceedings of excise laws seem hardly compatible with the temper of a free nation. For the frauds that might be committed in this branch of the revenue, unless a strict watch is kept, make it necessary, wherever it is established, to give the officers the power of entering and searching the houses of such as deal in excisable commodities, at any hour of the day, and, in many cases, of the night likewise. And the proceedings, in case of transgression, are summary and sudden.
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> However, its "original establishment was in 1643, and its progress was gradual, both sides protesting it should continue no longer than to the end of the war, and then be utterly abolished. * * * But from its first origin to the present time its very name has been odious to the people of England." It has been kept up, however, to supply the enormous sums necessary to carry on the continental wars of Europe.

The dispute arises as to the methods by which a sufficient income for the requirements of the Government shall be obtained, and not as to whether this or that article shall be taxed. When the work of a revision of the tariff shall have been entered upon I shall have something to say upon that subject also. Its discussion would be out of place in this connection. But I will add that I will approach its consideration "in a spirit of fairness to all interests, and with the purpose not to injure any domestic industries, but rather to promote their healthy growth." Both parties are pledged to a revision, and it is demanded both as a measure of justice to consumers and for the promotion of the general industrial prosperity.

But believing that a national revenue sufficient for the requirements of the Government economically administered can be obtained from an impost on articles imported into the United States and that internal taxes are unnecessary and a prolific source of discontent, I am in favor of the repeal of all laws authorizing their collection.

Rivers and Harbors.

SPEECH
OF
HON. THOMAS C. CATCHINGS,
OF MISSISSIPPI,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 26, 1887.

The House having under consideration the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors—

Mr. CATCHINGS said:

Mr. CHAIRMAN: I had the temerity, in the remarks made by me a few days since, to express my belief that the gentlemen constituting the Mississippi River Commission are able and faithful men; that their achievements have been signally successful; that by reason of their experience in dealing with the Mississippi River and the difficult problems involved, the work of improving it should be left in their hands; that they have been recklessly and needlessly assailed; and that the charge, repeatedly heretofore made upon this floor, that they contemplated revetting the banks on both sides of the river from Cairo to the Gulf at a probable cost of $150,000,000 is not justified by anything ever said or done by them.

I also said that to discard the plan of improvement being pursued would involve the abandonment of the whole work, inasmuch as nothing is proposed in its stead, and that to strike down the commission is a part of the scheme to strike down the whole enterprise.

I also ventured the opinion that $30,000,000 would be quite sufficient to accomplish the desired improvement of the channel for the purposes of navigation. I was not thinking of the gentleman from Arkansas [Mr. BRECKINRIDGE], or the views entertained now or in the past expressed by him; and what I said was said in the effort, modestly but firmly, to present the views and give utterance to the sentiments of my constituents. That gentleman appears to have been greatly excited by what I said, and has delivered a long and, in some respects, intemperate and ill-natured speech in reply.

I appreciate the unjust and discourteous intimations thrown out by him from time to time as to the motives which control my actions, and

but for them I would not take the trouble to answer the gentleman. I shall do so, however, lest my silence may be misconstrued.

Much said by him I regard as wholly irrelevant and fanciful, and I shall therefore not attempt to follow him in detail, for if any good is to come of this discussion we must not let the main question get sidetracked. I begin by denying that I ever said, or thought of saying, so ridiculous a thing as that "all who criticise the organic idea of a commission, or who criticise the men who are now on that commission, or who criticise the manner in which the public money is being expended by them, are enemies of the Mississippi River improvement."

I have never in my life been conceited enough or silly enough to attempt to deny in such a manner liberty of thought or action to others. In defending the commission I was engaged in discussion with those known by every member of the House to be opposed to the improvement of the river. I merely meant that the efforts of these enemies of the river to strike down the commission were part of their purpose to strike down the whole enterprise, and my language can not be made to bear any other construction.

I next deny that I ever said, or thought of saying, so absurd a thing as that "the commission itself is an engineering plan," and that the work is not to be done according to a plan approved by Congress; but that "Congress is appropriating money to be expended in any way that the commission may choose to devise, and that the present attempt to improve the Mississippi River hinges upon the maintenance of this commission, and it and the river must stand or fall together."

The exact language used by me is this:

> If the river is worthy of improvement the work should remain in their hands. By experience, acquired through long years of careful study of the conditions of the river, the problems involved, and the means to be used in their solution, they are far better qualified to carry it to a successful conclusion than new and untried men would be.
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> To strike them down is but part of the plan to strike down the whole enterprise, and I appeal to the friends of the river to turn a deaf ear to these insidious proposals, and hold up the hands of these able, impartial, and faithful public servants. If the plan being pursued is discarded the whole work must be abandoned, for nothing is proposed in its stead. Is this House prepared to say that these engineers are imbecile, or what is worse, that they have acted and spoken insincerely or with duplicity, and that all efforts to restrain, control, and direct the energies of this greatest and most useful of rivers shall be abandoned? That is the real issue which its adversaries seek to present, disguise it as they may.

My remarks were made in the course of general debate on the bill in reply to bitter attacks of the enemies of the river and in anticipation of the effort they were expected to make to abrogate the commission.

To strike it down is what the enemies of the river have always sought and its friends have always opposed.

I meant no more than that in my judgment the enemies of the river were seeking, as a means of destroying the enterprise, to strike down the commission, and that to do this would be to practically discard the plan of improvement in process of execution, leaving nothing in its stead.

Everybody knows that it is the duty of the commission to expend the money given to them in accordance with the plan formulated in 1880, and that it would be the most arrant nonsense to speak or think of the commission as being itself "an engineering plan."

The gentleman from Arkansas bases his assault upon the commission upon the charge that they have departed from the plan of 1880. I deny that there has been any such departure, and will endeavor to maintain my denial by the record.

His contention is, that no revetment work to protect caving banks is allowable under that plan until all the wide shoal places have been narrowed to a comparatively uniform width by the use of permeable dikes; that the use of revetment upon caving banks by the commission before these contraction works are completed is in violation of and a departure from the plan, and that in so using revetment they have clearly and willfully disregarded the law and defied the will of Congress.

By the act of June 28, 1879, which created the commission, they were required, among other things, to report specifically upon the practicability, feasibility, and probable cost of the plans known as the jetty system, the levee system, and the outlet system.

They discussed ably and elaborately in their report of February 17, 1880, these three plans, and recommended the jetty system as the one to be adopted. This system is based upon the theory that "the bad navigation of the river is produced by the caving and erosion of its banks, and the excessive widths and the bars and shoals resulting directly therefrom," and that in all silt-bearing streams flowing through alluvial deposits "the more nearly the high-river width, or width between the banks, approaches to uniformity the more nearly uniform will be the channel depth, the less will be the variations of velocity, and the less the rate of caving to be expected in concave bends;" and that "uniformity of width secured by contraction will produce increased velocity, and, therefore, increased erosion of bed at the shoal places, accompanied by a corresponding deposition of silt at the deep places, and consequently greater uniformity of depth."

From this it would necessarily follow "that after the wide shoal places are suitably narrowed, and the normal sectional area is restored by deepening the channel, the friction will be less than it was before," and that "this will result in a more easy and rapid discharge of the flowing water and consequently in a lowering of the flood-surface."

The commission, after stating and elaborating this theory, said: "It wolud seem, therefore, that the plan of improvement must comprise, as its essential features, the contraction of the water way of the river to a comparatively uniform width and the protection of caving banks, and this is presumed to be the plan referred to in the act as the jetty system."

The purpose was to secure deeper water over the shoals and bars, and as far as possible to make such improvement as might be effected permanent, and prevent further deterioration of the river bed.

Under the plan of 1880 this was to be accomplished by narrowing the channel in the wide places to about 3,000 feet by means of "light, flexible, and comparatively inexpensive constructions of poles and brush and materials of like character," which, while not arresting the flow of water violently, would sufficiently check it "to induce a deposit of silt in selected localities," and "by the protection of caving banks."

In explaining the means by which they hoped to carry their purpose into execution, the commission said:

> The works which have been used in similar improvements are of various forms and devices, such as the hurdle, composed of a line of stakes, or light piles, with brush interlaced; the open dike, formed of stakes with waling strips on both sides filled in loosely with brush; the continuous-brush mattress, built or woven on fixed or floating ways and launched as fast as completed, as a revetment to a caving bank, the mattress used as a vertical or inclined curtain, placed in the stream to check the current, the same laid flat on the bottom as the foundation for such a curtain, or as an anchorage for other brush devices; curtains of wire or brush netting, placed vertically or inclined in the stream; and various other forms of permeable brush dikes, jetties, or revetments.

It will thus be seen that the protection of caving banks by revetment was a prominent feature of the plan adopted by Congress. It is true it was expected that the reduction of the channel to a comparatively uniform width of about 3,000 feet would very greatly arrest caving of the banks, and that result is still looked for when the whole channel, or even a considerable part, has been so rectified. But until then it was believed that caving would continue, and that meantime it might be necessary to aid the channel or contraction works, if not, indeed, to save them from absolute destruction, by holding rapidly-caving banks by revetment.

Having explained their plan the commission continued:

> Those works of channel contraction and bank protection—

Treating, it will be noted, bank protection as something separate and apart from channel contraction—

> which, in the judgment of this commission, may be advantageously undertaken during the coming fiscal year, or as soon as Congress supplies the means, are confined to an aggregate length of nearly 200 miles of the shoalest water below Cairo, embracing the following localities, namely, New Madrid, Plum Point, Memphis, Helena, Choctaw Bend, and Lake Providence. The estimates are intended to cover the cost of works for contracting the channel and for securing and protecting the banks, for the necessary outfit of boats, tugs, tools, &c., to carry on the work for local surveys, the salaries of engineers, superintendents, and inspectors, and the necessary office expenses.

The estimates submitted with the report are then summed up as follows:

Estimates for works of improvement for the first fiscal year:	
Initial works for channel contraction and bank protection	$4,113,000
Closing gaps in levees	1,010,000
Checking enlargement of Atchafalaya	10,000

Thus it will be seen that throughout the explanation of the plan, the statement of the works proposed to be inaugurated, and the estimates therefor, channel contraction is treated as one thing and revetment or the protection of caving banks as another and that both are put prominently to the front as essential features.

At a meeting of the commission held February 12, 1880, five days before the plan for the improvement of the river was prepared for submission to Congress, a detailed estimate was adopted for each of the reaches selected for improvement, wherein the works for bank protection were computed to cost four and a half times as much as those for channel contraction. Captain Eads asserts that he was not present at that meeting, and I accept his statement as true, but that does not alter the fact that the interpretation of the plan by the commission, contemporaneously with their submission of it to Congress, looked to the immediate and extensive use of bank revetment.

Congress made the first appropriation for the work on March 3, 1881, and we see from the report of the commission in the following November, that they immediately expended a large part of it in the purchase of the plant needed to do the work, which comprised "among its principal articles four barges for grading the banks, each equipped with a force-pump and necessary pipes and hose for delivering 2,000 gallons of water per minute under a high pressure; two mattress barges fitted out with suitable wire-net weaving apparatus for the manufacture of wire-netting for permeable dikes and revetments; thirty pile-drivers; seventy-eight barges for the transportation of brush and stone; two large quarter-boats for offices and quarters for the superintending engineers, and for store-rooms and quarters and mess-rooms for skilled labor; two smaller quarter-boats for brush-cutting parties moving from place to place; five tow-boats of different sizes for towing stone and brush barges and hauling the same at the works; two steam-launches

for the use of the superintending engineers and inspectors; portable quarters and mess-rooms for the accommodation of five hundred common laborers, and moderate outfits for two blacksmith-shops and two carpenter-shops."

It will be perceived that nearly the whole of this plant was designed to be used in revetment work only. In the same report they informed Congress that they had contracted for "425 tons of galvanized steel wire of suitable sizes, and for 20,000 cubic yards of riprap stone delivered to barges at the quarries," all of which was intended, of course, for bank revetment.

The report also stated:

Work in the way of preparation, and consisting in the clearing of the banks which will first be protected, has already been begun.

And by way of excusing themselves for not making, as required by the act of March 3, 1881, before the 1st of January, 1882, a detailed statement of the work done and expenditures made, accompanied by their opinion as to the effect of such work, and the practicability and probable cost of the improvements in contemplation, they said, "Very little of the work of revetment for bank protection, and perhaps none of the permeable dikes for contracting the channel, will be actually completed before the time specified," and "there are some objections also to putting down bank revetments on a rapidly-rising river, as the Mississippi is known to be at the present time, unless the entire slope to the crest of the bank can be graded and covered about the same time; and this is impracticable, in a large degree, under existing circumstances, for the reason that the pumps for two of the four grading boats will not be ready for delivery until some time during January next."

In this same report, as if determined that there should be no room for the slightest misunderstanding as to what the plan for improvement and the methods for carrying it into effect were, the commission say:

With regard to the practicability of improving the navigation of the river below Cairo upon the general plan recommended and to the full extent required by the increasing demands of commerce, attention is respectfully invited to the views of the commission as expressed on pages 16, 17, and 18 of the report dated February 17, 1880. As a brief summary of those views it may be here stated that the improvement is to be secured by narrowing the low-river channel-way to an approximately uniform width of 3,000 feet in localities where widths are excessive and the navigation bad, to be accomplished and rendered permanent through the agency of such work as will also create a comparative uniformity in the width of the high-water channel. For the attainment of this result two distinct classes of works, differing widely in character and purpose, will be required, namely, revetments for the protection of caving banks, and dikes or other structures for the contraction of the channel-way. The bank revetments are intended not only to stop the constant and, in some localities, very rapid enlargement produced by erosion and caving of concave bends, but in addition thereto to check the growth of bars and shoals below by accretions supplied directly therefrom

They then gave quite an elaborate description of the processes by which these two distinct classes of work were to be done, and said:

It is the unanimous opinion of the commission that the improvement of the navigation of the Mississippi River below Cairo, upon the general plan recommended in their report of February 17, 1880, is entirely practicable, and that the completion of the works, for which partial estimates were then submitted, with others of similar character, where the navigation is bad, or may hereafter become so, will establish and maintain a continuous low-river channel, not less than 10 feet deep, over all the shoals and bars between Cairo and the Head of the Passes, with the possibility of attaining practicable depths considerably beyond that limit.

The reports of 1880 and 1881 make it perfectly certain that from the very beginning the plan adopted, as interpreted and explained by the commission and acted on by Congress, recognized that bank protection by means of revetment and channel contraction by means of permeable dikes would be used conjointly, and that each had its peculiar purpose to subserve in effectuating the general scheme of improvement. This report of 1881 was not signed by Captain Eads, because, as stated by him in his individual communication to General Gillmore, transmitted by the Secretary of War under date of April 26, 1882, he differed "with the views expressed therein on the following important points: 'Levees,' the 'Atchafalaya,' 'harbor of Vicksburg,' and 'improvements between the mouths of the Missouri and Ohio Rivers.'" The communication very ably elaborates his views concerning these several "important points," but not one word is spoken against revetment work, no complaint is uttered of the large expenditure made by the commission for plant with which to do such work, and no objection is advanced to their interpretation of the plan of 1880.

They phrase their estimate for the next fiscal year as follows:

For initial work for contracting the channel and protecting caving banks on six reaches of the river, constituting a length of 184 miles, * * * $3,113,000. For closing existing gaps in levees, $1,010,000.

In view of the explanation of the plan and of their proposed methods of executing it, as stated in their report of 1880 and elaborated in that of 1881, and in accordance with the said estimates, Congress, on August 2, 1882, appropriated for the work $4,123,000.

This action of Congress was a most emphatic and unequivocal approval of the plan and methods of work as described by the commission.

The next report of the commission was made December 1, 1882.

They again describe the plan for improving the river, saying:

It consists essentially in seeking to increase the navigable depth at low-water by narrowing the width at that stage to about 3,000 feet, it being found that where this width is exceeded bad navigation as a rule exists. To accomplish this result recourse is had to light permeable structures erected in the river bed and designed by checking the velocity of the current to induce deposits of sediment on those portions of the bed which it is proposed to reclaim from the river. By a continuance of this action, which merely imitates the natural processes constantly at work, it is expected that these deposits will ultimately be raised to the level of the normal banks. When this is done the river will have a nearly uniform width, and the tendency which now exists to form shoals in the wide places will be done away with. At the same time the concentrated flow thus set up will scour down the bed, remove the present shoals, and ultimately to some extent lower the flood-line. To prevent the constant bank erosion now going on both the old banks and the new ones, when exposed to this action, must be protected by brush mattresses below the low-water line, and above that point by brush or stone or the natural vegetation.

In addition to this reiteration of the revetment feature of the plan they informed Congress that at the date of their last annual report (November 25, 1881) "parties had been set to work on both reaches (Plum Point and Lake Providence) to clear the standing timber from banks where revetment work was contemplated," and that since then considerable revetment had been done in both of these reaches, and in Hopefield Bend and at Memphis.

Their estimate for the next fiscal year is:

For works for contracting the channel and protecting caving banks on six reaches of the river, &c.

So when we turn to the reports for 1883, 1884, and 1885 we find that accounts are given of various revetment work in progress. At the risk of being tedious I have gone over the reports from the beginning for the purpose of showing that there has been no departure by the commission from the plan adopted in 1880; that by that plan, as explained by them and acted on by Congress, extensive revetment as well as channel work was contemplated; that these two classes of work were always intended by the commission to go on hand in hand together, and that their intention was repeatedly and plainly expressed to Congress; that Congress adopted the plan as elucidated by them and made appropriations accordingly; that there has been perfect consistency in all that has been said or done by them; that there has been no quibbling or vacillation or concealment by them; and that their use of revetment is directly in accodance with their purpose and understanding of the plan of improvement, as frankly and clearly set forth by them in their published reports.

The understanding of the plan by my distinguished colleague upon the committee [Mr. BLANCHARD] can best be stated in the words spoken by him on this floor on January 19. He said:

It was matured after careful and elaborate study of the river. It consisted in what is called the contraction system, united with the plan of revetment of the banks, so as to hold them and thus to preserve the results achieved by the contraction of the channel in the wide places, and, as incidental and a necessary adjunct to the channel improvement of the river, the construction of levees upon the banks in order to conserve the forces of the river at its flood stages.

It will be seen that the gentleman from Louisiana understands the plan of 1880 exactly as I do, and as it has been repeatedly explained by the commission.

The gentleman from Arkansas calls upon me to let the House know whether or not the members of the commission "are warring, not only, perhaps, among themselves, not only in general feuds and rivalries, but also warring upon the Mississippi River itself." I have seen no evidence that they are warring among themselves, and I believe that they are faithfully endeavoring to execute the plan of 1880 as interpreted and understood both by themselves and Congress. There has been always some difference of opinion among them as to some of the details of the work, but none as to the feasibility of the scheme, and none as to the value of works for the protection of caving banks. I have shown that the commission in their several reports have repeatedly stated and restated the plan; that they have always discussed plainly and frankly the revetment feature; that they have given a history of the work in all its parts year by year as it progressed, and a reference to the records will also show that they have exhibited the reports of the various engineers in charge of the works at the different localities, showing in the minutest details all losses sustained as well as successes achieved and the use to which every dollar of the appropriations has been applied.

No matter what may be said of the plan or the results attained, it can not be justly charged that they have been lacking in candor or frankness, or that they have withheld anything from Congress which should have been made known. By the river and harbor act of August 5, 1886, the condition was imposed upon the commission "that no work of bank protection or revetment shall be executed in said reaches (meaning the reaches being improved) or elsewhere, until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks."

The same limitation is contained in the bill reported at this session by the committee of which I have the honor to be a member, and this, too, notwithstanding the fact that the commission had sent in a communication wherein they said:

The idea that the Mississippi River can be permanently improved by contraction works alone is purely visionary and theoretical, contradicted by experience and not supported by any good authority. To adopt such a system is, in the opinion of the commission, to waste public money.

The gentleman from Arkansas regards my failure to object to this limitation in view of this communication as indicating my distrust of the commission and as inconsistent with the confidence expressed upon this floor by me in their ability and fidelity, and emphasizes it in his

remarks with very apparent glee. My course in this connection is easily explained. I do not pretend to know more about this great question than any other gentleman who has bestowed thought upon it. I know no member who by education or experience can claim superior knowledge of it. I have assumed that all those professing friendship for the enterprise are equally earnest in their labors and wishes for its success, and equally capable of understanding and dealing with the difficulties attending its advancement and accomplishment. I have recognized that nothing could be done unless its friends would agree that the course advised by a majority of them, as contingencies might arise, should be supported by all. Such agreement involved no sacrifice of principle or integrity. When the river and harbor bill was reported, and as it passed the House in the first session of this Congres, no such limitation was contained in it. After it reached the Senate it was inserted, after a consultation of its friends, for reasons not necessary to be mentioned here.

In the same spirit of concession, and acting as we believed for the best, the gentleman from Louisiana [Mr. BLANCHARD] and myself, who especially had in charge this matter in the committee, caused the same limitation to be inserted in the present bill. And we did this the more readily as the commission, in the communication already quoted from, did not construe the limitation as prohibiting revetment where they regarded it as necessary.

They said upon this point:

> In the recommendations made for the expenditures of this appropriation (meaning that of August, 1886), the commission have regarded these restrictions, and have recommended no work of bank protection or revetment that does not seem to them to be absolutely necessary to save from destruction costly work already done or valuable results already attained, leaving to yourself, at the same time, the final question of the full meaning and intent of the law.

My whole purpose is to push forward this great work in which my constituents are so vitally interested as rapidly as possible, and no views of mine shall stand in its way. I claim no superior knowledge upon the subject, and while I have well defined ideas concerning it, I have no pride of opinion which could make me hesitate a moment in laying them absolutely aside if the enterprise could be in the least degree thereby benefited. That is the platform upon which I stand, and I think all of the friends of the river should also occupy it. I do not wish to be understood as being wedded to the commission as it is now organized. While I have confidence in their ability, and believe that they will, if let alone, achieve that result we all so anxiously hope for, there never has been a time when I have not been ready, if a majority of the friends of the river thought it best, to co-operate promptly and earnestly in an effort to have its membership entirely changed. I have so repeatedly stated in consultation with friends. But I do protest against these gentlemen, one of whom is a friend and constituent of mine, and the equal in integrity, character, intelligence, manliness, and honorable purpose of any member of this House, being denounced here by the gentleman from Arkansas, or anybody else, as "a body of obstinate wrangling men, * * * jealous of an illustrious former associate," and as "pursuing no authorized plan," and as "seeking by all manner of sophistry to cover up its errors and to conceal its waste of public money," and as engaging in nothing "but envies, strifes, inconsistencies, efforts to magnify and continue self and to draw pay," and as fighting the plan they are ordered to execute.

They have pursued the plan of 1880 literally, and have neither done nor said anything to justify such coarse abuse. The charge that they are striving merely to "continue self and to draw pay" is without the slightest foundation. Of the seven commissioners four are United States officers, whose salaries are in no sense dependent upon the maintenance of the commission, as the gentleman from Arkansas knows, and I leave the House to determine the weight which should be attached to his assertion that these officers are engaged in some sort of conspiracy with the three members from civil life to have the commission continued that the latter may continue to draw pay.

As to the propriety or necessity of using revetment to prevent the banks from caving, in connection with contraction works, not being either a real or pretended engineer, I will content myself by referring to the communications of the commission and of Captain Turtle upon that point, which I will append to my remarks. From actual observations made it appears that when contraction works have been constructed the bank opposite to them has invariably caved rapidly, and that when wide places have been narrowed caving in the bends below them has not been thereby stopped. The only revetment used has been to prevent these opposite banks from caving, whereby the river would again become abnormally wide and undo all the good effected by the contraction works, and to prevent the contraction works themselves from being taken in flank and destroyed by the river eating in behind them.

The idea of the commission upon this point is thus succinctly and clearly stated by General C. B. Comstock in his separate report of July 3, 1885:

> I fully concur in the opinion that any attempt to improve the navigation of the Lower Mississippi by contraction works alone without the extensive use of bank protection would be a failure. I think, even if it were possible in that way temporarily to improve the river, it would be only temporarily, since the river, still free to cave in its bends, would recede from those works unless the bends were held by protection works, and would thus return to its present bad condition.
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> Not believing that contraction works alone can improve the navigable depth of the river, neither do I believe that revetment works alone can do it, and I am not in favor of either class of works except in proper connection with the other. The Mississippi is like other rivers, differing only in size, and the general plans for improving rivers in alluvial bottoms, followed for many years in Europe and tested by experience, must be followed here, namely, contraction works to secure increased depths where needed, and protection works in caving bends to prevent the river from abandoning or destroying the contraction works either during or after their completion.

The appropriations have been as follows:

Act of March 3, 1881	$1,000,000 00
Act of August 2, 1882	4,123,000 00
Act of January 19, 1884	1,000,000 00
Act of July 5, 1884	2,065,000 00
Act of August, 1886	2,000,000 00
Add to this—	
Balances from former appropriations for works below Cairo, July 1, 1882	272,504 96
Balances, same kind, for works above Cairo, July 1, 1884	22,632 53
Total	10,483,548 56

Of this the $2,000,000 of August, 1886, remain practically unexpended and need be no further considered. There have been expended to June 30, 1885, above Cairo, $538,128.77. For levees there have been expended $1,578,695.36; for plant, about $1,400,000; for surveys, $24,690.11; for Vicksburg Harbor, $61,812.13; for Natchez and Vidalia, $6,626.09; for Delta Point, $115,573.71; for Memphis Harbor, $198,580.97; for Memphis Reach, $477,073.04; for Lake Providence Reach, $2,240,285.73; for Plum Point Reach, $2,379,019.12; and for New Madrid Reach, $210,364.74.

Out of this whole sum only $2,240,000 have been expended for works for protecting the banks, about which such a dismal howl has been raised, and this includes the first cost of plant, less its present value, and the cost of its maintenance, and also the cost of the special work for the protection of the Memphis and Vicksburg harbors, all of which was bank revetment.

Deduct this last, $803,011.49, which was for the protection of given localities, and only $1,436,988.51 have gone for bank protection. Nor have all the losses which have occurred been confined to revetment.

	Per cent. of cost.
The damage to works of channel contraction has been	22
To works of bank protection	26

And these percentages include the cost of maintenance of plant, and also its original cost less its present value. The works at Lake Providence and Plum Point have cost more than was anticipated. General Gillmore, speaking of this in 1885, said:

> The cost of improving the Mississippi River in the manner and to the extent contemplated will doubtless considerably exceed the estimate formerly submitted by the commission. For this there are two reasons principally: First, that it has been found necessary to make use of stronger and firmer, and, therefore, more expensive, methods of construction than those upon which, from a want of experimental knowledge, that estimate of cost was based; and second, that the percentage of loss from floods has exceeded what was formerly thought to be a fair allowance for this contingency. Much of this loss, however, would have been spared had the stronger methods of construction been resorted to at an earlier day, and future loss from this cause may therefore in some measure be avoided. In other respects, also, the experience gained in the application of new and untried devices can not fail to tend in the direction of economy.

Add to this that during the whole period there has been a succession of unprecedented floods, interrupting labor for months at a time, and leaving unfinished work exposed to their ravages, and that for other long periods work has been suspended for want of appropriations, and we can readily understand why the original estimates have been largely exceeded. It is hardly to be doubted that with their present experience, and average floods and ample means, the commission could duplicate all they have done, outside of levee work, for one-half of what they have expended.

It is a false assumption of the gentleman from Arkansas that the river must receive such treatment from Cairo to the Gulf, or even to Red River, as it must have at the reaches selected by the commission for improvement.

These cover altogether 184 miles, and the work, aside from them, will consist of levees and comparatively inexpensive treatment of the channel and banks.

As pointed out by General Gillmore in 1885, work below Red River will be devoted entirely to securing an enlarged local water way, that the floods may pass off rapidly to the sea, there being now no difficulty of navigation, and this will be effected by restraining the floods by levees, thus scouring out and enlarging the channel. Throughout the portions of the river between the reaches of bad navigation there are many long stretches where navigation is good and which require but slight protection to be kept good.

The topography is such that for about one-half the distance below Cairo only one side of the river requires to be leveed.

Along both sides in Arkansas, Louisiana, and Mississippi there are many hundreds of miles of strong, substantial levees now successfully warding off the floods.

My colleague from Louisiana [Mr. BLANCHARD] has gathered from

the reports the following estimates, showing that in addition to what has already been expended for levees the commission do not contemplate expending more than $4,240,000, namely:

Total estimates for levees yet to be constructed—	
Cairo to Island No. 40, 220 miles	$2,300,000
Island No. 40 to Saint Francis River, 78 miles	430,000
Saint Francis River to White River, 95 miles	150,000
Amos Ridge to Arkansas City	30,000
Arkansas City to Louisiana State line	375,000
Louisiana State line to Warrenton	260,000
Warrenton to Red River	125,000
Morganza Crevasse River (now being closed)	70,000
Total	3,740,000
Add for reconstruction of Kempe levee, for work on Lake Concordia levee, and for additional work on levees on Yazoo front (not estimated for by commission), say	500,000
	4,240,000

I am willing, for the purpose of the argument, to concede that twice this sum may be needed to aid the States, riparian counties, and districts to perfect the levees, and still the ultimate cost will not be excessive.

Now, as showing what my colleague [Mr. BLANCHARD], than whom there is not a more careful, conscientious, and intelligent man upon this floor, thinks of the probable cost of the work, I will read from the able and elegant speech delivered by him on January 15. After discussing the levee feature of the plan, he said

The other part of the system adopted is the contraction of the wide places and the revetment of the banks. This is the most costly part of the system. The gentleman from Iowa has stated, and stated recklessly (which was the character of many of his statements), that it is impossible to tell what this revetment of the banks is going to cost; and the gentleman even had the temerity to venture an opinion on this floor, as I understood him, that the cost will reach $75,000,000. In refutation of that statement I need only refer members to what has been done at two of the great reaches of the river. What has it cost to revet the banks and to contract the river at Plum Point reach and at Lake Providence reach, where this improvement has been going on? It is true that these reaches are not yet completed, but they are nearly so. They are sufficiently completed to have gained a depth at each of them of from 5 feet at low water to 12 and 15 feet at high water. What has it cost to contract those reaches of the river and to revet their banks? There has been expended at Plum Point reach a little more than $2,300,000 and at Lake Providence reach about $2,250,000.

Say that it will cost three quarters of a million more at each to finish the work (which I think would be an outside figure), then we would have two reaches of the river each about 40 miles long, upon each of which we will have spent $3,000,000 in the work of contracting the 10,000 feet (which is the width of the river there, or nearly so) to the requisite width of 3,500 feet, and also revetting the banks.

Now, there are but six of those reaches, and if they are all to cost as much as $3,000,000 each, that will aggregate only $18,000,000, not only for revetment, but for contraction works. It was never proposed, as the gentleman from Iowa seems to think, that this river should be revetted from Cairo to its mouth. The river needs improvement only at specific localities along it, mainly at these six reaches I have referred to. And even if it cost double the $18,000,000, what is that when we come to consider the great importance of deepening and improving a great parent water way like the Mississippi River from Cairo to the Gulf, with the possibility, and even probability, of great ocean steamships penetrating to the great cities on its banks in the far interior?

I say, therefore, Mr. Chairman, that the reports of the Mississippi River Commission, if carefully and impartially studied, as they seem not to have been by the gentleman from Iowa, will be found to contain an abundance of material going to show that the great bugaboo which he conjures up does not exist; that it will not take $75,000,000, it will not take $50,000,000, it will not take $30,000 to improve the river, and that his assertion to the contrary is merely an assertion.

It thus appears that I have some very excellent support of the views expressed by me, both as to the theory of the plan and the probable cost of its execution.

I therefore again express the opinion, the wonderful maze of figures and footings dished out by the gentleman from Arkansas to the contrary notwithstanding, that a good navigable channel from Cairo to the Gulf can be obtained, the floods restrained, and deterioration of the river substantially arrested for $30,000,000.

Under all the circumstances the most gratifying success has attended the labors of the commission.

The works at Lake Providence and Plum Point, covering about 60 miles of the worst and shoalest portion of the river below Cairo, have deepened the channel through those reaches from 6 to 13 and 15 feet at the very lowest stage of water, and swept away the shoals and bars which for years had endangered and threatened commerce.

In due course the other reaches of bad navigation, which are much less formidable than the two named, will receive proper treatment, and then navigation will be uninterrupted from one end of the year to the other. With help, judiciously furnished, levees throughout the length of the river will be erected and maintained and the floods of high water will be restrained and compelled by scouring out the bed of the river to make for themselves a rapid and easy passage to the sea instead of expending their energies in ravaging the magnificent plantations along the banks and creating in the shape of bars and shoals new and ever-increasing impediments to navigation and commerce.

It is most sincerely hoped that whether its membership be changed or not this great work will continue in the hands of a commission.

As has been pointed out by the very able Senator from Louisiana [Mr. GIBSON], nearly all the important rivers in Europe have been improved through the agency of commissions organized for the purpose. Struck with the utility of such an agency, he introduced the bill in Congress which resulted in the creation of the Mississippi River Commission.

It is of the utmost importance in dealing with such works that they shall be in charge of those specially designated to study them, thus securing not only the benefit of practical experience but uniformity of plan and treatment, so that no matter in what locality work may be done its effect not only at the given spot but upon the whole river will be kept steadily in view.

This was regarded by Captain Eads as a matter of the greatest importance. In explaining, in his separate report for 1881, why he could not join in the recommendation of the commission that the methods employed by Captain Ernst in improving the river between the mouths of the Missouri and Ohio Rivers should be continued, after stating that he had not had the opportunity to examine those methods, he said:

Before I would feel justified in giving my approval to detail plans for the improvement of any portion of the river it would be necessary for me to carefully consider them, not merely in the light of the immediate results which the works might be expected to accomplish, but also as to their effect upon other parts of the river. It would also be necessary to know whether the plans proposed for the special locality were in full accord with the general plan of improvement recommended by the commission, and assuming the plans to be correct, whether they were to be carried out with due regard to economy in the expenditure of money.

Under the act of Congress creating the commission it is charged with the responsibility of reporting plans for the improvement of the entire river, and it alone is responsible for them. I do not believe the public expectation will be met by exempting so extensive and important a section of the river as this 200 miles from the supervision of the commission. This was done by a clause in the last appropriation of $600,000 for this part of the river, and the effect of the present recommendation is to encourage the disbursement of a like sum without any control of the works by the commission.

Whatever defect may exist in the methods of work is not to be attributed to the fact that it is being done by a commission. Nothing can be clearer than this, and in my opinion whenever the Mississippi River Commission ceases to exist the cause of the great river will have received a severe blow. The intimation of the gentleman from Arkansas that the inhabitants of the Valley have sought to improperly influence or control the action of the commission is without justification or excuse. He has not pointed out any word spoken or act done by them upon which such an insinuation could be based.

They are an intelligent and high-minded people, who would not, if they could, have the commission to swerve one hair's breadth from the strict performance of their duties under the law. One of the members of the commission (General Ferguson) resides in my district. In the course of his remarks, the gentleman from Arkansas [Mr. BRECKINRIDGE] said:

If gentlemen choose to stand by their constituents, personal friends, and favorites on the commission they can do so; but I protest that their eyes are being blinded to what is best for the river and the public interests.

And again:

The gentleman from Mississippi [meaning myself] * * * is hardly expected to be the first to see fault in his friend and influential constituent who is on the commission, or in those that that gentleman stands up for.

If this language means anything it means that I have not spoken candidly or honestly upon this question, but have shaped my course to please my friend and constituent. It is not necessary for me in this House, where no member, I trust, has excelled me in modesty of demeanor, or in the display of proper respect and regard for the rights and views of others, to say that there is no foundation for so disrespectful an insinuation. I am quite content to have the motives which have actuated the gentleman from Arkansas and myself compared by any one who will take the trouble to read his remarks and mine.

NOTE.—When the present bill reached the Senate the words of limitation as to revetment work, upon which the gentleman from Arkansas [Mr. BRECKINRIDGE] has endeavored to make a point against me, were modified so as to read as follows: "That no work of bank protection or revetment shall be executed in said reaches or elsewhere unless in the judgment of the commission the completion of the permeable contracting works and the establishment of a uniform width of the high-water channel will not secure the desired stability of the river banks." And the bill with this modification afterwards passed the House.

This modification is understood to have been made at the suggestion of Senator GIBSON, who is undoubtedly as well informed upon all matters pertaining to the Mississippi River as any man in Congress, and knows how to deal with them practically as well as theoretically.

APPENDIX.

[House of Representatives, Forty-ninth Congress, second session, Ex. Doc. No. 66.]

Letter from the Secretary of War, transmitting a communication from the Mississippi River Commission in reference to the works of protection to the banks of that river; also to the failure to make provision for the expenses of the commission.

WAR DEPARTMENT, WASHINGTON CITY, *January* 5, 1887.

The Secretary of War has the honor to transmit to Congress a copy of a communication of November 27, 1886, from the Mississippi River Commission, submitting remarks upon the conditions imposed by the river and harbor act of August 5, 1886, upon works of bank protection on that river, and calling attention to the deterioration of the works construed at Plum Point and Lake Providence reaches for want of appropriations, and also to the fact that Congress had failed to make provision for the commissioners' expenses.

WM. C. ENDICOTT,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

OFFICE OF MISSISSIPPI RIVER COMMISSION,
Saint Louis, Mo., November 27, 1886.

SIR: The river and harbor act of August 5, 1886, imposed on the Mississippi River Commission the condition—

"That no works of bank protection or revetment shall be executed in said

reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks."

This limitation is based, it is believed, on the theory that a river, if once regulated, will not scour its natural banks. The commission is somewhat familiar with the opinions and writings of hydraulic engineers, and, so far as it is advised, this theory is totally unrecognized by any authoritative writer on hydraulics. It is universally recognized by such writers that in general when a large obstruction is placed on one bank of a river a corresponding wearing away of the opposite bank occurs in consequence.

"There is no evidence that a regulated river will not cave its banks, and in most cases it is impossible to build permeable contracting works or secure any narrowing of the channel by them without holding the banks in their immediate neighborhood while the work is going on; the unprotected banks would recede while the contracting works were being built."

These general views are fully confirmed by the experience of the commission on the Mississippi River.

The contraction works at Gold Dust, Plum Point, Duncansby, and Baleshed have been followed by caving on the opposite bank, whose immediate result is, by again enlarging the cross section of the river, to destroy any beneficial results the contraction works might otherwise produce.

That such works may secure any valuable permanent contraction, the opposite bank must in general be held by protection works.

In the opinion of the commission the idea that the Mississippi River can be permanently improved by contraction works alone is purely visionary and theoretical, contradicted by experience and not supported by any good authority. To adopt such a system is, in the opinion of the commission, to waste public money. Holding these views, the commission, as engineers, can not recommend to Congress as futile an undertaking.

In the work which has been done in the Plum Point and Lake Providence reaches, the plan which has been so frequently and explicitly recommended by the commission in previous reports, and which embraced the combination of permeable contracting works and bank protection as means of narrowing and deepening the channel, has been applied.

The work has been conducted under difficulties which can justly be called extraordinary. Since its commencement a succession of floods has occurred without precedent, by which the work has been greatly interfered with, and large expenses and losses incurred.

On two occasions the annual appropriations have failed entirely, and in no case except one has it reached the amount recommended. During long intervals of time the works have remained in an unfinished condition, exposed to injuries which under favorable conditions might have been prevented.

Nevertheless the deepened channel through the improved portions of these reaches has been maintained continuously. The present season has been one of extraordinary low water—the lowest since 1879. In many parts of the river the depth has fallen to 6 feet and under. But in the improved parts of these reaches there has been at all times a navigable channel of ample depth.

Before these works were begun these reaches were the worst places on the river. It was for that reason that their improvement was undertaken first in order. They are now good.

These successful and gratifying results have been obtained by the combination of permeable contracting works and bank protection, each supplementing and aiding the other, and, in the opinion of the commission, could not have been obtained by permeable contracting works alone. In the act of August 5, 1886, certain restrictions already referred to, not entirely free from ambiguity, are laid upon the use of bank protection or revetment as means of channel improvement. In the recommendations made for the expenditure of this appropriation the commission have regarded these restrictions, and have recommended no work of bank protection or revetment that does not seem to them to be absolutely necessary to save from destruction costly work already done or valuable results already attained, leaving to yourself, at the same time, the final question of the full meaning and intent of the law.

The commission would call the attention to the fact that Congress having failed at its last session to make any provisions for payment of its expenses, and the Attorney-General having decided that such expenses could not be paid from the appropriation, it has been impossible to make such inspections of the work as are much to be desired.

The commission would also call attention to the fact that the works at Plum Point and Lake Providence have seriously deteriorated during the absence of appropriations for carrying them on, and hence that the appropriations asked for in the annual report should be granted, as the works on these reaches are still incomplete, and funds are not available for their completion.

Q. A. GILLMORE,
Colonel Engineers, Brevet Major-General U. S. A., President Mississippi River Commission.
C. B. COMSTOCK,
Lieutenant-Colonel Engineers and Brevet Brigadier-General.
CHAS. R. SUTER,
Major Engineers, U. S. A.
HENRY MITCHELL,
Coast and Geodetic Survey.
R. M. HARROD.
R. S. TAYLOR.
S. W. FERGUSON.

The SECRETARY OF WAR.
(Through the Chief of Engineers.)

ARMY BUILDING, NEW YORK, *December* 22, 1886.

I concur very generally with the views expressed in the foregoing letter, and have accordingly signed it as president of the commission, with the following reservation on the subject of bank protection: The revetment of a caving bank with mattresses or other similar device is perhaps the quickest way to afford protection, for the reason that it interposes a covering capable of resisting the wearing and undermining action of impinging water. But the most complete and efficacious method requires that the current be turned away from the threatened bank. This can best be done usually by permeable dikes placed above the point in danger and requiring protection, having their lengths severally adjusted to the object in view.

Q. A. GILLMORE,
Brevet Major-General, President Mississippi River Commission.

[House of Representatives, Forty-ninth Congress, second session, Ex. Doc. No. 99.]

Letter from the Secretary of War, transmitting a communication from the Mississippi River Commission, together with a report and accompanying maps, showing the bank lines of the Plum Point and Lake Providence reaches.

WAR DEPARTMENT,
Washington city, January 19, 1887.

The Secretary of War has the honor to transmit to the House of Representatives, for the information of the Committee on Rivers and Harbors, the inclosed communication of the 12th instant from the Mississippi River Commission, together with a report and accompanying maps, showing the bank lines of the Plum Point and Lake Providence reaches.

As the maps are originals and of great value, it is respectfully requested that they be returned to the Department when no longer needed by the committee.

WM. C. ENDICOTT,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

THE MISSISSIPPI RIVER COMMISSION, PRESIDENT'S OFFICE,
ARMY BUILDING, 33 WEST HOUSTON STREET,
New York, January 12, 1887.

SIR: I have the honor to transmit herewith maps of Plum Point and Lake Providence reaches, with accompanying report prepared by the secretary of the commission in compliance with a resolution passed by the commission September 20, 1886:

"That the secretary of the commission be directed to prepare maps of the Plum Point and Lake Providence reaches on a scale of 1:4000, showing the bank lines of the original surveys, all bank lines subsequently run, and the present bank lines; also all dike and revetment work. To both the shore lines and lines of work dates of construction shall be attached. These maps shall be accompanied by a statement of the effect, if any, of the dike work in arresting caving."

The resolution further provided that—

"The maps and accompanying statements shall form part of the next report to enable Congress to judge as to the advisability of repealing the instructions in the last river and harbor bill concerning the construction of revetment works."

These maps could not be prepared in time to be embodied in the annual report of the commission for 1886, but it is requested that they may be brought to the attention of Congress in connection therewith.

It is requested that these maps may be ultimately returned to the secretary of the commission, as he has been able to retain only tracings of them.

Very respectfully, your obedient servant,

Q. A. GILLMORE,
Colonel of Engineers, Brevet Major-General, U. S. A., President Mississippi River Commission.

The SECRETARY OF WAR.
(Through the Chief of Engineers.)

[First indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
January 18, 1887.

Respectfully forwarded to the Secretary of War, with recommendation that the papers and accompanying maps be transmitted to the Speaker of the House of Representatives for the information of the Committee on Rivers and Harbors.

As the maps are originals and of great value, it is further recommended that their return to the War Department be requested when the committee has done with them.

J. C. DUANE,
Brigadier-General, Chief of Engineers.

REPORT TO ACCOMPANY MAPS SHOWING BANK LINES OF THE PLUM POINT AND LAKE PROVIDENCE REACHES, DECEMBER, 1886.

(Letter.)

OFFICE MISSISSIPPI RIVER COMMISSION,
Saint Louis, Mo., January 5, 1887.

GENERAL: I have the honor to transmit herewith maps of the Plum Point and Lake Providence reaches of the Mississippi River, compiled in pursuance of a resolution of the commission of September 20, 1886, and containing the information required by the same. The report of Mr. Ockerson, herewith, gives all information as to the data for the preparation of the maps and in detail the changes in bank lines since the survey of 1879.

The resolution of the commission, referred to, required a statement of the effect, if any, of the dike work in arresting caving, and directed that these maps and the accompanying statements shall form part of the next report, to enable Congress to judge of the advisability of repealing the instructions in the last river and harbor bill concerning the construction of revetment works.

In Fletcher's Bend (Plum Point reach) the bank receded a maximum distance of 275 feet in 1879-'81, but it was almost stationary in 1881-'82. Immediately upon the construction of the Gold Dust dikes the bank receded rapidly. Caving was accelerated, too, upon Craighead Point upon the construction of the Plum Point dikes.

We find the same result at Mayersville Island (Lake Providence reach) subsequent to the construction of the Cottonwood dikes.

The recession of the bank opposite the Baleshed dikes may undoubtedly be ascribed to them, as also the carrying away of the Elton dikes, and the caving of the banks at Elton.

So far as the construction of dikes relates to the caving of banks, those so far built have only initiated such caving or accelerated it.

Pursuing the matter somewhat further, the caving of the bank above the Duncansby dikes (Lake Providence reach) seems to be a consequence of the recession of the bank near Pilcher's Landing, as the reduction of Stack Island and the caving at Ben Lomond similarly seem to proceed with the caving at Elton, and following the change at Ben Lomond we have the very rapid caving below Lake Providence.

The action at all these points—Fletcher's, Craighead, Duncansby, Mayersville Island, Elton, Ben Lomond, and the bend below Lake Providence—is indicative of a relation between it and the direction of approach of the volume of the river towards the bank.

Following the attack above them and proceeding with it, the Duncansby dikes have been carried away, and the channel is now down through the locality where these dikes formerly were.

Very respectfully, your obedient servant,

THOMAS TURTLE,
Captain of Engineers, Secretary Mississippi River Commission.

General Q. A. GILLMORE,
Corps of Engineers, U. S. A., President Mississippi River Commission.

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APPENDIX TO THE CONGRESSIONAL RECORD.

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