

Michigan, for the establishment of a United States district court in the upper peninsula of Michigan—to the Committee on the Judiciary.

By Mr. JONES, of Alabama: The petition of N. H. Brown, of Mobile, Alabama, for a reduction of the duty on lead-ore and litharge—to the same committee.

By Mr. KELLEY: The petition 110 workingmen at the Falls of Schuylkill, Pennsylvania, against any change of the tariff laws reducing duties on foreign goods—to the same committee.

Also, the petition of Mrs. Martha J. Coston, for relief—to the Committee on Naval Affairs.

Also, the petition of 84 workmen of Manayunk, Pennsylvania, against any change of the tariff laws reducing duties on foreign goods—to the Committee of Ways and Means.

By Mr. KIDDER: A paper relating to the establishment of a post-route between Beale City and New Spotted Tail agency—to the Committee on the Post-Office and Post-Roads.

By Mr. KILLINGER: The petition of Murray, Dongal & Co., and other manufacturers, at Milton, Pennsylvania, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. KNAPP: The petition of citizens of Illinois, for an appropriation for the improvement of Saint Paul and Sny Island levee—to the Committee on Mississippi Levees.

By Mr. LORING: Remonstrance of E. P. Whitman and others, of Rockport, Massachusetts, against the reduction of duties on cotton goods—to the Committee of Ways and Means.

By Mr. McCOOK: The petition of D. R. Norvell and 35 others, ship-owners and agents of the port of New York, against the passage of House bill No. 2103, and that a thorough investigation be made of the acts of the commissioner of that port—to the Committee on Commerce.

By Mr. McKINLEY: The petitions of Knowles, Taylor & Knowles and other manufacturers of straw-china, &c., at East Liverpool, Ohio, and of Eureka Steel and Iron Works, at Wellsville, Ohio, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. MONROE: The petition of A. Coffin and other manufacturers of wool, lumber, &c., at Ghent, Ohio, of similar import—to the same committee.

By Mr. MORRISON: The petition of George W. Schussler and other citizens of Bellville, Illinois, for the encouragement of rifle practice—to the Committee on Military Affairs.

By Mr. REA: The petition of soldiers of the Forty-fourth and Forty-ninth Regiments Missouri Volunteers, for \$33 additional bounty—to the same committee.

Also, the petition of citizens of Cameron, Missouri, that the duty on flaxseed and linseed-oil remain unchanged—to the Committee of Ways and Means.

By Mr. RICE, of Massachusetts: The petition of Stephen Davis, for a pension—to the Committee on Revolutionary Pensions.

By Mr. RICE, of Ohio: Papers relating to the pension claim of Mary Walsh—to the Committee on Invalid Pensions.

By Mr. RYAN: The petition of Guilford A. Wood, for relief—to the Committee on Public Lands.

By Mr. SAMPSON: Papers relating to the bill for the relief of John T. Phillips—to the Committee on Military Affairs.

By Mr. SAPP: The petition of citizens of Iowa, for the removal of limitations as to time for presenting claims for pensions—to the Committee on Invalid Pensions.

Also, the petition of farmers of Iowa, that the tariff on imported flaxseed remain unchanged—to the Committee of Ways and Means.

By Mr. SLEMONS: Papers relating to the claim of Captain George W. Cook—to the Committee on Military Affairs.

By Mr. STONE, of Michigan: The petition of W. B. Croninger and 55 other citizens of Michigan, against the repeal of the tariff on wool—to the Committee of Ways and Means.

By Mr. STONE, of Iowa: The petition of citizens of Iowa, for the removal of limitation as to time for filing claims for pensions—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of New York: The petition of 175 flax-spinners of Rensselaer County, New York, against a reduction of tariff duties—to the Committee of Ways and Means.

Also, the petition of fire-brick manufacturers of Troy, New York, against the reduction of duties on fire-bricks—to the same committee.

By Mr. TOWNSEND, of Ohio: The petition of Edward Lewis and 120 other citizens of Cleveland, Ohio, employés of iron manufacturers, against any modification of the tariff laws to the detriment of American industries—to the same committee.

Also, the petition of Grassell Chemical Works Company, and 52 citizens of Cleveland, Ohio, engaged in the manufacture of chemicals, of similar import—to the same committee.

By Mr. TURNEY: Papers relating to the claim of Charles Gear-ing—to the Committee on War Claims.

By Mr. WAIT: The petition of Nathaniel Shipman, and others, that the time for holding the fall term of the district court of the United States for the district of Connecticut be changed—to the Committee on the Judiciary.

By Mr. WALSH: The petition of Charles K. Ramsburg, of Frederick City, Maryland, for relief—to the Committee on War Claims.

By Mr. WARD: The petition of 109 citizens engaged in the manufacture of cotton and woolen goods at Glen Riddle, Pennsylvania, and of 152 citizens of Phoenixville, Pennsylvania, engaged in the manufacture of iron, bridges, and pottery, against any reduction of tariff duties—to the Committee of Ways and Means.

By Mr. WARNER: The petition of C. F. Raymond, for pension-money due the widow of Jesse Smith—to the Committee on Revolutionary Pensions.

Also, the petition of Silas and Seth Hurd, for compensation for damages sustained by them in the improvement of the Housatonic River—to the Committee of Claims.

Also, the petition of Jacob Rath, to be relieved of the charge of desertion from the United States Army—to the Committee on Military Affairs.

By Mr. WILLIAMS, of Michigan: Resolutions of the State Grange of Michigan, against black-mailing patent-right vendors—to the Committee on Patents.

Also, resolutions of the State Grange of Michigan, favoring the building of a ship-canal across the State from Lake Michigan to Lake Erie—to the Committee on Commerce.

Also, the petition of William D. Ingersoll, late second lieutenant Fifth Michigan Cavalry, for relief—to the Committee on Military Affairs.

By Mr. YOUNG: Papers relating to the claim of the Masonic Lodge at Colliersville, Tennessee—to the Committee on War Claims.

## IN SENATE.

WEDNESDAY, January 23, 1878.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

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

### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a message of the President of the United States, transmitting, in answer to a resolution of the Senate of November 16, 1877, reports made by the Attorney-General and the Secretary of State on the seizure of lumber and timber by the agents and marshals of the United States in the States of Alabama, Florida, and Mississippi; which was referred to the Committee on the Judiciary, and ordered to be printed.

### PETITIONS AND MEMORIALS.

Mr. DAVIS, of Illinois. I present the memorial of E. B. Powell and 64 others, workingmen of Belleville, Illinois, engaged in the manufacture of nails in the Belleville Nail Works, remonstrating against any reduction of the duties which protect their labor. They also remonstrate against the reimposition of the war tax upon tea and coffee, which was abolished, they say, by the friends of the workingmen. I move the reference of the memorial to the Committee on Finance.

The motion was agreed to.

Mr. HAMLIN presented the memorial of J. S. Clapp and others, workingmen of Paris, Maine, engaged in the manufacture of box-board, remonstrating against the reduction of the duties which protect their labor and against the reimposition of the war tax on tea and coffee; which was referred to the Committee on Finance.

Mr. KERNAN presented petitions of citizens of the counties of Madison, Franklin, Monroe, Chemung, Orange, Oswego, Rensselaer, and Genesee, in the State of New York, and citizens of the city of New York, praying that silver be remonetized and the resumption act repealed; which were referred to the Committee on Finance.

Mr. RANDOLPH presented the memorial of Erastus Sweet and others, workingmen of Trenton, New Jersey, engaged in the manufacture of crockery; the memorial of Thomas W. Beattie and others, workingmen of Camden, New Jersey, engaged in the manufacture of woolen goods; and the memorial of Thomas Davis and others, workingmen of Trenton, New Jersey, engaged in the manufacture of crockery, remonstrating against a reduction of the duties on imports and against the reimposition of the war tax on tea and coffee; which were referred to the Committee on Finance.

Mr. BECK presented the memorial of G. W. Thomas and others, workingmen of Sharpsburg, Kentucky, remonstrating against a reduction of the duties on imports and against the reimposition of the war tax on tea and coffee; which was referred to the Committee on Finance.

Mr. CAMERON, of Pennsylvania, presented the petition of the Pennsylvania Cotton Mills, manufacturers of cotton, of Pittsburgh, Pennsylvania, employing two hundred and sixty-five workmen, praying that Congress will take no action concerning a revision of the tariff duties until after it shall have ascertained by an official inquiry the condition of the industries of the country and that the nature of the proposed tariff legislation is such as in the opinion of practical business men would best promote the restoration of general prosperity; which was referred to the Committee on Finance.

He also presented the memorial of Samuel S. Ford and 217 others, workingmen employed by Powers & Weightman, of Philadelphia,

Pennsylvania, and the memorial of Henry Slocum and others, workingmen, of Pittsburgh, Pennsylvania, engaged in the manufacture of window glass, remonstrating against a reduction of the duties on imports and against the reimposition of the war tax on tea and coffee; which were referred to the Committee on Finance.

He also presented the memorial of Armstrong, Brother & Co. and other business firms and citizens of Pittsburgh, Pennsylvania, engaged in the manufacture of corks, remonstrating against any legislation by Congress affecting or changing the present duty upon imported corks; which was referred to the Committee on Finance.

Mr. MATTHEWS presented the memorial of Richard Stevens and others, workingmen of Union Vale, Harrison County, Ohio, engaged in the manufacture of woolen goods, remonstrating against a reduction of the duties on imports and against the reimposition of the war tax on tea and coffee; which was referred to the Committee on Finance.

Mr. EATON presented the petition of Professor H. A. Newton and others, of Yale College, New Haven, Connecticut, calling the attention of Congress to the unfortunate location of the Naval Observatory at Washington, and praying for early legislation by Congress such as will authorize its removal to a healthier and better location; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of Mrs. Emma J. Crain, daughter of George Smith, late private of Company C, Ninety-fourth Illinois Regiment, praying payment of the pension and bounty due to her late father; which was referred to the Committee on Pensions.

Mr. SARGENT. I present the petition of about 3,000 citizens, residents and tax-payers in the counties of Los Angeles, San Diego, San Bernardino, Ventura, and Santa Barbara, in the State of California. They represent that large subsidies, congressional, State, and local, public and private, have been granted to the Southern Pacific Railroad Company, which company has now constructed its road through their territory to the Colorado River; that since such construction it has established oppressive rates of freights and fares and has combined with ocean steamship companies to do the same, and has so discriminated against the southern portion of the State as to destroy its commerce, reduce its trade, cripple its agricultural interests, paralyze its industries, and threaten it with financial ruin. They say that against these oppressions they have petitioned without relief and that it is their deliberate judgment that a competing transcontinental railroad is the only present relief and the only guarantee for future prosperity. They therefore ask that such congressional aid and encouragement be given as shall assure the speedy construction and completion of the Texas Pacific Railroad, and that such aid be granted with such restrictions as shall forever compel it to be and remain a competing line from the Southern Atlantic to the Southern Pacific seaboard. I move that this petition, which is signed by the names of many eminent citizens among others of that portion of California, be referred to the Committee on Railroads.

The motion was agreed to.

Mr. WALLACE presented the petition of William Simmons and others, citizens of Philadelphia, Pennsylvania, praying for the passage of a pension bill recognizing the claims of pensioners who are sufferers, as is alleged, by the provision of an unwise limitation law; which was referred to the Committee on Pensions.

Mr. THURMAN presented the petition of Black, Daker & Co., manufacturers of iron and steel, of Wellsville, Ohio, employing thirty workmen, and the petition of the Bryan Manufacturing Company, of Bryan, Ohio, employing sixty-five workmen, praying that Congress will take no action concerning a revision of the tariff duties until after it shall have ascertained by an official inquiry the condition of the industries of the country and that the nature of the proposed tariff legislation is such as in the opinion of practical business men would best promote the restoration of general prosperity; which were referred to the Committee on Finance.

Mr. DAWES presented the memorial of John Tracy and others, workingmen of Bancroft, Massachusetts, engaged in the manufacture of paper; the memorial of Joseph Daly and others, workingmen of Pittsfield, Massachusetts, engaged in the manufacture of woolen goods; and the memorial of William Hibbert and others, workingmen of South Walpole, Massachusetts, engaged in the manufacture of socks, gloves, &c., remonstrating against a reduction of the duties on imports, and against the reimposition of the war tax on tea and coffee; which were referred to the Committee on Finance.

Mr. DAWES. I present a petition very numerously signed by citizens of Waltham, Massachusetts, engaged in the manufacturing industries, praying the honorable the Senate and House of Representatives that if they wish to compete in the markets of the world for the sale of the goods produced by the labor and skill of the laboring men of the United States, "and would help us to extend the commerce of the nation, we ask you to stand by the resumption act." I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. KIRKWOOD presented the memorial of Thomas C. Carson, John P. Irish, and 25 other residents of Iowa City, Iowa, protesting against the passage of the bill now pending in Congress known as the Bland silver bill; which was referred to the Committee on Finance.

Mr. OGLESBY presented the memorial of W. A. Oliver and 60 other workingmen of Jacksonville, Illinois, engaged in the manufacture of woolens, remonstrating against a reduction of the duties on imports,

and against a reimposition of the war tax on tea and coffee; which was referred to the Committee on Finance.

Mr. MORGAN. I present the memorial of a committee appointed by a convention held at Chattanooga, praying for an appropriation by Congress for the removal of Muscle Shoals obstruction to the navigation of the Tennessee River. I beg leave to say that this convention was called at the instance of the governors of Tennessee, Alabama, Kentucky, Mississippi, and Ohio. The petition is one of very great importance, and I ask leave of the Senate to have it printed for the use of the Senate, and also in the RECORD.

The VICE-PRESIDENT. The memorial will be printed and referred to the Committee on Commerce, if there be no objection.

The memorial is as follows:

*To the President of the United States,  
the heads of Departments, and Members of the two Houses of Congress:*  
Your memorialists respectfully set forth that on the 5th of December, 1877, there assembled at Chattanooga, Tennessee, a convention pursuant to the following call, to wit:

"STATE OF TENNESSEE, EXECUTIVE DEPARTMENT.  
"Nashville, November 8, 1877.

"Whereas I have received a certificate of the passage of the following resolution by a meeting of the citizens of Chattanooga, Tennessee, to wit:

"*Be it resolved*, That a convention of the people of the Tennessee Valley be called to assemble at the city of Chattanooga, Tennessee, on the 5th of December, A. D. 1877, for the purpose of perfecting measures and making an earnest and united appeal through the representatives of the people to impress upon Congress the necessity of making immediate and sufficient appropriation to secure the completion of the improvement of the Tennessee River, especially at the Muscle Shoals, in the shortest possible time.

"That the cities, villages, and counties of the Tennessee Valley, boards of trade, and other associations throughout the country be invited to send delegates to said convention.

"That the governors of the States of Tennessee, Alabama, Georgia, and Kentucky and other States be requested to unite in this call, reciting this resolution, and inviting to the convention the people of their respective States and of the whole country.

"J. B. COOKE,  
"Chairman.

"J. E. McGOWAN,  
"Secretary."

"Now, therefore, I, James D. Porter, governor of the State of Tennessee, together with the governors of other States uniting in this call, whose signatures are subscribed hereto, do hereby give notice that at the city of Chattanooga, on the 5th day of December, A. D. 1877, a convention will be held for the purposes expressed in the foregoing resolution. We further urge on all interested to send delegates to said convention as requested in the resolution.

"JAMES D. PORTER,  
"Governor of Tennessee.  
"GEORGE S. HOUSTON,  
"Governor of Alabama.  
"JAMES B. McCREARY,  
"Governor of Kentucky.  
"J. M. STONE,  
"Governor of Mississippi.  
"THOMAS L. YOUNG,  
"Governor of Ohio."

Said convention was composed of two hundred and fifty delegates, representing large commercial, agricultural, mineral, and manufacturing interests in the States of Tennessee, Alabama, Georgia, and North Carolina. Said delegates are among the most enterprising, wealthy, and public-spirited citizens of the States they represented. Among other proceedings had at said convention the following preamble and resolutions were unanimously adopted:

"Whereas it has been repeatedly shown by surveys made by distinguished engineers from 1823 up to the present time that the Tennessee River possesses all the characteristics for length, width, volume, permanence of channel, and number of miles of natural navigation recognized in first-class rivers; and

"Whereas this river is navigable for steamers of from four to five feet draught the year round a distance of three hundred and thirty miles from its mouth to Florence, Alabama; and

"Whereas a section of the river extending a distance of thirty-eight miles above Florence is obstructed by a series of impediments commonly known as Muscle Shoals; and

"Whereas this river is further navigable for steamers of three feet draught from the head of Muscle Shoals to the City of Knoxville, Tennessee, a distance of three hundred and eighty-nine miles, for nearly nine months annually; and

"Whereas the large territory east and west of Muscle Shoals through which the Tennessee River flows embraces North Alabama, part of Middle Tennessee, all of East Tennessee, portions of Georgia, Virginia, and North Carolina; and

"Whereas this vast region possesses in great abundance all the latent elements of prosperity, as well as a congenial climate; yet, with this combination of natural resources the country languishes for cheap transportation: Therefore,

"*1. Be it resolved*, That the improvement of the Tennessee River, especially at the Muscle Shoals, is earnestly and urgently requested by the people of the territory aforesaid; that the work is one of national importance, required as a commercial highway and as a ligament to bind together the States, commercially and politically.

"*2. Resolved*, That Senators and Representatives in Congress from all the States before mentioned be requested to urge Congress to make an immediate and sufficient appropriation with the view to complete this great work in the shortest possible time and in the way and manner already prescribed by the engineer department.

"*3. Resolved*, That the president of this convention appoint a committee of three to prepare a memorial to Congress, setting forth the substance of the facts embraced in the report on statistics presented to this convention—which said report is herewith reported as part hereof—and that the paper be presented by the convention (duly certified by the officers thereof) to the President of the United States, heads of Departments, and the members of the two Houses of Congress.

"*4. Resolved*, That under the direction of the governor of Tennessee the proceedings of this convention, together with the memorial to be presented, and such other reports, papers, and documents as shall be deemed important, shall, through the executive committee hereafter appointed, be compiled and published in pamphlet form, and that copies thereof be sent to the President of the United States, heads of Departments, and to members of both Houses of Congress.

"*5. Resolved*, That the president of the convention be instructed and authorized to appoint a delegation of at least five to visit Washington during the present ses-

sion of Congress to urge before the committees of Congress the subject-matter of which the memorial to be prepared will be composed.

6. Resolved, That an executive committee of seven be appointed by the president of this convention, to be known as the executive committee on the improvement of the Tennessee River.

7. Resolved further, That when this convention adjourns it adjourn to meet subject to the call of said executive committee.

The undersigned, being chosen as the memorial committee provided for in the foregoing, have compiled, from the statistical report therein mentioned and from various sources of information, the following statement of the importance, nationally considered, of the removal of the Muscle Shoals obstruction to the navigation of the Tennessee River:

THE RIVER—LENGTH—VOLUME OF WATER—COURSE—RANKS SIXTH AMONG AMERICAN STREAMS.

The Tennessee River rises in the southwestern part of the State of Virginia, and flows southwesterly, in its general direction, 280 miles, to Knoxville, Tennessee; thence in the same general direction, 60 miles, to Loudon, Tennessee. At this point it turns at right angles and flows northwesterly, cutting through several subordinate ridges, 24 miles, to Kingston, Tennessee, where it unites with the Clinch River, one of its principal tributaries. At Kingston the river turns abruptly and runs southwesterly, 110 miles, to the city of Chattanooga, Tennessee. Here it makes another abrupt turn and flows 19 miles northwesterly, through the eastern arm of the Cumberland Mountains, to the "Boiling Pot," formerly an obstruction but now removed. At this point the river makes a sharp deflection and flows in a tortuous southwesterly direction, 41 miles, to Bridgeport, Alabama; thence in a uniform southwesterly course, curving slightly to the westward, 74 miles, to Guntersville, Alabama. Here it turns at right angles and flows northwesterly, gently curving to the northward, 31 miles, to Decatur, Alabama; thence in the same course, 10 miles, to Brown's Ferry, the head of the Muscle Shoals group of obstructions; thence in the same general direction, 38 miles, to the foot of Muscle Shoals, 1 mile above Florence, Alabama; thence, 34 miles, to Waterloo, Alabama. Here the river turns gradually and flows northerly 296 miles, and empties into the Ohio at Paducah, Kentucky.

RECAPITULATION OF DISTANCES.

	Miles.
From source of river to Knoxville	280
From Knoxville to Loudon	60
From Loudon to Kingston	24
From Kingston to Chattanooga	110
From Chattanooga to Boiling Pot	19
From Boiling Pot to Bridgeport	41
From Bridgeport to Guntersville	74
From Guntersville to Decatur	51
From Decatur to Brown's Ferry	10
From Brown's Ferry to Florence	39
From Florence to Waterloo	33
From Waterloo to Paducah	296
A total distance equal to	1,037

The annual volume of water in the Tennessee River is equal to that of the Ohio, and its average width from Knoxville to Paducah is five hundred yards. Its average depth is fully three feet from the head of Muscle Shoals to Knoxville for nine months annually, and its average depth from Florence to Paducah is fully three feet the year round. Its banks are high and permanent, and its channel is stable and unchangeable. For nearly three-fourths of its length it flows through silurian and carboniferous formations, therefore sand and gravel bars are very rarely found. The boatmen who learned its channel forty years ago have learned nothing new since. In consideration of these general characteristics, length, width, depth, volume, permanence of channel, and number of miles of natural navigation, the Tennessee ranks sixth in magnitude among the rivers of the North American continent. It was adopted, in 1874, by the Senate Committee on Transportation, from Paducah to Guntersville, as one of the great water-lines of the country. It flows through five great States and binds together all by the ligaments of commerce, and the work of its improvement, therefore, can be no less national in character than that which guards against national foes.

PRESENT CONDITION OF NAVIGATION.

From Paducah to Florence there is no serious impediment to navigation, as steamboats of from four to five feet draught are plying regularly between these points the year round. From the head of Muscle Shoals steamboats of three feet draught are navigating to Knoxville nearly the entire year. Navigation is not, however, restricted above Knoxville. For five months in the year boats of light draught ascend 125 miles above Knoxville on the Upper Tennessee, 55 miles up the Little Tennessee, 150 miles up the Clinch, 40 miles up the Hiwassee, 75 miles up the French Broad, and 50 miles up Powell's River, making 395 miles of tributary navigation.

THE MUSCLE SHOALS.

Between Brown's Ferry, 10 miles below Decatur, and Florence, a distance of 38 miles, is a group of impediments to navigation, commonly known as the Muscle Shoals, consisting of Elk River, Big Muscle and Little Muscle Shoals, separated by deep interval pools of navigable water. This section of the river is underlaid by very hard siliceous rocks. This quality has enabled them to resist the abrasion of the water, and has compelled the river to expand suddenly from fifteen hundred feet to one, two, and three miles in width, to accommodate its maximum flow. Over these obstructions navigation is absolutely impracticable, except in seasons of flood, and then only a few days in the year. Hence there is no outlet to a union with northern and western rivers for the commerce on these upper ten hundred and four miles of natural navigation upon streams whose drainage area is equal to fifty-four thousand square miles, and what should have long since been one of the main commercial highways, is still throttled at Muscle Shoals.

The Tennessee River, and especially the section crossing Muscle Shoals, has been repeatedly and carefully surveyed, with view to its improvement, under authority of Congress, by boards of United States engineers, in 1828, 1830, and 1831; by Colonel S. H. Long, United States Topographical Engineer, in 1830; by Colonel James Kearney, United States Engineer, in 1833; by Colonel William B. Gav, civil engineer, under the direction of Brevet Major-General G. Weitzel, major United States Engineers, in 1867. The estimates of the engineers for overcoming the Muscle Shoals obstructions vary from \$1,500,000 in the early reports, to \$3,944,967 in Gav's report to Weitzel, which contemplated more extensive improvements, better adapted to the increased developments of the country than the former estimates. Walter McFarland, major of United States Engineers, in charge of the Tennessee River improvement in 1872, made a careful survey of the Muscle Shoals group of obstructions, and arrived at his conclusion, as follows: "The scheme proposed by the board of internal improvements, 1831, cannot be improved upon, for the passage of the Muscle Shoals; and the work now remaining to be done, in order to carry it out, is to put the old canal in good condition, to construct the canals around Elk River Shoals and Little Muscle Shoals together with the basins proposed for connecting them with the south shore." He estimates the entire cost to be from \$2,128,500 to \$3,676,000, according to the width and depth of the canal and width and length of the lock chambers. The latter amount is the estimate for the trunk of a canal one hundred feet wide at the surface, six feet deep, and locks sixty feet

wide by three hundred feet between the miter sills. Both the latter amount and dimensions of the canal and locks agree with Gav's report, and also with the present plan of improvement under the direction of Major W. R. King, captain of engineers, in charge; though, as shown further on in this memorial, the amount needed to finish the work will admit of a considerable reduction from earlier estimates, made when prices of labor and material were much higher than now.

The improvement consists in enlarging and repairing the old canal, which was built about forty years ago, and which had failed and fell into disuse because it could not be approached in low water from either direction, on account of Elk River Shoals above and Little Muscle Shoals below. The present project of improvement includes the improvement of these shoals, as well as Big Muscle Shoals, the latter being the only portion of work in progress at present, except at Colbert and Little Muscle Shoals.

The following abstract from the records of the Engineer Office is furnished by Major King:

Character of the shoals.

The Great Muscle Shoals obstruction begins at Florence, Alabama, 235 miles from the mouth of the river, and extends nearly to Brown's Ferry, 38½ miles above Florence, and about 10 miles below Decatur.

The obstruction consists of three parts, separated by intervals of navigable water, as follows, beginning at Florence:

1. Little Muscle Shoals, 5 miles long and fall of 23 feet.
2. One and one-half miles deep water at Bainbridge Ferry.
3. Big Muscle Shoals, 14.5 miles long, and 84.6 feet fall.
4. Five miles of deep water at Lamb's Ferry.
5. Elk River Shoals, about 9 miles long and a fall of 26 feet.

6. The remainder of the distance to Brown's Ferry, and in fact from thence to Chattanooga and Knoxville, a distance of 350 miles, is now navigable by steamers, although certain improvements are contemplated at different points along this part of the river to give still better navigation.

THE PRESENT CONDITION OF THE WORK

At Muscle Shoals is as follows: At Little Muscle Shoals work has been commenced looking to the improvement of this part of the obstruction by excavating the reefs and building spur-dams at certain points to check the velocity of the current and give the necessary depth of water at all points. A temporary dam, 1,400 feet long, has been built across the head of the north chute to keep the water out while the work is going on. After the excavation is completed this dam will be removed and a permanent stone dam will be built across the south chute to throw as much water into the new channel as may be required.

The length of time required to complete this part of the improvement will necessarily depend very much upon the stage of water during the working season, but with average good luck in this respect it is expected that one year's work will give a good depth of channel, and that two, or at most three years, will finish all the dams and make the improvement complete and permanent.

THE WORK AT BIG MUSCLE SHOALS

Consists in rebuilding and enlarging the old canal built more than forty years ago by the State of Alabama from the proceeds of the sale of public lands donated for the purpose by the General Government. This canal was from 60 to 70 feet wide, with 17 locks 32 feet wide and 118 feet long, with an average lift of 5 feet. The new canal will have only 10 locks. They will be 60 feet wide and 300 feet long in the chamber. Eight of these locks are under contract, two of them are nearly completed, and third is about half done. The contractor for the other five is just commencing work. The locks are all to be founded upon the rock and to be made of heavy blocks of cut stone and rubble laid in hydraulic cement.

The canal trunk is to be from 70 to 100 feet wide at the water-line and 6 feet deep, excepting at extreme low water in the river.

The following is a statement of the quantities of work done on the Muscle Shoals Canal to November 30, 1877:

- Earth excavation, 336,390 cubic yards.
- Earth embankment, 165,580 cubic yards.
- Rock excavation, 50,275 cubic yards.
- Slope wall, 4,010 cubic yards.
- Grubbing and clearing, 130,38 acres.
- Cut stone masonry, 3,581 cubic yards.
- Rubble masonry, 9,992 cubic yards.
- Concrete, 115 cubic yards.
- Removal of masonry of old locks, 3,909 cubic yards.

About seven and one-half miles of the canal have been enlarged and completed, leaving seven miles yet to be done.

AT ELK RIVER SHOALS

No work has been done, but a recent survey, made with a view to locating the works required for this improvement, indicates that a very great saving of expense can be effected by taking the south side of the river, utilizing certain natural channels and at the same time avoiding a troublesome crossing of Elk River.

The estimate for improving Muscle Shoals, as submitted by Major Walter McFarland, in his report of 1873, was \$4,000,000; of which amount there has been appropriated at various times, \$1,035,000; but of this latter sum about \$454,000 have been expended upon Muscle Shoals, and \$260,000 at other points on the river, leaving a balance of \$321,000 to pay for work under existing contracts. The sum still to be appropriated is therefore \$3,228,000. Probably not more than two-thirds of this amount will be required, in consequence of reductions made and to be made as already explained.

[Major King's opinion that the gross estimate for the work at the shoals was too large is important to be observed, as he is the officer under whose charge most of the money has been expended in that locality, and he has already made large savings by modifying the old plans in some instances and abandoning them in others. He is very sure a saving of at least \$1,000,000 can be realized on the older estimates, without slighting the work, though considerable of such saving would be the effect of lower prices for labor and material than when the first estimates were submitted.]

As to the time yet needed to complete the improvements, Major King says:

"There is every reason to believe that the work can be completed within the estimated cost if prosecuted as it should be; and under the same conditions it can be completed in about three years from the time adequate appropriations are available."

IMPORTANCE OF THE WORK.

The great importance of this work, forming as it does a connecting link between so many miles of navigable water above and so many miles of navigable water below, commends it to the judgment at once as the most important of our internal improvements, and it should be completed without delay.

The remaining amount necessary to finish the improvement at Muscle Shoals is surely an insignificant sum for a public work of such importance.

SAVING.

Will enough be saved to justify the cost? It will save by reducing the freight charges on every ton of coarse freight moved from Knoxville or Chattanooga northward or southward by water or by rail.

It has been reported to the Chief of the Bureau of Statistics, Washington, District of Columbia, 1876: That the average cost of moving one ton of freight from Louisville to Chattanooga, 336 miles, is \$3.62, and the average charge for moving one ton the same distance is \$5.64; while on the Ohio River the average cost of transporting

one ton of coal from Pittsburgh to Louisville, a distance of 600 miles, is only 56 cents, yet the distance is nearly twice as great. And the average cost of carrying one ton of coal from Pittsburgh to New Orleans, a distance of 2,000 miles, is only \$1.05. In both instances the coal is carried in large barges towed by powerful steamers. It is a noted fact, however, that freights have been carried, for long distances, on the New York Central and Hudson River Railroads in 1875 at 66 cents per ton per mile. But, says the auditor of the canal department, State of New York, 1876: "The pending campaign against the water route is unquestionably causing great loss to the roads. Of this fact we only know what the officers of the roads choose to make public. For the fiscal year ending September 30, 1869, the year preceding the reduction in canal tolls, the gross earnings of the New York Central and Hudson River Railroad Company exceeded the payments, other than for construction, \$1,137,767.65, and for 1875, the payments, other than for construction, exceeded the gross earnings \$1,581,654.29."

The above rates, 66 cents per ton per mile, is the lowest rate ever before touched in the history of rail freighting, except in temporary exigencies. Yet at this rate it would cost \$13.20 to carry a ton of coal 2,000 miles by rail. Hence, says Professor Maury, it is almost childish to compare the cost of transportation by "rail versus water."

#### WHO GETS THE BENEFIT OF CHEAP TRANSPORTATION?

The nation, commerce, and the world are all enriched by it; but those upon whom it confers most benefit are the producers and consumers, whose stuffs and merchandise are transported. In this case the farmer "has the deepest stake of all in the fence," says an eminent writer. Whether he sells his grain to his factor or his next door neighbor, he asks the same. It is the price of produce in the great commercial centers, less the expense of getting it there, that regulates the price at home.

#### RESOURCES OF THE COUNTRY.

The territory whose natural outlet to the commerce of the country is cut off by the obstructions at Muscle Shoals comprises some fifty-six thousand square miles, embracing North Alabama, part of Middle Tennessee, all of East Tennessee, and portions of Georgia, Virginia, and North Carolina. The soil for the most part is rich and productive, and the staple agricultural products are cotton, cereals, and stock. In 1876, according to the information furnished by J. B. Killebrew, commissioner of agriculture, State of Tennessee, the valley of the Tennessee, above Muscle Shoals, produced 7,009,564 bushels of wheat, 24,179,106 bushels of corn, 3,839,969 bushels of oats, 116,744 tons of hay, 62,974 bales of cotton, live stock of the value of \$27,771,909, and forest products of the value of \$377,795.

The same authority furnishes the following: "The region drained by the Tennessee River below the Muscle Shoals, embracing parts of Tennessee, Kentucky, Alabama, and Mississippi, produced for the year 1876 the following: 1,429,612 bushels of wheat, 13,742,141 bushels of corn, 745,692 bushels of oats, 20,302 bales of hay, 61,882 bales of cotton, live stock of the value of \$16,281,661, and forest products of the value of \$74,976."

With cheap transportation to stimulate and encourage production the Tennessee Valley might in a few years double these amounts.

The lands are capable of producing in great abundance, but they are not worked to their best advantage on account of the lack of transportation to market, which the improvement at the Muscle Shoals would supply. The valley is well timbered with white, red and post oak, ash, hickory, locust, birch, cherry, gum, black walnut, maple, red cedar, holly, beech, white and yellow poplar, yellow and long-leaf pine, and several other kinds of not much value.

#### CLIMATE.

The climate of this valley is admirably adapted to all kinds of industrial pursuits. Indeed, it is the most equable and pleasant in all the South. According to very careful observations made at the East Tennessee University under the direction of the United States Signal Service, at Knoxville, the mean temperature for the year is 57°; the mean heat for the summer is 74°; the mean cold for the winter is 40°; average maximum temperature is 91°; average minimum temperature is 2°.

#### DEVELOPMENT OF MINERAL RESOURCES.

It is from the magnitude of the mineral resources in the upper valley and the adjacent tributary country that the strongest arguments for the improvement of the Tennessee River are derived. Even under existing unfavorable conditions and want of cheap transportation, the mining and manufacturing interests have become of such importance as to demand from the National Government a more vigorous prosecution of the work of improving the Tennessee River, especially at Muscle Shoals. It is in this upper valley and adjacent tributary country, both in Alabama and Georgia, where the iron, coal, and other minerals are found in such immeasurable quantity. The great iron areas traverse the bases of both the Cumberland and Unaka Mountains. In fact, from one to three or more layers are found outcropping in the Dyestone belt skirting along the eastern base of the Cumberland Mountain or Wallen's Ridge, spreading out from two to twenty miles in the valley from Virginia into Georgia and Alabama, including the Sequatchie and Elk Valleys.

#### THE EASTERN BELT

Lies in front and at the base of the Unaka Mountains. It reaches beyond the limits of the State, from the northeast into Virginia, and to the southwest into Georgia. The outcrops of this belt are very extensive, embracing all the eastern tier of counties. The Tellico ores, near the Chilhowee Mountains, are said to be of the purest found in this belt, massive brown hematite.

#### THE WESTERN IRON BELT

Lies west of Nashville, near the Tennessee River, extending west into adjoining counties, and northward it reaches Kentucky. The amount of iron in this valley almost defies computation, and its proximity to the coal regions renders it additionally valuable.

There are over thirteen hundred miles of outcropping veins of iron ore cut through by and adjoining the Tennessee River and its navigable branches. First, the two fossiliferous red hematite veins that persistently follow the eastern base of the coal-field entirely across the State cut through by the Tennessee at Chattanooga and by all its northern branches above Chattanooga, and extending southwest through Wills Valley to the center of Alabama. The Tennessee River vein, of aluminum red hematite, that follows the Tennessee River from Rockwood to Chattanooga, and runs down through North Georgia into Alabama at the east base of Lookout Mountain, follows the Coosa for fifty miles into Alabama. The White Oak Mountain red hematite block ore, that is cut in two by the Clinch River at Clinton, on the Knoxville and Kentucky Railroad, crosses the Tennessee five miles above Kingston, then follows White Oak Mountain to the Hiwassee, crossing the latter river five miles from its mouth, thence crossing the East Tennessee, Virginia and Georgia Railroad near Ooltewah, eighteen miles from Chattanooga, thence crossing the Western and Atlantic Railroad near Ringgold, eighteen miles from Chattanooga, and thence extending through North Georgia and down the Coosa River Valley into Alabama. The "red clay" vein of red hematite, that begins in upper East Tennessee and crosses the south fork of Holston, in Sullivan County, the Watauga in Carter County, following near the Nolachucky and crossing the French Broad River eight miles above Knoxville, and crossing the Little Tennessee about ten miles from its mouth, the Hiwassee four miles above Charleston and thence running through Bradley County into Georgia.

Also, the great brown hematite belt at the western foot of the Unaka chain of mountains, beginning at the head of the Holston and running southwardly through Tennessee and Georgia into Central Alabama; and finally the great chain of magnetic, black oxides and red specular ores that begin in Virginia and run

southwest, with the east base of the Unaka Mountains, entirely through to Central Georgia, crossing the Watauga, French Broad, Little Tennessee, and Hiwassee Rivers, and the Morristown and Ashville Railroad, and the Western and Atlantic Railroad. Every river in East Tennessee cuts through and runs over vast beds of marble, variegated, pink, white, black, and others gray in color, while from Virginia to Georgia is a continuous belt of roofing-slates, running parallel with the eastern edge of the great valley. The Tennessee River, from Kingston to Chattanooga, (one hundred and ten miles,) runs parallel and near to the Cumberland coal-field. At Chattanooga it turns west and cuts twenty miles through the coal-field an open cut twelve hundred feet deep, leaving all the coal out-crop on either bank, and then skirts one hundred and sixty miles further the northern side of the Alabama coal-field.

Chattanooga is on the south bank of the Tennessee River, east of the mountains, and is five hundred and sixty-five miles from its mouth. Here is the meeting-point of six systems of railways. There pass here to a market by rail over three hundred thousand tons of coal and coke per annum, and it is the distributing point for the supplies and products of twenty-nine blast-furnaces and eight rolling-mills. Coal Creek mines produce three hundred tons per day. Sewanee mines send an equal amount toward Nashville.

#### COAL.

The great coal measures of Tennessee include the whole of the Cumberland table-land, and are equal to fifty-one hundred square miles in extent. The coal-fields of Alabama cover an area of over five thousand square miles, of which at least one-third would find an outlet for the products of its mines by the Tennessee River. The coal of these States is all bituminous, and in the upper end of the "East Tennessee Valley" approaches the character of cannel-coal. Its general character is excellent and actual experiment has shown it to be peculiarly adapted to the manufacture of iron. Indeed, it has been found by analysis that the coal in the upper valley, in Campbell and Anderson Counties, Tennessee, is equal to the best Youghiogheny coal of Pennsylvania. It is now shipped to Charleston, Atlanta, Augusta, Memphis, and other southern cities. With an open river the lower cities on the Mississippi would never suffer from a deficient supply, for the Tennessee never freezes up.

The valley of the Upper Tennessee, and adjacent country, is destined to be the great seat of iron manufacture upon this continent. Nowhere else are coal of such quality, iron ores of such purity and variety, with limestone and firestone in abundance, found so favorably situated for use. For two hundred miles the Tennessee flows between mountains containing from four to six beds or layers of coal from two to eight feet in thickness, each.

#### SITES FOR IRON MANUFACTORIES.

Nowhere can such favorable locations for the erection of furnaces be found as in the Tennessee Valley, if the obstructions at Muscle Shoals be removed and cheap transportation be thus furnished for the products. This is not mere theory, but it has been demonstrated by actual experiment throughout this entire belt.

Extensive blast furnaces and other iron works are now in course of erection at South Pittsburg, situated in the Dyestone Belt, and near the Tennessee River, in Marion County. "With an open river" says an old iron-master, "where \$1 was invested in iron-making during the last decade, \$1,000 will be invested in the next." The iron interest therefore demands an open river.

#### MARBLE.

Quarries of red and white variegated and grayish white marble have been opened at several points in the upper valley, and their products are at the present time being shipped to all parts of the country, which under the stimulant of cheap transportation would soon become a source of profitable industry; for this marble is unsurpassed for ornamental work. The National Capitol and nearly every State capitol, in their interior decorations, bear witness to its beauties.

#### ROOFING-SLATE.

Valuable quarries of roofing-slate might be opened at a hundred or more places in the eastern tier of counties were their products accessible to cheap transport.

#### BUILDING-STONE.

In Georgia, sixty or seventy miles from Chattanooga, on the line of the State Railroad, are deposits of the finest building-stone and roofing-slate in the United States, as well as sandstone of the most refractory nature. These bulky articles cannot bear railroad transportation, but with an open river will find their way to the markets of the country.

#### LEAD.

There is a lead mine in Union County, on Powell's River, which fills a nearly vertical fissure about twenty inches wide in nearly horizontal rocks. It was traced one mile by Dr. Safford, State geologist, who says: "There is reason to believe that the lode will improve further down."

#### COPPER.

The production of ingot copper at the Ducktown Mines, Polk County, in 1873, was 1,466,847 pounds, worth \$308,038. Since that date, preparations have been made for an increased production. The effect of the working of these mines upon the wealth of the county has been very great.

#### BENEFITS RESULTING FROM THE IMPROVEMENT.

Draining a country possessed of such immense resources, the Tennessee River can rightly claim to be regarded as one of the main commercial arteries of the country. What the improvement demanded on the Muscle Shoals will do for this valley is well illustrated in the case of other cities located on water lines. If Pittsburgh, Cincinnati, New Orleans, Saint Louis, and Saint Paul depended on railroads for the transportation of their heavy products, their commercial importance would not be what they boast of to-day. The same causes that have operated on the Ohio River in creating the immense wealth of manufacturing districts in Ohio and Pennsylvania have been shown to exist here in even a greater degree and only needing to be brought into activity by the opening of the Tennessee to navigation in order to produce a transformation in the condition of the country similar to that which has taken place during the last thirty years on the Upper Ohio and other rivers.

The opening of the river will bring the southern central mineral States into more mutual relations with the northern and western river States. It will permanently establish cheap rates of transportation for heavy, cheap commodities, such as iron and coal. It will open up a region singularly rich in minerals, and the influence which the improvement will exert on the iron and coal business of this valley—perhaps the world—is hard to foresee. That the cost of iron production will here be reduced to the minimum in the world is the surest result of this improvement.

#### ADVANTAGES TAKEN BY RAILROADS.

Commerce follows the course of navigable rivers by preference. Between Saint Louis and the cities on the Missouri all the heavy trade is done by river, though a railroad runs parallel with almost its whole length. These cities have been made great by their rivers more than by their railroads, because these have served not only as means of communication with places not reached by rail, but also as checks upon railroad companies. Louisville ships a car load of salt for a certain amount by rail to Chattanooga, an inland town at present debarred from river communication. Louisville ships the same car-load on one of her rail lines, for the same distance, running parallel with the Ohio River, at one-third the cost of the former simply because a boat will carry it at that price.

## TIME.

The advantage of completing this improvement at as early a day as the same can be done with reasonable economy must be apparent. The sooner the work is done the sooner the several States directly affected by the cheap transportation thus secured to them will realize the growth in population and wealth, invariably the result of ready and cheap commercial intercommunication between mining and manufacturing and agricultural peoples.

There may be economy in delay, but your memorialists have not been able to see how it could work any saving to the Government, while they are certain it would seriously retard the development of the great mineral belt of the South, and equally retard all the interests directly depending on such development and stay the progress of interdependent communities south and north of the Tennessee Valley.

The Government has already expended, including the sum Major King has in hand and has let contracts to cover, about \$1,000,000 at Big Muscle Shoals. This work is worse than thrown away and the money worse than wasted unless Elk River Shoal above and Little Muscle below are made navigable.

The Government can realize nothing, directly or indirectly, from the work until it is finished. Nobody can be benefited by it at all until the whole obstruction is removed. On the contrary, the work done will constantly deteriorate in value, while the country loses the interest on its investment during every year of unnecessary delay.

We are aware this is an especial season of "economy and reform." We feel the force of the reasons for economy. But we may be permitted to doubt whether that can fairly be called a saving which puts off or doles out the comparative trifle, which if expended would add many millions yearly to the wealth, the consumption, and the tax-paying abilities of seven States.

In view of the foregoing, and for many other reasons not here enumerated, your memorialists are of opinion that true economy as well as the direct advantage of a large section of the country and the general growth of the nation, all indicate the justice of an appropriation sufficient to finish the Muscle Shoals improvement, at the present session of Congress.

All of which is respectfully submitted on behalf of the convention.

J. E. MCGOWAN, Chairman, Tennessee,  
WILLIAM B. GAW, Tennessee,  
H. H. HARRIS, Alabama,  
Memorial Committee.

JANUARY, 1878.

## REPORTS OF COMMITTEES.

Mr. EDMUND. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. No. 2013) to remove the political disabilities of Charles L. Scott, of Wilcox County, Alabama, to report the same favorably. This gentleman was a member of Congress in the prohibited times, and both Houses upon due examination passed a bill at the last session, I think it was, for his relief, but through the lateness of time it failed to receive the signature of the President.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. EDMUND. I report also, from the same committee, the bill (S. No. 316) to remove the political disabilities of Charles S. Scott, of Wilcox, Alabama. This is the same gentleman, but there is an error in the middle name. I report it adversely for the reason that I have reported the House bill favorably.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the bill (S. No. 101) for the relief of Susan J. Berry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Finance, to whom was referred a petition of citizens of Massachusetts, praying the passage of a law providing that hereafter no portion of the public lands shall either be sold or given away to individuals or corporations, and that a certain portion thereof, as prescribed in the "homestead bill," may be set apart to actual settlers, for which an annual rental shall be paid, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (S. No. 256) for the relief of Israel Yount, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Public Lands, to whom was referred the bill (S. No. 388) for the relief of the heirs of the late William A. Burt, inventor of the solar compass, adopted and used in the public surveys of the United States, submitted an adverse report thereon; which was ordered to be printed, and the bill was indefinitely postponed.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 33) for the relief of R. W. Corbin, and others, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 196) to further define the rights of persons with respect to homestead entries on the public lands, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

## BILLS INTRODUCED.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 586) to sell certain public lands to the Beatrice and Denver City Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 557) for the relief of Edward H. Leib; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 588) to change the rank of Robert C. Buchanan, colonel on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 589) to reimburse the State of Oregon for moneys paid by said State in the suppression of Indian hostilities during the Modoc war in the years 1872 and 1873; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 590) for the improvement of the Umpqua River, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 591) making an appropriation for a military wagon-road from Ellensburg, at the mouth of Rogue River, in the State of Oregon, via the mouth of Illinois River, through Josephine and Jackson Counties, to Jacksonville, Oregon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 592) for the relief of Captain P. A. Owen; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 593) granting a pension to Margaret R. Coloney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 594) for the relief of William W. Speirs, late assistant surgeon, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 595) to further define and enlarge the powers and duties of the board of health of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 596) to regulate the compensation of post-masters, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BLAINE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 597) to authorize the coinage of silver dollars and make the same a legal tender, and for other purposes; which was read twice by its title.

Mr. BLAINE. This bill would naturally go to the Committee on Finance, but the committee having reported on this subject I will merely move that it be printed and laid upon the table.

The motion was agreed to.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 598) for the relief of Samuel J. Gustin; which was read twice by its title, and referred to the Committee on Claims.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the joint resolution (S. R. No. 15) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

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

A bill (H. R. No. 1889) to authorize Spencer F. Baird, assistant secretary of the Smithsonian Institution, to receive from the King of Sweden a diploma and medal constituting him a member of the Norwegian Order of Saint Olaf, the same being a literary and scientific organization; and

A joint resolution (H. R. No. 47) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands.

## PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BECK, it was

Ordered, That the petition of Martha G. Vaughn and Louisa Jackman be taken from the files and referred to the Committee on Military Affairs.

## L. J. DRAPER.

Mr. ANTHONY. Mr. President, the case of Runkle was referred to the Committee on the Judiciary, being similar to the case of Draper, which was referred to the Committee on Naval Affairs; and, as the Senate have decided to refer one case to the Committee on the Judiciary, the other should take the same direction. I move, therefore, that the Committee on Naval Affairs be discharged from the further consideration of the case of Draper, and that it be referred to the Committee on the Judiciary.

Mr. THURMAN. I shall not antagonize the motion inasmuch as the Committee on Naval Affairs seem so adverse to considering the question, although I think it the proper committee to make the inquiry. Inasmuch as the other case is to be examined by the Judiciary Committee, the Senate having so referred it, and as I understand (without knowing anything about the Draper case, but it is said here on the floor) that the questions are almost identical, I shall not oppose the reference, although I do wish once more to enter my protest against the idea that the Judiciary Committee is to decide all the legal questions that come before the Senate.

**THE VICE-PRESIDENT.** The order now moved by the Senator from Rhode Island was made by the Senate yesterday, but suspended in the absence of the Senator from Ohio.

**Mr. THURMAN.** Yes, sir. In a word, in my judgment, the Judiciary Committee is formed for the purpose of considering questions that relate to the judiciary and the judicial system and organization of the United States, all that relates to the organization of the courts, all that relates to crimes and their punishment, all that relates to the practice of the courts. The consideration of nominations of judges, marshals, district attorneys, and the like, and questions in regard to the amendments of the Constitution, all properly belong to the Judiciary Committee; but that every question which involves a legal doubt or inquiry must go to that committee is very contrary to my idea of its proper functions. I do not deny, however, that the Senate may properly refer any subject that in its judgment it sees fit to refer to that or to any other committee. The committees are the servants of the Senate, and if the Senate see fit to send any question to a committee, however incongruous the thing may be, the Senate has the right to do it, and it is the duty of the committee to consider it.

**THE VICE-PRESIDENT.** There being no objection, the order of reference to the Judiciary Committee is entered by unanimous consent.

**Mr. EDMUND'S.** Mr. President, I wish to say one word. The definition of my friend from Ohio of the appropriate and natural jurisdiction of the Committee on the Judiciary I agree to, but I do not think it is quite a perfect definition. It has been the constant practice of the Senate, at any rate since its foundation, to send to that committee questions of law for consideration and report, although they may arise upon matters that have no connection with the judicial department of the Government of the United States. It is almost every day's practice. Of course it is perfectly competent for the Senate to change its practice and do something else; but it has happened a hundred times within my recollection. Once I remember particularly on a post-office appropriation bill when it was pending here in the Senate under consideration not long since, three or four sessions ago, a post-office appropriation bill was under consideration, in which was an item of appropriation that involved the question of the legality of the action of the Department in connection, I think, with the Pacific Mail Steamship Company, in carrying mails to Japan, or somewhere; and the Senate, upon consideration, decided that, that involving purely a question of law, although the facts arose in the Post-Office Department, the Judiciary Committee should be called upon to examine the question, and report what it thought the law ought to be on the point that was presented, and it was done. That is only one illustration. I mention this merely to guard in the future against what my friend has said being taken as an absolute and total definition of what it may be proper to call upon that committee or any other committee to do. I am sure the Senate, if it has paid attention to the course of the committee, will have observed that we are not eager for jurisdiction, because every week, more or less, you will observe that we report bills, asking to be discharged, which appear to have been referred to us inadvertently, the questions of law in them being merely incidental to some question of administration.

#### REMOVAL OF NAVAL OBSERVATORY.

**Mr. SARGENT.** I move to take up for consideration the bill (S. No. 493) to provide for the removal of the Naval Observatory.

The motion was agreed to; and the bill was considered as Committee of the Whole.

The bill was reported by the Committee on Naval Affairs with amendments.

The first amendment was, in line 4 of section 1, after the word "members" to insert "one of whom shall be from civil life."

**Mr. EDMUND'S.** I should like to hear the whole context read, so as to understand what it is.

**The CHIEF CLERK.** So that as amended the section will read:

That the Secretary of the Navy be, and he is hereby, directed to appoint a commission consisting of three members, one of whom shall be from civil life, whose duty it shall be to select a site within the District of Columbia for the United States Naval Observatory.

The amendment was agreed to.

The next amendment was, in line 10 of section 1, after the word "receiving" to insert the words "and approving;" so as to read:

The Secretary of the Navy is hereby directed, on receiving and approving the report of said commission, to purchase said site, to accept such plans as he may deem most suitable for the construction of the observatory and its appropriate buildings, and to proceed with the erection of the same.

The amendment was agreed to.

The next amendment was, in section 2 line 8, after the word "act" to insert "except for the cost of plans;" so as to read:

And no expenditure shall be made under this act, except for the cost of plans, until complete plans for improvements have been prepared and approved, the execution of which shall not exceed the amount therein appropriated.

**Mr. PADDOCK.** There are so many amendments proposed by the committee and the bill is in such an incongruous condition that I suggest it had better be printed with the amendments and lie over until to-morrow.

**Mr. SARGENT.** The bill has been printed with the amendments, and several days ago I called the attention of the Senate to the bill, stating my intention to call it up in the morning hour, and called

attention also to the elaborate printed report which accompanies the bill. Every amendment is printed except one that I propose to offer. We have acted now on all the amendments reported by the committee, I think.

**Mr. PADDOCK.** I should be very glad if the Senator would consent to let it lie over until to-morrow. I have an idea that I may wish to offer an amendment myself in reference to the location of an observatory.

**Mr. SARGENT.** Will the Senator please indicate his amendment? I intend myself to explain the bill at some length, and while I am doing that the Senator may send for the bill, examine it, and prepare his amendment.

**Mr. PADDOCK.** I have not yet fully digested the amendment that I may wish to propose, and indeed I desire some information from officers and professors connected with the observatory before I offer it at all. I have already had some communication with those gentlemen; the correspondence is still proceeding, and is as yet unfinished.

**Mr. SARGENT.** I desire to do everything that is reasonable to accommodate the Senator and the Senate. This bill is most urgently called for by the condition of things at the observatory; and by scientific gentlemen all over the United States it has been very strongly petitioned for. If Senators will glance at the report they will see that there ought to be no delay in passing this bill through Congress in order that the lives and health of those who are performing important and useful service at the observatory may be saved. They are now in peril. Most valuable lives have been lost, and lost within a year, by the insalubrious surroundings of this observatory. Furthermore, the fogs arising from the river obscure the telescopes so that the heavens are often entirely concealed and the important work of the observatory is stopped. Under these circumstances Congress ought to pay early attention to it. The observatory itself is in an extremely dilapidated condition. It has not been painted for ten years. You can kick the bricks out of the walls. The wood-work is falling into ruin, and the whole concern is really, except in the useful work that it does, a disgrace to the American people. Under these circumstances it seems to me that I am not too urgent in asking the Senate to proceed with the consideration of the bill.

**Mr. PADDOCK.** I understand the truth of the Senator's statement, and realize the importance of early action in regard to this important matter; but I suggest that one day will make but very little difference, and I hope the Senator will consent to let the bill lie over until to-morrow.

**Mr. SARGENT.** Will the Senator please indicate the nature of the amendment he wishes to propose?

**Mr. PADDOCK.** I think I may safely say that it is in serious contemplation by the officers in command of the observatory to recommend the selection of a site in the West for an additional observatory. They are now considering that question, I think since this bill has been introduced. Since it was requested that this change should be made they have been seriously considering whether it might not be well, in connection with this measure, to provide for still another observatory in the western part of the country, where the atmospheric obstructions are less than they are here, and in the interest of science it might be most important that one should be located there.

I do not desire to antagonize this bill, and do not know that the amendment which I propose could now be well and properly considered; but at the same time I should be glad if the bill could lie over to give me an opportunity to confer with the Secretary of the Navy and the officers of the observatory in respect to the matter.

**Mr. EDMUND'S.** While I am satisfied that the observatory ought not to stay where it is, I am not sure but that this bill is going a little too fast, considering the condition of the country and the state of the Treasury. It involves the expenditure of \$300,000 certainly, and probably nearer a million when it is through. I think, therefore, that the true thing to do at this present time would be to appoint the commission provided for in the bill, with instructions to select a proper site and report to the President of the United States in season that their report might be submitted to the next session of Congress, with a statement of the price at which a site can be obtained, which would enable us to estimate whether it ought to be bought at that price, or if it ought not to be bought at that price, to take the usual and necessary measures for condemning it at its real value for the public use.

**Mr. DAVIS, of Illinois.** Why not have the report at this session?

**Mr. EDMUND'S.** Very well.

Now, as this bill stands, if this commission select an acre of ground on the top of the hill here or out by the Soldiers' Home, or wherever is the fit and best place, up to \$300,000, although the property may not be worth fifty, the Secretary of the Navy is directed to purchase it; and of course the owner fixes his own price, and up to \$300,000 he can fix it. I do not think that is safe; I do not think it is right.

**Mr. SARGENT.** The Senator will allow me to interrupt him. We have just adopted an amendment requiring the approval of the Secretary of the report. He is not directed to act on the report unless he approves it, and he certainly will not approve it improperly in view of another provision of the bill requiring that the whole cost of the land and the improvements shall not exceed \$300,000, and that not a dollar is to be spent for anything except for the plans until after the plans and the ascertained price of the land will bring the whole within \$300,000.

Mr. EDMUND. May I ask if any amendment has been adopted except that in italics in section two on that subject?

Mr. SARGENT. Yes, sir; in line 10 of section 1, the words "and approving" are put in after the word "receiving," so as to read:

The Secretary of the Navy is hereby directed, on receiving and approving the report of said commission, to purchase said site," &c.

Mr. EDMUND. Yes, Mr. President, but that is capable of two interpretations. This commission is to select a site, and the guide in the selection of that site is to be that "which shall possess relatively the advantages of healthfulness, clearness of atmosphere, and convenience of access from the city of Washington." It then proceeds:

The Secretary of the Navy is hereby directed, on receiving and approving the report of said commission, to purchase said site.

The commission are not charged with any inquiry into the reasonableness of the price that the owner chooses to put on his land; they are only to consider the fitness of the place in reference to the public use to which it is to be devoted. That being ascertained they are to report as they ought to, and that ought to be the only question in their report; because for a matter of high public importance like this, if the owner of the estate asks more for it than he ought to have it ought to be taken from him by process of law.

Mr. SARGENT. Will the Senator allow me a moment more? I have here marked in pencil and propose to offer this additional amendment, to come in after the word "Washington:"

And such other advantages as may be found expedient, so as not to limit the consideration entirely to healthfulness, clearness of atmosphere, and convenience of access.

Mr. EDMUND. If the thing is to be put in this form and to be done now, it ought to contain a specific provision that before anything is done upon the subject except inquiry the Secretary of the Navy shall be satisfied that the price at which the site can be obtained is a reasonable one.

Mr. SARGENT. Will the Senator prepare that amendment? I will certainly accept it.

Mr. EDMUND. Then there is another thing I want to suggest, because I am very much in favor of this removal, though I think, considering the state of our money, we might put off the expenditure of the money for a year possibly. I think that, considering the importance of this subject, it would be much better to direct the President of the United States, by and with the advice and consent of the Senate, to select a commission of three members, and let their report be made to the President, and let the chief officer of the Government, with the aid of the Secretary of the Navy, which of course he invokes, take the responsibility of fixing this location and being satisfied that the price of it is reasonable. But I merely make that suggestion now because I see the matter is going on.

Mr. SARGENT. I do not know that I have any particular objection to that suggestion. It might be well, perhaps, to have the highest responsibility it is possible to obtain. The question pending, I believe, is on the other amendment.

Mr. THURMAN. I move, in order to obviate the objection suggested by the Senator from Vermont, to insert in line 11 of section 1, after the word "site," these words:

If the same can be obtained for what in his judgment is a reasonable price.

I had occasion to visit the observatory one night last fall, and I was very much struck with the unsuitableness of the site and the dilapidated condition of the building. I was so much impressed with it that in a few days afterward I introduced a resolution instructing the Committee on Naval Affairs to inquire into the propriety of removing the observatory to a more eligible site. I made that motion entirely from my own impression, without having consulted with a human being upon the subject. It, however, attracted some attention, and I very soon received communications from gentlemen in no way interested in the observatory otherwise than as men of science and men who have the interest and honor of the country at heart. I have laid before the Senate some of those communications, not one of them from any officer connected with this institution, but all from men among the most eminent scientists in the United States, in all quarters of the Union, and who speak, many of them, from personal knowledge. The committee have carefully performed the duty that was assigned them. A subcommittee, as I understand, of the Naval Committee visited the observatory to judge for themselves; and the report that has been laid upon our table and printed shows, if seems to me, conclusively, if anything can show, the propriety of removing the observatory from its present site.

Now, sir, I suppose there is no Senator here who is opposed to the maintenance of a National Observatory. To say nothing about the encouragement to science which a great nation like this can well afford, the practical importance of that observatory to the commerce and navigation of the United States will repay all the cost of the institution; and whoever will take the trouble to look into the reports that have emanated from that institution will be surprised, perhaps, to find how useful it has been and how high is its estimation in the opinion of the scientific people not alone of the United States but of the world.

Mr. President, I was a little pained to hear the suggestion of the Senator from Nebraska that he had an amendment to remove this observatory out to the plains beyond the Mississippi. Now I do hope that there will be no such sectional feeling as that over the observa-

tory. We have enough matters to fight about in which sectional feeling may arise. I am sorry it arises in any.

Mr. PADDOCK. The suggestion of my friend from Ohio seems to me to be quite unreasonable and unjust toward myself—

Mr. THURMAN. I do not hear the Senator.

Mr. PADDOCK. I do not understand how it is that the Senator cannot hear. I am sure everybody else in the Chamber does.

The suggestion of the Senator from Ohio that I have sought to do that which might lead to sectional feeling seems to me to be too absurd for notice. I said nothing that would leave any room whatever for such an inference; I said nothing whatever against this bill. I said that some of the scientists who are connected with the observatory have had under consideration whether it might not be well to have a second national observatory in the far West, on the plains, perhaps, of the trans-Missouri country, at a point which might be a compromise between the climatic and atmospheric conditions of the mountain and ocean districts of this country, where the altitude being much greater, as a consequence the air is more clear, more rare, and less disturbed, admitting of more correct, more careful observations of meteorological phenomena; for these and other reasons that it might be in the interest of science that something of that kind should be done; and it was with that view that I asked that the bill might be laid over, to consider whether the establishment of a second observatory might not be a most necessary and proper thing to do; at least I have thought and do still think that it is a subject worthy of most careful consideration, and if action shall be had on this bill now I shall certainly call the subject up again for the consideration of the Senate.

I shall interpose no further objection to the passage of the bill if it is insisted upon.

Mr. THURMAN. If the Nebraska tribe desire a second observatory I am sure I have no objection to their having a second or a third or a fourth; but that is no reason for removing the observatory from the District of Columbia, which was established here as a national observatory a long time ago.

Mr. PADDOCK. I have not thought of such a thing, so far as I am concerned.

Mr. THURMAN. Then I cannot understand why the Senator objected to the consideration of the bill, unless he wants to move an amendment for a second observatory at the national expense, and I do not think that anybody desires that; I am sure I do not. One is enough to be maintained by the Government, and others may be left to those learned institutions and the patronage of the States which have already made the observatories of the United States a subject of pride, of admiration, and of usefulness. We have one in Ohio; there is a great observatory in Massachusetts; there is another in New York; there is one in Michigan. They are building a great one, my friend from California says, in his State; and there is no danger at all that there will not be enough of them. But this one is the national observatory. It is one charged with certain duties that other observatories cannot perform, certain duties for the use of the Navy of the United States and for the commerce of the United States that other observatories cannot be expected to perform. One is enough of this kind, and I do hope that there will be no objection to taking measures that shall remove this observatory from a site the most sickly perhaps in the whole District of Columbia and one the most unsuited perhaps for such an institution.

A word now in respect to the expense. I believe I am about as economical as anybody on this floor, but I am willing to incur the necessary expense for this purpose. I am willing that this bill shall be guarded in every possible way so that the expense shall not be too great. The amendment that I have offered removes, I think, the objection made by the Senator from Vermont. With that amendment, I do not see why this bill might not pass. If other Senators, however, think that some previous investigation beyond that made by our Naval Committee, beyond the recommendation of the Secretary of the Navy, beyond the opinion of every man who has ever been on duty at that observatory—if Senators still think that it is necessary to inquire, so be it. For myself I am satisfied with the unanimous testimony of every man who has ever served at that observatory that that is no place for such an institution; I am satisfied with the recommendation of the Secretary of the Navy; and I am thoroughly satisfied after the careful investigation made by our Naval Committee.

Mr. EDMUND. Mr. President, if there is no amendment pending to this bill—

The VICE-PRESIDENT. There is an amendment reported by the Committee on Naval Affairs not yet disposed of.

Mr. EDMUND. Then I will state what I wish to move, and I hope it will meet the unanimous approval of this body, and we can get the whole thing done at this session. I propose to make the bill read simply thus:

That the President be, and he is hereby, directed to appoint, by and with the advice and consent of the Senate, a commission, consisting of three members, whose duty it shall be to select a site within the District of Columbia for the United States Naval Observatory; such site shall possess relatively the advantages of healthfulness, clearness of atmosphere, and convenience of access from the city of Washington, and report fully thereon, including estimates of the total expense, to the present session of Congress.

We all agree, I think, that the observatory ought not to be where

it is and ought to be somewhere else in this District. The question, therefore, is to select the proper spot, which three intelligent gentlemen can do in a week, and then report to Congress where that spot is, the price at which it can be obtained, with an estimate of the total expense. If it is a spot that is satisfactory to Congress, as undoubtedly it will be, the question then will simply be one of expense. If the proprietor asks what is fair, provision can be made for its purchase. If he does not, provision can be made for condemning it. Then we shall not be obliged to spend any money until we know what we are doing.

Mr. BECK. Mr. President, while the observatory no doubt can be placed in a better position than it is now, though it answered all the purposes of the Government at a time when we had far more commerce and a better Navy to be watched over than we now have, yet, until some bill is prepared somewhat in accordance with the view of the Senator from Vermont [Mr. EDMUNDS] I shall feel constrained to vote against any measure on this subject.

We have now to consider the interests of a people clamoring for the reduction of taxes in every possible form, and the only answer that is made to their just demands is that the Treasury is bankrupt, that no reduction can be made and no relief be had, because of the absolute necessities of the Government owing to the falling off of revenues by tariff or internal taxation. While complaints are earnestly made that reductions ought to be had, that answer is deemed by the Department conclusive. The Secretary of the Treasury in his last annual report just laid before us, says that, with the present income derived from the present taxation there will be a deficiency at the close of the year of over \$11,000,000. We have now going on, under the War, the Navy, and the other Departments of the Government, buildings in the process of erection which, according to the estimates, will require the following sums: under the War Department, \$7,900,000; buildings under the Treasury Department, over \$5,000,000; buildings under the Navy Department, over \$2,000,000; and all these vast expenditures have to be made at a time when taxation is bearing perhaps more onerously than ever before.

Besides, if this bill is passed in its present form it will do in this case just as all former bills for public buildings have done, involve a cost of any amount that the managers see fit to make it cost. I served in the other House, under the distinguished Senator from Massachusetts, [Mr. DAWES,] in the Appropriation Committee, when we limited in every form the New York post-office to, I think, \$3,000,000. It had hardly passed the basement story before the money was gone. We gave them \$2,000,000 more, and passed another law prohibiting them by every penalty possible going beyond it. They expended amounts far beyond that, and I do not know what the cost of that building has been; it was somewhere in the neighborhood of \$8,000,000 when I last heard of it. We limited the Boston post-office to a million and a half, and we passed all sorts of laws to keep them down to it, and it had exceeded \$3,000,000 before I left the House; perhaps it is much more than that now.

If the authority given by this bill to any body of men is not so guarded that we know in advance what the land will cost, what will be the exact expense of the buildings, and have contracts made beforehand, instead of \$300,000, as the bill proposes, you will find that millions will be expended before the object has been finally effected. That has been the experience of all that class of work according to my understanding; and when I heard the Senator from Vermont urging that there should be a preliminary report, that Congress should know what should be expended before it gave authority to anybody, I not only acquiesced in what he said, but I shall never vote for the bill until something of that sort is inserted, even if I do then, which in the present condition of industries, taxation, and expenditure, I think extremely doubtful.

Mr. SARGENT. Mr. President, the Senator from Kentucky thinks that, as the observatory has served since about 1840, it will still serve in the future. Since that time the Kidwell Bottoms have been uncovered; since that time the malarial influences of the Potomac have enormously increased. In fact, as I am told, they scarcely existed at all at that time. Now they are so bad as to be dangerous to the health and lives of those whom we put at the observatory. We send our officers there and assign them to that duty. They are as much compelled to go there as if we sent them to the cannon's mouth. It requires more courage to stand the malarial influences at the observatory than it does to charge in battle, and those influences, that malaria is growing worse and worse year by year. There is uniform testimony to this effect by medical officers in the service and out of it.

Mr. MERRIMON. What increases the miasma?

Mr. SARGENT. On account of the gradual filling up of the flats of the river, being covered at high tide and uncovered at low tide, and the prevailing winds blowing the concentrated effluvia upon the observatory here. That is the cause of it.

Mr. MERRIMON. Is that worse now than formerly?

Mr. SARGENT. Immensely worse, and getting worse year by year; getting destructive of life.

Mr. DAVIS, of West Virginia. What is the cause of its getting worse?

Mr. SARGENT. On account of the filling up of the flats, a process which goes on in nearly all rivers, especially where there is an extant of agricultural country drained. Where the plow turns up the earth

the rains falling carry down the sediment into the river, and it settles along in the shallow places, making them more shallow, until finally settling there with the high tide, when the tide falls it leaves an exposed bank, and in the summer and fall months when the heats are great the malaria arises from the decomposing vegetation. This is so in the Potomac and in other rivers, as many Senators know. I wish to call the attention of Senators to the fact that the committee do not act upon their own judgment in this matter; but carefully collected the opinions of medical officers. Medical Director George Clymer testifies from nearly eight years' experience, during which he had medical charge of the naval officers and their families at Washington, that "the location of the observatory is unhealthful, caused by the malaria from the shores of the Potomac, from which no artificial means will secure it."

Medical Director Charles D. Maxwell, who served two terms at the observatory, states—

Frequent cases of malarial fever occurred among the officers, more especially those engaged in night observations. The families of the superintendents residing at the observatory suffered most severely, the effects of which can even yet be observed in some cases. The ground on which the buildings stand has a substratum of red sand, porous, and consequently unhealthy. The miasmas from the adjacent marshes, wafted by the prevailing southwest and southeast winds, penetrate every crevice, and the dense fogs from the shores of the Potomac so envelop the entire hill as to render at times observation impossible. I therefore consider the observatory, with its surroundings, eminently unhealthy and unsuited for the purposes intended, and that its removal to some more eligible height, westward of the city, is not only desirable but necessary.

Medical Inspector Philip S. Wales also testifies to the same fact. Dr. Grafton Tyler says the same thing. He is not in the service. Dr. Alexander Y. P. Garnett, an eminent physician of this city, states:

During the years of 1849 and 1850 I was assigned to the duty of attending the officers stationed at this post, and had ample opportunity to observe the pernicious effects of the malaria which invested that locality. When we consider the immediate proximity of the low marshes stretching along the river at the base of the hill upon which the observatory is situated, together with the recognized fact that marsh malaria most usually manifests its effects at the nearest eminence from its paludal source and to the leeward of the prevailing wind, we can readily understand why this locality has always been, and will continue to be, subject to malarial fevers. The truth of this statement you can at once verify by obtaining the experience of those officers who have resided at the observatory during the last quarter of a century.

Professor M. Yarnall—

The VICE-PRESIDENT. The morning hour has expired.

Mr. SARGENT. I ask a few moments in order to finish my remarks, if not to dispose of the bill.

Mr. COCKRELL. Not to do anything further than to finish the Senator's statement. I will consent to that, and that is all.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. SARGENT. Professor Yarnall gives instances of the death of some of the brightest officers of the service who were stationed at this observatory. He says that the death of Admiral Davis, if not directly caused, was hastened by the malarious influences surrounding him at this observatory. The testimony is abundant and conclusive upon that matter. No one can examine it without being satisfied that scientific men, ample and able judges of the matter, are unanimously of the opinion that it is sacrificing the lives of the officers of the United States whom we station there to continue the observatory in that place. Their nerves are shattered by this malaria, making their observations less reliable. The fogs, other men not doctors, state, come up and envelop the observatory sometimes so that at a very critical period of the observations the instruments are rendered entirely useless. And yet in spite of this the committee show by this report that the scientific magazines of Europe give more space in their columns over a series of years to the observations and useful work of this observatory and the discoveries which have been made there and to its great contributions to science than to those of almost any other observatory in the civilized world.\*

This observatory has the great work of the Nautical Almanac in its hands, upon the accuracy of which depends the safety of our commerce all over the globe. The scientific work of this observatory cannot be undervalued. Certainly the conditions surrounding the observatory should be favorable to its execution.

The Senator from Kentucky considers that the Government should go into liquidation, that it is in a condition of bankruptcy, or that we are not to do a necessary public work because some extravagance has taken place in the construction of the New York custom-house or some other public building. If any law is necessary to prevent extravagance I will go with that Senator or any other Senator for the purpose of preventing it by law; but I am not prepared to believe that this nation of forty million people, with great resources, although there may be temporary depression in business, as there is over the whole world at the present time—I am not prepared to believe that this people are unable to carry out the ordinary operations of Government, to make the ordinary and necessary appropriations to discharge its functions. I did not think so even when a war was straining every nerve of the Government. At that time we finished this Capitol, made all our ordinary appropriations, not on a scale of extravagance, but on a scale of reasonable expenditure. I think the people of the United States expect us to make reasonable and decent appropriations; and I do not believe there is an intelligent constituency in the land, informed of the facts, who would say that under the circumstances set out in this report, represented by scientific men from all parts of the country, recommended by the executive officers of the

United States, recommended by a committee of the Senate who have carefully examined the facts, this relief ought not to be granted.

I will not take up the time of the Senate because the morning hour has expired, but I give notice that I will call up this bill again the first morning hour I have the opportunity. I do not know but that it may be well to have further report according to the plan of the Senator from Vermont. Certainly I do not, and I know the committee do not, feel any pride of authorship in this bill. We simply desire that the observatory be removed at a moderate and proper cost to some place where its useful labors can be carried on without imperiling the lives of those who perform this labor.

Mr. BECK. Before the Senator from California sits down I ask him could he not with propriety ascertain precisely where would be a proper locality and what would be the cost both of the purchase of the land and the construction of the building before we are called upon to pass such a bill? Would it take long to do that?

Mr. SARGENT. I suppose it might be done, but I should like to make this suggestion to the Senator: of course there should be some competition among bidders for the purpose of cheapening the price to the Government of the land which is to be acquired.

Mr. EDMUND. I suggest to the Senator from California that possibly it might be a good place to locate it on the Soldiers' Home, the title to which the United States already has.

Mr. SARGENT. The observatory should be located somewhere in that direction. If we would designate the particular spot we want to buy before having some understanding in reference to the price at which we could get it, it would go up on your hands, and then you would have to resort to legal proceedings. Competition among bidders, however, who have lots equally eligible, would probably bring down the price even more than it would be appraised at by a court.

Now, with regard to locating it at the Soldiers' Home, I think there are several eminences there which would be well adapted for the purpose, and perhaps it is not too far from the center of the city of Washington; but a doubt has been suggested which I should like to resolve, whether the title to that land is sufficiently vested in the Government of the United States, so that we would have a right to direct the erection of any building upon it.

Mr. EDMUND. That would be a matter of inquiry, of course.

Mr. SARGENT. I will not take up the time of the Senator from Missouri, who is entitled to the floor on another matter.

#### EULOGIES ON SENATOR BOGY.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

*Resolved by the Senate, (the House of Representatives concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Lewis V. Bogy, late United States Senator from the State of Missouri, be printed, 4,000 for the use of the Senate and 8,000 for the use of the House of Representatives; and that the Secretary of the Treasury have printed the portrait of Mr. Bogy to accompany the same.*

#### EULOGIES ON SENATOR MORTON.

Mr. McDONALD submitted the following resolution; which was referred to the Committee on Printing:

*Resolved by the Senate, (the House of Representatives concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Oliver P. Morton, late United States Senator from the State of Indiana, be printed, 4,000 for the use of the Senate and 8,000 for the use of the House of Representatives; and that the Secretary of the Treasury have printed the portrait of Mr. Morton to accompany the same.*

#### HOUSE BILLS REFERRED.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (H. R. No. 1989) to authorize Spencer F. Baird, assistant secretary of the Smithsonian Institution, to receive from the King of Sweden a diploma and medal, constituting him a member of the Norwegian Order of Saint Olaf, the same being a literary and scientific organization; and

A joint resolution (H. R. No. 47) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands.

#### PAYMENT OF GOVERNMENT BONDS.

The VICE-PRESIDENT. There comes over as unfinished business of the session of Monday last the resolution submitted by the Senator from Ohio, [Mr. MATTHEWS,] upon which the Senator from Missouri [Mr. COCKRELL] is entitled to the floor.

Mr. COCKRELL. Mr. President, it is seldom that I consume the valuable time of the Senate in any lengthy discussion of the various subjects considered and acted upon by the Senate. I have no intention to consume unnecessarily the time of this body now, but a sense of duty to my State, my constituents, our whole country, and to myself, impels me to beg the indulgence of the Senate that I may submit my views of the law and facts involved in this resolution of the Senator from Ohio [Mr. MATTHEWS] and also touching the payment of the national debt.

If I can establish by the law and undisputed facts that a bond issued on the 1st day of July, 1877, for the express purpose of carrying out the provisions of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payments," can be paid, principal and interest, in silver coin of 412½ grains weight, nine-tenths fine, to the dollar, without violation of public faith or derogation of

the rights of the public creditor, then it follows that all other bonds issued since as well as prior to July 14, 1870, are likewise justly payable in such silver coin.

In order to ascertain the exact questions of law and of facts at issue touching these bonds, I have prepared and will submit to the high court of national honor and public faith of which we hear so much a petition on the part of the bondholder, as plaintiff, against the United States, as defendants, demanding payment in gold alone. And an answer by the United States setting up their rights to pay the bond, principal and interest, in silver coin of 412½ grains weight, nine-tenths fine, to the dollar, and a replication by the bondholder denying the right and setting up his reasons for demanding gold alone. I will then consider the questions of law and facts in issue and abide the decision of the high court of national honor and public faith.

The petition is as follows:

"BONDHOLDER, PLAINTIFF,  
against  
THE UNITED STATES OF AMERICA, } In the High Court of National  
defendants. Honor and Public Faith.

"Bondholder, the plaintiff, states that the United States of America, defendants, in pursuance and by virtue of the provisions of an act of Congress entitled 'An act to authorize the refunding of the national debt, approved July 14, 1870,' amended by an act approved January 20, 1871, in consideration of the sum of \$50 in gold coin of the standard value of the United States paid by the plaintiff to the defendants, did, on the 1st day of July, 1877, duly issue and deliver to this plaintiff their certain bond designated and called '4 per cent. consols of the United States' sealed and executed by the duly authorized officers of the United States, dated on July 1, 1877. And herein and thereby the United States of America acknowledged themselves to be indebted to the bearer, this plaintiff, in the sum of \$50, and obligated themselves to pay to the bearer, this plaintiff, the sum of \$50 in gold coin of the standard value of the United States on said July 14, 1870, at the pleasure of the United States after the 1st day of July, A. D. 1907, with interest thereon in such coin from the day of the date thereof at the rate of 4 per cent. per annum, payable quarterly, on the 1st day of October, January, April, and July in each year, the principal and interest being exempt from the payment of all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority.

"Plaintiff states that said bond has long since matured and become payable according to its terms, and that the United States have refused to pay said principal sum, or said interest, or any part thereof in said gold coin of the standard value of the United States on said July 14, 1870. Wherefore this plaintiff demands judgment against the United States of America for said sum of \$50 in gold coin of the standard value of the United States on said July 14, 1870, with all the said interest thereon in such coin.

#### "BONDHOLDER, Plaintiff."

The answer of the United States to this petition is as follows:

"BONDHOLDER, PLAINTIFF,  
against  
THE UNITED STATES OF AMERICA, } In the High Court of National  
defendants. Honor and Public Faith.

"The United States of America, the defendants, for answer to the petition of Bondholder, the plaintiff, admit that in pursuance and by virtue of the provisions of an act of Congress, entitled 'An act to authorize the refunding of the national debt, approved July 14, 1870,' amended by an act approved January 20, 1871, in consideration of the sum of \$50 in gold coin of the standard value of the United States, paid by the plaintiff to these defendants, the United States of America did, on the 1st day of July, 1877, duly issue and deliver to the plaintiff their certain bond, designated '4 per cent. consols of the United States,' dated on said July 1, 1877, and therein and thereby acknowledge themselves to be indebted to the bearer, the plaintiff, in the sum of \$50.

"These United States of America expressly deny that they therein or thereby obligated themselves to pay to the bearer, the plaintiff, the said sum of \$50 in gold coin only, of the standard value of the United States on said July 14, 1870, with interest thereon in such gold coin alone, as charged in the petition.

"These United States admit that they have refused to pay said principal sum or said interest, or any part thereof, in said gold coin solely of the standard value of the United States on said July 14, 1870, as charged.

"These United States deny that plaintiff is entitled to judgment against these defendants for said sum of \$50, in gold coin only of the standard value of the United States on said July 14, 1870, with any interest thereon in such coin as demanded in the petition.

"These United States, for further answer, state the facts to be that said bond herein sued on is in words and figures as follows, to wit:

'1877. Four per cent. consols of the United States. 1907.  
'Principal and interest payable in coin.  
(50)'At the Treasury of the United States.

'The United States of America are indebted to the bearer in the sum of  
Fifty Dollars.

'7115. 7115.  
'This bond is issued in accordance with the provisions of an act of Congress en-

titled "An act to authorize the refunding of the national debt, approved July 14, 1870," amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly, on the 1st day of October, January, April, and July, in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority.

Washington, July 1, 1877.

S. J. MILLARD,  
*Register of the Treasury.*

Act of July 14, 1870.

These United States for further answer state that the law of the United States authorizing the issue and sale of said bond was approved July 14, 1870, as stated in the face of said bond, and the first section thereof is in words and figures as follows, to wit:

That the Secretary of the Treasury is hereby authorized to issue, in a sum or sums not exceeding in the aggregate \$200,000,000, coupon or registered bonds of the United States, in such form as he may prescribe and of denominations of \$50 or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable semi-annually in such coin, at the rate of 5 per cent. per annum; also a sum or sums not exceeding in the aggregate \$300,000,000 of like bonds, the same in all respects, but payable, at the pleasure of the United States, after fifteen years from the date of their issue, and bearing interest at the rate of 4 $\frac{1}{2}$  per cent. per annum; also a sum or sums not exceeding in the aggregate \$1,000,000,000 of like bonds, the same in all respects, but payable, at the pleasure of the United States, after thirty years from the date of their issue, and bearing interest at the rate of 4 per cent. per annum; all of which said several classes of bonds and the interest thereon shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above-specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States. But nothing in this act, or in any other law now in force, shall be construed to authorize any increase what ever of the bonded debt of the United States.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to sell and dispose of any of the bonds issued under this act, at not less than their par value for coin, and to apply the proceeds thereof to the redemption of any of the bonds of the United States outstanding, and known as 5.20 bonds, at their par value, or he may exchange the same for such 5.20 bonds, par for par; but the bonds hereby authorized shall be used for no other purpose whatsoever; and a sum not exceeding one-half of 1 per cent. of the bonds herein authorized is hereby appropriated to pay the expense of preparing, issuing, advertising, and disposing of the same.

as found in the United States Statutes at Large, volume 16, page 272.

And that the law of the United States amending said act of July 14, 1870, and referred to in the face of said bond, was approved January 20, 1871, and is in words and figures as follows, to wit:

An act to amend an act entitled "An act to authorize the refunding of the national debt."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the amount of bonds authorized by the act approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," to be issued bearing 5 per cent. interest per annum be, and the same is, increased to \$500,000,000, and the interest of any portion of the bonds issued under said act, or this act, may, at the discretion of the Secretary of the Treasury, be made payable quarterly: *Provided*, however, That this act shall not be construed to authorize any increase of the total amount of bonds provided for by the act to which this act is an amendment.

Approved January 20, 1871.

as found in the United States Statutes at Large, volume 16, page 399.

These United States, for further answer, state that on the 14th day of January, 1875, the Congress of the United States enacted a law to provide for the resumption of specie payments, in words and figures following, to wit:

An act to provide for the resumption of specie payments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined at the mints of the United States silver coins of the denominations of ten, twenty-five, and fifty cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the subtreasuries, public depositories, and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency, until the whole amount of such fractional currency outstanding shall be redeemed.

SEC. 2. That so much of section 3524 of the Revised Statutes of the United States as provides for a charge of one-fifth of 1 per cent., for converting standard gold bullion into coin is hereby repealed, and hereafter no charge shall be made for that service.

SEC. 3. That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national-banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed. And whenever and so often as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of \$300,000,000, to the amount of 80 per cent. of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of \$300,000,000 of such legal-tender United States notes, and no more. And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York in sums of not less than \$50. *And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled, "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof*

for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

Approved, January 14, 1875.

as found in the United States Statutes at Large, volume 18, page 296.

And that the bond sued on and herein copied was issued for the purposes of said act, approved January 14, 1875, and expresses upon its face the 'qualities, privileges, and exemptions' specified in the act approved July 14, 1870, as required by said act of January 14, 1875.

These United States further state that on the 18th day of January, 1837, the Congress of the United States enacted a law entitled 'An act supplementary to the act entitled "An act establishing a mint and regulating the coins of the United States," approved January 18, 1837,' which repealed all prior laws inconsistent therewith; and that section 8 of said act provided—

That the standard for both gold and silver coins of the United States shall hereafter be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy.'

And that section 9 of said act provided—

That of the silver coins the dollar shall be of the weight of 412 $\frac{1}{2}$  grains; the half dollar of the weight of 206 $\frac{1}{2}$  grains; the quarter dollar of the weight of 103 $\frac{1}{2}$  grains; the dime, or tenth part of a dollar, of the weight of 41 $\frac{1}{2}$  grains; and the half dime, or twentieth part of a dollar, of the weight of 20 $\frac{1}{2}$  grains; and that dollars, half dollars, and quarter dollars, dimes, and half dimes shall be legal-tenders of payment according to their nominal value for any sum whatever.'

as found in the United States Statutes at Large, volume 5, pages 137, 138, and following.

These United States further state that by an act of Congress entitled 'An act amendatory of existing laws relative to the half dollar, quarter dollar, dime, and half dime, approved February 21, 1853,' the weight of the half dollar was reduced to 192 grains and the quarter dollar, dime, and half dime reduced to correspond with said half dollar; and said coins of such reduced weight were declared 'legal tenders of payment for all sums not exceeding \$5,' as found in volume 10, United States Statutes at Large, page 160.

These United States further expressly state that the silver dollar of the weight of 412 $\frac{1}{2}$  grains and of the fineness of nine-tenths, as provided for in said act of Congress approved January 18, 1837, was on said July 14, 1870, a coin of the standard value of the United States, and a full legal tender of payment for any and all sums whatever, according to its nominal value, and its coinage to any amount, without restriction or limitation, at the mints of the United States, fully authorized by law and so continued up to February 12, 1873.

These United States, for further answer, state that by an act of Congress entitled, 'An act revising and amending the laws relative to the mints, assay-offices, and coinage of the United States,' approved February 12, 1873, found in the United States Statutes at Large, volume 17, pages 424 and following, the authority of the officers at the mints of the United States to coin silver into a dollar of 412 $\frac{1}{2}$  grains standard weight and nine-tenths standard fineness, which had existed by law in full force without restriction or limitation from said January 18, 1837, up to said February 12, 1873, was withdrawn and abrogated, and by virtue of the provisions of said act approved February 12, 1873, the silver dollar of 412 $\frac{1}{2}$  grains, nine-tenths fine, cannot be coined at the mints of the United States.

These United States further state that section 13 of said act, approved February 12, 1873, provides 'that the standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy,' and that said section 13 only continued in full force and effect the said section 8 of the act of January 18, 1837, in the same words, as before quoted, and thereby fixed the same standard weight and standard fineness for both gold and silver coins, and which has therefore been continued from said January 18, 1837, up to the present time. These United States further state that by section 1 of an act of Congress, entitled 'An act concerning the gold coins of the United States and for other purposes,' approved June 28, 1834, and published in volume 4, United States Statutes at Large, pages 699 and 700, it was provided—

That the gold coins of the United States shall contain the following quantities of metal, that is to say, each eagle shall contain 233 grains of pure gold and 238 grains of standard gold; \* \* \* each half eagle and each quarter eagle shall contain, respectively, one-half and one-fourth part as much as the eagle; \* \* \* such eagle shall be of the value of ten dollars; \* \* \* the half eagle and quarter eagle to be of the half and one-fourth part of said eagle in value, respectively; and the said gold coins shall be receivable in all payments when of full weight, according to their respective values; and when of less than full weight at less values, proportioned to their respective actual weights.'

And that by an act of Congress entitled 'An act to authorize the coinage of gold dollars and double eagles,' approved March 3, 1849, it was provided—

SEC. 1. That there shall be from time to time struck and coined at the mint of the United States and the branches thereof, conformably in all respects to law, and conformably in all respects to the standard for gold coins now established by law, coins of gold of the following denominations and values, viz: double eagles, each to be of the value of twenty dollars or units, and gold dollars, each to be of the value of one dollar or unit.

SEC. 2. That for all sums whatever the double eagle shall be a legal tender for twenty dollars, and the gold dollar shall be a legal-tender for one dollar.'

And that by virtue of said sections of said acts the gold coin of the standard weight 25.8 grains and standard fineness nine-tenths to the dollar was 'coin of the standard value of the United States' on said July 14, 1870, with unlimited legal tender power.

These United States further state that by section 14 of said act approved February 12, 1873, it was provided—

That the gold coins of the United States shall be a one-dollar piece, which, at the

standard weight of 25.8 grains shall be the unit of value; a quarter eagle or two-and-a-half-dollar piece, a three-dollar piece, a half eagle or five-dollar piece, an eagle or ten-dollar piece, and a double eagle or twenty-dollar piece, and the standard weight of the gold dollar shall be 25.8 grains—

“And the standard weight of the other pieces to correspond therewith—

‘which coins shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided in this act for the single piece.’

“And that by section 15 of said act, approved February 12, 1873, it was provided—

‘That the silver coins of the United States shall be a trade-dollar, a half dollar or fifty-cent piece, a quarter dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade-dollar shall be 430 grains troy; the weight of the half dollar shall be twelve grains (grammes) and one-half of a gram, (gramme;) the quarter dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding \$5 in any one payment.’

“Thus changing the weight of the half dollar, as fixed by said act of February 21, 1853, at 192 grains to 192.9 grains, and the weight of the quarter dollar from 96 grains to 96.45 grains, and of the dime from 38.4 grains to 38.58 grains.

“And that by section 17 of said act of February 12, 1873, it was further provided—

‘That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards, and weights herein set forth.’

“These United States further state that, by section 67 of said act of February 12, 1873, it is provided—

‘That this act shall be known as the ‘coinage act of eighteen hundred and seventy three;’ and all other acts and parts of acts pertaining to the mints, assay-offices, and coinage of the United States inconsistent with the provisions of this act are hereby repealed: *Provided*, That this act shall not be construed to affect any act done, *right accrued*, or penalty incurred under former acts, but *every such right is hereby saved*.’

“And these United States expressly state that the silver coin of 412½ grains, nine-tenths fine, to the dollar—the standard weight and fineness fixed by act of January 18, 1837, and continued by act of February 12, 1873—was ‘coin of the standard value of the United States on said July 14, 1870,’ and ever since has been and now is ‘a coin of the standard value of the United States,’ with unlimited legal-tender power, and that the said proviso in section 67 of said act of February 12, 1873, has expressly saved and continued in full force every ‘right accrued under former acts’ to said silver coin of 412½ grains, nine-tenths fine, to the dollar, and that the said ‘right’ so accrued and saved and continued to such silver coin, includes its ‘standard value’ as a dollar and its ‘unlimited legal-tender power’ in payment of all sums at its nominal value.

“These United States further state that by virtue of the provisions of the laws aforesaid ‘coin of the standard value of the United States on said July 14, 1870,’ fixed by law with unlimited legal-tender power consisted of gold, 25.8 grains weight, nine-tenths fine, to the dollar, and of silver 412½ grains weight, nine-tenths fine, to the dollar.

“These United States further state that bondholder prior to and at the date of the purchase of said bond had actual and legal notice of the provisions and requirements of all the aforesaid acts of Congress, the laws of the land; and that the said laws of July 14, 1870, amended by act of January 20, 1871, and of January 14, 1875, authorizing the issue and sale of said bond, and without which said bond never could have had existence, expressly provided and required that said bond and all other bonds issued thereunder shall be payable, redeemable, ‘in coin of the standard value of the United States on said July 14, 1870,’ and ‘shall have set forth and expressed upon their face the above-specified conditions;’ and that in pursuance of the explicit provisions and requirements of said laws the said bond has set forth and expressed upon its face the said condition that it is redeemable ‘in coin of the standard value of the United States on said July 14, 1870.’

“These United States expressly charge that the ‘said July 14, 1870,’ was and is the precise and definite time fixed by the plain words of the said laws authorizing the issue of said bond, and set forth and expressed upon the face of said bond itself in plain words, and expressly agreed upon by and between the bondholder and these United States for the settlement, the determination, of the kind of coin and of the standard weight and fineness and the standard value of the coin with which and in which the bond, principal and interest, is payable.

“These United States further state that by the terms of the laws authorizing the issue of said bond, and by the plain words of the bond itself, the solemn written obligation between these United States and said bondholder, and about the meaning and construction of which there can be and there is no doubt, patent or latent, these United States have the indisputable right, authority, and privilege, in law and in equity, in morality and common honesty, to redeem and pay off the said bond, principal and interest, either in gold coin of 25.8 grains, nine-tenths fine, to the dollar, or in silver coin of 412½ grains, nine-tenths fine, to the dollar.

“And these United States now tender to the plaintiff, bondholder, the principal sum and interest, as specified in the bond, in silver coin of the standard value of the United States on said July 14, 1870, to wit, in silver coin of 412½ grains, nine-tenths fine, to the dollar, in full payment and satisfaction of said bond, and assert that

such payment in such coin is a perfect compliance with the provisions of the laws authorizing its issue and with the terms of the bond itself and with all known and recognized principles of national honor and public faith.

“THE PEOPLE OF THE UNITED STATES.”

The replication of bondholder to this answer is as follows:

“BONDHOLDER, PLAINTIFF,

against

THE UNITED STATES OF AMERICA, } In the High Court of National Honor and Public Faith.

defendants.

“Bondholder, the said plaintiff, in reply to the answer of the United States, admits that his bond is correctly copied in the answer; and admits the passage of the several acts of Congress, as stated in the answer; and that the sections and portions of said several acts, purporting to be copied, are correctly copied and quoted. This bondholder admits that, in a mere technical, legal sense, the silver dollar of 412½ grains, nine-tenths fine, was on said July 14, 1870, a coin of standard value of the United States, with full legal-tender power and without restriction upon its coinage, and so continued up to February 12, 1873, and that said act of February 12, 1873, abrogated the authority to coin such a silver dollar, and such silver dollar thereafter ceased to be a coin of the United States; and that on said July 14, 1870, the standard weight and fineness of the gold coin was 25.8 grains, nine-tenths fine, to the dollar.

“This bondholder denies that the silver coin of 412½ grains, nine-tenths fine, to the dollar, since the passage of the act of February 12, 1873, has been or now is a coin of the standard value of the United States, with unlimited legal-tender power, as charged in the answer, and denies that the proviso in section 67 of said act has saved the right accrued under former acts to said silver coin or that the right saved by said proviso includes its standard value as a dollar or its unlimited legal-tender power.

“This bondholder admits notice of the provisions and requirements of all said laws and that said bond contains the words quoted in said answer. This bondholder denies that said July 14, 1870, was or is the precise and definite time fixed upon for the determination of the coin and the standard value of the coin wherein said bond is payable. Bondholder denies that the United States have the right, in good faith and morality and as a matter of public policy, to pay said bond in silver coin of 412½ grains, nine-tenths fine, to the dollar, or to tender to or to require bondholder to accept payment of said bond in such silver coin, or that such a payment in such coin would be a compliance with what was contemplated by the parties at the time this bondholder bought and paid for said bond in gold coin alone or with national honor or public faith. This bondholder, further replying, insists that the United States must pay him the principal and interest of said bond in gold coin alone, of the standard value of 25.8 grains, nine-tenths fine, to the dollar, and, in support of his right to such payment in such gold coin alone, begs to quote the exact language of the distinguished Secretary of the Treasury of the United States, in his annual report to the second session of the Forty-fifth Congress, and in his language to state that—

“Silver dollars have not been in circulation in the United States since 1837; and since 1853 fractional silver coins have been in circulation and a legal tender only for limited sums, and have not been contemplated as the medium of payment since any considerable portion of the outstanding bonds were issued.”

“And that—

“On the 19th of June, pending the subscriptions, the Secretary informed the associates, in an *official letter*, that, as the Government exacts in payment for these bonds their face value in gold coin, it was not anticipated that any *future* legislation of Congress or any action of any department of the Government would sanction or tolerate the redemption of the principal of these bonds or the payment of the interest thereon in coin of less value than the *coin authorized by law* at the time of their issue, being gold coin. And the general confidence of the public that so just a principle of good faith would be observed by the Government no doubt largely contributed to the success of the loan. Whatever policy the Government may adopt at any time in its system of coinage, it should not reduce the value of the coin in which it pays its obligations *below that it demanded and received*. The Secretary earnestly urges Congress to give its sanction to this assurance.”

“This plaintiff, relying upon the act of Congress of February 12, 1873, omitting the authority to coin silver dollars of 412½ grains, nine-tenths fine, and making the gold dollar of 25.8 grains, nine-tenths fine, the unit of value, as quoted in defendant’s answer; and also upon the official statements and assurances of the honorable the Secretary of the Treasury, the agent of the United States; and also upon the enlightened policy, the national honor, and the public faith of the United States, bought and paid for said bond in gold coin alone, which was the only coin in circulation, and now demands payment in gold coin alone, and refuses to accept payment in silver coin of 412½ grains, nine-tenths fine, to the dollar, not now authorized to be coined at any mint of the United States, and avers that the market or commercial value of the silver in the silver dollar of 412½ grains, nine-tenths fine, is less than the gold dollar; and avers, in the language of the same distinguished Secretary—

“If the market value of the silver in the new coin (meaning the silver dollar of 412½ grains, nine-tenths fine) is less than the gold dollar, a forced payment in the new coin (referring to said silver dollar) is a repudiation of a part of his debt. The saving that would thus be made is utterly insignificant compared with the injury done to the public credit. And even as to bonds issued prior to February 12, 1873, public policy and enlightened self-interest require us to pay them in the coin then in circulation and contemplated by both parties as the medium of payments.”

"And that—

"It does not become a nation like ours to avail itself of the market depreciation of silver to gain a small saving by the payment of silver dollars instead of the coin contemplated when the bonds were issued."

"This bondholder, in further support of his demand for payment in gold alone, and as an estoppel to the attempt of the United States to pay in silver dollars of 412½ grains, nine-tenths fine, quotes the exact language of the distinguished Chief Executive officer of the United States used by him in his message to Congress in December, 1877, when referring to the payment of the bonds of the United States, as follows:

"All the bonds that have been issued since February 12, 1873, when gold became the only unlimited legal-tender metallic currency of the country, are justly payable in gold coin or in coin of equal value. During the time of these issues the only dollar that could be or was received by the Government in exchange for bonds was the gold dollar. To require the public creditors to take in repayment any dollar of less commercial value would be regarded by them as a *repudiation of the full obligation assumed*. The bonds issued prior to 1873 were issued at a time when the gold dollar was the only coin in circulation or contemplated by either the Government or the holders of the bonds as the coin in which they were to be paid. It is far better to pay these bonds in that coin than to seem to take advantage of the unforeseen fall in silver bullion to pay in a new issue of silver coin thus made so much less valuable. The power of the United States to coin money and to regulate the value thereof ought never to be exercised for the purpose of enabling the Government to pay its obligations in a coin of less value than that contemplated by the parties when the bonds were issued. Any attempt to pay the national indebtedness in a coinage of less commercial value than the money of the world would involve a violation of the public faith and work irreparable injury to the public credit."

"An adherence to the wise and just policy of an exact observance of the public faith will enable the Government rapidly to reduce the burden of interest on the national debt to an amount exceeding \$30,000,000 per annum, and effect an aggregate saving to the United States of more than \$300,000,000 before the bonds can be fully paid."

"And now this bondholder respectfully and confidently submits that, although the words of the laws of the United States authorizing the issue of said bond, and the words of the bond itself, can be interpreted in a strictly technical and legal sense to favor the view that said bond, principal and interest, 'is redeemable in coin of the standard value of the United States on said July 14, 1870,' as claimed by the United States in their answer, yet, in view of the said acts of February 12, 1873, and of January 14, 1875, and of the official statements and assurance of the distinguished Secretary of the Treasury of the United States, and of the distinguished Chief Executive of the United States, as herein quoted, the United States of America, a great and enlightened nation, will not now tarnish its national honor and impugn its public faith and abandon its heretofore wise and just policy and inflict a fatal blow to its enlightened self-interest by attempting to pay said bond in the depreciated and demonetized silver dollar of 412½ grains, nine-tenths fine.

"And therefore this bondholder demands payment in gold coin alone, and that by the judgment of this high court of national honor and public faith payment in such gold coin alone may be enforced.

"BONDHOLDER, Plaintiff."

What are the admissions in this case and the questions in issue?

The admissions are—

First. It is admitted that Bondholder paid in gold for his bond.

Second. It is admitted that the bond is truly copied in the answer.

Third. It is admitted that the dates of the laws authorizing the issue of the bond, and relating to the gold and silver coins, are correctly given in the answer, and the quotations and extracts from said laws, in said answer, are correct.

Fourth. It is admitted that "coin of the standard value of the United States on said July 14, 1870," fixed by law with unlimited legal-tender power, consisted of silver of 412½ grains weight, nine-tenths fine, to the dollar, and of gold of 25.8 grains weight, nine-tenths fine, to the dollar.

Fifth. It is admitted that by the act of February 12, 1873, known as the "coinage act of 1873," the authority to issue a silver coin of 412½ grains weight, nine-tenths fine, to the dollar was abrogated, and since that date no such silver dollar can be coined.

The questions put in issue by the denials of Bondholder are three in number, as follows:

It is denied by Bondholder—

First. That the silver coin of 412½ grains, nine-tenths fine, to the dollar has been since the act of February 12, 1873, or now is a coin of the standard value of the United States with unlimited legal-tender power.

It is denied by Bondholder—

Second. That said July 14, 1870, was or is the precise and definite time fixed by law and by the bond for the determination of the coin and the standard value of the coin wherein said bond is payable.

It is denied by Bondholder—

Third. That the United States have the right in good faith and morality, and as matter of public policy, to pay the bond in silver coin of 412½ grains, nine-tenths fine, to the dollar, or in any other than the gold coin of the value paid therefor, notwithstanding the mere legal effect of the words of said laws and said bond; for the following six reasons, to wit:

First. Because the said silver dollars have not been in circulation as money in the United States since 1837, and were not at the time of his purchase of the bond; and at that time the gold dollar was the only coin in circulation or contemplated as the coin in which said bond was to be paid.

Second. Because the act of February 12, 1873, demonetizing the

said silver dollar led the purchaser of the bond thereafter issued to expect payment in gold coin alone.

Third. Because the power of Congress under the Constitution to coin money and regulate the value thereof ought never to be exercised to enable the Government to pay its obligations in a coin of less value than that contemplated when the bonds were issued.

Fourth. Because the public assurances of the officials of the Government when negotiating the sale of the bonds that they should be paid in gold alone, which was paid for them, led the purchasers to expect payment in gold alone.

Fifth. Because it is far better for the people, as a matter of wise and just policy, to pay the bonds in gold alone, and will be a saving to them of millions of dollars by reducing the rate of interest on the public debt by funding in bonds bearing a lower rate of interest.

Sixth. Because to force the bondholder to accept in payment of his bond any dollar of less *commercial or market value* than the gold dollar, which he paid for his bond and which was the only coin then authorized by law with full legal-tender power, would be regarded as a *repudiation of the full obligation assumed* and would *involve a violation of public faith and would tarnish the national honor*.

I will now consider in order the three questions put in issue by the denials of Bondholder and the six reasons given under the third question.

First. The act of February 12, 1873, prescribed and continued in full force in almost the very same words "the standard for both gold and silver coins" fixed by the act of January 18, 1837, as shown by the extracts from each of said acts before quoted. The act of February 12, 1873, made no change in the standard value of the gold coins, nor did it make any change in the standard value of the silver coins. It wholly omitted any mention of a silver dollar of 412½ grains, nine-tenths fine, but did not alter, change, or modify its standard value or the standard value of 412½ grains, nine-tenths fine, of silver. From January 18, 1837, up to that act the standard value of a silver coin of 412½ grains standard weight and nine-tenths standard fineness had been one dollar of one hundred cents invested with unlimited legal-tender power in payment of all sums. The proviso in section 67 of said act of February 12, 1873, expressly saved and continued in full force every right which had accrued under former acts—the act of January 18, 1837—and this right, so saved and continued, which had accrued to the silver coin of 412½ grains, nine-tenths fine, was its standard value as dollar and its unlimited legal-tender power, and by virtue thereof the said silver dollar of 412½ grains, nine-tenths fine, has continued to be and now is a coin of the standard value of the United States with unlimited legal-tender power.

In support of the fact established by the law, that said silver coin of 412½ grains, nine-tenths fine, is still a coin of the standard value of the United States, and was and is a dollar with unlimited legal-tender power, I cite the open, notorious, published, and known acts of the Government and its Treasury officials. By article 1001 of the revised regulations relating to the collection of customs, issued and published by the Treasury Department, January 1, 1874, in a bound volume entitled "Customs Regulations, 1874," page 488, it is provided:

Silver dollars of the United States other than the trade-dollar, though no longer coined or issued, are receivable for duties at their nominal value in unlimited sums.

Silver half dollars, quarter dollars, dimes, and half dimes, coined previous to April, 1853, are receivable for duties at their nominal value in unlimited sums.

Silver trade-dollars, also silver half dollars, quarter dollars, dimes, and half dimes, coined since April 1, 1853, are receivable for duties in amounts not exceeding \$5 in one payment.

I further cite article 2099, being a regulation of the Treasury Department, issued and published in a circular letter of February 6, 1875, by Charles F. Conant, Acting Secretary, addressed to the surveyor of customs, Saint Louis, Missouri, in which it is said:

In reply, you are informed that the silver dollars of the United States, other than those known as "trade-dollars," will be received for payment of duties on imports to any amount whatever.

Thus the open, published, and everywhere known acts of the Government and its officials have proclaimed that this silver dollar of 412½ grains, nine-tenths fine, is a coin of standard value of the United States, with unlimited legal-tender power. These regulations were issued and published since the act of February 12, 1873, was passed, and under section 3009 of the Revised Statutes of the United States, which reads:

All duties upon imports shall be collected in ready money, and shall be paid in coin or in United States notes payable on demand, authorized to be issued prior to the 25th day of February, 1862, and by law receivable in payment of public dues.

These regulations and this law manifested to all persons the intention and understanding of the Government in determining what coin was under the law.

Now, Mr. President, it has been stated that although the standard value of silver coin as a dollar and its unlimited legal-tender power were not taken away by the act of February 12, 1873, yet they have been taken away by the Revised Statutes. Now, I assert positively that the Revised Statutes do not affect, directly or indirectly, the old silver dollar of 412½ grains weight, nine-tenths fine, issued prior to the passage of the act of February 12, 1873. The Revised Statutes are simply a compilation of the existing laws in force at that time. Section 15 of the act of February 12, 1873, has the precise language in it which section 3586 in the Revised Statutes has. It has additional words, but these words contained in section 3586 are taken verbatim from section 15 of the act of February 12, 1873:

That the silver coins of the United States shall be a trade-dollar, &c. \* \* \*

And said coins shall be a legal tender at their nominal value for any amount not exceeding \$5 in any one payment.

Section 3586 says:

The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding \$5 in any one payment.

Which means simply, can only mean, "the silver coins now authorized to be issued by law," and the language does not affect silver coins which had been issued prior to that time and under prior laws.

In regard to the second denial of the bondholder the second question in dispute.

Second. The act of July 14, 1870, says the bonds issued thereunder shall be "redeemable in coin of the present standard value," which can only mean the "said July 14, 1870," the date of the approval of the act. And the bond itself is equally explicit in its plain words, which say, "redeemable in coin of the standard value of the United States on said July 14, 1870." To every unprejudiced mind it must be as apparent as the unclouded sun in meridian that "said July 14, 1870," was and is the precise, the specific, the definite day and year, the time fixed by law and by the bond and by the parties—the Government and the bond-purchaser—for ascertaining, deciding, and unalterably determining the coin and its standard weight and fineness to the dollar and the standard value of the dollar meant by the word "dollar" in the bond, and in which the dollar promised to be paid by the bond shall be payable.

Said time was so fixed in the interest and for the benefit, advantage, and profit of the bond-purchaser and to induce him to purchase the bond by inspiring in him a moral certainty and an unshaken confidence that every dollar, principal and interest, named in the bond would be paid in a coin dollar of silver or gold of a fixed, certain, and unchangeable weight and fineness, and not subject to the ordinary fluctuations of market or commercial value or purchasing power, and not even subject to change or alteration by the sovereign power of Congress.

With this precise time fixed by law and by the bond the bond-purchaser knew the exact weight and fineness of the silver or gold coin called "a dollar" in his bond, and in which his bond would be paid; and that, although Congress, influenced by the whims or prejudices of the people or in the exercise of its just constitutional power, might lawfully declare a coin of gold 25.8 grains, nine-tenths fine, or a silver coin of 412½ grains, nine-tenths fine, to be of the standard value of \$2 or \$1.50 or any other sum greater or less than \$1, yet such act of Congress could not affect the dollar of his bond.

The bond-purchaser knew that the dollar named in his bond, and thereby promised to be paid to him, was a silver coin of 412½ grains, nine-tenths fine, or a gold coin of 25.8 grains, nine-tenths fine, unchangeably fixed, sure and steadfast and reaching into all futurity.

The Government and the bond-purchaser knew what had been done by Congress touching coins, and that Congress had, by act of June 28, 1834, reduced the weight of the gold coin from 27 grains to 25.8 grains and its fineness from 916½ parts to 899.225 parts to the dollar, and had again, by act of January 18, 1837, changed its fineness from 899.225 to 900, or nine-tenths; and that Congress had also, by act of January 18, 1837, reduced the weight of the silver dollar from 416 grains to 412½ grains, and changed its fineness from 892.4 to 900, or nine-tenths, and had made like changes in the fractional silver coins.

To remove all doubts and uncertainty as to what Congress might do and as to what might be the policy or the interest of the Government between the time of the issue of the bond and its payment, the words of the law and the words of the bond, the solemn written obligation, fixed the time for determining the coin, its weight and fineness to the dollar, and fixed the weight and fineness of every dollar named in the bond. The silver coin of 412½ grains weight, nine-tenths fine, is the equivalent of every dollar named in and promised to be paid by the bond. Of this there can be no doubt. Under the third question in issue, the bondholder gives six specific reasons why his bond should not be paid in silver and why it should be paid in gold alone.

Let us consider each of these reasons in their order.

First. As to the first reason assigned,

These are mere assertions, and are not correct, either in fact or in law. The same assertions are in the amendment proposed by the Senator from Vermont, [Mr. EDMUNDs.] They are heralded far and near as facts, and are paraded before the public in the press, notably so in a leading editorial in the New York Herald of January 16, headed "Senator EDMUNDs on silver," in which is this expression:

By requiring the whole revenue from customs to be collected in gold the Government has maintained an active relation between its fiscal operations and coined money, but none of that coined money was silver.

I have already proved by the record and rules of the Treasury Department that "customs dues" have been payable in silver, even in silver half dollars, quarter dollars, dimes, and half dimes, coined prior to April 1, 1853. Why are such reckless assertions made? The people will yet learn the facts as they are, not as they are recklessly asserted to be.

Mr. KERNAN. May I ask the Senator, is it not true that every honest government when it demonetizes a coinage, if there are coins of that kind in circulation, always receives them in payment of its own debts. That was so as to the coin in England when they no longer made it a legal tender; the government itself put the loss on the

government, on the whole people, not on individuals, by saying they would receive it though they would not pay it out.

Mr. COCKRELL. Mr. President, it has not been the policy of the United States, and if the Senator from New York will refer to the act of 1834 he will find that the coins issued prior to that act, divested of their legal-tender power, have been depreciated by that act and not made a legal tender after that time. They were made a tender for the amount which they represented in coin.

Silver dollars, or silver coins, have been practically as much in circulation as money, as currency, as the gold dollars or gold coins.

Since 1861 neither gold nor silver has been actually used and circulated as money in the business transactions of the country. Every one knows this fact. No debts, no contracts, no purchases, have been actually paid in gold or silver coins. They have not been in use as circulating money to any extent. They have been bought and sold, as mere commodities and articles of merchandise, on speculation, just as wheat, corn, tobacco, pork, and beef have been bought and sold. Everybody remembers "Black Friday." Was gold in circulation as money in New York City on that memorable day? No, Mr. President, it was a mere commodity, wildly and recklessly bought, sold, and speculated on.

Let us examine the statistics: from 1837 the relative value established by law between gold and silver has been 1 to 15.988, estimating one ounce of pure gold as equal to 15.988 ounces of pure silver. The statistics show that from 1851 to 1861 the relative value of gold to silver ranged from "1 to 15.19" to "1 to 15.58," being 1 to 15.50 in 1861 and 1 to 15.36 in 1862, 1863, and 1864; and in 1865 1 to 15.44 and in 1866 1 to 15.42. At this date the silver coin of 412½ grains weight, nine-tenths fine, was worth 103.63 cents, or over \$1 and 3.6 cents in gold. In 1871 the ratio was 1 to 15.58, or one silver dollar of 100 cents, equal to 102.57 cents in gold. In 1872 the ratio was 1 to 15.63, or one silver dollar of 100 cents was equal to 102.25 cents in gold. In 1873 the ratio was 1 to 15.91, or one silver dollar was equal to one gold dollar and .46 of a cent more.

In 1873 the coinage of the silver dollar of 412½ grains, nine-tenths fine, was discontinued, and in 1874 the relative value was 1 to 16.17, or one silver dollar of 100 cents was only equal to 98.86 cents in gold. In 1875 it was 1 to 16.58, or one silver dollar equal to 96.43 cents in gold. In 1876 it was 1 to 17.87, or one silver dollar equal to 92.22 cents in gold.

These statistics show the relative value of the silver dollar to the gold dollar. Silver dollars of 412½ grains, nine-tenths fine, were worth more than gold dollars of 25.8 grains, nine-tenths fine, until the coinage of the silver dollar was discontinued by act of February 12, 1873. Bondholder, backed by Senator EDMUNDs in his proposed amendment, says the silver dollar was not in circulation, was not being coined; was obsolete, chimes in the New York Herald.

The statistics of the Mint will furnish record evidence. These show the coinage of the silver dollar as follows: In 1868, \$64,800; in 1869, \$231,350; in 1870, \$588,308; in 1871, \$657,929; and in 1872, \$1,112,961; and from July 1, 1872, to the discontinuance of the coinage under act of February 12, 1873, \$977,150; and had its coinage been continued to June 30, 1873, it would have been for the fiscal year 1873, \$1,571,102; thus showing 4,216,450 silver dollars coined in these six years named. These facts—not mere assertions—show the actual coinage of the silver dollar, and the rapid and wonderful increase of its coinage up to the day its coinage was discontinued. What was the coinage of the gold dollar for the same years? In 1868, \$10,550; in 1869, \$5,925; in 1870, \$9,335; in 1871, \$3,940; in 1872, \$1,030; in 1873, \$2,525; and in 1874 it was \$323,920, and fell in 1875 to \$20. We now see the relative value and coinage as they were—not as they are asserted to have been. I have prepared tables of statistics showing the value and number of pieces of gold coins from 1793 to 1877, and the same of silver coins for same period, issued from the mints of the United States, with the ratio of dollars in silver coins to the dollars in gold coins, and the ratio as to number of pieces of each. It is mathematically exact.

The value and number of pieces of gold coins from 1793 to 1877.

Value.	No. pieces.
\$803,598,440 in double eagles .....	40,479,922
56,707,220 in eagles .....	5,670,722
69,412,815 in half eagles .....	13,882,563
26,793,750 in quarter eagles .....	10,718,300
1,300,032 in three-dollar pieces .....	433,344
19,345,438 in dollar pieces .....	19,345,438
983,159,695 in gold coin .....	90,50,289

The value and number of pieces of silver coins from 1793 to 1877.

Value.	No. pieces.
\$8,045,838 00 in dollar pieces .....	8,045,838
118,869,540 50 in half-dollar pieces .....	237,739,081
34,774,121 50 in quarter-dollar pieces .....	139,096,486
270,858 00 in twenty-cent pieces .....	1,351,290
16,141,786 30 in dimes .....	161,417,863
4,906,946 90 in half dimes .....	98,138,938
1,281,850 20 in three-cent pieces .....	42,728,340
184,290,941 40	688,520,836
24,581,350 00 in trade-dollars .....	24,581,350
203,872,291 40	713,102,186

For every dollar issued in all the silver coins there have been issued \$4.70<sub>16</sub> in all the gold coins.

For every gold piece coined there have been seven pieces and eighty-seven-hundredths of a piece coined in silver.

MR. BAYARD. Let me draw my friend's attention to one fact. Of course he is speaking with the Government tables before him; but I ask him whether this large number of fractional pieces of silver did not consist of half dollars, quarter dollars, twenty-cent pieces, dimes, half dimes, and three-cent pieces, and whether in considering the number of pieces of silver which the Mint has coined he has not counted these minute coins, these subsidiary coins of the country, as equal to the units of coinage, the dollar of gold or of silver?

I will also ask him while I am up whether the tables before him do not show that five times more of gold has been coined and delivered from the mints than of silver from the foundation of the Government to the beginning of the present year?

MR. COCKRELL. In regard to the last question, they show precisely to the hundredth part of a cent what I have stated. I have not one solitary figure in my statement which is not mathematically exact beyond any dispute according to Dr. Linderman in his Money and Legal Tender, just issued.

MR. BAYARD. I ask only the attention of my friend, not for the purpose of diverting him, to the point whether the statement I have just made as taken from the tables of the Mint up to the present year—

MR. COCKRELL. I have compared them, and it is so.

MR. BAYARD. I ask, then, whether the statement I have just made in regard to the proportion of coinage is not correct? The Senator stated just now, very accurately, that from the foundation of the Mint until the 30th of June, 1877, the total gold coinage amounted to \$983,159,695. I ask him whether, during the same period, the total silver coinage did not amount to \$184,290,941?

MR. COCKRELL. Those figures are correct, except that the Senator has left off the trade-dollar, over \$24,000,000. I include the trade-dollar, and that is just the difference. The trade-dollar is in my estimate, and it is not in that of the Senator. Of all the other silver coins issued, leaving out the trade-dollar, there were \$184,290,941.40. I add to that 24,581,350 dollar pieces issued in the form of trade-dollars, and they make an aggregate of \$208,872,291.40, and they make one dollar of silver for every \$4.70 $\frac{7}{10}$  issued in the gold coins. I know that these figures have not been generally before a great portion of the people of the United States. I know that assertions are published in the press and in speeches and go forth to the country as facts when they are only assertions. I give not one figure which is not mathematically exact, or Dr. Linderman and the Government officials have falsified the facts. I am governed by their reports, and I know that I have made the calculations to a fraction.

The silver coins include dollar pieces, half-dollar pieces, quarter-dollar pieces, twenty-cent pieces, dimes, half dimes, three-cent pieces, and the trade-dollar. Now the Senator from Delaware asks me if the great portion of these were not subsidiary coins, if they were not half dollars and quarter dollars, &c? Yes, Mr. President, a very large portion of these coins were subsidiary coins, and I tell the Senator from Delaware that the subsidiary coins, as they are now stigmatizingly called, were, prior to the 1st day of April, 1853, the half dollar and quarter dollar, the dime, and the half dime, full legal tender for all debts and sums without any discrimination or distinction. They stood upon the same platform with the gold dollar, which was never coined until 1849. I am sorry that I did not have time to complete all the calculations that I had contemplated submitting on another bill; but I will show you one item for the benefit of the Senator from Delaware.

There were prior to the 1st day of April, 1853, coined in the United States \$68,679,507 of half dollars with full legal-tender power, and if you will examine the tables you will see that there was an enormous sum of quarter-dollar pieces issued prior to April 1, 1853, and they are to-day invested by Congress with unlimited legal-tender power, and the Government to-day will receive them in payment of its customs dues at their nominal value.

MR. BAYARD. The Senator means, of course, half dollars coined prior to 1853, which did contain—

MR. COCKRELL. Two hundred and six and one-fourth grains.

MR. BAYARD. Making every two half dollars equal to one dollar.

MR. COCKRELL. Yes, sir.

MR. BAYARD. But the Senator will recollect that in 1853 6 $\frac{7}{10}$  grains were taken out of every half dollar in the country, and after that time they were no longer a legal tender for an amount exceeding \$5. That is correct, I believe.

MR. COCKRELL. No, I think not. The new coins containing 192 grains instead of 206 $\frac{1}{4}$  grains were only a legal tender for \$5, but the old half dollars already coined and stamped, half-dollar of 206 $\frac{1}{4}$  grains, continued to be a legal tender for all amounts.

MR. BAYARD. If my friend will do his countrymen and himself the favor to read to them the report of Mr. Robert M. T. Hunter, of Virginia, the chairman of the Senate Committee on Finance, he will find this fact stated as a reason why 6 $\frac{7}{10}$  grains of standard silver were taken out of every half dollar in the country: it was because we could not keep them. They had been undervalued, and the consequence was, to use Mr. Hunter's phrase, they were swept out of the United States, and there was no such thing in this country, except as a matter of curiosity, as a half dollar of the full standard weight. He states that it was necessary to clip the wings of the coin that was leaving us, because we undervalued it here, and of course it went to other countries where it was properly valued. That was the reason why the coin was debased by taking from it a

part of its standard silver in order that we might keep it here for use among our people for small change; and that coin, so debased, never was by law capable of paying a debt over \$5 in amount.

MR. COCKRELL. Why, Mr. President, the Senator and I perfectly agree on the question that the depreciated silver half dollar authorized by the act of February 21, 1853, was only a legal tender for amounts not exceeding \$5. I have not said a word about that. That is not my proposition. It is that the old silver half dollar of 206 $\frac{1}{4}$  grains, coined at the Mint from 1837 to 1853, was left a legal tender and is still a legal tender to-day.

MR. BAYARD. There were none of them.

MR. COCKRELL. That is a question of fact as to whether there were or not. There may not have been any of them in circulation upon the Atlantic slope, the hem of the border of the garment that covers this country; but in the great Mississippi Valley, settled by the pioneers and hardy western men, the old silver half dollar of 206 $\frac{1}{4}$  grains and the old silver dollar were still used; and even in my own country, since the close of the war, those old silver dollars and half dollars have been brought out from their hiding places where they were kept during the war. The silver coins have always been prized by the people of the country.

A few more statistics will be instructive.

Estimating the entire population of the United States at forty-five millions of persons of all ages, sexes, and colors, the aggregate separate pieces of gold coin issued from the mints of the United States from 1793 to 1877 will give to each person two pieces and  $\frac{1}{4}$  of a piece, while the aggregate separate pieces of silver coin for the same period will give fifteen pieces and  $\frac{1}{4}$  of a piece, or nearly sixteen pieces, to each person, or  $7\frac{7}{10}$  pieces of silver coins to one gold coin.

These are indisputable facts, not assertions.

Let it be remembered, too, that up to 1853 all the silver coins, except the three-cent pieces, were full legal-tenders, and thereafter the fractional or subsidiary silver coins were taken as full legal tenders in ordinary business transactions.

The assertions are false in fact. We will now consider the law.

By the words of the law and of the bond the silver coin of 412 $\frac{1}{4}$  grains, nine-tenths fine, was a dollar with unlimited legal-tender power, and no sane man could have contemplated or expected that the plain words of both the law and the bond would be broken, disregarded, and trampled under foot to gratify his whim, his vain delusion, by paying back to him the very same kind of dollars or gold coins which he may have paid for his bond.

Do the bondholders desire to strike from the law and from the face of their bonds the words "coin of the standard value of the United States on said July 14, 1870," and thus violate the plain words of the law and of their bonds, and thus absolve and release the United States from all the obligations imposed by the words of the law and of their bonds? If the bondholders will thus violate and break the terms of the law and of the bond, they cannot insist any longer that the United States are bound by them; the law and the contract are nullified, and the United States are free to pay their bonds in lawful money, whatever Congress may determine that to be.

Second. As to the second reason.

The passage of the act of February 12, 1873, omitting the silver dollar of 412 $\frac{1}{4}$  grains, nine-tenths fine, and abrogating the right of the mints to coin such dollars, could not possibly or reasonably have led any purchaser of a bond issued under the plain words of the act of July 14, 1870, and having set forth and expressed upon the face of the bond itself, in the simplest words of plain English, "redeemable in coin of the standard value of the United States on said July 14, 1870," to suspect, much less to believe, that his bond would be paid in gold coin alone, of the commercial or market value of the gold coin at the time of his purchase. If there has been such a purchaser, I must say he is a fit subject for an inquisition of lunacy.

If he read the law authorizing the officers of the Government to issue the bond, or if he read the words of the bond before purchasing, every such delusion, every such hallucination, must have been dispelled. Whether he read the law or the bond, he is fairly and justly chargeable with actual as well as legal notice of the law and of the terms of the bond, unless he were insane. Insanity is the only escape. Will the bondholder plead it?

As to the third reason—

Congress had the right to authorize the issue of the bonds and to make them redeemable simply in coin of the standard value of the United States or simply in coin without reference to weight or fineness or value, and to have specified in the face of the bond that it was redeemable in coin.

Had this been done, capitalists would have refused to purchase such bonds, payable simply in coin, because the Congress might have changed the weight or the fineness or the value or even the metal of the coin and compelled payment in such changed coin, perchance of only one-half the value of the coin, at the time of purchase, paid for the bond.

To avoid such action by Congress and determine beforehand the precise weight and fineness of the coin, to the dollar, in which the bond could be paid, the law fixed the day and year for determining the coin in which the bond was to be paid, and the bond on its face specified the day "on said July 14, 1870," and thus fixed definitely and unchangeably not only the value of the coin, but its specific weight and fineness; and the United States cannot pay in a coin of

less weight and fineness than *that* fixed in the law and in the bond. While Congress may exercise its constitutional right to change its coin, such action cannot affect the bond, and the dollars called for by it. The words of the law and the bond exclude every possible contemplation that payment would be made in coin of any commercial or market value either at the time of the issue of the bond or at the time of its maturity or any intermediate time. Commercial value or market value of coin at any time cannot directly or indirectly affect the coin called for by the law and by the bond, and is nowhere mentioned in the law or bond. It is not coin of the market or commercial value of one dollar on said July 14, 1870, or at the time of the issue or maturity of the bond, which was contemplated, but it is a coin of silver containing  $41\frac{1}{2}$  grains standard weight and having nine parts out of every ten parts pure silver and only one-tenth part alloy, for *every dollar*, or a coin of gold, containing 25.8 grains, nine-tenths fine, for every dollar, regardless of all questions about the commercial or market value of such a coin. The bondholder has no interest in and no right to question the exercise of the constitutional power of Congress "to coin money, regulate the value thereof, and of foreign coin." Congress can at any time change the value of the gold and silver coins, and their weight and fineness; can declare that a gold coin 25.8 grains, nine-tenths fine, shall be \$2, or \$1.50; or that a silver coin of  $41\frac{1}{2}$  grains, nine-tenths fine, shall be \$2, or \$1.50, or even eighty cents, or fifty cents, and the bondholder can have no cause of complaint; cannot assert that such action is a violation of public faith or national honor, because such action cannot and does not affect the value or the weight and fineness of the dollar named in his bond.

If the United States should declare a gold coin of 25.8 grains, nine-tenths fine, and a silver coin of  $41\frac{1}{2}$  grains, nine-tenths fine, to be of the standard value of \$2, yet they could not pay two of the dollars named in his bond. They could only pay one of such dollars. Congress can demonetize gold entirely or silver entirely, yet the dollar named in the bond is not affected by it. It cannot be decreased in value. It is a high crime and misdemeanor against the equities, the rights of the great laboring and producing masses of this country, to attempt to increase its value. The silver coin of  $41\frac{1}{2}$  grains, nine-tenths fine, is the dollar of full one hundred cents named and promised in the bond.

When Congress shall again authorize the coinage of the silver dollar, as it will and must do sooner or later, then if the relative value of gold and silver dollars is not equal Congress can easily adjust the value of the gold dollar by reducing its weight or fineness to that of the silver dollar. The bondholder cannot complain, because he will still be paid in the silver dollar of  $41\frac{1}{2}$  grains weight, nine-tenths fine, as provided by the terms of the law and of his bond.

#### 4. As to the fourth reason:

Assurances of Government officials—the servants of the people, the mere executors of the laws of the land, which can alone be enacted by Congress—can neither add to, vary, contradict, nor modify the plain words of a law or the plain words of the bond, the solemn written obligation between the parties. No principle of law is more certainly settled. In order to forever unmask this pretended subterfuge and establish this principle of law to the satisfaction of every one beyond a reasonable doubt I will quote the law from standard authority. I quote from Starkie on Evidence, tenth edition, pages 647 and 648:

It is likewise a general and most inflexible rule that wherever written instruments are appointed, either by the requirement of law or by the compact of parties, to be the repositories and memorials of truth, any other evidence is excluded from being used, either as a substitute for such instruments, or to contradict or alter them. This is a matter both of principle and policy; of principle, because such instruments are in their own nature and origin entitled to a much higher degree of credit than parol evidence; of policy, because it would be attended with great mischief if those instruments upon which men's rights depended were liable to be impeached by loose collateral evidence.

The rule may be thus generally stated, namely: That oral evidence shall in no case be received as equivalent to or as a substitute for a written instrument where the latter is required by law, or to give effect to a written instrument which is defective in any particular which is essential to its validity; or to contradict, alter, or vary a written instrument, either appointed by law or by the compact of private parties to be the appropriate memorial of the particular facts which it recites; for by doing so oral testimony would be admitted in usurpation of a species of evidence decidedly superior in degree.

Such is the law as written by that distinguished English jurist, Thomas Starkie, esq., of the Inner Temple, one of Her Majesty's counsel.

I now quote from Greenleaf on Evidence, volume 1, page 312, sections 275 and following:

When parties have deliberately put their engagements into writing, in such terms as import a legal obligation without any uncertainty as to the object or extent of such engagement, it is conclusively presumed that the *whole* engagement of the parties, and the extent and manner of their undertaking, was reduced to writing, and all oral testimony of a previous colloquy between the parties or of conversation or declarations at the time when it was completed, or afterwards, as it would tend in many instances to substitute a new and different contract for the one which was really agreed upon, to the prejudice possibly of one of the parties, is rejected. In other words, as the rule is now more briefly expressed, "parol contemporaneous evidence is inadmissible to contradict or vary the terms of a valid written instrument."

Such is the law as written by the distinguished American jurist, Simon Greenleaf. The general rule of the Scotch law and also of the Roman civil law is the same.

The officers of the Government are the creatures of the law, the administrators or executors of the law, and not the law-makers.

The President and the Secretary of the Treasury are executive offi-

cers. Their duties are to execute the laws enacted by Congress, and not to make laws by assurances or representations to bond purchasers. They can neither add to, vary, contradict, nor modify the terms of the laws, by public-official or semi-official assurances, representations, or promises.

No one knows this better than the Secretary of the Treasury, for in quoting his assurance, given his associates in the official letter of June 19, 1877, before referred to, in his report to Congress, he says:

The Secretary *earnestly urges Congress to give its sanction to this assurance.*

Why does he urge Congress to give its sanction to his assurance if such assurance was authorized by law, if it had any validity, force, or effect?

"Now, in the name of all the gods at once,  
Upon what meat doth this our Cæsar feed,  
That he is grown so great?"

as to violate and disregard the laws of Congress by giving assurances, not only unauthorized by law but in direct violation of law, and the plain terms of the bonds he was selling? He has dared to give unauthorized assurances, but he did not dare to issue a single bond contrary to the terms of law, for every one of the bonds he has issued has set forth and expressed upon its face the precise words required by law—

Redeemable in coin of the standard value of the United States on said July 14, 1870.

Nor would a bond-purchaser have ventured to buy a single bond not having these precise words set forth and expressed upon its face as required by both the acts of July 14, 1870, and January 14, 1875, for without them the bond would be without authority of law, null and void. And now, to claim that such assurances—not only made without authority, right, or even pretense in law, but in direct violation and disregard of the plain terms of the law and of the bond, and known to be so by the officials giving them and by the purchasers of the bonds—can give the bondholders even a color of right or even a pretense in equity to demand gold alone, is scarcely less than a crime. Such a claim, such a pretense, such a subterfuge is repudiation—a repudiation of the terms of both the law and the bond, deliberate, premeditated, and of malice aforethought, inspired and instigated by unholy avarice and insatiable greed, and fed by the hope of an extortionate increase of the value of the bonds.

#### 5. As to the fifth reason:

I submit, is it a better or more wise or just policy to pay in gold alone, and will it be a saving?

Is it a more wise or just policy in any government to exhibit before its people an example of violation and disregard of the plain terms of its laws and an example of the repudiation of the plain terms of its contracts, its bonds, to gratify and enrich a few bondholders, while at the same time such government strictly punishes all violations of its laws by its people, the tax-payers, and rigidly and sternly enforces all its contracts against its people, the great body of them, and while the great body of its people are heavily burdened and groaning under an enormous and appalling indebtedness—national, State, municipal, and individual—estimated at \$10,000,000,000, which is an indebtedness of \$222.22 for every man, woman, and child, of every race, kindred, and tongue, in the United States?

Mr. President, it cannot be shown that such a course is a wiser or better policy or will be a saving to the people. It will add burdens upon the already fearful burdens now borne by the people, whose industries and enterprises are now paralyzed by hard times unprecedented for years past.

#### 6. As to the sixth reason:

The cry of repudiation, tarnishing of national honor, impugning and violating public faith, abandoning the hitherto wise, just, and benign policy of a few Government officials, falsely styled the Government, and inflicting a deadly blow to the enlightened self-interest of the Government, because of the assertion of the right of the Government to pay the bonds in either silver or gold dollars of the weight and fineness fixed in the law and in the bond, has been heard far and wide, from the eastern press and from the bondholders and their special allies and friends.

We have been stigmatized, abused, and vilified as repudiationists, imbeciles, silver lunatics, &c.

Conscious before God that I am as loyally devoted to the Constitution with all its amendments, to the integrity of the indissoluble union of these States, and to the preservation of national honor and public faith as any one of these distinguished gentlemen who fold their arms across their breasts and in their self-complacency and self-assumed purity, honor, and patriotism parade themselves with golden phylacteries in the presence of a tax-ridden people and, with the self-righteousness of the Pharisee, cry—"God, we thank Thee that we are not as other men are, extortioners, unjust, adulterers, repudiators, or even as these silverines. We fast twice in the week upon imported wines and delicacies, bought with gold, and give tithes of all that we possess, our untaxed gold bonds, to gratify our own pure desires."

I hurl back with scorn and contempt these imputations. I stand in this Senate Chamber to-day as one of the representatives of the great State of Missouri, and as a Senator of these United States, and in behalf and in the name and interests of the citizens demand for the people the enforcement of the laws of the land, and the plain unmistakable words of the contract, and boldly assert that to pay the bond, principal and interest, in either silver coin of  $41\frac{1}{2}$  grains, nine-tenths fine, to the dollar, or in gold coin 25.8 grains, nine-tenths

fine, to the dollar, or in such silver coin alone is in perfect compliance with the plain words of the laws authorizing the issue of the bond and definitely referred to on the face of the bond, and with the plain words of the bond itself, the solemn written obligation, between the bondholder and the people of these United States, and with all known and recognized principles of equity, common honesty, public faith, and national honor.

And I brand those who undertake to violate and trample under foot the plain words of the laws and the plain words of the bond as violators and transgressors of the laws of the land, as repudiators of the plain terms of their own solemn obligations, as extortioners from the heavily burdened and paralyzed tax-payers of this great country, and as debauchers of national honor and public faith.

No, Mr. President, we are not repudiators, nor will we remain defensive on this issue. We charge these crimes of violated law, repudiated contracts, and debauchery of national honor and public faith upon the guilty parties—the bondholders, their allies, and special pleaders.

And from their masked and untenable positions we charge them with the helmet of equity emblazoned with national honor and public faith, with the shield of common honesty, and with the bayonets of truth in our hands, and impelled by the force of honest enlightened public opinion and sentiment, we will drive them into a decent observance of the plain terms of the law and of their bonds. Let us hear no more of the repudiation of the full obligation assumed, of the violation of public faith, and of the tarnishing of national honor from these bondholders, their allies and friends, who themselves are violating the law and repudiating their own solemn, written contracts, their bonds, and by these false cries are attempting to fasten their own crimes upon those who ask the full and exact performance of all the requirements of the laws and of the bonds, and are offering in good faith to comply with the letter and the spirit of both the laws and bonds. I solemnly warn the bondholders of the pernicious effects of their own violation of law and repudiation of contracts.

The tax-payers of this country, the hewers of wood and drawers of water, the people, have their rights, have their equities, which must be regarded. It is their right, in law and in fact, to pay this bond in the said silver coin. This right they will never, no, never surrender. The people cannot and will not pay in gold alone. The rights of the people are superior in equity and prior in time to the claims of the bondholders and creditors. This Government is from the people, of the people, for the people, and by the people, and must be administered according to their sovereign will. What is "public faith," "national honor?" "Public" means "pertaining or belonging to the people;" "relating to the nation, State, or community;" "opposed to private." "Faith" means "fidelity to one's promises, or allegiance or duty;" "a strict adherence to duty and fulfillment of promises;" "word or honor pledged;" "promise given." "National" means "pertaining to a nation;" "common to a whole people;" "public," "general." "Honor" means "a nice sense of what is right, just, and true, with a course of life correspondent thereto;" "that which rightfully attracts esteem, respect, or consideration." "Public faith" means "fidelity to the promises, the duty of the nation, of the people;" "a strict adherence to duty and fulfillment of promises of the nation, of the people." "National honor" means "a nice sense on the part of the nation, of the people, of what is right, just, and true, with a course of life correspondent thereto;" "that conduct or course on the part of the nation, of the people, which rightfully attracts esteem, respect, consideration."

When we offer to pay the bond in silver coin of  $412\frac{1}{2}$  grains weight, nine-tenths fine, to the dollar, in full compliance with the terms of the law and of the bond, the only promises of the nation, of the people, ever made or given, how do we depart from "fidelity to the promises, the duty of the nation, of the people?" How do we depart from "a strict adherence to duty and fulfillment of promises of the nation, of the people?" How do we offend that "nice sense on the part of the nation, of the people, of what is right, just, and true, with a course of life correspondent thereto?" How do we depart from that "conduct, that course, on the part of the nation, of the people, which rightfully attracts esteem, respect, consideration?"

When the bondholder demands gold alone and refuses to accept silver, in plain violation and repudiation of the terms of the law and his bond, the only promises of the nation ever made or given, how

does he preserve the public faith, the national honor? The option to pay in gold or silver of the fixed weight and fineness named in the law and bond belongs to the Government, not to the bondholder, and is the right of the Government, not of the bondholder. The bondholder can demand *gold and silver*, not *gold or silver*, at his option. The Government can, at its will, its pleasure, its option, pay in both gold and silver, or in gold alone, or in silver alone. The bondholder must accept both gold and silver if offered, or gold alone if offered, or silver alone if offered.

It is no more a violation of the public faith and national honor or in derogation of the rights of the creditors to pay the bond against the objections of bondholders in silver coin alone, of the fixed weight and fineness named, if the Government so choose, than it would be to pay the bond, against the objections of bondholders, in gold alone if the Government so choose. The relative value of the two coins is wholly immaterial. When the coinage of the silver dollar is again authorized by law, should its relative value to gold return to what it was prior to 1873, will the bondholder then demand gold alone? He will then have just as much right to gold alone as he now has, no more, no less. The option, the right to pay in either coin alone, will still belong to the Government, under the terms of the law and the bond.

The bondholder has appealed to the high court of national honor and public faith. I am willing to abide the decision of that august tribunal. I will read it:

"The High Court of National Honor and Public Faith, in the case of 'Bondholder against the United States,' finds the facts to be that, by the plain words of the laws authorizing the issue of the bond and by the plain words of the bond itself, the bond, principal and interest, is payable 'in coin of the standard value of the United States on said July 14, 1870,' and that by the plain words of the laws in full force from January 18, 1837, up to, on, and long after the said July 14, 1870, 'coin of the standard value of the United States on said July 14, 1870, included and consisted of silver coin of  $412\frac{1}{2}$  grains weight, nine-tenths fine, to the dollar, and of gold coin of 25.8 grains weight, nine-tenths fine, to the dollar, each having unlimited legal-tender power, and upon these facts declares the law to be that the United States, at its option, can pay said bond, principal and interest, either in silver coin of  $412\frac{1}{2}$  grains weight, nine-tenths fine, to the dollar, or in gold coin of 25.8 grains, nine-tenths fine, to the dollar, and that bondholder must accept payment of his bond, principal and interest, in the said silver coin; and that such payment in such silver coin alone is in full compliance with all the terms of the laws authorizing its issue and with all the terms of the bond itself, and with all the known and recognized principles of equity, common honesty, national honor, and public faith."

Such is and will be the calm judgment of mankind, of every unprejudiced, disinterested citizen of our own and all other countries.

Mr. President, I heartily approve the resolution of the Senator from Ohio, as far as it goes. It declares the law correctly, that all bonds issued since July 14, 1870, under said act and subsequent acts are payable, principal and interest, at the option of the Government, in silver coin of  $412\frac{1}{2}$  grains weight, nine-tenths fine to the dollar, and that such payment "is not in violation of the public faith, nor in derogation of the rights of the public creditor."

I go further. I assert without fear of successful contradiction that not only the bonds issued since July 14, 1870, but also *every outstanding obligation* of the Government to-day, with one single exception, can be paid in such silver coin of  $412\frac{1}{2}$  grains weight, nine-tenths fine, to the dollar, without violation of public faith or derogation of the rights of the public creditor. I have in my hands "Statement of the public debt of the United States for the month of December, 1877," which shows the total *outstanding* debt or obligations of the Government to be on January 1, 1878, \$2,233,802,692.94, subject to a deduction of \$187,847,250.15, put down as "cash in the Treasury," consisting of "coin," "currency," "currency held for redemption of fractional currency," and "special deposit held for redemption of certificates of deposit as provided by law," and leaving \$2,045,955,442.79 resting upon the credit of the United States—the shoulders of the tax-payers. Every dollar of this enormous sum is in fact and in law payable in said silver coin, excepting only one item of \$33,424,900.

This public debt statement is as follows:

*Statement of the public debt of the United States for the month of December, 1877.*

DEBT BEARING INTEREST IN COIN.

Title of loan.	Authorizing act.	Rate of interest.	When redeemable.	Total amt outstanding.	Interest due and unpaid.	Accr'd interest to date.
1. Loan of 1858	June 14, 1858	5 %	After January 1, 1874	\$260,000 00	-----	\$6,500 00
2. Loan of February, 1861, (1861's)	February 8, 1861	6 %		18,415,000 00	\$21,490 00	532,450 00
3. Oregon war debt	March 2, 1861	6 %		945,000 00	4,599 35	28,350 00
4. Loan of July and Aug., 1861, (1861's)	July 17 and August 5, 1861	6 %	After June 30, 1881	189,321,330 00	247,558 29	5,679,640 50
5. Loan of 1863, (1861's)	March 3, 1863	6 %	After June 30, 1881	75,000,000 00	76,303 60	2,250,000 00
6. Ten-forties of 1864	March 3, 1864	5 %	After March 1, 1874	194,566,300 00	238,642 36	3,242,771 66
7. Consols of 1865	March 3, 1865	6 %	After July 1, 1870	116,903,350 00	6,974 12	3,507,100 50
8. Consols of 1867	March 3, 1865	6 %	After July 1, 1872	310,617,200 00	1,040,417 31	9,318,516 00
9. Consols of 1868	March 3, 1865	6 %	After July 1, 1873	37,465,300 00	145,941 92	1,123,959 00
10. Funded loan of 1881	July 14, '70, and Jan. 20, '71	5 %	After May 1, 1881	508,440,350 00	4,452,752 95	4,237,002 92
11. Funded loan of 1891	July 14, '70, and Jan. 20, '71	4 1/2 %	After September 1, 1891	200,000,000 00	1,388,666 01	750,000 00
12. Funded loan of 1907	July 14, '70, and Jan. 20, '71	4 %	After July 1, 1907	74,900,000 00	430,290 92	750,000 00
Aggregate debt bearing interest in coin				1,726,823,850 00	5,033,626 83	31,446,230 58

Statement of the public debt of the United States for the month of December, 1877—Continued.

DEBT BEARING INTEREST IN LAWFUL MONEY.

Title of loan.	Authorizing act.	Rate of interest.	Remarks.	Total am't outstanding.	Interest due and unpaid.	Acc'd interest to date.
Navy pension fund.....	July 23, 1868.....	3 %.....	Interest only applicable to payment of pensions.	\$14,000,000 00	.....	\$210,000 00

DEBT ON WHICH INTEREST HAS CEASED SINCE MATURITY.

Title of loan.	Authorizing act.	Rate of interest.	When matured.	Total am't outstanding.	Interest due and unpaid.
1. Old debt.....	Various, prior to 1837.....	4 to 6 %.....	Prior to January 1, 1837.....	\$57,665 00	\$64,174 81
2. Mexican indemnity stock.....	August 10, 1846.....	5 %.....	In 1851 and 1852.....	1,104 91	85 74
3. Loan of 1847.....	January 24, 1847.....	6 %.....	December 31, 1867.....	1,200 00	22 00
4. Bounty-land scrip.....	February 11, 1847.....	6 %.....	July 1, 1849.....	3,400 00	216 55
5. Texan indemnity stock.....	September 9, 1850.....	5 %.....	December 31, 1864.....	21,000 00	3,045 00
6. Loan of 1858.....	June 14, 1858.....	5 %.....	After January 1, 1874.....	8,000 00	.....
7. Loan of 1860.....	June 22, 1860.....	5 %.....	January 1, 1871.....	10,000 00	670 00
8. 5-20's of 1862 (called).....	February 25, 1862.....	6 %.....	December 1, 1871, and after.....	498,950 00	377 64
9. 5-20's of June, 1864, (called).....	June 30, 1864.....	6 %.....	November 13, 1875, and after.....	134,900 00	213 91
10. 5-20's of 1865 (called).....	March 3, 1865.....	6 %.....	February 15, 1876, and after.....	1,197,000 00	86,376 6
11. Consols of 1863 (called).....	March 3, 1865.....	6 %.....	August 21, 1877, and after.....	18,914,450 00	48,464 44
12. Treasury notes prior to 1846.....	Various, prior to 1846.....	1-10 to 6 %.....	From 1838 to 1844.....	82,525 35	2,668 06
13. Treasury notes of 1846.....	July 23, 1846.....	1-10 to 6 %.....	In 1847 and 1848.....	6,000 00	206 00
14. Treasury notes of 1847.....	January 28, 1847.....	6 %.....	In 1848 and 1849.....	950 00	57 00
15. Treasury notes of 1857.....	December 23, 1857.....	3 to 6 %.....	In 1858 and 1859.....	1,900 00	175 00
16. Treasury notes of 1861.....	March 2, 1861.....	6 %.....	March 1, 1863.....	3,000 00	364 50
17. Seven-thirties of 1861.....	July 17, 1861.....	7-3-10 %.....	August 19 and October 1, 1864.....	16,800 00	1,148 15
18. One-year notes of 1863.....	March 3, 1863.....	5 %.....	In 1865.....	53,495 00	2,036 85
19. Two-year notes of 1863.....	March 3, 1863.....	5 %.....	In 1866.....	39,900 00	2,265 80
20. Compound-interest notes.....	Mar. 3, '63; June 30, '64.....	6 %.....	June 10, 1867, and May 15, 1868.....	285,499 00	57,666 25
21. Seven-thirties of 1864 and 1865.....	June 30, '64; Mar. 3, '65.....	7-3-10 %.....	August 15, 1867, and June 15 and July 15, 1868.....	161,400 00	9,213 33
22. Certificates of indebtedness.....	Mar. 1, 17, '62; Mar. 3, '63.....	6 %.....	In 1866.....	5,000 00	313 48
23. Temporary loan.....	June 30, 1864.....	4 to 6 %.....	October 15, 1866.....	3,060 00	256 06
24. Three per cent. certificates (called).....	Mar. 2, '67; July 23, '68.....	3 %.....	February 28, 1873.....	5,000 00	394 31
Aggregate of debt on which interest has ceased since maturity.....				21,512,240 26	712,920 84

DEBT BEARING NO INTEREST.

Title of loan.	Authorizing act.	Rate of interest.	Issues.	Total am't outstanding.	Interest due and unpaid.
1. Old demand notes.....	July 17, 1861.....			\$63,532 50	.....
	February 12, 1862.....				
2. Legal-tender notes.....	February 25, 1862.....		Issues prior to 1860.....	349,943,776 00	.....
	July 11, 1862.....		Series of 1860.....		
	March 3, 1863.....		Series of 1874.....		
3. Certificates of deposit.....	June 8, 1872.....		Series of 1875.....	32,830,000 00	.....
4. Fractional currency.....	July 17, 1862.....		First issue.....	17,764,108 90	.....
	March 3, 1863.....		Second issue.....		
	June 30, 1864.....		Third issue.....		
5. Coin certificates.....	March 3, 1863.....		Fourth issue.....	33,424,900 00	.....
6. Unclaimed interest.....			Fifth issue.....		\$7,447 03
Aggregate of debt bearing no interest.....				434,026,317 40	7,447 03

I will now consider the twelve separate items or titles of indebtedness under the head "Debt bearing interest in coin."

First. "Loan of 1858," total outstanding \$260,000, was issued under act of Congress approved June 14, 1858, (11 Statutes, 365,) which authorized the President to borrow on the credit of the United States a sum not exceeding \$20,000,000, and provided "that stock shall be issued for the amount so borrowed, bearing interest not exceeding five per cent. per annum, \* \* \* with coupons attached to the certificates of stock," and pledged the faith of the United States "for the due payment of the interest and the redemption of the principal of said stock." Neither the law nor the certificates of stock mention coin nor any kind of money. They were payable in whatever kind of money Congress might declare a full legal tender, whether paper money or silver coin.

Twenty millions of dollars were issued and all redeemed except \$230,000.

Second. "Loan of February, 1861," outstanding \$18,415,000, was issued under act approved February 8, 1861, (12 Statutes, 129,) which authorized the President to borrow on the credit of the United States "a sum not exceeding twenty-five millions of dollars," and provided that "stock shall be issued for the amount so borrowed, bearing interest not exceeding 6 per cent. per annum, and to be reimbursed within a period not beyond twenty years and not less than ten years," and pledged the faith of the United States "for the due payment of the interest and the redemption of the principal of said stock."

Neither the law nor the certificates of stock mention coin. They were payable in whatever money Congress declared a full legal tender, whether paper money or silver coin.

The whole amount issued is outstanding in the original certificates of stock.

Third. "Oregon war debt," outstanding \$945,000, was issued under act approved March 2, 1861, (12 Statutes, 199,) which appropriated \$2,800,000 to pay expenses incurred by Oregon and Washington Territories in suppressing Indian hostilities, and authorized the issue to the claimants of "bonds of the United States of a denomination not less than \$50, redeemable in twenty years and bearing 6 per cent. interest." Bonds to the amount of \$1,090,850 were issued.

Neither the law nor the bonds mention coin, and they were payable in whatever money Congress declared a full legal tender, whether paper or silver.

Fourth. "Loan of July and August 1861," outstanding \$189,321,350, was issued under acts approved July 17 and August 5, 1861. (12 Statutes, 259 and 313.)

The act of July 17, 1861, authorized the Secretary of the Treasury "to borrow on the credit of the United States \* \* \* a sum not exceeding \$250,000,000 \* \* \* and to issue coupon bonds or registered bonds or Treasury notes, \* \* \* the bonds to bear interest not exceeding 7 per cent. \* \* \* irredeemable for twenty years, and after that period redeemable at the pleasure of the United States; and the Treasury notes to be of any denomination \* \* \* not less than \$50, and to be payable three years after date with interest" at 7.3 per cent. and pledged "the faith of the United States for the payment of the interest and redemption of the principal of the loan authorized by this act."

The act of August 5, 1861, authorized the Secretary of the Treasury "to issue bonds of the United States bearing interest at 6 per

cent. per annum, and payable at the pleasure of the United States after twenty years from date," and to exchange such bonds for the Treasury notes bearing 7.3 per cent. interest issued under act of July 17, 1861, *at par*; the bonds issued not to exceed the amount of said Treasury notes; and also authorized the Secretary to "sell and negotiate for any portion of the loan provided for in" said act of July 17, 1861, "bonds payable not more than twenty years from date \* \* \* at any rate not less than the equivalent of par, for the bonds bearing 7 per cent. interest authorized by said act."

Under these acts \$139,321,350 in 6 per cent. bonds were issued in exchange for a like amount of Treasury notes bearing 7.3 per cent. interest, and a loan of \$50,000,000 in bonds was issued, making \$189,321,350, and all now outstanding in the original bonds.

I will read the form of one of these bonds furnished me by the Secretary of the Treasury:

Acts of July 17 and August 5, 1861.

The United States of America are indebted unto \_\_\_\_\_, or assigns, the sum of \_\_\_\_\_ dollars redeemable after the 30th day of June, 1881, with interest from the first day of \_\_\_\_\_, inclusive, at 6 per cent. per annum payable on the first days of January and July in each year. This debt is authorized by acts of Congress, approved July 17 and August 5, 1861, and is transferable on the books of this office.

Neither the laws nor the bonds mention coin, and the bonds were actually issued for Treasury notes at par, and not then a full legal tender, and were payable in whatever money Congress might declare a full legal tender, whether greenbacks or silver coin.

Fifth. "Loan of 1863," outstanding \$75,000,000, was issued under the act approved March 3, 1863, which authorized the Secretary of the Treasury "to borrow on the credit of the United States a sum not exceeding \$900,000,000, and to issue therefor coupon or registered bonds, payable at the pleasure of the Government after such periods as may be fixed by the Secretary of the Treasury, not less than ten nor more than forty years from date, *in coin* bearing interest at a rate not exceeding 6 per cent. per annum payable *in coin*," and to "dispose of such bonds at any time upon such terms as he may deem most advisable, *for lawful money* of the United States or for any of the certificates of indebtedness or deposit or for any Treasury notes," and to "be exempt from taxation by or under State or municipal authority."

The act of June 30, 1864, repealed the authority to borrow or issue bonds under said act, "except so far as it may affect \$75,000,000 of bonds already advertised."

I will read the form of these bonds, furnished me by the Secretary of the Treasury:

Act of March 3, 1863.

The United States of America are indebted unto \_\_\_\_\_, or assigns, in the sum of \_\_\_\_\_ dollars, redeemable after the 30th day of June, 1881, with interest from the 1st day of \_\_\_\_\_, inclusive, at 6 per cent. per annum, payable on the 1st days of January and July in each year. This debt is authorized by act of Congress approved March 3, 1863, and is transferable on the books of this office.

Seventy-five million dollars in these bonds were issued and are now all outstanding in the original bonds. These bonds do not mention coin upon their face, but the act authorizing their issue makes them payable in coin, and they are payable in silver coin of whatever weight, fineness and value, Congress, in the exercise of its constitutional power "to coin money and regulate the value thereof" may by law declare a legal tender when they are redeemable. There can be no doubt that they are payable in said silver coin of 412½ grains weight, nine-tenths fine, to the dollar.

Sixth. "Ten-forties of 1864," outstanding \$194,566,300, were issued under the act approved March 3, 1864. (13 Statutes, 13, supplementary to said act of March 3, 1863.)

Section 1 of act of March 3, 1864, authorized the Secretary of the Treasury "to borrow \* \* \* on the credit of the United States, not exceeding \$200,000,000, \* \* \* and issue therefor coupon or registered bonds of the United States bearing date March 1, 1864, or any subsequent period, redeemable at the pleasure of the Government after any period not less than five years, and payable at any period not more than forty years from date in *coin*, and of such denominations as may be found expedient, not less than \$50, bearing interest not exceeding 6 per cent. a year, payable in *coin*; and he may dispose of such bonds at any time on such terms as he may deem most advisable *for lawful money* of the United States or at his discretion for Treasury notes, certificates of indebtedness, or certificates of deposit, issued under any act of Congress; and all bonds issued under this act shall be exempt from taxation by or under State or municipal authority."

There were issued \$196,117,300 in registered and coupon bonds, redeemable in ten years, March 1, 1874, and payable in forty years, March 1, 1904, bearing 5 per cent. interest, and there are now outstanding said \$194,566,300, the remainder of the issue, \$1,551,000, having been redeemed or refunded.

I will read the form of these bonds, furnished by the Secretary of the Treasury:

Act of March 3, 1864, ten-forties.

The United States of America are indebted unto \_\_\_\_\_, or assigns, in the sum of \_\_\_\_\_ dollars, redeemable at the pleasure of the *United States* after the 28th day of February 1874, and payable on the 1st day of March, 1904, with interest from the \_\_\_\_\_, inclusive, at 5 per cent. per annum, payable on the 1st day of September and March in each year. This debt is authorized by act of Congress approved March 3, 1864, and is transferable on the books of this office.

Like the \$75,000,000 loan of 1863, the bonds do not call for payment in coin, but the law authorizing their issue requires payment *in coin*, and they are payable in whatever coin Congress may declare a full legal tender. They are, beyond all question, payable in said silver coin.

Seventh, eighth, and ninth. The same law authorized the issue of these three items, "the consols of 1865," "of 1867," and "of 1868," "Consols of 1865" outstanding, \$116,903,350; "consols of 1867" outstanding, \$310,617,200; and "consols of 1868" outstanding, \$37,465,300, were all authorized by the same act, approved March 3, 1865. (13 Statutes, 463.)

Section 1 authorized the Secretary of the Treasury—

To borrow \* \* \* on the credit of the United States, in addition to the sums heretofore authorized, any sums not exceeding in the aggregate \$600,000,000, and to issue therefor bonds or Treasury notes of the United States in such form as he may prescribe; and so much thereof as may be issued, in bonds shall be of denominations not less than \$50, and may be made payable at any period not more than forty years from date of issue, or may be made redeemable at the pleasure of the Government at or after any period not less than five years nor more than forty years from date, or may be made redeemable and payable as aforesaid, as may be expressed upon their face, and so much thereof as may be issued in Treasury notes may be made convertible into any bonds authorized by this act, and may be of such denominations, not less than \$50, and bear such dates and be made redeemable or payable at such periods as in the opinion of the Secretary of the Treasury may be deemed expedient. And the interest on such bonds shall be payable semi-annually; and on the Treasury notes authorized by this act the interest may be made payable semi-annually, or annually, or at maturity thereof, and the principal or interest, or both, may be made PAYABLE IN COIN OR IN OTHER LAWFUL MONEY: Provided, That the rate of interest on any such bonds or Treasury notes, when payable in coin, shall not exceed 6 per cent. per annum, and when not payable in coin shall not exceed 7½ per cent. per annum; and the rate and character of interest shall be expressed on all such bonds or Treasury notes: And provided further, That the act entitled "An act to provide ways and means for the support of the Government, and for other purposes," approved June 30, 1864, shall be so construed as to authorize the issue of bonds of any description authorized by this act. And any Treasury notes or other obligations bearing interest issued under any act of Congress may, at the discretion of the Secretary of the Treasury, and with the consent of the holder, be converted into any description of bonds authorized by this act.

Section 2 authorized the Secretary of the Treasury to—

Dispose of any of the bonds or other obligations issued under this act either in the United States or elsewhere in such manner, and *at such rates*, and under such conditions as he may think advisable, FOR COIN OR FOR OTHER LAWFUL MONEY OF THE UNITED STATES, OR FOR ANY Treasury notes, certificates of indebtedness or certificates of deposit, or other representatives of value which have been or may be issued under any act of Congress.

And to—

Issue bonds or Treasury notes authorized by this act *in payment* for any requisitions for materials or supplies which shall have been made by the appropriate Department or offices upon the Treasury of the United States—

on notice that the owner of the claim desires to subscribe for an amount of loan equal to his claim or any part. By an act of Congress approved April 12, 1866, amendatory of this act, the Secretary of the Treasury was authorized—

To receive any Treasury notes or other obligations issued under any act of Congress, whether bearing interest or not, in exchange for any description of said bonds.

And to dispose of any of said bonds—

For lawful money of the United States or for any Treasury notes, certificates of indebtedness or certificates of deposit, or other representatives of value which have been or which may be issued under any act of Congress.

These acts were really refunding acts, and authorized the funding or consolidation of Treasury notes and other obligations, whether bearing interest or not, certificates of indebtedness, certificates of deposit, and other representatives of value into these bonds. Hence their title, "consols." Under these acts the following issues of consols or bonds were made: Consols of 1865, dated July 1, 1865, redeemable after five and payable after twenty years from date, bearing 6 PER CENT. interest, payable semi-annually, were issued to the amount of \$332,998,950, of which there is now outstanding \$116,903,350, the remainder, \$216,095,600, having been refunded or redeemed. Consols of 1867, dated July 1, 1867, redeemable after five years and payable after twenty years from date, bearing 6 PER CENT. interest, payable semi-annually, were issued to the amount of \$379,617,750, of which there is now outstanding \$310,617,200, the remainder, \$69,000,550, having been refunded or redeemed. Consols of 1868, dated July 1, 1868, redeemable after five and payable after twenty years from date, with 6 PER CENT. interest, payable semi-annually, were issued to the amount of \$42,539,350, of which there is now outstanding \$37,465,300, the remainder, \$5,074,050, having been redeemed or refunded.

The total amount of all the consols issued under said acts was \$755,156,050, of which there has been redeemed or refunded \$290,170,200, leaving \$464,985,850 in these consols outstanding and unchanged, being the same original consols first issued. I will read their form, furnished me by the Secretary of the Treasury:

Act of March 3, 1865, consols of '65.

The United States of America are indebted unto \_\_\_\_\_, or assigns, in the sum of \_\_\_\_\_ dollars, redeemable at the pleasure of the United States after the 1st day of July, 1870, and payable on the 1st day of July, 1885, with interest from the 1st day of \_\_\_\_\_, inclusive, at 6 per cent. per annum, payable on the 1st day of January and July in each year. This debt is authorized by act of Congress approved March 3, 1865, and is transferable on the books of this office.

Phraseology of consols of '67 and '68 the same.

Not one of these consols or bonds mentions coin or requires payment in coin. The law authorizing their issue does not make them payable *in coin*. The law simply provided that "the principal or interest, or both, may be made payable in coin or other lawful money."

The question, therefore, as to whether they were payable in coin must be determined by the words of the consols or bonds, the written obligation. These do not say that they are payable in coin, and only acknowledge an indebtedness "in the sum of — dollars" named. These dollars are the dollars of whatever money Congress had then made or might make lawful money or a full legal tender. The greenbacks were then as now lawful money—a full legal tender. They are certainly payable in said silver coin, or whatever coin Congress may declare a full legal tender.

Tenth, eleventh, and twelfth. These three "funded loans" of 1881, 1891, and 1907 were issued under the same laws, the act approved July 14, 1870, amended by act approved January 20, 1871, and the two last subsequent to the act approved January 14, 1875. I have already read these several acts and discussed their meaning and effect, and read the form of all these bonds. They are all of the same form and in the same words as the bond I read dated July 1, 1877, and differ only in dates, amounts, rates of interest, and times of maturity.

Of the "funded loan of 1881" there have been issued \$517,994,150, dated May 1, 1871, redeemable in ten years, bearing 5 per cent interest. The "Geneva award fund" was invested in these bonds and was afterward covered into the Treasury and \$9,553,800 of these bonds cancelled. There are now outstanding \$508,440,350. Of the "funded loan of 1891" there have been issued \$200,000,000, dated September 1, 1876, redeemable after fifteen years, bearing 4½ per cent interest—all outstanding. Of the "funded loan of 1907" \$74,900,000 have been issued, dated July 1, 1877, redeemable after thirty years, bearing 4 per cent. interest—all outstanding.

As I have already conclusively shown, the laws authorizing their issue and the bonds themselves make them payable in the silver dollar of 412½ grains, nine-tenths fine.

Under the head, "Debt bearing interest in lawful money," is the "Navy-pension fund" outstanding, \$14,000,000, bearing 3 per cent. interest, applicable only to the payment of Navy pensions. This fund was created by act approved March 2, 1799, (1 Statutes, 716) by setting apart the money accrued or accruing from sale of prizes as a perpetual fund for the payment of half pay to the officers and seamen entitled thereto, and is simply a trust fund; and, if payable at all, can be paid in any lawful money, and certainly in said silver coin. Under the heading in the public debt statement of "Debt on which interest has ceased since maturity" there are twenty-four separate items or titles of indebtedness, aggregating \$21,512,240.26, and showing the amount of each, the dates of the laws authorizing the issue, rate of interest, and time of maturity.

I have carefully read the several acts of Congress authorizing their issues respectively, and I now state as a fact that neither the said acts nor the obligations mention coin of any kind or require payment in coin. They simply authorize the issue of certain obligations for so many dollars and promise the payment of so many dollars.

Every dollar called for in each obligation was payable in lawful money—in whatever money was a legal tender—and can certainly be paid in said silver coin.

Of the "debt bearing no interest" given in the public debt statement there are six items or titles of indebtedness. Neither the laws authorizing the issue of the obligations under the titles numbered 1, 2, 3, 4, and 6, nor the obligations mention coin or require payment in coin. They are clearly payable in said silver coin. The fifth item, "coin certificates" outstanding, \$33,424,900, were issued under act approved March 3, 1863, for gold coin or bullion deposited in the Treasury, and are payable in gold coin on the return of the certificates. This is the only item of the whole public debt payable in gold coin alone. The "bonds issued to the Pacific Railway Companies" outstanding, \$64,623,512, bearing 6 per cent. interest payable in lawful money, under the acts approved July 1, 1862, and July 2, 1864, and not included in the public debt as before given, are by the terms of the laws and of the bonds payable in lawful money, and can be paid in said silver coin.

The act of February 25, 1862, was the first act of Congress ever passed which made United States notes a legal tender.

This act made such a note a full legal tender "in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States except duties on imports, and of all claims and demands against the United States, of every kind whatever, except for interest upon bonds and notes, which shall be paid in coin, and a full legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid."

The highest court of our country has decided that the act of Congress making said notes *such legal tender* was constitutional, and I do not now propose to reopen that question in this discussion. I am dealing with the *laws* as they are.

Prior to this act silver and gold of the weight, fineness, and value fixed by the laws were the only legal-tender money in existence.

Mr. President, I think I have conclusively shown by the words of the laws, and by the express terms of the obligations, issued by the Government and now outstanding, and constituting our entire national debt, that not only the bonds issued since the passage of the acts of July 14, 1870, January 20, 1871, and January 14, 1875, and designated in the public debt statement for the month of December, 1877, as "funded loan of 1881," "funded loan of 1891," and "funded loan of 1907," aggregating \$783,340,350, but also all other outstanding obli-

gations of the Government of every kind whatsoever, except the single item of "coin certificates," amounting to \$33,424,900, now outstanding, can be paid in silver coins of 412½ grains weight, nine-tenths fine, to the dollar, without any violation of public faith or national honor or derogation of any rights of the public creditor. Such payment in such coin is a sacred right of the people, clearly guaranteed by the terms of the laws and the obligations of the Government, and by all known principles of honesty, fair dealing, public faith, and national honor. In order to preserve such right unimpaired, it is the plain duty of Congress to pass this resolution and to restore the unlimited coinage of the silver dollar of 412½ grains weight, nine-tenths fine, with unlimited legal-tender power. In this connection I will refer to the act of Congress approved March 18, 1869, falsely entitled "An act to strengthen the public credit." It is in the following words:

An act to strengthen the public credit.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

J. G. BLAINE,  
Speaker of the House of Representatives.  
SCHUYLER COLFAX,  
Vice-President of the United States and  
President of the Senate.

Approved, March 18, 1869.

U. S. GRANT.

The act of February 25, 1862, was the first act of Congress of which I have any knowledge which provided for the payment of any obligation of the Government in coin. It provided that INTEREST upon bonds and notes shall be paid in coin, and section 5 provided—

That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the *purchase*—

Mark the word "*purchase*"—  
or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the *purchase* or payment of the public debt as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

What was the effect of the act of March 18, 1869? It pledged or attempted to pledge the faith of the United States to the payment in coin or its equivalent of all obligations of the Government, interest-bearing and non-interest bearing, "except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold AND SILVER." This act defined the *exact meaning* of the word "coin" as used therein to be "gold AND silver," not *gold alone*. It made all the obligations of the United States payable in coin, *gold and silver*.

The aggregate outstanding debt of the United States on June 30, 1869, was..... \$2,656,603,955 73

It was certainly no less on March 18, 1869. Of this great sum the following items and amounts were by the law authorizing their issue payable in coin:

Gold certificates, act of March 3, 1863 ..... \$30,489,640 00

"Loan of 1863, act of March 3, 1863," 6 per cent. interest, redeemable after June 30, 1881, then, and now outstanding ..... 75,000,000 00

Ten-forties of 1864, act of March 3, 1864, 5 per cent. interest, redeemable after March 1, 1874, then outstanding ..... 194,567,300 00

Total debt payable in coin, March 18, 1869..... 300,056,940 00

Deduct this total debt payable in coin from the aggregate outstanding debt June 30, 1869, will leave the outstanding debt..... 2,356,547,015 73

This great sum was properly and legally payable in lawful money, although the laws authorizing its issue did not *expressly provide* that the same may be paid in lawful money or other currency than gold and silver.

I say it was properly and legally payable in lawful money—legal-tender notes, because the legal-tender notes were then by law "a full

legal tender in payment of all taxes, internal duties, excises, debts and demands of every kind due to the United States, except duties on imports, and *all claims and demands against the United States of every kind whatever, except for interest upon bonds and notes,*" which shall be paid in coin.

This exception of the *interest*, and *only the interest upon bonds and notes*, demonstrated conclusively that such bonds and notes, and all outstanding obligations of the United States, not expressly calling for coin, and coin alone, were then properly and legally payable in legal-tender notes.

The Supreme Court of the United States in the celebrated "legal-tender cases" has expressly decided that obligations contracted prior as well as subsequent to the act of February 25, 1862, were legally payable in these legal-tender notes.

The exceptions in the act of March 18, 1869, only extended to "cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver," and did not save this great amount of indebtedness from the effect of said act, because in very few cases the law authorizing the issue of any such obligation had expressly provided that the same might "be paid in lawful money or other currency than gold and silver."

The obligations called for so much money—so many dollars—and the legal-tender notes were the lawful money—the dollars—the full equivalents in law of the money and dollars named and promised in the obligations, and all such obligations to the amount aforesaid were payable in such legal-tender notes, regardless of the fact that the law authorizing their issue *had not expressly provided* for their payment in lawful money or other currency than gold and silver.

The effect of the act of March 18, 1869, was therefore not only to make obligations of the Government to the amount of \$2,356,547,015.73, then properly and legally payable in legal-tender notes, payable in gold and silver coin thereafter, but also to add to said amount the difference in value between legal-tender notes of that amount and coin of the same amount, or the then premium of gold over legal-tender notes.

In March, 1869, the premium on gold over legal-tender notes in New York City ranged from thirty-two and a half to thirty and one-fourth cents on the dollar, or, one dollar of one hundred cents in gold was worth one dollar and thirty-two and a half to thirty and one-fourth cents in legal-tender notes.

Estimating the difference in value in gold dollars and legal-tender dollars at thirty cents to the dollar, this act of March 18, 1869, added thirty cents in value to every dollar of the then debt, and thus increased the value of the obligations of the Government due from the people to the holders of these obligations to the amount of thirty cents on every dollar of \$2,356,547,015.73, or to the amount of \$706,964,104.71 $\frac{1}{2}$ ; and to this great amount enriched the holders of the Government obligations, and to the same amount robbed the taxpayers of the country. And yet the act is entitled "An act to strengthen the public credit," and does not satisfy the bondholder because it did not say "gold," and "gold alone," instead of "gold and silver."

Another point just here. According to Dr. Linderman's tables, one ounce of pure gold was then equivalent to 15.6 ounces of pure silver; or, one silver dollar of 412 $\frac{1}{2}$  grains, nine-tenths fine, was equivalent to \$1.0247 in gold 25.8 grains, nine-tenths fine, to the dollar.

Another effect of this act was to pledge the faith of the United States to pay their obligations in gold and silver coin and in *either gold or silver*, at the option of the United States, and not in gold alone.

In order to save something from the ruin and wreck wrought by this act it is now the imperative duty of Congress not only to pass this resolution, but also to restore the free coinage of the silver dollar, with unlimited legal-tender power, by passing the silver bill.

Mr. RANDOLPH. Mr. President, when more than a week ago the Senate, with unusual courtesy, signified its willingness to hear me, I could not consent, such were the circumstances surrounding its proffer. And now, sir, that in the regular order of the Senate's business I may speak of right, and freely speak, if I were to consult my own convenience and pleasure in the matter I would not speak at all; but the friends of the resolution offered by the Senator from Ohio [Mr. MATTHEWS] have spoken much upon this subject. The debate has been long, the arguments full, I had almost said exhaustive, and the knowledge is had by all of us that under the discussion of a bill, the bill of the House of Representatives remonetizing silver, "ample room and verge enough" will be given to all who desire to debate the financial question.

So much has been said, however, by those who favor the double-standard policy, it is as well, perhaps, that I should attempt, before the final vote is taken on the resolution, to express some views from an opposite stand-point.

#### CLASSIFICATION OF BONDS.

Regarding the bonds of the Government, practically we have three classes.

First, those issued prior to 1873, still in the hands of purchasers before that date; second, those of similar issue and now in possession of purchasers obtaining them since the act of 1873 demonetizing silver; and, third, those of issue since the passage of the act just referred to, being the bonds known as the 5's, the 4 $\frac{1}{2}$ 's, and the 4's.

Although I believe holders of the second class have a claim in

equity equal to those held by the third class in law, I shall for the purposes of this discussion place all the bonds of the Government in two classes—that is, those issued prior to 1873 and those of issue in and since February of that year.

It will be observed that I differ from most of those who have entered upon this debate, on either side of the main question, inasmuch as I hold that the Government has the legal right to pay a portion of its bonds—those of issue prior to 1873—in gold or silver "coin" (hereinafter designated) at its option, while as to the remainder of its bonded obligation, the issues since February, 1873, the payment must absolutely be made in gold.

Notwithstanding these distinctions, I shall finally be found in full agreement with those who contend for the maintenance of a single and gold standard in payment of all the obligations of Government. I shall endeavor to show that where it is our lawful right to pay in either "coin," our interests are not to be subserved by payments in silver; and where our option ceased, as it did in 1873, our obligation is to pay in gold alone.

#### AS TO BONDS OF ISSUE PRIOR TO 1873.

Now, sir, as to that class of bonds issued prior to 1873—mainly from 1862 to 1873—we stamped them payable in "coin." By that phrase, under then existing laws, we named silver and gold, either or both, as "coin," and for the simple reason that coins of both these metals of certain weight and fineness were under the law for most purposes legal-tender "coin."

Practically, up to the time of the passage of the demonetization act no serious controversy had occurred regarding this fact. No occasion was had, indeed, to question the standing of silver as to gold, inasmuch as during all recent years it had uniformly been of superior value to gold, measuring each unit of value by the Government standard of weight and fineness.

#### GOVERNMENT'S OPTION NO OPTION.

Thus the Government's option as to the coin of payment amounted to nothing. Our profit was to pay in gold. Added to this sufficient reason it was our manifest policy to pay in gold. As debtors, desiring to reduce our burden of interest, we adopted payment in that coin, gold, which gave us the highest price in selling our bonds and the lowest terms of interest we could fix upon them. Although during these years we held the option of payments in gold or silver coin, it is well known that it became the studied purpose of Government to persuade the mind of capital that coin with it meant gold, and this purpose was enforced by the simple and substantial argument of paying it. No mere resolutions of Congress, no opinions of Secretaries could have had or ever did have a breath of influence upon the minds of lenders, compared with this long unbroken practice of Government itself.

Sir, it is said that payment of our obligations has not been restricted to the coin of the United States. My reply is that silver being, during most of our history, of superior value to gold, (taking Government's measure of coins in ascertainment of the relative value of gold and silver to each other,) no advantage would have come to us from the purchase of silver abroad and payment of it to our creditors, without, indeed, we had "regulated" foreign coins so purchased, called them of value they were not, or had adopted some other convenient contrivance not then known to statesmanship.

Secondly. Had those from whom we were compelled to borrow suspected our purpose to pay in foreign money, the legal-tender value of which would be subject to "regulation" by each succeeding Congress, we should probably have been unable to have obtained credit enough to have borrowed at all.

The simple truth is, Mr. President, when we made our obligations—the greater portion of them—we took no thought of payment in silver, dreamed of no chance like the one now sought for, and meant by "coin" that metal which Government had ever before paid to its creditors, that Government had alone ever possessed in quantity sufficient to pay with, and that coin which the whole commercial and financial world with whom we have to deal were then dealing and knew only as our coin of payment.

#### THE DOUBLE STANDARD NON-EFFECTIVE FOR PERMANENT RELIEF.

Mr. President, should we make a law remonetizing silver and that coin of 412 $\frac{1}{2}$  grains that my friend from Missouri [Mr. COCKRELL] has referred to so eloquently remain relatively as much cheaper than gold as it now is, of what advantage will our remonetization be to the people? Beyond that given to those now in debt it would possess none. As to all new obligations they would be made expressly payable in gold, or so charged for in higher rates of interest or higher charges for commodities, as to make the cost to the borrower of money or purchaser of merchandise relatively the same as if the transactions had taken place on a gold basis. I may say, Mr. President, that since this bill has been under discussion large loans of money have only been had by inserting the gold-coin payment in the bond, or by providing that the loan must be paid in gold or silver, at the option of the lender. We may cry out never so much, but as long as we are a borrowing people there is no remedy for us. Even the mutterings of the distant thunder that the Senator from Indiana made eloquence of the other day will have little effect, let me say with great respect, upon the action of capital. That nimble power, fearing our menaces, will quietly withdraw itself to some other and more substantial protection. So, sir, laws of Congress, though they be piled mountain

high, cannot change to disorder the higher and immutable laws of supply and demand, or the speedy exit of capital from the "protection" of a Government that menaces either its honest value or its righteous possession.

Then, sir, we come to this: though we gain the paltry advantage of paying portions of our existing obligations, national, State, or individual, in a coin more or less cheaper than gold, we must face the grim certainty that as to our new obligations the highest standard coin will be brought against us, directly or indirectly. This at last must be the result of enterprise in finance like that now contemplated.

If, sir, we really had the ability to pay all of our obligations to creditors—Federal, State, and municipal—computed to be four thousand millions at present, we would appear to gain somewhat by payment in silver at the present value of it. Unfortunately, however, we cannot conveniently pay this sum, and our highest effort for years to come will be to meet the interest upon our debts, and possibly to accumulate a fraction toward the payment of principals. So that wisdom would seem to teach us to direct our efforts toward the establishment of such credit among lenders of money as will enable us to carry our obligations at the lowest possible rate of interest. This, Mr. President, is really about all we have in hand to do for years to come, as practical men.

REMONETIZATION OF SILVER A LOSS TO THE PEOPLE AND THE GOVERNMENT.

Remonetization of silver will not lessen the public burden. If silver is made legal tender and remains the cheaper coin, and is to be paid out by Government, then all will agree that we may not longer refund our debt, now being done at 4 per cent., at the same rate of interest, or sell our bonds at the price we obtain for them now. Just to the extent, therefore, that Government pays a higher rate of interest, or sells its bonds for a lower price, it is the loser; the public burden is not lessened, but is increased. This is plain.

Nor is this quite all. Our bonds will not sell or our rate of interest upon them be established by comparing the market value of silver to gold coin at the time of the transaction between Government and the lender. Though Government seeks to take advantage of a period when silver approximates in value to gold, the lender will never forget that his bond is payable "optionally" and that silver has been 12 per cent. below gold and may be again. And lenders take no chances, have no sentiment, accept no bond of fate that has not all the guarantees that experience can teach.

Thus Government would suffer, and have to suffer—hopeless debtor that it is, and must so long remain—in compound proportion. If, as I claim, and calculation has shown, Government is not to be advantaged, temporarily even, by its adoption of a double standard, then all pretext of gain in this direction is gone.

There be those who claim with the comparatively small surplus of silver abroad, that in Germany and Holland amounting to \$80,000,000 say, being the principal sum upon which drafts would probably be made, (and with much of this being constantly sold to the all-silver-absorbing East,) the value of silver would quickly approximate to or equal that of gold. I omit, for brevity, all reference to the tolerably well ascertained capacity for producing silver in the mines of the world. The increasing needs of increasing populations and the demands of art will care for this production.

If silver should rapidly approximate the value of gold, as (disagreeing with some of my friends) I am inclined to think it would, then where would lie the profit of remonetization to the Government or to the people? Why the change from what has been our practice to the readoption of an option presenting so few chances of pecuniary advantage?

We take by the effort some, and by the act all, of the certainty of loss in money and in credit without, as is confessed, any considerable chance of gain. If, then, honor questions the transaction, and cupidity does not demand it, how shall we stand justified?

SILVER PAYMENT NOW AS INDEMNITY FOR THE PAST.

It has been urged in favor of silver payments by the Government that we have been, that is the people and the Government have been, large sufferers in the past in consequence of our uniform policy of payments in gold. I have already shown, sir, the extravagance of this statement, in that we have found no period till the present one when we could have profited by silver payments.

How can the extremist advocates of a silver standard, under these circumstances, be charged, in "behalf of the people," with the grave responsibility of obtaining "indemnity for the past?"

Mr. President, for all practical purposes, and substantially for those of commercial ones also, silver, as a legal-tender coin of the people, passed out of existence more than twenty years before the passage of the celebrated demonetization act of 1873. My friend from Missouri shakes his head. I have only to say to him that without delaying this debate, already too long delayed, I shall stand ready to verify the statement. Its use by the people had been confined, long before the war, to the ever-convenient and always-to-be-circulated subsidiary coin, the half-dimes and dimes, the quarters and half dollars of every-day use, "the people's money" in reality; the money of convenience to them, but not the money for their hard-earned savings to be kept in.

A FEW WORDS REGARDING THE PRACTICAL DEMONETIZATION OF SILVER IN 1873.

By act of Congress, February, 1853, twenty-four years ago, therefore, provision was alone made to purchase bullion for the coinage

of subsidiary silver. The existence of the legal-tender silver dollar was absolutely ignored in the act, its perpetuity deemed unworthy of mention. Yet, sir, only about three millions of the legal-tender silver dollars then existed, and the omission could not have been based upon their excessive number. Nor will it be claimed, sir, I presume, that Congress was at that time frightened or cajoled by a class then almost without an existence, the "bloated" holders of Government obligations.

The next act of Congress of consequence in this connection is that of March, 1863. It provided to receive gold deposits alone, and to make gold payments only. Yet previous acts of Congress making silver coin of certain kinds legal tender remain unrepealed. In a word, sir, the legal-tender silver dollar had ceased to be a commercial coin, had passed to the dignity of a memorial one, and for this reason: that it claimed to be what it was not. Its unit of value, measured by the recognized gold and other unit of value, had been found impracticable of accomplishment. It was a coin, therefore, of variableness, inconsistency, and confusion. Measured by its mate of value, it stood from 1834 to 1873 relatively as 103 to 100. For forty years with undeviating persistency our silver dollar had been worth 3 per cent. more than our gold one. No wonder we had no defender of "the dollar of our fathers" during all these years. Ah! it would have cost just 3 per cent., and this in gold too, to have "defended" during these long years, to say naught of what might have been the political cost to ambitious statesmen attempting the defense.

Mr. President, during all this period, this era of confusion and contradiction in our coinage acts, the mint value of the legal-tender silver dollar for the purchase of subsidiary coin of the Government was equal to about one hundred and eight cents in gold. Thus an employer could take one hundred silver dollars received by him in business at par, purchase two hundred and sixteen United States half-dollars with them, and paying to laborers in these half-dollars the promised dollar for his daily work make \$16 on every \$100 of wages paid by him as a capitalist to labor.

Sir, you will find large employers taking this advantage of labor to-day, or substantially so: putting their more valuable greenback dollars into the cheaper silver ones, and thus getting from labor for ninety cents what it had agreed to pay one hundred cents for. It may be, sir, for the moment, this grinding fact does not possess the mind of all the workingmen of the country. But, sir, let me assure you if the silver bill be passed and the relations between silver and gold remain as they are to-day this fact will come to the workingmen of the country, and when it shall come and its effect shall be felt no sophistry and no rhetoric will take it away and thereafter bewilder them.

Mr. WALLACE. Will the Senator from New Jersey tell me how many half dollars in silver of the present standard it would take to make a hundred gold dollars at the present value of gold coin?

Mr. RANDOLPH. This, sir, requires precise calculation—gold fluctuating daily—and I can hardly stop to make it. I should refer all questions of figures to my friend from Missouri if I were inclined to go into details in the midst of this speech. The Senator from Missouri has given us figures until I confess my simple mind is confused with them. He can no doubt give to the Senator from Pennsylvania an exact and prompt answer.

Mr. WALLACE. I am much obliged to my friend from New Jersey.

Mr. RANDOLPH. Concerning the passage of the demonetization act of 1873 I understand the facts to be these: The House of Representatives by resolution, in 1870, asked the opinion of Treasury officials and experts regarding a revision of the laws relative to coinage, &c. In April, 1870, the Secretary of the Treasury reported the substance of the information and suggestions collected. Accompanying this report was the draft of a bill prepared by Mr. Knox, then deputy, now Comptroller of the Currency. The bill, which distinctly aimed at the dismissal of the standard silver dollar as a legal tender, passed the Senate January 10, 1871, and the House May 27, 1872, with amendments; these being substantially concurred in by the Senate, passing the criticism of a conference committee of the two Houses, and finally becoming a law February, 1873, nearly three years after discussion in Congress had begun. That the effect of this bill thus discussed and passed would be to demonetize silver, leaving gold the only standard, was clearly understood.

In the debate in the House, Mr. POTTER, of New York, said:

This bill provides for the making of changes in the legal-tender coin of the country and for substituting as legal tender coin of only one metal instead, as heretofore, of two. I think myself this would be a wise provision, and that legal-tender coins, except subsidiary coins, should be of gold alone.

Another prominent member of the House of Representatives, Mr. KELLEY, of Pennsylvania—since reconstructed or "regulated" upon this question, I believe—used these words:

It is impossible to retain the double standard; the values of gold and silver continually fluctuate. You cannot determine what will be the relative value of gold and silver next year. They were 15 to 1 a short time ago; they are 16 to 1 now. Hence all experience has shown that you must have one standard coin which shall be a legal tender for all others, and then you may promote our domestic convenience by having a subsidiary coin of silver which shall circulate in all parts of your country as legal tender for a limited amount and be redeemable at its face value by the Government. But, sir, I again call the attention of the House to the fact that the gentleman who proposed this bill insists upon maintaining a silver dollar worth three and a half cents more than the gold dollar and worth seven cents more than two half dollars, and that so long as those provisions remain you cannot keep silver coin in the country.

Mr. President, I cannot add to the force of these words by comment of mine but I may recall attention to the fact that at the time of the passage of the demonetization act in 1873 the clinching argument made in its favor was that our silver dollar was then at that very hour worth three and a half cents more than our gold dollar. Where was "vigilant capital" at that time?

May it not happen, Mr. President, that with the slow progress of legislation, before the advocates of the silver policy shall reach their goal, the silver dollar of their venerated fathers (and ours) may again become more valuable than our present standard gold one; and, if so, what then?

I submit, sir, that it is not consistent with the dignity of a government that its grave Senators shall stand ready at every change of season to practice financial gymnastics.

In January, 1872, a year or more prior to the act of demonetization, the Secretary of the Treasury recommended the adoption of the single standard of gold. Will it do, Mr. President, with this array of facts before us to say that the demonetization act of 1873 was "smuggled through Congress," or that it could possibly have had its conception during some generous impulse of Wall street capitalists to receive ninety-seven cents for that which Government offered one hundred cents for? Oh, no, Mr. President, as my friend from Ohio [Mr. THURMAN] is in the habit of saying, "that won't do."

Sir, the policy of Government concerning silver as a standard has been neither blundering nor magnanimous. Like other debtors we have made the best bargain we have been able to honorably make.

To-day we differ widely as to what duty is, as to what policy requires; yet our aim is a common one, to subserve the best interests of the whole people. I cannot and I shall not say to my opponent in this debate: "I am holier than thou." I believe that those who favor this resolution are as honest in their convictions as I am. I believe that those who hold the opposite view of this question are as sincere as I am or even hope to be. They represent, as I do, constituencies who are themselves in disagreement as to what interest requires or policy dictates; but I firmly believe we do all represent constituencies who in large part would give of their slender wages and of their impoverished capital to keep what they believe to be the national faith.

#### A DOUBLE STANDARD IMPRACTICABLE.

Mr. President, I am driven to the conclusion that a double standard is not only detrimental to Government but is in itself substantially impracticable. That this has been our own experience I have endeavored to show. The nations of highest civilization, those with whom our affairs are the largest, have either adopted the single gold standard or restricted the coinage of silver so as to amount to about the same thing.

Our financial policy, if we would subserve the convenience and interests of our own people, must be largely in sympathy with the countries with whom we deal or with whom we hope to deal in the near future. The whole effort of the people of Great Britain, of Germany, and the Scandinavian states is to retain or obtain a gold standard. This purpose, therefore, possesses the best intelligence of Europe. Shall we disregard its teachings? May we safely do so?

#### A STANDARD OF GOLD OR SILVER, BUT ONLY ONE.

Now, Mr. President, save for convenience, for economy in use, because of its already accepted position among nations, it is not a matter of consequence perhaps whether we elect to retain the single standard of gold, or, abolishing that, take to the single standard of silver. Our coins after all, be they one or many, of gold or of silver, or of both, obtain their value abroad by comparison, by their measurement with the standard coins of other nations. We know that if we reduce the weight or fineness of our present gold dollar it is instantly rendered incapable of performing the purchasing service of its predecessor. So of our old silver dollar. We all know that abroad it will only buy to-day ninety cents' worth of anything. Thus our coins, whether of gold or silver, will ever be rated by their intrinsic value, and not by the Government's designation of them.

Silver bullion is worth to-day fifty-four pence. I think I am correct in the statement.

#### Mr. MORRILL. Fifty-three five-eighths.

Mr. RANDOLPH. Fifty-three five-eighths; the Senator from Vermont corrects me. My computations have been made at fifty-four; fifty-three five-eighths only exaggerates the statement that I am about to make. Silver bullion being worth to-day fifty-four pence, should the New York or New Orleans or Chicago importer desire to purchase goods in England or France or Germany to the amount of £100 sterling, or say \$487 gold, he would, paying in the legal-tender silver proposed, be obliged to remit to his foreign banker \$531 or \$44 more in one of our so-called "standard coins" than the other. Of course the consumer, not the importer, pays this difference.

Mr. President, may I ask of Senators, especially those representing States from which our larger production of cotton and wheat and tobacco is had, what interest they possess as representatives of those producing these staples exported each year to the extent of hundreds of millions of dollars—what interest they have in giving to foreign purchasers the "option" of paying their constituents in a debased and inferior legal-tender coin? I cannot be far wrong, sir, when I say that the loss to agriculture (should gold and silver retain their present difference of value) will not fall short of thirty or forty mill-

ions of dollars per year. This loss, it will be observed, is almost directly upon agriculture and labor, and scarcely a fraction of it upon capital.

Our importations, now \$500,000,000 a year, must be paid for in gold; with silver a legal tender our exportations may be paid for in that coin. Thus we may rapidly become the custodians of the inferior and inconvenient coin, and the losers of that other and superior coin, gold, with which alone we can purchase in all markets, and upon equal terms with all mankind. Should this condition of affairs come about, what then?

#### THE POWER OF CONGRESS TO COIN AND "REGULATE."

Mr. President, at the risk of poorly repeating much that has been said by my honorable friend from Delaware [Mr. BAYARD] I venture to add a few words upon what I consider the proper view to be taken in defining the power of Congress concerning coinage and its "regulation."

I have already said that we have the right, as I believe, to pay a portion of the bonds of the Government, those of issue prior to 1873, in gold or silver, at our option. But, sir, I question upon a fair interpretation if we may lawfully do so in either coin, silver or gold, that for any reason has become of inferior value to its legal-tender mate.

To my plain understanding that provision of the Constitution giving to Congress the power to "coin money and regulate the value thereof" is an inseparable power. Especially as to all legal tender issues of Government would this seem to be the common-sense interpretation, and therefore, may I presume, the legal view of the question. The history of the exercise of this power by Government from time to time during our existence sustains this view. Every "regulation" of the coins has thus far been to adjust their values to each other.

Every act of Congress changing our coinage laws has had but one purpose practically, to make the legal-tender coins of gold and silver of equivalent value. If we are to be taught by our own unbroken action, all we can do now, if aught is to be done, is to adjust our legal-tender coins anew.

Had not our creditors, domestic and foreign, a reasonable right, in view of our uniform practice in "regulating" the coins, to believe that practice would remain unchanged? It seems so to me, sir.

#### THE PEOPLE AGAINST REPUDIATION.

I have already said I believed there was no purpose upon the part of the people at large to do aught that would lay them open to a just charge of repudiation. But, sir, we cannot afford to rest under the suspicion of it even. I have great reason for my deadly hatred of the crime. I do not question that all honorable men have. My personal knowledge of its blighting effect to the State and its curse to a people was gained long years ago.

The Senator from Mississippi [Mr. LAMAR] will pardon me, I am sure, in making an illustration based upon the history of the great State he represents, a State peopled by many dear to me as to him.

In 1852 the State of Mississippi practically repudiated its obligations. It did not undertake the gentler device of these days and "scale" them out of existence. It just refused to pay them. And, sir, it has kept its promise to itself, though it has broken it to others.

I pass over the years that intervene between this act and those of comparatively recent date. Years after the war had closed, years in which every State of the South as I thought had felt the weight of the despoiler's hand, visiting my old home at Vicksburgh I asked of Mississippians what debt the carpet-baggers had been able to fasten upon their unhappy Commonwealth. I knew that some of the most ingenious and cruel of all that rapacious band had settled within the limits of the State, and, forgetting its repudiation of twenty years ago, I naturally asked what the State debt had grown to be. The answer was: "Practically, sir, we have no State debt! So complete was the prostration of our State credit by reason of the repudiation of 1852, even the unparalleled ingenuity, the unsurpassable effrontery, and the incomparable devices of carpet-baggers have not been able to contrive a scheme giving credit enough for the basis of the petty thievery they would have accommodated themselves to. Whatever the State's necessities have been, whatever its interests have suggested, they found no one willing to give enlarged credit to Mississippi."

I can say, Mr. President, as if in parenthesis, this is the single instance within my knowledge where any people have apparently profited by their own wrong-doing.

But, sir, what has Mississippi lost since the fatal act which ruined her credit? If her citizens have required large sums they have obtained them at usurious rates of interest. If her corporations have needed capital they have purchased it by paying rates above those accorded to sister States. If her counties or townships or cities have desired to effect local improvements through the aid of capital from beyond their boundaries the same inexorable penalty has attached to them. Great, cruel injustice has come to successive generations because of the wrong of those who preceded them. Free and enfranchised the credit of the new State is becoming second to none. But, sir, it is safe to say that the cost to her of the one wrongful act has been more than if she had been despoiled by fraud and robbery, even as South Carolina and Louisiana have been.

May we not as representatives of the United States profit by the history and experience of one of our number?

Mr. President, we should fall short in duty if we circumscribed our view

of it by present interests. If in passing bills to remonetize silver we are adjudged by the broad world, from whom much of our capital has heretofore come and must hereafter largely come, guilty of doubtful action regarding our obligations, the penalty, whether rightfully or wrongfully inflicted, will fall after all with more distinct severity upon private enterprise than upon public credit. If upon these the blight of broken faith, real or implied, shall fall, then indeed will we have added to the cup of our present misfortunes.

We are borrowers. Do not let us forget this fact. As I have said, our first requisite is unquestioned credit. With it established we can obtain all the capital we need for legitimate enterprise. With it our farmers will enter upon another year with home markets—always the best and most reliable for the productions of our soil—and have no need to feel that war in desolating Europe compels them to fatten on carnage. With it our manufacturers will be able to safely enter upon the sharp, close competition that advanced civilization and the developments of science have made a necessity, if we would, as we can, place our products wherever unrivaled England has or shall.

I speak from personal knowledge when I say that foreign and domestic capital refuse to give American enterprise credit this very hour because of this debate. Thus labor suffers most, and most sadly of all, for it has no resource but the physical one. We do know how pitifully the cry has come up from all over the land simply for "work!" If by credit established, untarnished by act of Government, unquestioned by suspicion of future purpose, we may as a people have capital for new enterprises, how quickly can these appeals be answered.

With a single standard of gold we may safely enter upon competition in all the markets of the world, for this is the one standard undisputed. With a double standard half the world's markets are beyond our effort, so small our profits, so great may be the fluctuations of silver to gold in value at home.

Sir, because the ground has been gone over fully and faithfully I shall make no extended reference to other well-known arguments touching our duty and interests.

The inconvenience of silver in larger amounts than a few dollars to the people; the added danger of loss in keeping large and bulky sums of it; the greater cost of transporting it in effecting exchanges; the wrong to labor in paying as a dollar for wages that which may not buy ninety cents of value; the fallacy of counting a thing as a unit of strength or value that every foreign enemy may tap an essence from; and, finally, the vain attempt to do by legislation that which is hopelessly beyond its reach—that is, to fix the relative value of gold and silver, when that determination is alone to be made by natural laws, by the labor actually employed in the production of each—Senators will thank me for omitting to rediscuss these trite subjects.

#### AS TO BONDS ISSUED SINCE 1873.

Mr. President, it will be observed that I have thus far confined my discussion of the right and policy of Government to that class of bonds actually issued prior to February, 1873. Agreeing as to the right of Government to pay them and the interest upon them in gold or silver, the latter being made the equivalent of the former in value, however, I have endeavored to show that it is not the policy or the interest of Government to have two standards of payment, but rather one, and that the gold one.

Now, sir, as to that other class of bonds—for, as I have said, the act of February, 1873, demonetizing silver, placed all bonds thereafter issued upon a different footing from those of previous issues—as to these bonds—the 5's, 4½'s, and 4's—I cannot comprehend how any debate or question can arise regarding "the coin" they are payable in.

From February, 1873, gold has been the only legal-tender coin of the country, and every bond issued since that date is as plainly, fully, honorably payable in gold as would be my note issued a year ago—payable in "coin," falling due next month, and to-day receiving my own indorsement that "coin" meant "gold"—would be payable in gold. Who, Mr. President, in all this body of honorable men would be my defender if I sought to escape my own voluntary definition of "coin," indorsed by my own hand on my own note—a note, too, in all probability passed from the hands of the original holder to those of others accepting its possession upon the faith of my written promise and subsequent indorsement? Sir, could I ever obtain credit among men if, as an individual, I should seek to take this advantage, in payment of my debt, insisting upon an option by me voluntarily surrendered, to myself dead? Mr. President, repeating my honorable friend, the Senator from Ohio, [Mr. THURMAN,] let me again say, "that won't do."

Oh, no, Mr. President, there is no man on this floor who would defend me as an individual if I were to attempt to do that which is being advocated by the representatives of States on this floor as to the right or duty of Government; and I cannot understand how there can be any substantial difference in morals between our acts as Senators or as individuals.

Mr. MERRIMON. Will my friend allow me to interrupt him a moment?

Mr. RANDOLPH. Certainly.

Mr. MERRIMON. In order to set myself right I desire to take the case the Senator puts of himself. Suppose he had given a bond last year to myself for \$1,000 with a stipulation that he promised to pay me \$1,000 in silver dollars weighing 412½ grains of standard silver of

the United States, would the Senator pretend that he could pay me in anything but silver dollars?

Mr. RANDOLPH. Oh, no; that is not the question at all. The Senator from North Carolina does not state the question fairly. He speaks of my note payable in a single coin, whereas the bonds of the Government, according to his theory and mine, were payable in the two coins, optional with Government. Now the option of the Government ceased when Government made its election, and that is the end of it.

Mr. MERRIMON. This 4 per cent. bond which the Senator has been talking about is predicated upon and derives all the essence in it from the act of 1870.

Mr. RANDOLPH. That and its indorsements, referring to the act of 1873 by this.

Mr. MERRIMON. And the act of 1870 constitutes a substantial part of the contract. The act by which silver was demonetized applies to the 4 per cent. bond as much as to the 5 per cent. bond or 6 per cent. bond or any bond ever given by the Government; but in the act authorizing the 4 per cent. bond is a stipulation to pay a particular thing of a particular weight, and it is over and above and outside of all legal-tender laws. One of the grand objects in passing the refunding act was to provide a stipulation against the power of the Government to depreciate the money to be paid for the bonds by debasing the coin or reducing its value.

Mr. KERNAN. Yes, but you were to pay in silver dollars of 412½ grains, according to the view of the Senator from North Carolina, and by the act of 1873 such dollars ceased to be a legal tender.

Mr. RANDOLPH. I ask Senators not to interrupt me further.

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

Mr. RANDOLPH. The Senator need not; but I have only a few words more to say, and I shall then give way to my friend from Mississippi, [Mr. LAMAR,] who has been too long detained already. I intended to answer courteously and respectfully the question put to me by the Senator from North Carolina, and I will say to him now that, inasmuch as this debate is likely to continue into midsummer from present appearances, we shall have plenty of opportunity to consider all matters that pertain to this question.

#### CONCLUSION.

Mr. President, I have not been able to agree that we should discuss this question as one of "dry law" alone. To me it is a question of policy in government; it is also a question of morals, of public morals. That which may be right in law may not be expedient in practice. That which the State may legally do may not always be honorably done.

I am sure no Senator will believe me guilty of the courtesy of impugning the motives of others when I affirm that dishonor may come, as it has come from mistaken judgment or from excessive zeal in what seems a righteous pursuit.

It has been asserted upon this floor by the Senator from Alabama [Mr. MORGAN] that our creditors have no right to say what sort of money we shall use. I utterly dissent from this doctrine, inasmuch as, being a class to whom we are indebted, their interest in our money is second to no other class. The declaration also assumes that creditors of a special class, the "bondholders," alone regard the definition of "coin." Have not the people, those to whom our coin is paid in every day's transactions, an interest far greater than that of these special creditors in unsurpassable and stable value of "coin"?

To them it is a thing of daily use, with naught else of real money to take its place. Bondholders disliking our coin may dispose of their bond investments, meet losses if any, and turn their capital to other channels. To them the end has come. Not so to the people. Their daily needs leave them to stagger and faint perhaps under the burden of fluctuating values.

It has been substantially asserted that when Government creates a debt and fixes the standard value of the coin agreed to be taken in payment, it may lawfully do what it chooses in changing the commercial value of that coin.

Mr. President, I cannot debate this proposition. I have only to say, as I have in substance previously said, that not only is a great government sacredly bound in policy and in honor to maintain the full standard of its obligations, but under the limitations and obligations of the Constitution it is compelled to do so. "To coin and regulate" will never be interpreted as meaning "to coin and depreciate." No, Mr. President, a government of purpose and prominence and character cannot afford any such construction.

Sir, all through this prolonged debate the cry has come that this legislation, as well as much of past legislation, is being controlled by the money kings—the capitalists. Sir, I have no special sympathy to extend to them. Of all classes they need the least. Theirs is largely the power to turn their investments at will, in advance of loss, if they elect. I would, if needs be, and as a matter of justice, defend their rights equally with any other class. The capitalists made great profits, it is true, during the war. Did they not run great risks as well? Labor also had great wages during the war. When, to-day, it cries for "work," shall Senators give cruel answer by quoting to labor the rates of wages in war times?

I will call to no passing passion in hurling epithets at any class of our fellow-citizens, though they have the misfortune to be rich. But they need no help of mine in this crisis. I offer them none.

Their bonds are their merchandise—a price for them is to be had in the open market. Their capital, lessened to-day by sale of bonds below cost to them, can be increased within the week by purchase and sale of the bonds of others. We need give no tears where loss can be so quickly turned to profit. Capital's harvest, as all men know, is reaped most surely and largely in seasons of fluctuating values.

CAPITALISTS NOT BONDHOLDERS.

The cry has gone out against the "bondholder." I choose to separate the real bondholder from the mere capitalist. To him, as I have shown, the bond is not a thing "held," save from day to day, from hour to hour.

The real holder of our Government bonds is rarely the great capitalist. To him the interest is too low, even upon the best of them; other ventures are far more tempting than Governments, that scarcely pay 4 per cent. to-day. The registered bonds of the United States tell the story. Examine the books and you will find the names of executors, trustees, and guardians of estates; not great estates, but small ones; you will find the names of widows and orphans whose slender means permit no hazard of income; you will rarely find large amounts in any name, and still more rarely, if at all, in the name of "capitalists." These are facts that no rhetoric will refute.

Need I trespass by a recital of other facts showing how great a sum of Government bonds are now held by the saving institutions of the country, those special depositories of the provident poor in the larger number of States? Upon these "bondholders" every dollar of payment in depreciated coin would fall with cruel exactness. Of this class of our people, eight hundred thousand in number, manifestly among the best because the most thrifty, the question of what our "coins" means is a vital one. Have they no voice, then, or business in the value of their coin?

Our banks, from whom the men of smaller means borrow—are not Government bonds the foundation of their issues? May we affect injuriously and seriously the value of the bonds and still leave borrowers to obtain on equal terms or as easily as before?

Among the most beneficent of modern institutions, the life-insurance companies stand, despite occasional extravagance and fraud in management. An analysis of the assets of these companies will show that their reserve fund, that fund which to the policy-holders, numbering hundreds of thousands of our citizens, has become the ark of safety, is largely invested in the bonds of the United States. Are these people—I will not say citizens, for they who are most interested are women and children—have they no business with us in saying what "coin" means? The school fund of my own State is largely interested in Government bonds. Have the people no interest in our public schools? And thus, Mr. President, might I continue to add to the long list of bondholders, directly or indirectly, who are not capitalists and never hope to be, until I verily believe it would be found that of Government bonds possessed in this country three-fourths of them would be found in the hands of, or for the benefit of, those who are poor, helpless, or dependent, in large part.

Mr. President, I am aware of the utter uselessness of any argument I have attempted to make to stop the fever of this present purpose. As one of the representatives of a State whose people have jealously preserved their own credit, suffering no temptation to hinder duty, and no advantage, real or unreal, to daily with their virtue, I have been impelled, against my previous purpose, to make this plea, to enter this protest.

Mr. LAMAR obtained the floor.

Mr. RANSOM. If I do not interfere with the Senator from Mississippi, I should like to move an executive session of the Senate.

The PRESIDING OFFICER, (Mr. MATTHEWS in the chair.) Does the Senator from Mississippi give way for that motion?

Mr. LAMAR. Yes, sir.

Mr. CONKLING. Mr. President, I suggest to both Senators concerned now, and to the other members of the Senate, that we ought to have if we can, an understanding as to the time when the vote upon this resolution will be taken. The mover of the resolution announced, I believe yesterday, a wish to obtain a vote to-day. I infer from statements made by various Senators that some engagements of theirs, (for it seems a good many members of the Senate have engagements to-day,) would conflict with the purpose, if such there were, to attempt to "sit out" this resolution to-day. I understand from the mover of the resolution that he has no wish to ask the Senate to do that, but with other Senators he would like to have a vote at an early time. Therefore, I venture to suggest that we agree now upon some hour to-morrow, which hour will allow time enough to elapse to enable any Senator who wishes to address the Senate, if there be others to be heard, when the vote may be taken and when all Senators may be here knowing that the vote will then be taken.

Mr. DAVIS, of Illinois. I would suggest three o'clock to the Senator from New York.

Mr. CONKLING. The honorable Senator from Illinois suggests that we say three o'clock to-morrow. I should think that would be a very convenient hour, and if there be no Senators wishing to occupy the floor so long, of course the vote may be taken before.

Mr. MORRILL. I desire to ask the Senator from New York if this proposition is to include the debate upon the amendments.

Mr. CONKLING. Upon the amendments to the resolution?

Mr. MORRILL. Yes.

Mr. CONKLING. I suppose so.

Mr. MORRILL. Then I shall be compelled to object, because my colleague [Mr. EDMUND] has an amendment that I understand he desires to submit some remarks in relation to, and I have an amendment that I should like to occupy perhaps five minutes upon.

Mr. CONKLING. Then let us name an hour which will give the colleague of the Senator and himself ample time for that purpose.

Mr. MORRILL. I do not know how long the debate may continue; but I object to any agreement in relation to the debate on these amendments.

Mr. CONKLING. Well, Mr. President, of course any single member of the Senate, as well as all the members, can defeat such a proposition as this, because it requires unanimous consent. I venture, however, to make this remark: in the first place, this being a mere preliminary resolution, not even aiming at the character of a statute but by its terms being a mere expression of the two Houses, not a legislative declaration, is occupying a vast deal of time. We are running on very rapidly week after week, and here stands this resolution blocking the way of legislation. Behind it is a bill relating to the same subject which has been made a special order, upon which bill will be in order all the debate appropriate to this resolution, which bill will be considered next. I beg leave to remind Senators that one of two things will occur, either we shall protract these two proceedings until they become very injurious to the interests of legislation in the Senate regardless of the result which may be reached, or we shall within a short time find ourselves compelled to stay here perhaps through an entire night for no reason whatever, when a frank statement in advance of the number of Senators who wish to speak would enable us to fix an hour for voting, if not to-morrow then on a subsequent day. For my own part, I do not wish to interfere with the convenience of any single Senator, but I think if we could have an understanding which would apprise each one of us of the time when we should be here to vote, and which arrangement would be somewhat economical of the time of the Senate, that would be desirable.

Mr. MERRIMON. Mr. President, I do not want to antagonize what the Senator from New York has said further than this: I do not desire to speak again myself, for I have had an opportunity to address the Senate, but I know that there are three or four or five gentlemen who wish to speak to this resolution, and I should regret exceedingly to see them cut off by fixing an hour to-morrow when the vote shall be taken. The discussion of this resolution is largely on the merits of the bill which is to follow it, and it seems to me a great deal of time is not lost in the discussion going on now.

I would say further that this question is certainly one of such magnitude as to be worth the attention it is receiving. I trust with all respect that an hour will not be fixed to-morrow. I want to see everybody have a fair opportunity to say what he has to say, and I understood the Senator to suggest the same thing. I merely say that I know of several gentlemen who desire to be heard on this resolution.

Mr. ALLISON. I understand the Senator in charge of this resolution desires to bring it to a vote within a reasonable time. I think much of the argument upon this resolution could be made upon the silver bill which is to follow it.

Mr. CONKLING. The whole of it.

Mr. ALLISON. And, as suggested by the Senator from New York, perhaps the whole of it. This resolution has already occupied considerable time. Now, if we cannot agree to take the vote to-morrow, why can we not agree to take the vote the next day? I therefore suggest that by unanimous consent we vote on this resolution and all the amendments on Friday at four o'clock.

The PRESIDING OFFICER. The Chair understands that that can only be done by unanimous consent.

Mr. BAYARD. Mr. President, it has been very obvious to those who have attended to the debates of the Senate that there has been an anticipation of the discussion of the silver bill proper, and by far the greater number of speeches that have been made here have addressed themselves to the topics in that bill rather more than to the abstract declarations of the resolution now before the Senate. Therefore it is that I trust there will be no haste to fix an hour for the termination of this discussion, because it is obvious to every one that the consideration of the two is blended, and that if the expression of opinion is obtained in the one case without full hearing and debate it must affect the vote upon the second.

The importance of this question can scarcely be stated in terms of exaggeration; the duty of deliberation is as positive as any that can well be imagined; and so long as any Senator desires to express his views upon the propositions which are involved even in this abstract declaration, not upon an existing law, but as to what is to be the effect of a law not yet in existence—whatever may be the shape or form it may take, it does involve consequences of the most serious character, in my judgment, one way or the other, to the welfare and prosperity of the American people—I hope there will be the amplest time given for discussion, and that the honorable Senator from New York will not press his motion to fix an hour to-morrow or at any time until the Senate shall have exhausted this debate. I should be unwilling to assent to fixing an hour to-morrow. There has been a great deal said, and chiefly said in the Senate on one side of these subjects, and I think it right and proper that the other side should

be heard and that every opportunity should be given for a hearing. I trust, therefore, the motion to fix a vote for to-morrow will not be made.

I will state another fact, that just in proportion to the gravity of this question arises the necessity of discussing it with the dignity that it merits and the respect that it merits. There is no suggestion and has been none, and I think will be none, in the shape of mere dilatory debate to prolong this discussion. Nothing of that kind is suggested; and I do submit that while the conscience of any man in this body prompts him to debate this question he should be heard.

Mr. THURMAN. Mr. President, I have said nothing on this resolution beyond a few remarks that did not occupy three minutes in their deliverance on the first day the resolution was taken up for consideration. I entertain very clear and positive convictions upon the subject, very clear to my mind and very positively entertained, that this resolution contains nothing but the naked truth; but it does not embrace the whole subject that is embraced in the bill. The resolution relates to what is legal and what would be honorable, but the bill embraces not only those questions but the question what would be politic. I had hoped, therefore, that this resolution would be speedily disposed of, and I have not occupied any of the time of the Senate in discussing it. I do not regret it, for all that I could have said has been better said by other Senators; but I do think that after we have sat here three months, deducting the recess, it is about time to come to something that is practical, something that is to take the form of law if it pass the Senate and the House at all. We shall have settled simply a question of what is law and what would be honor when we shall have passed this resolution, supposing it to pass, but we shall not have determined what will be the policy of this Government, what will be the law of the land upon this silver question, as it has been called, until we come to vote upon the bill itself.

And inasmuch as the bill necessarily involves every question that can be raised upon this resolution, I, for one, do not see that in urging the Senate to fix a time, and a short time too, when the vote shall be taken upon this resolution, I am cutting off, or desiring to cut off, any Senator from the full expression of his views. I do not see that any one can be charged with attempting to stifle debate or to deprive any Senator of the full privileges that he ought to enjoy, or to injure the public service in any way, by saying "Let us stop debating this question in its present phase upon an abstract resolution, and let us go to the subject in the concrete on the bill which is before us for consideration." That injures no one; that deprives no one of the right to express his opinion; that only furthers the business of the body.

I hope, therefore, Mr. President, that we may soon come to a vote upon this resolution and get it out of the way in order that the bill may be taken up for consideration. And then there will be ample room for all who desire to express their opinions to do so, and to do so fully. For myself, believing that the remonetization of silver ought to take place, believing that it ought to be made a full legal tender, believing that you cannot maintain specie payments in this country until that be done, believing that the best interests of the whole country require that it should be done, believing that the fears which have been expressed in regard to the effect of such a measure are for the most part imaginary, I feel bound to urge, as far as it is in my power to do so, the speedy consideration and decision of these questions; and I feel that I am bound also, if necessary, to avoid consumption of time myself and give up to others who may desire to speak the floor rather than tire the patience of the Senate with anything that I could say.

I trust, sir, that some one of the suggestions that have been made, either that of the Senator from New York or that of the Senator from Iowa, will be agreed to, and that every Senator will feel that in urging such a proposition as that no one is seeking to deprive him of the right to speak, no one is seeking to stifle debate upon this question which Senators regard as of such high importance.

Mr. BLAINE. Mr. President, I do not know whether the honorable Senator from Ohio who moved this resolution [Mr. MATTHEWS] will accept a suggestion which is in my mind; but it seems to me that it would disembarass the whole question if he would consent to postpone this resolution until the silver bill is disposed of. If there is anything declaratory needed as to what the Senate thinks of that bill after it is through, let us have it then and you can have it immediately. It can come up the next day or the next hour; but it is embarrassing every one who wishes to discuss the silver bill either *pro or con*; it stands right in the way, it stands directly across the path of practical legislation. Whatever may be done with the silver bill, all Senators I think will agree that it ought to be done as promptly as possible, and if we need anything in the shape of an abstract declaration of opinion, it strikes me we could make it a good deal more intelligently after having got the bill through than upon a wild guess as to what we shall think in case the bill should pass. I hope the Senator will take that suggestion kindly. I have no wish to move it against his own desire.

Mr. MATTHEWS. I take any suggestion from the Senator from Maine kindly; but I cannot consent to this. I have no disposition to have this resolution stand in the way of the transaction of the public business; on the contrary I am most anxious that it should be got out of the way of being such an obstruction, and to that end,

feeling the responsibility I have in reference to it by virtue of having moved the resolution, I have over and over again expressed the desire anxiously to progress as rapidly as possible with its consideration, to bring the argument upon it to a conclusion, and to terminate the subject by a final vote. I am not willing to consent to postpone its consideration to give way to anything else, even to the consideration of the silver bill itself. I am willing that every gentleman who desires to be heard upon it shall speak to his heart's content, and free both his mind and his conscience. I am willing for that purpose to undergo as much personal physical inconvenience as any other Senator; and to that end, unless we can come to a unanimous understanding that will make it unnecessary, I desire to say that if a majority of the Senate will stand by me upon it I propose that upon Friday we shall sit until we have voted finally upon the resolution and all the amendments.

Several SENATORS. That is right.

Mr. MORRILL. I desire to say that I have not yet taken five minutes of time in the discussion of this resolution, and do not propose to take more than that hereafter; and the only reason for my interposing any objection to fixing a time was that I knew that my colleague desired to submit some remarks upon an amendment that he has proposed, and how long those remarks will be I do not understand; I presume, however, they will be very brief. But I think the suggestion of the Senator from Ohio is the proper one.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened and (at four o'clock and forty-three minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 23, 1878.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of yesterday was read and approved.

### REMONETIZATION OF SILVER.

Mr. FRANKLIN, by unanimous consent, presented resolutions of merchants of Kansas City, Missouri, in favor of the remonetization of silver; which were referred to the Committee on Coinage, Weights, and Measures.

### UNION PACIFIC RAILROAD.

Mr. FRANKLIN also presented resolutions of the merchants of Kansas City, Missouri, requesting that the Union Pacific Railroad be compelled to comply with its charter; which were referred to the Committee on the Judiciary.

### COLLECTION DISTRICT OF COLORADO, ETC.

Mr. PATTERSON, of Colorado, by unanimous consent, introduced a bill (H. R. No. 2689) to create a customs collection district of the State of Colorado and the Territories of Wyoming, Utah, and New Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### BANK DEPOSITS.

Mr. ELLSWORTH, by unanimous consent, introduced a bill (H. R. No. 2690) relieving bank deposits from internal-revenue taxes and dues; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

### ELIZABETH ANN PORTER.

Mr. CHALMERS, by unanimous consent, introduced a bill (H. R. No. 2691) to increase the pension of Elizabeth Ann Porter, widow of William D. Porter, late commodore United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### COMMITTEE OF ELECTIONS.

Mr. HARRIS, of Virginia. I ask consent of the House that subcommittees of the Committee of Elections have leave to sit during the sessions of the House.

There was no objection, and leave was granted accordingly.

### STEAMBOAT REGULATIONS, ETC.

Mr. REAGAN. I call for the regular order.

The SPEAKER. The regular order being called for, the House will now resume the consideration of the unfinished business of yesterday, being the bill (H. R. No. 2478) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States, concerning commerce and navigation, and the regulation of steam-vessels. The Clerk will resume the reading of the bill by sections for amendment.

The Clerk resumed the reading of the bill, and read the following:

Sec. 20. That section 4458 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 4458. Before issuing any inspection-certificate to any steamer, the collector or other chief officer of customs for the port or district shall demand and receive from the owners thereof, as a compensation for the inspection and examinations made for the year, the following sums in addition to the fees for issuing

enrollments and licenses now allowed by law according to the tonnage of the vessel; for each steam-vessel of one hundred tons or under, \$25; and, in addition thereto, for each and every ton in excess of one hundred tons, five cents.

“Each master, chief engineer, and first-class pilot, licensed as herein provided, shall pay, for every certificate granted by any inspector or inspectors, the sum of \$8; and every chief mate, engineer, and pilot of an inferior grade shall pay for every certificate so granted the sum of \$1.

“Such fees shall be paid over to the chief officer of customs in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.”

Mr. MARSH. I move to amend the section just read by striking out of the third paragraph the word “every” where it occurs before the word “certificate,” and to insert in lieu thereof the words “the first;” so that it shall read, “shall pay for the first certificate granted,” &c. I also move to add to the same paragraph the words “and for every subsequent certificate so granted to said officers there shall be paid by them \$1.”

As the bill now provides, every steamboat-man, every engineer, every mate, every pilot engaged in the water transportation of this country is required to pay a tax to the Government of from four to eight dollars per year. I think that is an unjust and unfair tax levied upon a very important class of business in this country. I know of no reason why these men should be specially taxed over any other class of men who are doing business in this country. I do not know what the statistics show, but I will venture the assertion that there are many thousands of these officers engaged in transportation upon the rivers of the West, the lakes of the Northwest, and our sea-coast, and the amount of revenue derived from this source is a very considerable sum. In my opinion it is a revenue derived from a branch of industry that ought to be relieved from taxation.

This bill requires that an engineer, a mate, or a pilot of a steam-boat or ferry-boat shall make application every year for a certificate that he is a competent person to perform the duties of that position; and in order to get this certificate every year he must pay the sum of \$8 as a tax, which goes into the Public Treasury. I submit, sir, that when the attention of the country has been and is now directed to the solution of the question of cheap transportation it is not fair or just that the water transportation of the country should be loaded down with a tax of this character. With as much propriety might you levy a tax of \$8 per year upon every railroad conductor and engineer upon all the railroads engaged in carrying the products of our land. I submit that it is unfair to impose any longer this annual tax upon these men. My amendment proposes, therefore, that for every renewal of a certificate or license the mere nominal sum of \$1 shall be paid.

Mr. REAGAN. Since the organization of the service for the inspection of vessels and the licensing of officers to command and manage them it has been the policy of Congress not to make this inspection service a charge upon the Public Treasury, but to make it self-supporting. The law, therefore, as it now stands, imposes upon masters, mates, pilots, and engineers a tax of \$10 for the first license as such officer; and for each annual renewal of that license these persons, under the law as it now stands, are required to pay a tax of \$5. It was thought that a tax of this amount would be necessary to keep up the service and to save the General Treasury from the expense of sustaining it. The committee, however, on account of the report made by the Chief of Engineers, showing that these fees have yielded an unemployed surplus, have proposed in the bill before us to make the fee for each original license \$8 instead of \$10, and for each renewal of a license \$4 instead of \$5, thus making a reduction of 20 per cent. upon the fees to be paid by this class of persons. During the last year there were 4,061 steamers inspected, the tonnage of which amounted to 1,014,912 tons. There were for the same year 4,628 masters' licenses, 908 mates' licenses, 2,204 pilots' licenses, and 6,553 engineers' licenses. The receipts from the inspection of steam-vessels were \$140,312.56; the receipts from officers' licenses \$121,345, making an aggregate available fund of \$261,657.56.

Mr. MARSH. Is that the aggregate upon tonnage and officers' licenses.

Mr. REAGAN. It is upon both. On officers' licenses alone the amount paid was \$121,345. In the disbursement of this fund the salaries paid to inspectors and clerks amounted to \$176,692; traveling and miscellaneous expenses, \$31,077.94, making a total disbursement of \$207,769.94. Deducting the amount disbursed from the amount collected, there was left to the credit of the fund a surplus of \$53,887.62.

On account of this surplus it was thought that the fees charged to these officers could be safely reduced 20 per cent.; and that is what we propose in this bill. The amendment offered by the gentleman from Illinois [Mr. MARSH] does not propose to reduce the fee for the original license below that named in the bill, which is \$8; but it proposes that upon each renewal of a license the fee shall be only \$1 instead of \$4. I suggest to him that if his amendment be adopted, either the fund will be unequal to the necessities of the service and there must be a charge upon the Treasury or the expenses of that service must go unpaid. We have supposed a reduction of 20 per cent. to be as much as could safely be made if we would preserve the efficiency of the service and protect the general Treasury against expense. With this view I submit that we had better not adopt the amendment, unless we intend to change the policy that has prevailed from the foundation of the service and make the expense of

this service a charge upon the general Treasury instead of requiring the service to defray its own expense.

Mr. DUNNELL. In order that the reasons given for the change proposed in the bill may be well understood by the House, I ask the Clerk to read a part of the report of the committee, on page 10. The argument there is well put.

The Clerk read as follows:

The other amendment is in the amount of fees for inspections and for licenses. When the original steamboat act of 1852 was passed, the fees for licenses were much less than now required. The steamboat-inspection service was not intended to be a source of income to the Government, but it was intended to so fix the amount of the fees that the inspection service should be self-sustaining.

For many years past the receipts of the inspection service have exceeded the expenses by from \$50,000 to \$80,000 each year, so that by this means a direct tax equaling this amount has been imposed upon the steamboat interest; a tax not imposed either directly or indirectly upon any other business or interest. The reduction of fees proposed in this bill applies to a class of small steamers which has come rapidly into use the past five or six years, and to the fees of licensed officers.

In respect to the former, it may be stated that in the past five or six years there have been built many small steam launches and yachts, most of them ranging from five to fifteen tons, some reaching twenty tons; these small crafts are constructed principally for private use and pleasure purposes, for fishing and gunning excursions, and with a large proportion their use is confined to some three or four months of midsummer. The law now in force requires the same fees to be paid for these small crafts as for steamers of one hundred tons. This fee of \$25 is deemed a burdensome and unnecessary exaction, especially as this class of small steamers is rarely used for commercial purposes, but principally for private use and pleasure excursions. It is therefore proposed to reduce the fee for steamers of twenty tons and under to \$15.

In respect to the fees of licensed officers, those required by the present law are thought to be unnecessarily onerous and burdensome, especially when it is not necessary to render the inspection service self-sustaining, and when it is further considered that it is a personal tax required for permission to pursue their legitimate profession or vocation for obtaining a livelihood; a tax not required from any other class of persons in the community. It is therefore recommended that the fees be reduced from \$10 to \$8 and from \$5 to \$4.

Mr. DUNNELL. I do not desire to occupy the attention of the House. I think that the statement just read from the report answers the argument presented by the gentleman from Illinois.

Mr. MARSH. In answer to the gentleman from Texas, [Mr. REAGAN,] I desire simply to say that if the reduction proposed by my amendment makes this service a charge upon the Public Treasury let it be so. I say there is no more propriety in taxing the pilots, captains, engineers, and mates of steamboats in order to maintain the inspection system adopted by Congress than to tax the same individuals for the purpose of dragging out the snags and cleaning out the sand-bars of the rivers of the West, or removing obstructions from the entrances to harbors upon the sea-coast.

I wish to call the attention of the House to what I think was an error into which the gentleman from Texas [Mr. REAGAN] fell. I stated that this bill provided that for every renewal of a certificate to a master, chief engineer, and first-class pilot, there should be paid the sum of \$8. My friend from Texas made the statement that for every renewal the payment should be \$4. But the bill which he has reported makes no such provision. It provides \$8 for every chief engineer, first-class pilot, and master, and \$4 for certificates to officers of a second grade.

Mr. REAGAN. I am willing to meet the point made by the gentleman from Illinois by an amendment.

Mr. MARSH. It seems to me in view of what I remarked before that this whole country has been agitated for the last eight years on the subject of cheap transportation, that it is time that Congress should stop taxing one of the most important branches of the transportation of the country; and I give notice now that if it is any longer insisted that the river transportation of the West and Northwest shall be subject to this class of taxation, I shall insist that a similar taxation be levied upon the railway system of the country, and that every engineer of a railroad company and every fireman and every conductor shall be placed in this respect upon an equality with these officers of the river-transportation system.

Mr. ITTNER rose.

Mr. REAGAN. Before the gentleman from Missouri proceeds with his remarks I desire to offer an amendment, to come in at line 19 of the pending section. It is as follows:

Add these words:

For each renewal of such license one-half of said sums shall be paid.

The SPEAKER. There is one amendment pending.

Mr. REAGAN. I offer it as an amendment to the amendment, or a substitute for the pending amendment.

Mr. HARRISON. The gentleman offers it in order to perfect his own bill—does he not?

Mr. REAGAN. Yes, sir.

The SPEAKER. But the Chair must recognize the fact that the amendment does not come from the committee, and therefore has not any preference over any other amendment that does not come from the committee.

Mr. ITTNER. I desire, Mr. Speaker, to add my feeble voice and influence, whatever they may be worth, in support of the amendment offered by the gentleman from Illinois, and I do not place my advocacy of the amendment upon the ground on which the gentleman from Illinois places his advocacy of it; that is, that this is a discrimination between this system of transportation and others that exist in the country. But, sir, I place my advocacy of this amendment upon

a higher ground than that, and it is because the bill provides for a taxation of the honest labor and industry of this country.

I have been amused since I had the honor to become a member of this honorable body by the championship I have listened to from different portions of this august assembly in behalf of the down-trodden and working class of this country. I call upon the champions of the laboring class to come forward now. Here is the only practical and opportune moment I have seen since I have been a member of this body for that spirit to be manifested in a true and practical exemplification of it. Questions have come up here which have been distorted or which have been sought to be distorted into an oppression of the laboring classes. When we had the appropriation before us for the international exposition at Paris we heard upon all sides of this Hall on the part of those who opposed the proposition that it was against the laboring class. Against the laboring class to exhibit your industries in a foreign land! Against the laboring class to exhibit and bring to the notice of the powers of the earth the industries of our country! What could more nearly and more truly promote the real interests of the working class than that our country should be properly and creditably represented at that exposition? If you want to increase your manufactures, your agriculture, your science, and your arts, by what more effectual mode could you do it? I know of none. Hence I say it was a piece of demagoguery to have distorted that into a question as between labor and capital or between the poor man and the rich man.

There is another point I desire to make here. In looking over the Congressional Directory I find among the honorable members of this body some two hundred and twenty-five lawyers who are practicing in the various courts of the country, and I ask what amount of license do any of you pay for your sheepskins? This matter should be taken into serious consideration; and I ask in behalf of the laboring-man who earns his bread by the sweat of his brow that this amendment shall be adopted. Even if this should entail upon the Government a cost as has been said not only of \$80,000 but a cost of \$500,000 I am willing to vote for this amendment and I hope it will be adopted.

Mr. REAGAN. I withdraw the amendment.

Mr. CONGER. This law, the amendment of which we are now considering, passed in its original form a good many years ago, and as amended from time to time as the necessities of the service required was named a law for the security of life on steam-vessels. Its sole object and the object of its amendment and of these restrictions was to provide some way to stop the alarming loss of life as well as property upon the ocean, upon our lakes, and upon our rivers, which was supposed to arise from the use of improper steamboats, worthless, worn-out boats, and which was supposed to arise from the employment of incapable, inefficient, intemperate, unfit men in command of the vessels and having charge of their running as masters, mates, pilots, engineers, &c.

The question originally was and has been all the while, whether police regulations, which have stopped the destruction of thousands of lives a year, as in some years it amounted to, from collision, from burning, from the destruction of vessels and life, whether the expense of enforcing the laws to prevent that destruction should be paid out of the Treasury of the Government or whether it should be distributed upon the boats for their inspection and upon the officers who receive certificates from the proper boards of their fitness to perform the duty of these places or not. It has been the policy of this Government to impose such an amount of the expenditure for the inspection of these boats upon the vessels as would meet that branch of the expense for examination and to impose upon these different men who present themselves as fit persons to act as captains, as pilots, as engineers, as mates, in carrying millions and millions of people upon these vessels upon our waters the expense of the certificate of the proper boards that they are fit men to have charge of the different offices; that they are competent, instructed, faithful, and that they are temperate men; to let them pay the expense of their own examination and of receiving their own certificates of fitness, which would at once give them the position, and the only thing which could give them these profitable and lucrative positions as captains, engineers, mates, and pilots.

Mr. BRAGG. I wish to ask the gentleman from Michigan [Mr. CONGER] a question.

Mr. CONGER. Let me first finish this branch of the subject. I know from having had charge of this bill in former Congresses that the expense of examination and the issuing of certificates to the different officers is greater than it should be. Former committees thought so; the board of inspectors and the inspector general thought so too; but it was thought with the additional duties imposed upon the boards of inspectors, with the design of making it a part of the police regulation of the United States for the protection of life and property, self-sustaining, that the other provision might come in, and that until Congress should have reports from the country and be enabled to determine whether the amount of expense for inspections were too great and whether the amount for licenses for these boats and officers could be reduced so as to keep them within necessary proper limits of expenditure. Now the report does show that the charges for inspection of vessels or the charges for examination of these different officers are greater than the expenditure of the whole service requires, and therefore it seems to me that the time has come when there may be a proper reduction, so far as we can judge of the different branches

of expenditure, upon that branch which does not need or require so great an expenditure. Therefore I see, and am very happy to see, that the Committee on Commerce have provided for a reduction of one-fifth upon each class of from \$10 to \$8 on the higher grade and from \$5 to \$4 on the lower grade of these officers. I think, Mr. Speaker, that that reduction is not perhaps as great as it would be safe to make, and while I think so, I think a reduction of \$1 for all subsequent certificates after the first certificate is placing the amount too low. I think the service should pay its own expenses. I think the officers who have the benefit of certificates, without which they cannot exercise the duties and privileges or the profits of their office, would be willing to pay a reasonable amount.

[Here the hammer fell.]

Mr. CONGER. I desire to make a few further remarks.

The SPEAKER. How much longer time does the gentleman require?

Mr. CONGER. Perhaps the same time I have occupied.

The SPEAKER. The gentleman, then, wants five minutes longer?

Mr. BRAGG. I desire to ask the gentleman from Michigan [Mr. CONGER] a question, if he is permitted to proceed.

The SPEAKER. Is there objection that an additional five minutes be allowed the gentleman from Michigan [Mr. CONGER?] The Chair hears none.

Mr. BRAGG. I desire to ask the gentleman from Michigan if he thinks that, under the power of Congress to regulate commerce, they should pass a law like the present, applicable to tugs used in hauling logs for the pionees on the western rivers for the benefit of saw-mills and not running into any regular navigable waters; does he think that all these tugs which guide rafts from one point to another should be subject to the tax levied upon them for the benefit of somebody who does not know as much about tug-boats as they do?

Mr. CONGER. I wish the gentleman from Wisconsin [Mr. BRAGG] had occupied his own five minutes for the discussion of this question. The inquiry does not relate to the branch of the subject now under discussion, and I am free to say that the definition of the waters over which the jurisdiction of the General Government even for such police regulations as this is a very difficult one to decide, as the gentleman would find if he undertook to define it as the law does, but this law defines all vessels navigating the waters of the United States which are connected with the general system of navigable waters.

Mr. REAGAN. It says "which are common highways of commerce."

Mr. CONGER. The definition of the term "waters" has been made after the most careful inquiry as to the powers of the Government, and I have not heard that it is an incorrect definition.

But to return to the subject concerning which I wish to make a few additional remarks. I said that I thought the sum of \$1 for the issuance of each certificate after the first was too small. I do not think there is any desire on the part of these officers that so great a reduction should be made, and I have had considerable intercourse with them in my district. I think the reduction proposed by the bill of one-fifth is a very proper one as to the first certificate, and I think we might with safety adopt the provision suggested by the gentleman from Texas [Mr. REAGAN] that each subsequent certificate to the same person for the same grade should be at one-half these rates. I think that would be satisfactory to every one, and would perhaps divide up the expenditures of the service more equally between the different branches of the service.

Of course the same board that last year examined one of these officers and certified to his fitness and ability, unless some new light shall be thrown upon his character and his requirements, would be occupied less time next year in determining the question of his fitness. It would only inquire in reference to his habits, his temperance, &c., and not in reference to the knowledge of the officer in reference to which they had already given a certificate.

There is no provision made for the laborers upon the vessels, the common sailors. The police regulations for the safety of the lives of the citizens of the United States must be enforced either by money appropriated directly from the Treasury of the United States or by imposing this expense first upon the vessels, as regards their inspection, and then upon the officers whose certificates give them the right to demand higher wages than common laborers can obtain. It should be adjusted so as not to be a hardship upon any.

There is no necessity for applying these police regulations to the little tugs that run up and down the rivers for the purpose of towing rafts and vessels, because they do not and cannot carry passengers. The great object of this law, with all its provisions for the examination of hulls and boilers and of the officers who command and manage these vessels, is to preserve the lives of citizens, passengers, crews, people who go upon these vessels. It is with just pride that I look back upon the record of disasters, of accidents, of the loss of life and property upon the waters of the United States during the last fifteen years. I am convinced that these just, wise, and humane provisions of the police regulations established by Congress have gradually year by year diminished the loss of life and property, so that what was formerly to be numbered by hundreds and, perhaps, by thousands as the instances of casualties for the year in some districts, have now ciphered set to denote the sum of the disasters. For the country at large almost 82 per cent. of the losses of life and instances of destruction of property arising from fire, collisions, and carelessness has been removed by these laws.

Therefore I would advocate the full enforcement of all the provisions of these laws. I hope there may be no relaxation in any respect. I would, however, modify them so that they would bear easily and justly upon whatever interests and persons are taxed, upon whatever property is subject to taxation. I would remove the restriction and expenses of this examination from the smaller class of boats and vessels, such as pleasure yachts, which have nothing to do directly with the security of lives and passengers, or at least I would impose a very trifling expense upon all that class of boats and vessels and upon experimental vessels, those upon which experiments are made with paddles and the use of wheels, which are by the terms of this bill so unjustly and improperly taxed.

[Here the hammer fell.]

Mr. HARRISON. I wish to advocate the amendment offered by my colleague, [Mr. MARSH.] The gentleman from Michigan [Mr. CONGER] says that he would like to see some modification of these provisions; that he does not think that this charge should be imposed upon those who navigate and manage small crafts, such as tugs and the like. The question is, what are we to do about it? These provisions do affect that craft to-day; but the gentleman offers no amendment to relieve these people.

Now I wish to take away the tax that falls annually upon laboring-men. A pilot or an engineer is examined and pronounced efficient. Every twelve months he has to come up again and pay his \$8. For what? As the gentleman says, simply for a certificate of sobriety; for, having been once examined in regard to his ability and fitness, no more time is required by the inspectors for that purpose.

It is shown by the report here that from fifty thousand to eighty thousand dollars surplus is derived from this taxation. The gentleman from Texas [Mr. REAGAN] says that that amount is required to make the law efficient and self-supporting, or some such amount. Now, let us try sometimes an experiment for the benefit of the poor man. The gentleman says we want to make this law efficient, and we have now a surplus. He thinks a reduction of 20 per cent. will be sufficient. Let us go a little further and try the experiment of releasing these laboring-men from all except the bare expense of issuing a new certificate, which will be covered by the sum of \$1. Let us try the experiment, and see if that will not effect all that we wish. Do not try to raise money from these people; they are now sufficiently oppressed. It does seem to me that now is the time, when labor is oppressed as it is, for us to extend some relief to the poor, the laboring people of the country.

Mr. TOWNSEND, of New York. I am a laboring man. [Laughter.] I belong to a different class of laborers from the engineers and masters of vessels, but to enter upon the labors of my life as a lawyer I must have a license, for which I pay \$5; and upon the payment of that I am a lawyer forever.

It is said that this system of levying license fees upon engineers, &c., is devised to protect the property and lives of citizens, and that therefore the men who thus deal with property and life ought to be licensed. Sir, in the labors of my calling we have as direct a care of the property and lives of mankind as any class of men who can be found. The very lives of men, every year, every week, every day, depend upon the capacity, the sobriety, the intelligence of lawyers; and, sir, we have not a dollar to pay after our first license.

I have tried to guide my life, public and private, upon the principle that I would demand of no other man what I would not do myself; and if as a lawyer I am not required to pay a heavy annual tax for the practice of my profession I will not impose upon any other man engaged in an honorable pursuit an annual tax.

Sir, there is nonsense in this proposition; gentlemen will pardon me for saying so. They are trying to put upon the engineers, and mates, and captains of vessels the expense of examining the vessels.

Mr. SAYLER. Oh, no!

Mr. TOWNSEND, of New York. As I understand, the deficiency relates to the whole examination.

Mr. REAGAN. The gentleman will allow me to correct an error into which he has fallen. This same bill provides fees for licensing vessels.

Mr. TOWNSEND, of New York. And it is upon the whole examination that the deficiency arises.

Mr. SAYLER. The bill makes a reduction of 20 per cent. on the present law.

Mr. TOWNSEND, of New York. I care not how much reduction there is. I, as a lawyer, was taxed \$10 a year when the necessities of the Government required it, and I paid that tax with hearty good-will. But it has been taken off. Grant that the bill proposes to reduce the tax 20 per cent., I say that it should not be what is now proposed.

Mr. SAYLER. There is no master or engineer in the business who is not in favor of this license fee, because it is necessary for the efficiency of the service.

Mr. TOWNSEND, of New York. I have not had an opportunity to consult with every engineer and master in the steam service, and therefore I cannot contradict my friend from Ohio. But I say it is an utterly wrong principle to attempt to make up for the deficiency in the expense of inspecting vessels by charging it upon these officers. If charged at all, the expense should fall upon the owners. But, sir, the public can afford to pay it. I as one of the public whose safety is looked for can afford to pay my share; the people at large

can afford to pay their proportion; but these men can not afford to bear this burden.

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

Mr. TOWNSEND, of New York. Yes, sir.

Mr. HARRISON. It is said that these parties do not object to this tax. I wish to say that there are now before the Committee on Commerce petitions very numerously signed asking for this very reduction.

Mr. LUTTRELL. Petitions by whom?

Mr. HARRISON. By pilots, engineers, and mates. I presented one myself from my own city with a long array of names. These men waited upon me and spoke of the injustice of this tax.

Mr. GOODE. I am prepared to corroborate the statement of the gentleman from Illinois, [Mr. HARRISON.] I have received myself several communications on this subject protesting against this tax.

Mr. REAGAN. I wish to occupy only a moment's time in correcting a serious error into which the gentleman from New York has fallen and by which I do not wish the House to be misled. He seems to suppose that the inspection service is supported by the fees paid by these officers. I call his attention to the fact that the bill contains this provision:

Before issuing any inspection certificate to any steamer, the collector or other chief officer of customs for the port or district shall demand and receive from the owners thereof, as a compensation for the inspection and examinations made for the year, the following sums in addition to the fees for issuing enrollments and licenses now allowed by law according to the tonnage of the vessel: for each steam-vessel of one hundred tons or under, \$25; and, in addition thereto, for each and every ton in excess of one hundred tons, five cents.

There will be an amendment offered (to which I shall make no objection) reducing the charge on small craft, such as were mentioned by the gentleman from Michigan, [Mr. CONGER.] Now, it will be seen that of this fund of \$261,657 raised from inspection fees and licenses \$140,312 arises from pay for the inspection of vessels. Gentlemen argue as if the whole \$261,657 were collected from officers of vessels, when the truth is that the larger portion of it arises from fees paid for inspection of vessels.

Mr. TOWNSEND, of New York. Let me explain what I said. It is charged, as I understand, that there is a deficiency in the total receipts. What I said was that, if there was a deficiency, the tax for inspection of vessels should be increased, and that we should not continue an unnecessary and improper tax upon these officers.

Mr. REAGAN. I will notice that in a moment. The surplus of revenue is \$53,887.

Mr. MARSH. From what sources?

Mr. REAGAN. The revenue is derived from the inspection of hulls and from licenses for officers, \$140,312 coming from inspection of hulls and \$121,657 from licenses of officers. We thought that a reduction of 20 per cent. on the licenses of officers might be made on this bill. Possibly even a greater reduction might be made; and I will sanction an amendment which will make a reduction on the licenses to be paid on small vessels.

Now, it is insisted by the gentleman from New York [Mr. TOWNSEND] that we take off the tax from the licensed officers and put it upon the hull. Does not the gentleman perceive that if that is done he still puts a tax on the particular service? But he thinks the owners should pay the tax themselves. While I desire as much as any one to see equal and just laws operating without prejudice to any class of the people, I am not willing now or at any time to sanction the idea that all taxes shall be paid by property of a particular class and that all others who may happen to have votes be exempted. Property may not have votes on this floor, but it is an interest every gentleman will see which it is necessary we should conserve and protect, and we should not assail it in order to confer special benefits and immunities on persons who happen to have the power to cast a vote.

Sir, I am persuaded that with the amendment which will be offered, to reduce the license fees on the smaller class of vessels, and which I trust will be adopted, the reduction will be as low as it will be safe to make it now. I desire again to call attention to the fact that if the spirit which underlies the remarks which have been made shall be given effect to in the adoption of this amendment, then you charge the inspection service to the General Treasury and reverse the policy on that subject which has existed from the time inspection service was inaugurated.

Mr. SAYLER. I ask for the reading of the amendment.

The amendment offered by Mr. MARSH was again read.

Mr. SAYLER. I ask the gentleman who proposed that amendment whether it includes all the officers upon every subsequent reissue of a certificate.

Mr. MARSH. It includes all who are mentioned in that section.

Mr. SAYLER. I do not see any special objection to a reduction for the reissue.

Mr. MARSH. This is all the amendment seeks to accomplish.

Mr. SAYLER. It has been stated to-day that these officers were in favor of what is here proposed. On that of course I accept the statement of the gentlemen who have these printed petitions. I hope the chairman of the committee will agree to the amendment of the gentleman from Illinois.

Mr. REAGAN. They are petitions for the reduction of these license fees, not for the abolishment of them.

Mr. MARSH. Nobody wants to abolish them.

Mr. REAGAN. Let me make an explanation. This amendment—I say it with all respect—will make the bill nonsensical, because the effect of it has not been carefully studied. The first part of the amendment proposes that—

Each master, chief engineer, and first-class pilot licensed as herein provided, shall pay for every certificate granted by any inspector or inspectors the sum of \$8.

Now that is not touched by the amendment.

Mr. MARSH. Yes, sir; it is touched by the amendment.

Mr. REAGAN. The bill proceeds—

And every chief mate, engineer, and pilot of an inferior grade shall pay for every certificate so granted the sum of \$4.

Yes, sir; the amendment does affect the first part of the paragraph, but it utterly strikes out the license fee for every inferior officer.

Mr. MARSH. It does not do that.

Mr. HARRISON. If the gentleman will simply change the punctuation he will find it all right. Let a comma be put after "dollars" in the seventeenth line and it will be all right.

Mr. FORT. I desire to ask the gentleman who has charge of the bill to inform the House what is the salary of the inspectors.

Mr. REAGAN. I will have to look at the bill to see what the chief inspector gets.

Mr. FORT. Their salaries are too high.

Mr. REAGAN. We do not at all in this bill touch the question of those salaries, and I do not think they are very high.

Mr. COX, of Ohio. I desire to call the attention of the House to the fact that it has been and is the policy of the legislation of this country to reduce as rapidly as possible taxation upon special employments. This is one of a very few exceptions remaining, and I insist upon it that it will not do for gentlemen to argue that it is necessary to pay the expenses of any such system as our inspection system, out of such special taxes upon special employments. I will not argue knowingly in a manner which can be construed to mean to favor or to court any one class of citizens. But these employments are humble ones, comparatively, and it is right to regard this, because the tax ought to be proportioned to the profit of the business, if imposed at all. There are masters and pilots upon small steamers and tug-boats running in and out of the harbors of our lakes who do not get as large salaries as any of our assistants here; probably not as much as the pages on this floor; consequently a yearly tax even of \$5 or \$8 is to them a considerable charge.

We need, therefore, to be sure that we are quite right when we say we will keep so heavy a tax upon such classes. Let us remember that we have now taken the license tax off the professions, and all ordinary employment, restricting it, as I think we now do, as nearly as it is possible, to those kinds of employments, where the Government or local authority provides a place for the work, such as hucksters, &c. We ought, in consistency, to remember that we cannot defend the tax on the ground that it is necessary to defray the cost of the inspection. The inspection of steamboats and boilers is no more a part of the governmental care for the protection of life and property than is the building of light-houses, the life-boat service, and the construction of ports of refuge, upon which we spend millions without dreaming of imposing an extra tax upon mariners or engineers on that account. Therefore, I think with the gentleman from Missouri, that the fee for the renewal of licenses ought now to be reduced to the minimum, and that we should go on hereafter in the same spirit until we reach the point where all expenditures for the general welfare shall be supported by taxes levied on general interests, and not upon special employments like this.

Mr. WILLIS, of Kentucky. I had no idea of taking part in the discussion upon this subject, but after what has been said by the gentleman from Texas [Mr. REAGAN] that the men who are intended to be benefited by this reduction are not asking it, I think it due to them that I should say that a large number of them who reside in my district do oppose this tax; and we have now before the Committee on the Revision of the Laws a petition, referred to them, signed by several hundred of these gentlemen, who ask that the tax be removed entirely, not reduced. They claim, and in my judgment claim rightly, that this is an unjust act, a relic of the war taxes; that it is odious legislation; that it is oppressive and unjust, and I think it is due to them, having no representative and no powerful friend upon this floor, to make this statement. I believe the gentlemen who have considered this question will conclude with me that this is a tax which ought not to be imposed on this class of men. It is suggested that the withdrawal of this tax will permit men to enter the service who are not qualified. I desire to say that the qualification of engineers and pilots are in no way dependent upon the amount to be paid for an examination by a board. But what I rose for the purpose of saying after the remarks of the gentleman from Texas was to protest in general against the continuation of these taxes.

Mr. REAGAN. Does the gentleman say that there is a petition upon this subject now before the Committee on the Revision of the Laws?

Mr. WILLIS, of Kentucky. There is a memorial signed by several hundred asking for the removal of this tax.

Mr. CRITTENDEN. I think if this amendment is examined carefully it will be seen that it does not strike out the tax on the original certificate or the value of the original certificate at all. It leaves

that standing at \$8, and on all subsequent annual certificates it reduces the tax to \$1, and that is just and proper.

Mr. REAGAN. The gentleman will see that it strikes out also the words included between lines 17 and 19, ending with "dollars," as follows:

And every chief mate, engineer, and pilot, of an inferior grade shall pay, for every certificate so granted, the sum of \$4.

Mr. CRITTENDEN. No, it does not strike out those words; that is to the second part of the amendment. The complaint is not against the charge of \$4 for the first certificate, but it is against the same charge for all subsequent annual certificates; but if the committee choose to reduce it down to \$1, I think that would be better. I agree with the gentleman from Kentucky, [Mr. WILLIS,] that it would be better to abolish the tax for the issue of certificates entirely. I can see no legality or justice in making a pilot or engineer pay \$8 for his certificate where a lawyer or any other officer can get his for the mere nominal price of fifty cents, the price of the seal attached to it.

Now, I will admit that there is some force in the statement of the gentleman from Illinois [Mr. HARRISON] that first-class pilots and engineers have some pride; they desire an annual examination; they desire that they should be elevated above the shysters of their profession, if I may use that phrase in connection with it, but at the same time they do not desire to be compelled to pay what is really an onerous tax, throughout their whole lives, on these annual examinations. I suppose the ordinary pilot lives about twenty-five or thirty years, engaged in his business, and you require him to pay \$8 per year for an annual certificate of examination, which would amount to \$240 or \$250, merely for the certificate upon which he can enter his profession. Such a tax as that is not required of any other profession. There is a principle about this thing. I am opposed to the whole of it. Mr. Speaker, in the constitution adopted in Missouri in 1855 lawyers were required to pay a tax of \$10 or \$25, I do not remember which, for practicing their profession. We complained of that tax. We said it was onerous. A case was made up and sent to the supreme court of Missouri, and that tax was pronounced a constitutional tax there, but it was taken to the Supreme Court of the United States and that court decided it unconstitutional, illegal, and void. Therefore, sir, as the same principle is running throughout this whole system of legislation, I cannot see why these men should be required to pay a dollar a year when we are not required to do so.

[Here the hammer fell.]

Mr. CONGER. I offer the amendment which I send to the Clerk's desk as a substitute for the proposed amendment.

The Clerk read the amendment, as follows:

Add to nineteenth line:

And for every reissue of any certificate to the same person of the same grade one-half of the original fee.

Mr. HARRISON. Will the gentleman allow me to say that there are three petitions upon this subject asking for a reduction to \$1.

Mr. DUNNELL. Why has not the gentleman submitted those petitions before?

Mr. HARRISON. They have been submitted and have been in the room of the Committee on Commerce. I sent for them and had them brought here, and if the gentleman is a member of that committee he should have seen them.

Mr. WILLIS, of Kentucky. I will state that there is a similar petition before the Committee on the Revision of the Laws. I do not know how it got there, but it was sent there by order of the House.

Mr. CONGER. Will the gentleman from Illinois [Mr. HARRISON] now hand me one of those petitions?

Mr. HARRISON. Here is one, [handing it to Mr. CONGER.]

Mr. CONGER. I see by this petition that the petitioners very wisely and properly say:

We respectfully show that these provisions adopted as to pilots and engineers during the war, (act of 1864, chapter 113,) and purely for the purpose of increasing the revenue of the Government in its financial resources at the time when they were so severely drained, ought long since to have been done away with. They are extremely burdensome and make an unjust discrimination against us, and we now ask of your honorable bodies their repeal, so far as they impose these yearly fees upon us; or if in your discretion the entire repeal of this tax be not advisable, we respectfully request the re-enactment of the act of 1852, chapter 106, section 31, the prior law regulating license fees, which was in force except as to pilots and engineers from 1852 to 1871.

Mr. HARRISON. They wanted the best they could get.

Mr. CONGER. Will the gentleman from Illinois [Mr. HARRISON] once in my life allow me to make a few remarks without his making them for me? [Laughter.]

Mr. HARRISON. I am very much afraid of the gentleman.

Mr. CONGER. The gentleman always wants to say every word in my place.

Mr. HARRISON. I should not like to be responsible for one-tenth of what the gentleman has said upon this floor.

Mr. CONGER. The gentleman would be raised higher in the estimation of the country if he could get that right. He would need no band then to proclaim his merits. [Laughter.] Now, these petitioners and all the gentlemen connected with this interest with whom I have conversed think that the tax is too high, and they ask its reduction. The committee thought so, and made a reduction of 20 per cent. for the reissue of a certificate to the same persons of the same grade. It may be still more reduced, and therefore I have offered this amendment providing that for every return of certificate

to the same person of the same grade half the original sum shall be charged. I do think, from my intercourse with these officers, that that will be perfectly satisfactory to them, and more than that I think it will furnish a sufficient sum to carry on the business of inspection.

Mr. HARRISON. I hold in my hand one petition asking for a reduction of the sum for the annual reissue of the license to \$1.

Mr. CONGER. The gentleman handed me three petitions and I took the longest and largest petition.

Mr. SAYLER. I offer the following substitute to the amendment, which I think will be satisfactory:

Line 15, after the word "every" insert "original;" also in line 18 after same word and after line 19 add, "and all licensed officers shall pay for each renewal thereof the sum of \$1."

Mr. SAYLER. Now it is unnecessary to say that there is no additional expense about the license of these officers, and I do not know any one who has a right to pay it more than themselves. They occupy special positions, and let them pay on the original certificates the amount fixed by the bill, which is a reduction of 20 or 25 per cent., and then let the renewal simply amount to \$1. I believe that will suit everybody.

Mr. GOODE. I ask for the reading of the petitions which have been referred to by the gentlemen.

The Clerk read the petitions, as follows:

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

We, the undersigned masters, mates, pilots, and engineers of the United States holding certificates of competency as such, do hereby pray that the charge of \$10 and \$5 for the granting of such license by the Federal Government be so amended as to impose a tax for first issue of \$10, and for subsequent yearly renewals \$1 for all grades of license.

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

We, the undersigned masters, mates, pilots, and engineers of the United States holding certificates of competency as such, do hereby pray that the charge of \$10 and \$5 for the granting of such license by the Federal Government be so amended as to impose a tax for first issue of \$10, and for subsequent yearly renewals \$1 for all grades of license.

Mr. GOODE. I desire to say only that I understand the amendment offered by the gentleman from Ohio [Mr. SAYLER] to be in conformity with the prayers of these petitioners.

Mr. SAYLER. That is so.

Mr. GOODE. I hope the amendment will be adopted.

Mr. WRIGHT. I would like to inquire of the chairman of the Committee on Commerce [Mr. REAGAN] why a discrimination is made between the charge for the first certificate and the charge for those subsequently granted.

Mr. REAGAN. There is no discrimination made by the bill; it is the amendment that proposes to make a discrimination. I will read the paragraph now under consideration:

Each master, chief engineer, and first-class pilot, licensed as herein provided, shall pay, for every certificate granted by any inspector or inspectors, the sum of \$8; and every chief mate, engineer, and pilot of an inferior grade shall pay, for every certificate so granted, the sum of \$4.

That is all there is in the bill. Now one word in relation to the memorials which have been read. The gentleman from Virginia [Mr. GOODE] seems to think that the object of the petitioners will be answered by the amendment of the gentleman from Ohio, [Mr. SAYLER.] If gentlemen will examine, they will find this difference between what the petitioners ask for and what is proposed by the amendment. The petitioners ask that in all cases, in reference to both classes of officers, the sum of \$10 shall be required for a license. The bill reduces the amount now required in the one case to \$8 and in the other to \$4, or a reduction of 20 per cent. Therefore, if the proposed amendment be adopted it will not be in conformity with the prayer of the petitioners, who ask that a fee of \$10 be imposed upon all classes, but it will impose a license fee of \$8 on one class and of \$4 on the other for the first certificate, and a fee of \$1 on each for the renewal of the certificates.

These persons ask for a special privilege and advantage by virtue of the licenses they have obtained. No other pilot, engineer, master, or mate, however well qualified, can get into that service and be employed and obtain its emoluments without these certificates. These men ask the important consideration of having a monopoly of that class of labor given to them for the payment of these fees.

Mr. WRIGHT. I do not think there should be so great a discrimination as that of \$8 and \$1. I think that \$5 would be sum quite sufficient for the first certificate issued, and that the sum of \$1 would be as much as should be required for the renewal of the certificate at the end of the year, or whenever there is a change of officers. That comes up to the idea set forth in the amendment offered by the gentleman from Ohio, [Mr. SAYLER.]

I happen to be myself interested in a small steamboat that runs on the Susquehanna River. It runs only twenty miles and back three times a day. Yet the men in my employ, the master, the engineers, and the fireman have to pay just as much as though it was a steamer running upon the Atlantic Ocean.

There is a question in regard to what is embraced in the term "navigable waters" which this bill ought to explain. The Susquehanna River is called a navigable stream; it is so made by an act of the Legislature. In point of fact, however, it is not to be regarded

as a navigable stream in the ordinary sense and construction which mariners put upon such a term.

The stream is not navigable for even two hundred miles from its mouth. Yet because the Legislature of Pennsylvania has designated it as a navigable stream we have to pay the same amount for licenses as is paid for licenses upon those streams which are absolutely and in point of fact navigable streams according to the true meaning of the term. Now, as I have already said, to assess this large amount upon the officers and men upon a small steamer that runs but twenty miles and back is too much. It seems to me that in all conscience \$1 is enough.

Even in regard to the first certificate, I think \$5 would be a much better figure than \$8. And when you come to look at it in another point of view, a man takes out his certificate and may not be in employment six months before he is discharged. The man who succeeds him must have his certificate, and you impose a charge upon him for that certificate of \$8 because it is the first certificate he receives. Now, if you will reduce this charge to \$5 for the first certificate, and then adopt the amendment of the gentleman from Ohio [Mr. SAYLER] imposing a charge of \$1 for each subsequent certificate, you will be doing substantial service.

Mr. TOWNSEND, of New York. As I understand the substitute proposed by the gentleman from Ohio [Mr. SAYLER] it amounts to precisely what is proposed by the original amendment offered by my friend from Illinois, [Mr. MARSH.] The amendment of the gentleman from Illinois is clear, intelligible, and drives directly at the mark. The substitute proposed by the gentleman from Ohio [Mr. SAYLER] is an effort to accomplish the same thing in another way.

Now I hope the gentleman from Ohio [Mr. SAYLER] will not press his substitute, and if he will allow me, I will give him an eminent example of the course which I think he ought to pursue. When Colonel Miles had driven Chief Joseph, of the Nez Percés, into his hole, and had him fairly cornered, General Howard, the commander-in-chief, arrived there and might have taken the command. But he said, "Colonel Miles, the position is yours; I shall leave you in command until you have disposed of this business." Now, my friend from Illinois [Mr. MARSH] has fought the battle with Chief Joseph, [laughter,] and I have no sort of doubt he has convinced the House of the correctness of his amendment. I hope, therefore, my friend from Ohio will allow "Colonel Miles" to conquer the enemy.

Mr. WRIGHT. I move to amend so as to insert \$5 instead of \$8 as the fee for the first license and \$1 for each renewal.

The SPEAKER. That is an amendment to the original text. There are already two amendments pending, and after they are disposed of the amendment of the gentleman from Pennsylvania will be in order.

The question being taken on Mr. CONGER's amendment to the amendment, it was not agreed to.

The question then recurred upon the amendment of Mr. MARSH.

Mr. SAYLER. Upon a careful examination I believe that this amendment covers precisely the ground of my proposed substitute, and in accordance with the suggestion of the gentleman from New York [Mr. TOWNSEND] I will, with the leave of the House, withdraw the substitute.

The SPEAKER. The gentleman has a right to withdraw it.

Mr. CONGER. I ask the gentleman from Illinois [Mr. MARSH] to modify his amendment so as to read "for every subsequent certificate to the same person for the same grade."

Mr. MARSH. I think that is sufficiently defined in the amendment as it stands.

Mr. CHALMERS. I would like to ask whether under this amendment a person now holding a certificate would have to pay any tax at all?

Mr. TOWNSEND, of New York. One dollar.

The question being taken on the amendment of Mr. MARSH, it was agreed to; there being ayes 123, noes not counted.

Mr. WRIGHT. I move to amend the text so as to strike out \$8 and insert \$5 as the fee for the first certificate, leaving \$1 as the fee for every renewal.

Mr. LOCKWOOD. I move to amend the amendment of the gentleman from Pennsylvania [Mr. WRIGHT] by inserting "five" instead of "one," so as to provide that \$1 shall be the fee for the certificate in every case.

Mr. WRIGHT. I will accept that as a modification of my motion, so as to make the tax uniformly \$1.

Mr. CONGER. I move to amend the amendment by striking out "\$1" and inserting "without charge." My yearnings for this class of men are gaining upon me. [Laughter.] I do not know how far the race may run; but I think nobody can go lower than that.

Mr. LOCKWOOD. I think it but just that this tax should be not more than \$1 in any case. All personal taxes imposed by the General Government have been taken off except this; these officers are the only class subject to a personal tax; and it seems to me that the time has come when this tax should be made as light as possible upon these men who earn by their own industry and exertions the position which entitles them to receive the certificate. No other class of men have such a tax imposed upon them. Lawyers pay but one tax for their original certificate; they are not subject to such an imposition year after year. It seems to me, therefore, that this tax ought to be made as low as possible.

MR. CONGER. Gentlemen of the House should consider that the men who study long to acquire the information and skill necessary to entitle them to these certificates have, when the certificate is granted, never received any compensation for the study and expense they have incurred. Hence there is great propriety, if they are qualified, in giving them the certificate without charge. After they have received a year's salary they can afford to pay \$1. Why cannot gentlemen of the House see that they should not impose a charge upon these poor studious laboring-men before they have received \$1 of remuneration? Where are the friends of the laboring-men who will not let them at least get started in life before they tax them? [Laughter.] Why is it that my friend from Pennsylvania, [Mr. WRIGHT,] whose mountain region and mining district swarm with steamboats, does not rise here and advocate this proposition with his usual zeal and energy? [Laughter.]

MR. WRIGHT. I did not understand the gentleman's language. I would like him to repeat it.

MR. CONGER. I ask the gentleman whose mining region and mountain district are swarming with steamboats why he does not come forward to save men who have spent years in studying their profession and who have never received one cent of compensation from paying anything at all till they earn something in their profession?

MR. WRIGHT. If the gentleman will go to my district and remain there, we will get along faster with the public business. [Laughter.]

MR. CONGER. I agree with the gentleman that if we both go there—if he would invite me to go with him—business would progress. [Laughter.]

The amendment of Mr. CONGER was not agreed to.

The question being then taken on the amendment of Mr. WRIGHT, as modified by the amendment of Mr. LOCKWOOD, there were—ayes 63, noes 83.

MR. LOCKWOOD and MR. WRIGHT called for the yeas and nays. The yeas and nays were not ordered.

So the amendment was not agreed to.

MR. BAGLEY. I move to amend by striking out, in line 11, the words "one hundred" and inserting "twenty," and by inserting after the word "under," in the same line, the words "\$15, and for each vessel over twenty and under one hundred tons;" so as to make the clause read:

For each steam-vessel of twenty tons or under, \$15; and for each vessel over twenty and under one hundred tons, \$25; and, in addition thereto, for each and every ton in excess of one hundred tons, five cents.

MR. REAGAN. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read the following section:

SEC. 21. That section 4463 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 4463. No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and crew sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel, on her voyage, is deprived of the services of any licensed officer without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained."

MR. LUTTRELL. I offer the amendment which I send to the desk. The Clerk read as follows:

After the word "watchman," in line 8, insert as follows:  
But no vessel sailing under the American flag shall engage or employ in any capacity whatever any Chinaman or Mongolian.

MR. LUTTRELL. I hope that amendment will prevail.

MR. SAYLER. I certainly hope it will not.

MR. LUTTRELL. I have no doubt the gentleman from Ohio hopes it will not.

MR. SAYLER. I do.

MR. LUTTRELL. I believe the gentleman is a capitalist. My amendment is that no American vessel shall employ a Mongolian or Chinaman in any capacity whatever. Now, sir, there has been a practice prevailing on our coast for those owning vessels to employ Chinese as sailors, because they can employ them at much lower figures than they can employ white men. Our people protest against it, and we have trouble in California now by reason of the employment of Chinese as sailors on American vessels. I am assured by sea captains, by those having control of vessels, that those Chinese are of no service whatever in case of trouble at sea; that in a storm they are found to be utterly useless. Yet the owners of vessels persist in employing them because they can engage them at one-fourth of what they would have to pay to an American sailor.

MR. HUBBELL. I offer the following as an addition to the amendment:

Add to the amendment the following:  
Nor any person not a resident of the State of California.

MR. LUTTRELL. I would be very glad to have that added, as it precludes the employment of the gentleman who offers it, who is not a resident of California.

The question being taken on Mr. HUBBELL's amendment, it was not agreed to.

MR. BEEBE. I move to amend the amendment of the gentleman from California by adding these words: "not a citizen of the United States."

MR. LUTTRELL. I accept the amendment.

MR. DUNNELL. Is that amendment open to debate?

THE SPEAKER. It is; for five minutes on each side, and longer, unless objection is made.

MR. DUNNELL. The amendment offered by the gentleman from New York [Mr. BEEBE] seems to me a very singular one. We must have in the service of the United States a great many men who are not citizens of the United States. We have many employed on our merchants' vessels who have, perhaps, declared their intention to become citizens, and does the gentleman propose to drive from the employment in the whole service of the merchants' transportation of the country all those who are not fully naturalized?

MR. REAGAN. If this amendment to the amendment prevails, then persons who have made their preliminary declaration of citizenship and who in many of the States can hold land would not be permitted to serve in the capacity of an ordinary seaman on board of an American vessel. It seems to me that the gentleman can hardly have contemplated the full effect of his amendment.

MR. LUTTRELL. I propose to add the words "unless he has declared his intention to become a citizen of the United States." My object is to prevent the employment of Chinese or Mongolians on our Pacific coast steamers or sail-vessels with a view to give employment to American sailors, either native-born or naturalized. My object is to give employment to those men who contribute to the support of our Government, those men who help to build up our institutions, who are prepared and are ever ready and willing to volunteer in the service of our country. I do not think it is right to employ these Chinese or Mongolians upon our steamers carrying the American flag, especially those carrying the mails.

MR. HANNA. May I ask the gentleman a question?

MR. LUTTRELL. Yes, sir.

MR. HANNA. Is there a government on earth that undertakes to make such a discrimination? Is there a single government on earth that does so?

MR. LUTTRELL. Well, sir, I will say for one that I do not believe there is a man in the Pacific Coast States, be he republican or democrat, unless he is a capitalist, but believes in making this discrimination. It is in the interest of labor, of good morals, and of good government.

MR. HANNA. The gentleman does not answer my question.

MR. ATKINS. Is it a fact that any of the Chinese are naturalized?

MR. LUTTRELL. It is. There have been several naturalized; I know of three in Sacramento within the last two years.

MR. HARRISON. Will the gentleman allow me to ask him a question for information?

MR. LUTTRELL. Yes, sir.

MR. HARRISON. Suppose an American vessel finds itself on the coast of China or some other far off country having its crew seriously reduced by sickness or death, would the gentleman require that vessel to lie there until it could send to the United States for American seamen or sailors?

MR. LUTTRELL. Yes, sir; we have found that the Chinese are of no use as sailors. We have had vessels wrecked on our coast and the Chinese have proved to be utterly useless.

MR. HARRISON. Does the gentleman understand my question? Suppose an American vessel is wrecked or disabled on the coast of China and has lost a part of its seamen; is it to lie there until it can send to America for sailors?

MR. LUTTRELL. I am in favor of protecting American seamen. [Laughter.]

MR. SAYLER. I would like to ask the gentleman from California [Mr. LUTTRELL] whether precisely the same objection does not apply to the employment of any foreigner whatever?

MR. LUTTRELL. No, sir.

MR. SAYLER. Then I ask him whether his position is not in direct violation of our treaty with that country?

MR. LUTTRELL. No, sir; I do not know that it is in violation, direct or otherwise, of our treaty with China. That treaty nowhere provides that we shall employ slaves in any capacity. I believe that no American vessel could employ men on board, even as common sailors, unless the men have declared their intention to become citizens of the United States. I believe that to be the law in time of war. I believe in encouraging the employment of Germans, Irishmen, Frenchmen, or any other Europeans; but I am opposed to employing Chinamen in any capacity.

[Here the hammer fell.]

MR. HUBBELL. I desire to call the attention of the House seriously to this question. Our trade with China to-day amounts to over \$36,000,000 in exports and imports. That trade will increase largely I hope within the next ten years. Take the case of a vessel sailing to China and clearing from a Chinese port; every one knowing anything about the character of seamen knows that they are a floating population; in other words they go in one vessel in one trip and then pass to another vessel. This amendment would simply prohibit our merchant vessels leaving ports in China after they had taken their cargoes on board for the reason that they could not man their vessels. This seems to me, if I may use the word without offense to the gentleman from California, [Mr. LUTTRELL,] to be absurd. It is to say that an American vessel lying in a Chinese port and having its cargo on board shall not be allowed to take away as seamen on board any foreigner in that port.

Mr. HARRISON. I believe that the amendment offered by the gentleman from New York [Mr. BEEBE] to the amendment of the gentleman from California [Mr. LUTTRELL] was that none but American citizens should be employed on board American vessels. Suppose an American vessel finds itself in a foreign port and the American citizen sailors who have made a voyage out in that vessel refuse to reship, what would become of the ship? In many cases a sailing-vessel has only four or five sailors and it would therefore be in their power to force the owner, the supercargo, or the captain to give them the value of the whole cargo.

Mr. LUTTRELL. Do you believe that American sailors would ship where Chinese were employed?

Mr. HARRISON. I am not giving any opinion about that. The only question I am discussing is simply this, that when a ship finds itself in a foreign port it can be manned only by American citizens. Now, you could not send an American ship back from Liverpool to New York if that provision were in force, for in a port like Liverpool they have to take such sailors as they can get there.

Mr. LUTTRELL. Does the gentleman mean to say that if an American sailor ships under a contract to go and return from China he will not keep his word the same as the gentleman from Illinois [Mr. HARRISON] or any other man?

Mr. HARRISON. That is not the question. I am not a sailor.

Mr. SAYLER. I ask for the reading of articles 5 and 6 of the treaty of 1868 with China, which renders it utterly impossible for Congress to pass any such amendment as this to the bill.

Mr. BEEBE. Before the gentleman has those articles read I desire to say a word. I do not want to be misunderstood in the remarks made by the gentleman from Illinois, [Mr. HARRISON], as they may place me in a false light. I do not intend to commit myself to the proposition of the gentleman from California [Mr. LUTTRELL] by my amendment; but it seems to me that if any legislation of this kind was had at all it ought to be had in the manner my amendment indicated.

The SPEAKER. The amendment of the gentleman from New York [Mr. BEEBE] was accepted by the gentleman from California, [Mr. LUTTRELL].

Mr. BEEBE. But I did not design it to commit myself to the amendment as amended.

Mr. GOODE. In this connection I desire to make this suggestion to the gentleman from California, that this whole Chinese question is before the Committee on Education and Labor, there being a proposition there touching the subject. It is a delicate and difficult problem, and the committee are giving it the most careful consideration, and I suggest to him that it is premature to precipitate the question at this stage on the House, and I ask him to withdraw his amendment.

Mr. SAYLER. I ask for the reading of the sections I have indicated of our treaty with China, which will determine this question.

Mr. LUTTRELL. Mr. Speaker, I desire to say—

Mr. SAYLER. I insist upon the reading of those sections.

Mr. LUTTRELL. The gentleman seems to be very anxious to have them read; we all know what they are.

Mr. SAYLER. I do not expect their reading will do the gentleman from California any good.

The Clerk read as follows:

ARTICLE V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

ARTICLE VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

Mr. SAYLER. I now ask that the Clerk read the section of the Constitution of the United States which I have marked.

The Clerk read the following:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Mr. LUTTRELL. One word in reply to the gentleman from Ohio, [Mr. SAYLER,] and then I am done. That treaty has been violated by the employment of coolies, by the establishment of a system of cooly slavery on the Pacific coast, of which I hold the evidence in my hand. They have naturalized Chinamen in the United States, in direct violation of this treaty. For that reason I have offered this amendment. But as my friend from Virginia [Mr. GOODE] says that this whole subject is now being considered by the Committee on Education and Labor, if it is the desire of the House that it shall be fully considered by that committee before it is brought before the House, I will withdraw the amendment.

Mr. SAYLER. That is right. I want the steamboat bill to pass, and I hope the gentleman will not bring forward his cooly bill now.

The SPEAKER. The amendment of the gentleman from California [Mr. LUTTRELL] has been withdrawn.

Mr. MAGINNIS. I move to amend the section now pending by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

*Provided*, That no cooly labor or other form of contract slave-labor shall be employed on American ships to the detriment of free labor.

Mr. WILLIAMS, of Oregon. I reside in the district which is so peculiarly affected by this Chinese labor, and I would be glad to have the subject fully considered by Congress. It is one of the most embarrassing and perplexing with which we have to deal, one that more directly affects the laboring classes in our country than all other questions. I hope, however, the gentleman from Montana [Mr. MAGINNIS] will not at this time insist upon his amendment to the bill, but will take the course adopted by the gentleman from California [Mr. LUTTRELL] and allow the subject to be thoroughly considered by the Committee on Education and Labor, which now has it in charge.

If this amendment should be adopted to this bill it would have but a very limited effect and will give but very slight relief to the laboring classes of the Pacific coast. I am as anxious as any gentleman can be that some plan shall be adopted which will give relief to that section of the country now suffering from this uneven competition.

Mr. FINLEY. I desire to inquire of the gentleman if his amendment proposes to exclude cooly labor entirely, or only where it is detrimental to the laboring classes?

Mr. WILLIAMS, of Oregon. This is not my amendment. I was asking the gentleman who offered it [Mr. MAGINNIS] to withdraw it and leave the subject with the committee now having it in charge.

Mr. MAGINNIS. I will withdraw the amendment.

No further amendment being offered,

The Clerk resumed the reading of the bill, and read the following:

Sec. 28. That section 448 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 448. Every steamer navigating the ocean, or any lake, bay, or sound of the United States, shall be provided with such numbers of life-boats, floats, rafts, life-preservers, and drags as will best secure the safety of all persons on board such vessel in case of disaster; and every sea-going vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the life-boats required by law provided with suitable boat-tackle for hoisting, lowering, and detaching the boats. And the board of supervising inspectors shall fix and determine, by their rules and regulations, the kind of life-boats, floats, rafts, life-preservers, and drags that shall be used on such vessels, and also the kind and capacity of pumps or other appliances for freeing the steamer from water in case of heavy leakage, the capacity of such pumps or appliances being suited to the navigation in which the steamer is employed."

Mr. WARD. I move to amend the section last read by striking out the word "and" before the words "drags as will best secure, &c.," and to insert the words, "and a suitable mortar or gun with projectiles for throwing a shot-line from the vessel to the shore in case of stranding, together with a faking-box and shot-line." And to further amend by striking out the word "and" before the words "drags shall be used on such vessels," and to insert "a mortar or gun, projectile, faking-box, and shot-line."

I do not think the gentleman having charge of this bill, the chairman of the Committee on Commerce, [Mr. REAGAN,] will have any objection to this amendment. I have no doubt the committee would have incorporated this provision in the bill if their attention had been called to the subject. It is simply applying the principle established by the Government in aid of the life-saving service, to aid in the preservation of human life on board of vessels. It is a simple and inexpensive contrivance to aid, in case of the stranding of a vessel, those on board in reaching the shore by establishing a communication between the vessel and the shore, by means of which the lives of those on board may be preserved.

In this connection I ask to have read a report from the Superintendent of the life-saving service.

The Clerk read as follows:

In closing this account of the efforts made to increase the distance which a line may be thrown to stranded vessels, occasion is taken to call the attention of ship-owners and masters of vessels to the manner in which they can cheaply and easily co-operate with the life-saving service in this respect, and in many instances obviate the difficulties with which it has to contend. They have only, in one word, to provide themselves with some simple means of getting a line to the shore from the vessel.

In most cases stranding occurs on a lee shore in gales of wind. A projectile with a shot-line attached to it, fired from the shore toward a vessel, is, in the first place, loaded with the weight of the line, and in the second place impeded by the force of the wind which both projectile and line encounter; hence the range is greatly lessened. A vessel, moreover, presents but a small mark, and if the wind be quartering or gusty it is always difficult, whatever allowance may be made, to aim a shot so as to cause the line to fall over the vessel, as the wind makes the line bow or float wide, and perhaps fall into the sea.

On the other hand, a shot fired from a vessel toward the shore under such circumstances, flies with the wind, and of course will carry a line a much greater distance. Besides, no accuracy of aim is required, as the persons on board the vessel firing the shot have the whole shore for their target.

If any owner or master of a vessel should nevertheless judge it inexpedient to provide himself with the simple ordnance, line, and faking-box recommended, there are other, if less effectual, means for establishing connection with the shore in case of wreck, which he can have no excuse for not being provided with. An instance occurred last winter, where the crew of a vessel stranded beyond the range of the shot-line used at the life-saving-stations were rescued through communication effected by means of a line attached to a box which was floated ashore from the wreck.

Mr. WARD. Now, Mr. Speaker, in addition to that testimony, I have also the report of the proceedings of the annual meeting of the board of supervising inspectors for 1877; in which the same subject is alluded to, and the necessity for some such appliance as this is emphasized. The life-saving service of the United States Government performed, during the year 1877, a most efficient work in the preservation, not only of property but also in a direction incalculably more important—human life. The records show that during the fiscal year ending June 30, 1877, the amount expended in the life-saving service was \$170,228.93; that there were one hundred and thirty-four disasters to vessels within the limits of the operations of the service, embracing as the value of vessels \$1,986,744, and as the value of cargoes \$1,306,588, making a total of \$3,293,332. Of this the property saved amounted to \$1,713,647. On board of these vessels there were fifteen hundred persons, of whom fourteen hundred and sixty-one were saved. Of the thirty-nine lost twenty-eight were on the ship *Circassian*, wrecked in December, 1876, on Squan Beach, New Jersey; and the account of this melancholy disaster establishes the fact that if the *Circassian* had been provided with the means of connecting with the shore, provided for in this amendment, even those lives might have been saved.

When it is remembered that of these one hundred and thirty-four vessels not one had the means of assisting itself in distress or of cooperating with the life-service men on shore, the importance of the provision that this amendment contemplates will be seen. A vessel is of course much more efficient to render assistance from its own deck than to be assisted from the shore. It is much easier for a vessel to reach the shore by a line and thereby establish communication with the life-service stations all along our coast than it is for men on shore to reach the vessel with a line. For this reason I have offered the amendment, providing for the use of this inexpensive appliance to aid the humane efforts of the Government.

Mr. REAGAN. The subject presented by the amendment of the gentleman from Pennsylvania was not brought to the attention of the committee. I have no authority to accept the amendment, and I am not prepared to discuss its merits. I do not know what would be the expense of providing vessels with the mortar, line, projectiles, &c., which the amendment contemplates. I have no information from vessel-owners or others connected with this service as to how their interests would be affected.

I can understand that as to very large steamers the expense might be small in proportion to the property and business concerned; as to very small vessels I can see how the proposition might possibly operate onerously in the way of expense. I have no information that is not in the possession of the House generally on this subject. While I am not prepared to offer positive opposition to the amendment I must leave it for the action of the House.

Mr. SAYLER. I do not know but that the idea of the gentleman from Pennsylvania may be developed and made very useful in the way of protecting property and life; but I hope he will not insist upon incorporating his proposition in a general bill of this kind in regard to all vessels of the United States navigating our waters. The appliance contemplated is expensive and in the main unnecessary. One of the purposes of this bill is to relieve the country from the impositions that have from time to time been made in connection with patent rights and things of that kind. Now, a small vessel of fifteen, twenty, or thirty tons could not very well afford to carry the apparatus here provided for. As to large vessels, if there is any good reason for adopting a proposition of this kind, let it be inserted in a separate bill; let us not burden this general enactment with a provision of this sort.

Mr. WARD. Let the amendment apply only to ocean steamships, if you please; they carry the largest number of passengers.

Mr. SAYLER. I do not antagonize the gentleman's proposition if it be confined to large steamers; restricted in that way I think it is well enough; but I hope it will not be introduced at this time in this general bill. Let it be put in a separate bill, referred to the Committee on Commerce, and fairly considered. It is an imposition which has never been made heretofore, and certainly the gentleman will not claim that it ought to apply to small vessels.

Mr. WARD. In reply to the suggestion of the gentleman from Ohio [Mr. SAYLER] I may say that this appliance with reference to large steamships is entirely inexpensive.

Mr. SAYLER. I think that is so.

Mr. WARD. Large steamships carry guns for the purpose of salutes and for other purposes, and in the gun consists all the expense of this appliance; outside of that it is simply a rope and a line. If it more nearly meets the views of the committee I have no objection to making the amendment to apply to ocean steamships only. That is a move in the right direction and covers the class of vessels which carry the largest number of passengers, where loss of life is greatest.

Mr. SAYLER. I have no objection to that proposition, but I think it ought to go to the Committee on Commerce.

Mr. REAGAN. I would be entirely willing to have it carefully considered by the Committee on Commerce.

Mr. SAYLER. I hope the gentleman from Pennsylvania will introduce a bill and let it go to the Committee on Commerce. This is hardly a fair way of bringing it up.

Mr. WARD. I will accept the suggestion to make the amendment apply to ocean-steamers.

The SPEAKER. Does the gentleman insist upon his amendment? Mr. WARD. I do, with the modification I have stated. I propose to insert after the word "and" the words "as to ocean steamers."

Mr. SAYLER. Does the gentleman mean, under the term "ocean steamships," to include the coastwise steamers: small steamers that ply along the coast? I hope the gentleman will let it go to the Committee on Commerce and have it fairly considered. I think that gentlemen who live on the coast would have great objection to the amendment being adopted in its present form without proper consideration.

Mr. WARD. I think the importance of the life-saving service fully justifies me in insisting on the amendment.

The question being taken on Mr. WARD's amendment, the Speaker stated that in the opinion of the Chair the ayes had it.

Mr. SAYLER. I ask for a division.

Mr. FINLEY. I wish to inquire what amendment it is we are voting on.

The SPEAKER. The Clerk will read the amendment as modified. The amendment, as modified, was read.

Mr. REAGAN. I find I was understood as saying that I approved the amendment. My purpose was to state that the subject had never been brought to the attention of the committee, and that I had had no opportunity of consulting experts or persons particularly interested in the subject. While I do not know of arguments against the proposition I do not feel at liberty to sanction it.

The House divided; and there were—ayes 74, noes 15.

Mr. DUNNELL. A quorum has not voted.

Mr. REAGAN. I hope the gentleman will not make that point.

Mr. DUNNELL. I do not insist on further count. So the amendment was adopted.

#### ORDER OF BUSINESS.

The SPEAKER. The Chair desires to state to the gentleman from Texas [Mr. REAGAN] that three o'clock has been fixed as the hour to consider the resolutions from the Senate touching the death of the late Senator BOGY, of Missouri. The Chair desires prior to that time to present several executive communications.

Mr. REAGAN. I have no objection to the bill standing over now if it retains its place.

The SPEAKER. It takes its place as unfinished business, to come up to-morrow immediately after the reading of the Journal.

MAJOR W. E. MERRILL.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of Major W. E. Merrill, Corps of Engineers, on the best methods of protecting the river commerce of Cincinnati from floes of ice in the Ohio River; which was referred to the Committee on Commerce.

#### UNITED STATES CONSULATE-GENERAL AT SHANGHAI.

The SPEAKER. The Chair also lays before the House a communication from John C. Myers, late consul-general at Shanghai, China. It will be referred to the Committee on Expenditures in the State Department, and printed.

Mr. CONGER. Is that communication from one of the Departments?

The SPEAKER. The Chair will cause the paper to be read.

The Clerk read as follows:

WASHINGTON, January 23, 1878.

SIR: I have the honor of requesting that the inclosed statement of the condition of affairs, at the United States consulate-general at Shanghai, China, may be presented to the House of Representatives. I earnestly and respectfully pray that an investigation may be had concerning the administration of the consulate-general at Shanghai during the terms in office of Hon. George F. Seward, present minister to China; O. B. Bradford, vice-consul-general and consular clerk, and myself, as consul-general.

I have the honor to be, sir, your obedient servant,

JOHN C. MYERS,  
Consul-General, (under suspension.)

HON. SAMUEL J. RANDALL,  
Speaker of the House of Representatives.

Mr. CONGER. Such a communication as that, I suppose, should be sent to the Department.

The SPEAKER. This was sent to the Speaker, and it is the duty of the Speaker to transfer it to the House. The House can then do with it what it pleases.

Mr. CONGER. I understood that only communications from the Departments were to be laid before the House.

The SPEAKER. The gentleman must understand that it is impossible for the Chair to read all such documents as this. The Chair has laid it before the House and it is for the House to dispose of it.

Mr. CONGER. This seems to be a complaint from an inferior officer, accompanied by a very large manuscript.

Mr. KILLINGER. I move that it be referred to the Committee on Foreign Affairs.

The SPEAKER. The Chair has no wish about it except that the House be informed of everything that comes to him in his official capacity. The gentleman from Pennsylvania moves to amend so as to refer the communication to the Committee on Foreign Affairs.

The question being taken, the amendment was agreed to.

D. B. WARNER.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Department of State in relation to the

claim of D. B. Warner for losses by fire; which was referred to the Committee of Claims.

DR. MARY E. WALKER.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, in reference to the claim of Dr. Mary E. Walker; which was referred to the Committee of Claims.

VENEZUELAN MIXED COMMISSION.

The SPEAKER. The Chair is requested by a member of the Committee on Foreign Affairs to make the following request of the House, with the understanding that it is a report of the Committee on Foreign Affairs:

That the testimony taken by the Committee on Foreign Affairs in the second session of the Forty-fourth Congress, on the subject of the Venezuelan mixed commission, be printed for the use of the House.

A. H. HAMILTON,  
*Member of the Committee on Foreign Affairs.*

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to MR. CAMP.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. RAINY, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (S. No. 5) authorizing Rear Admiral William Reynolds, of the United States Navy, to accept certain presents tendered him by the King of Siam; and

Joint resolution (S. No. 15) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

DEATH OF SENATOR BOGY.

The SPEAKER. The hour of three o'clock having been fixed as the time for taking up the resolutions of the Senate in relation to the death of the late Senator BOGY, of Missouri, and that hour having arrived, the Clerk will read the resolutions of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, January 16, 1878.

*Resolved*, That the Senate has received with profound sorrow the announcement of the death of Hon. LEWIS V. BOGY, late a Senator of the United States from the State of Missouri.

*Resolved*, That, as a mark of respect to the memory of Hon. LEWIS V. BOGY, the business of the Senate be now suspended, that his former associates may pay proper tribute to his public and private virtues.

*Resolved*, That, as a further mark of respect to the memory of the deceased, the members of the Senate will wear the usual badge of mourning for thirty days.

*Ordered*, That the Secretary communicate these resolutions to the House of Representatives.

Mr. COLE. Mr. Speaker, standing in the dark shadow of a great sorrow it is fitting that there should be a truce to all divisions; that, meeting to-day upon a common sacred ground, we may with fervent words of unfeigned sorrow repeat the story of a useful life. If there be animosities let them give place to better thoughts. If there be enmities let them depart this sacred spot while here we join clean hands over the grave of the departed one whose deeds, whose words are now the priceless heritage of his countrymen. Thus doing we may pluck from sorrow's crown some precious flower fragrant with the perfumes of a charity which shall sweeten the memories of him we mourn and breathe upon all hearts the impulse toward a better life.

A generation, Mr. Speaker, has passed away since first I had the pleasure of meeting LEWIS VITAL BOGY, then verging toward manhood's prime estate and giving evidence of that leadership to which his genius impelled him, the full fruition of which he afterward realized. In that long acquaintance I trust I learned in some degree to appreciate the excellencies which so well adorned his character. Let this, then, be my apology, if one were needed, for thus detaining you for a few moments that I may express, however imperfectly, those words of sorrow for the loss which our common country has sustained; as well as endeavor to exalt those virtues which he so happily possessed.

Nature had endowed our friend with a form of manly dignity and a face of remarkable suavity and impressive benevolence.

Death found strange beauty on that polished brow and dashed it out.

I need not refer to his remarkably pleasing manners; they were the admiration of all who met him; added to which his courtly yet modest bearing at once stamped him as the finished American gentleman in every sense. These gifts and graces, so much admired, were supplemented by a mind naturally strong and gifted, and which had been trained not in the halls of academic lore under the ripening touch of learned professors, but in his converse with nature, his contact with men and things, and in the brief hours of study snatched from the intervals of toil and earnest conflict with the events of life. Like so many of our countrymen who have reached great heights of distinction and honor, he, too, toiled up by thorny paths, steep and rugged ways, often almost despairing of reaching the coveted goal, yet always pressing on, if possible to secure the prize.

The senatorial seat to which he aspired in the day-dreams of youth with patriotic longings after an almost life-time struggle at length he gained. Hence, having struggled on and up, the discipline ac-

quired only the more thoroughly fitted him to sympathize with all in every grade through which he passed. How well, therefore, he filled his place his compeers have not shunned to say, and while to-day they miss his manly form, still more do they miss his wise counsels, sagacious judgment, and intelligent interpretation of the popular will.

His industry was of the highest type, work was his natural element, and his busy brain was apparently tireless in the tasks to which he addressed himself in his public duties.

His fidelity to his convictions was simply the exhibition of that remarkable integrity of character which adorned his life and shed upon it a light of unfading luster. This same characteristic gave strength to his public life, inspired confidence in all who came under his influence, and gave him a remarkable power over not only his own political associates, but also over his opponents.

I would not, Mr. Speaker, wish to lift the veil of sanctified domestic life or peer within the portals of that home now shrouded in sorrow; but allow me to say it was the home of joy, of confidence, of affection, as beautiful and pure as earth possessed.

To the Father of all we would commend this deeply stricken household. The loving words and tender acts of human sympathy are too feeble to reach the deep and painful grief caused by the removal of one so loved, so honored, in the home which he cherished with such tender affection.

To sum up the character of our friend would be to say that in him we find the wise counsellor and advocate, the high-minded, intelligent merchant, banker, and manufacturer, the statesman at once fearless and independent, incorruptible and patriotic.

In the immediate family connection we behold the devoted son, the tender brother, the fond father, the loving husband. As a friend, steadfast and immovable, careful, considerate, and obliging.

With all these virtues, however, he, too, must bow to that sure fate which is the lot of all. That pale-faced messenger which hangs upon our pathway cannot be appeased by accomplishments, either of person or mind, however beautiful or illustrious.

While to be able to say these things with truthfulness in some measure mitigates the sorrow for our loss and lends encouragement for us to imitate him in their acquirement, at the same time it teaches how great the loss his friends, his family, and his country have sustained.

May the lessons of his life inspire us with higher resolves, more fervent aspirations for usefulness, stronger desires for the attainment of excellencies of character. May his death admonish us that life is the span of man's activities, and that whatsoever the hand findeth to do we should do it with our might, that it may be said of us, as we say of him, he did what he could.

*Life's a debtor to the grave.  
Dark lattice, letting in eternal day.*

Time speeds us each with swift and tireless flight toward the land of shadows and forgetfulness. Whatever may be said or thought of us when life's transient day is o'er, may it be our lot to leave behind the heritage of a good name, the legacy of a life well spent, and to reach

*That shore  
Where storms are hushed, where tempests never rage;  
Where angry skies and blackening seas no more  
With gusty strength their roaring warfare wage;  
By them its peaceful margents shall be trod,  
Their home be heaven, and their friend be God.*

Mr. WADDELL. Mr. Speaker, forty-six years ago a youth of nineteen years of age, whose opportunities for advancement had been very few, whose means were scant, and whose prospects seemed to be in no degree flattering, wrote a letter to his mother, to whom he was devoted throughout his life, in which he expressed a determination to represent his native State of Missouri in the Senate of the United States before he was sixty years old. It was regarded as only the utterance of a youthful dreamer whose castle in the air would soon vanish before the blighting blast of adversity; but there was in the boy what fighters call "the staying quality," and it soon began to develop itself. Passing through the Black Hawk war as a private soldier, he studied law, and in 1835 stepped well-shod into that highway along which cluster most abundantly public honors in this country. Advancing rapidly and gathering fortune as he went, but encountering frequently defeat and disappointment, he kept his gaze fixed upon the goal of his youth, and finally, before the close of his sixtieth year, wrote his name in the other end of this Capitol—LEWIS V. BOGY, Senator from Missouri.

What a lesson is here! I come not to speak the language which so fittingly becomes surviving friendship on an occasion like this, for it was not my privilege to enjoy that relation in an especial manner toward him who "has fallen asleep." I am performing an office of respect and friendship for the living, upon whose suggestion I speak; and in the discharge of this duty, while yielding homage to the many virtues, private and public, which all unite in ascribing to him, this remarkable exhibition of dauntless courage and tireless devotion throughout a long life to the attainment of a high and honorable distinction seems to me to be most worthy of comment. It is a record eminently proper to place before the youth of our land for emulation. The spirit which animated him who made it is the spirit which always has and always will conquer the world. He who pos-

seses it has within him the prime element of greatness, which no obstacle can baffle, no danger appal, and which death only can destroy. Nay, sir, death itself destroys it not, for, stripped of its earthly fetters, it soars immortal toward its home. At no period of our history could the cultivation of this spirit be more wisely urged or its illustration by such examples be more appropriately alluded to than at this time, when all the depressing and demoralizing influences of prostrate industries and paralyzed commerce are at work among us; when singleness of purpose, unflagging perseverance toward noble ends, and high moral courage are so sorely needed. These were the characteristics which marked the life of the dead Senator. Let us imitate them.

Mr. Speaker, since you and I came for the first time to take our places in this Chamber there have been a score of seats made vacant by the rider of the pale horse. He has reaped a rich harvest in the splendid halls of this building.

To the past go more dead faces  
Every year;  
As the loved leave vacant places  
Every year.

Standing here and reflecting upon these things, let us heed the noble utterance of one of our immortal countrymen: "Duty" is the sublimest word in our language." These ceremonies may soon be performed for you and me; and, if so, our friends can pay us no higher tribute than to say that here and everywhere we did our duty.

Yes, the shores of life are shifting  
Every year,  
And we are seaward drifting  
Every year.  
Old places, changing, fret us,  
The living more forget us,  
There are fewer to regret us  
Every year.  
  
But the truer life draws nigher  
Every year,  
And its morning star climbs higher  
Every year;  
Earth's hold on us grows slighter,  
And the heavy burden lighter,  
And the dawn immortal brighter,  
Every year.

Mr. HATCHER. Mr. Speaker, it is fitting that I should pay my humble tribute to the memory of the distinguished Senator from Missouri, who, since our last assembling, has been called to his long home.

I represent the district in which he was born. Sixty-four years ago, in the old town of Sainte Genevieve, his eyes first opened to the light of day; and, sir, I do not in the least exceed the language of sober truth when I declare that there was not a resident of that venerable old hamlet who did not feel in the loss of Senator BOGY a personal bereavement. He had endeared himself to her people by a youth full of promise, a middle age of abundant enterprise and activity, in which they profited, and, later, by an official prominence which they seemed in one sense to share.

They mourned a man whom they knew, a man of honorable aspirations, of well-tempered ambition, of ingrained honesty, of steadfastness to friends, and incapable of doing intentional wrong even to an enemy.

Sainte Genevieve has given to the country many names that have been written high upon the tablet of fame—names that the nation delights to honor and will continue through all time to revere. I have only time to recall such as have served in this or the other House of Congress.

Commencing with John Scott, who for twelve years was a Delegate and Representative in this House from the Territory and State of Missouri; Governor Henry Dodge, who came to Sainte Genevieve, then the most prominent settlement of the new Territory, a mere boy. He served in and was a hero of both the war of 1812 and the Black Hawk war, one of the most sanguinary of our Indian conflicts. Governor Dodge was a Delegate from the Territory of Wisconsin, afterward its governor, and when largely by his efforts the State was admitted into the Union he became its first Senator, serving in that capacity for nine years.

General Augustus C. Dodge was also born in Sainte Genevieve. He was the first Delegate to Congress from the new Territory of Iowa, its first Senator, and afterward our minister to Spain.

Dr. Lewis F. Linn, who came to Sainte Genevieve with his half-brother, Governor Dodge, when but an infant, and lived there until his death, served for ten years as Senator from Missouri, being elected the last time by the unanimous vote of her Legislature.

Ex-Senator George W. Jones, who emigrated to Sainte Genevieve when a lad six years of age, was educated with Senator BOGY, and served as the last Delegate in Congress from Michigan Territory, and was for twelve years a Senator from Iowa.

Enjoying both the example and confidence of these distinguished men it is not strange that Senator BOGY in his mere youth should determine to attain to an eminence as marked as theirs; a determination which with characteristic candor he committed to writing and intrusted to a mother's kind and affectionate care.

In this renowned village, a village still, but which at the date of

Senator BOGY's birth bade fair to be the metropolis of the great West, on the 9th day of April, 1813, our deceased friend was born.

He has fought the good fight, he has finished the race, and we who survive him have assembled to do honor to his memory. All that is mortal of him has been consigned by loving hands to the old burying-ground at Saint Louis, where he now rests encircled by all but two of his children; but his example lives to inspire us to worthier purposes and greater efforts. I do not claim for Senator BOGY that he outranked in fame and reputation the distinguished names I have recalled; viewed in the light of what he accomplished it can hardly be asserted that he did. And yet, sir, I am sure that had his term of public service extended over as long a period he would have builded a reputation second to that of no other public man of the last quarter of a century. His gifts were not of a showy order; on the contrary, they were solid, and of the highest value to his constituency and the nation at large.

When he came to the Senate in 1873 he was entirely inexperienced in legislative labors. More than thirty years ago he was for a brief period a member of his State assembly, and since that time he had been employed almost exclusively in practical business life; and yet, sir, such was his facility of adaptation, so prominent his sturdy sense, his devotion to principle, his candor, and so marked his determination and ability to master the duties of his high position, that almost insensibly, and certainly without exciting opposition or inspiring envy, he steadily grew in the estimation and appreciation of his associates until he became, before half his term had expired, to be relied on as a safe guide and counsellor, and was intrusted by his party associates with the gravest responsibilities.

There was nothing of accident about all this. Those who knew him when the rather unexpected news of his election was first made known confidently predicted the result that followed. They are not less secure in the belief that had his life been spared he would have steadily advanced to the first rank of statesmanship.

What he did he did with his whole heart, might, mind, and strength. From the moment he entered Congress he devoted himself exclusively to the interests of his constituents, neglecting a large private business to the great detriment if not to the ruin of his personal fortune. He knew no other way. From the dull routine of the committee-rooms or other arduous duties connected with his honorable position his associates will testify he never attempted to escape.

During the period of vacation, when his friends pleaded with him to take the rest they felt he so much needed, he still labored untiringly. Through the entire presidential campaign, although most eager to participate in the advocacy of principles which he felt must triumph if the nation was to live, he nevertheless followed the plain path of duty, spending his entire vacation in a laborious examination of the silver question, which had been assigned by the Senate to a mixed commission, of which he was made a member.

Had he even so much as evaded this single task and taken an ocean voyage as advised by his physicians it is the opinion of his friends that he would have been restored to the robust health which was then attacked for the first time by the malaria of this latitude. As he lived he died, discharging to the last, and with his best efforts, the duties imposed on him. And when the summons came, dreadful to all but him serenely he laid down the burden of life and passed through the shadow of the valley. There were no unmanly repinings, no complaints of opportunities neglected, of wasted time, of lost occasions. With a calm confidence in the sure reward that awaited him, he folded up the book of life and bound it with the golden clasp of faith in a glorious immortality. To us he is no more. To these halls and to our councils he is forevermore a stranger. The places that have known him once shall know him no more forever. Nothing is left but his memory and example. Long shall we of his native State cherish the one and emulate the other.

Mr. PHILLIPS. Mr. Speaker, there are occasions in life which like the milestones on the highway, make us pause to measure the road we have passed, and to estimate that which may be before us. Death appeals to our sensibilities and rebukes our prejudices. Can anything so inevitable be considered a calamity. There is no misfortune in death save when it snaps in two what might have been a long and honorable life. Death is sometimes attended by horrible, and appalling circumstances, but there is nothing in death or its worst surroundings so truly appalling as a useless, purposeless life. To-day Congress pauses in its work; the great law-making mill, grinding nerve and brain, comes to a halt. It stops to pay a tribute to a dead Senator; to speak of him. Who was he? What was he? He represented a great State, the neighbor of my own. Under our representative form of government he was the chosen voice for a million and a half of people. Who shall say he was an inconsequential thing or an accident? He was selected for something. That something, like himself, makes part of our history not unworthy of the high place they held. The dead Senator of whom we speak to-day was the most distinctive, clear-cut type of one of the most remarkable elements that have blended in modern American civilization.

Two hundred years ago a young Frenchman left the outposts of the French settlements on the Lakes and, entering the Mississippi Valley by the Wisconsin River, explored the father of waters. The great valley lay like a sealed book to the enterprise and genius of the European. Long centuries before ancient civilizations had made that

valley resound to their feet. They had passed away and nothing remained of them save myth and legend and those vast mounds where they worshipped God under the symbols of fire and the sun. The rains and storms of centuries had beat upon them but not washed them away, and now great forest trees clung to them as if to consecrate them with the hoary beard of father time. Who were the builders? What were they? Over the fairy landscape bands of wandering nomads roved. Their fathers had blotted out an ancient agricultural race in blood, long, long ago, and now they flitted about like the ghosts of better things—Ishmaelites who had no abiding place and left no mark upon the earth.

The great eye of a sleepless God was upon it. With the infinite beneficence that said "Let there be light" he decreed that once more the grandest valley in all the world should be the home of myriads of happy men and women.

Father James Marquette, a young Frenchman of aristocratic family, born on the banks of the Oise, educated in the bosom of the Church, devoted to the society of Jesus ere he reached man's estate, the inspirations of his mind seem to have grasped the genius and self-sacrifice of Loyola. It is not necessary to suppose he could have comprehended the great results of the forms of society of which he was the beginning. Cole in his imaginative painting, *the voyage of life*, depicts a youth gliding down the river of time, drinking in the ever new and changeful landscape on its banks. It is a dream of a wonderful voyage, but not so wonderful as the voyage of Marquette. It was a new world, and this was its first day. He glided by the mouth of many a river that has now hundreds of towns and cities on its banks. Then a deep sleep had fallen upon it, deeper than that which fell on Adam ere Eve was created.

Four centuries before another adventurer had entered that valley from the lower end. De Soto had come with the pomp and circumstance of war. His hand was against every man, every man's hand against him. He sought another Peru or Mexico to rob. To them God seemed but to have made empires to be the victims of banditti. Discovery was a better title than possession. Avarice was the main-spring, merciless cruelty the fruit. They came flushed with great expectations, and it took years of toil, privation, and suffering to consume and destroy those hopes. Broken in body and spirit, De Soto was buried in the mighty river, and the remnant of his wretched followers were driven out of it by the men of Quegalito.

Well might the Indian warriors shout and sing as they drove out the wretched Spaniards! That victory secured them from the invaders for four generations. One hundred and forty years passed away ere the canoe of Marquette floated on the river. He came in a different way. He stood among them without a weapon, the messenger of the Prince of Peace. He brought European religion and European civilization, and wherever the foot of the Frenchman touched the earth, as from seed sown, French settlements sprung up. He hauled up his pirogue near the spot where the town of Saint Genevieve now stands, and there of that race and stock, the subject of these eulogies was born. LEWIS VITAL BOGY was in all things intensely a Frenchman, and yet in every element of his character as intensely a western American. A Frenchman of the better class, educated, nervous, active. He had all the polished urbanity of his race and the gentleness of a woman wedded to the hardy vigor of the frontiersman. Something in the clear, bracing, western atmosphere seems to have developed a new type of man.

The old French settlements had two classes, one of great intellect, vigor, enterprise—the Lacledes, Choteaus, Bogys, Menards, Vitals. I need not enumerate; these represented the class. Their names are marked on the geography of the whole western country. There was not a locality too remote for their enterprise and business. There was not a river or lake but echoed to the paddles of their batteaus. There was not an Indian tribe so hostile or barbarous that they were not familiar with them. There was not a mountain gorge inaccessible to their genius and skill. There was not a valley where they did not build trading posts and forts. They represented the best blood of old France, the genius and power of new France. They laid the foundation of a great empire. In its vigorous youth they did their full share in its sterner battles, and as the symmetry of our new forms of society assume their power and grandeur they hold their place, and blend into a broad new Americanism with the fragments of other nationalities, and perhaps the last distinct type that will ever enter the American Congress was LEWIS VITAL BOGY.

The other element of the early French settlements was the Arcadian peasant. A mixture of Indian inertia and French philosophic simplicity. There was old Kaskaskia, or as we used to call it, "Kasky," Cahoka, Prairies du Rocher, Sainte Genevieve, Vincennes, Cape Girardeau. Well do I remember them all when a boy. I have heard the old Kaskaskians say that after Saint Louis was started the people there came to "Kasky" to buy goods. Ah, these were the happy, primitive days. They cultivated corn in the "big field" where each family had a few acres. They caught wild ponies on the point. They worshipped in a chapel almost as old as Philadelphia, when the bell rang. They celebrated holidays and saints' days, and would observe them for any saint kind enough to give them one. Their towns were not laid out after the pattern of a multiplication table. Their lives were not mathematical problems with everything carried and nothing over. They had leisure. They were not ground in the mill of Moloch. They danced in Pe-whing to the music of Rafael Mart, and ran horse-

races. Their wants were few, their labors light. They ate, they drank, they danced, and they died.

There came a change. Those who had founded hamlets and villages were swept away by those who founded cities and great States. "Kasky" lost the seat of government, the county seat. Even the sisters fled from her in the flood of 1844. The energetic and enterprising left for new centers, and "Kasky" and Cahoka became rustier than ever, and existed merely that antiquities might be said to exist in the country.

Mr. BOGY's father was born in Kaskaskia, but moved to the town of Sainte Genevieve, which is just a few miles distant over the river. In 1766 the left bank of the Mississippi was ceded by France to Britain and in the war of the Revolution came to the United States. The Spaniards held the country beyond the right bank. The elder Bogy was connected with the most enterprising families in both towns and held responsible positions under the Spanish government. In 1813 LEWIS VITAL BOGY was born. In early life he indicated the thrift and energy which marked his whole career and which are so sadly lacking in the youth of the present day. He began life clerking in a store at a salary of \$200 a year. Then he went to study law with old Judge Pope, in Kaskaskia. He came of a stock that might well have been excused for putting on airs. Did he merely loaf around a lawyer's office under pretense of reading law? Old Judge Pope had a coal-bank on Mary's River, a dozen miles or more from Kaskaskia. There the young BOGY went part of his time, superintending the miners and reading the books selected by the judge. It was ride and tie between Sisyphus and Blackstone. I wish the young men of to-day would remember these lessons. The man who starts business in that way is very liable to succeed. Afterward he attended the law school at Lexington, Kentucky.

Entering his career at man's estate he cast his fortune in Saint Louis. He was closely identified with its struggles, growth, prosperity. Nor did he limit his work to the city. He did more than any other man to develop the mineral resources of Missouri, and for these she is chiefly famous. He expended nearly a million of dollars in building the Iron Mountain Railroad. He helped build his State, and it was fitting he should represent her. He carried to public position what he had shown in private life: business habits and a carefully trained legal mind.

Since my boyhood I have watched all the great development of the Mississippi Valley. In Saint Louis, not long ago, I left my hotel to walk out on the bridge, that grandest monument of human genius. Its foundations are a hundred feet deep in the channel of the river. Grand in its strength, beautiful in its symmetry, lifted heavenward above the mighty flood, as I stood and looked from its summit,

Visions of things that have long since fled  
Went over my brain like ghosts of the dead.

I remembered when a boy I entered that city almost forty years ago. Then when you got to Fourth and Fifth streets you came to bushes, and Chouteau's pond was before you. Now I looked over that great city throbbing with the mighty struggle of commercial life. Then I remembered there was not a railroad in that country, and that we struggled in through a mud unparalleled beyond the American bottom. Now the trains thundered in on twenty railroads, and made everything quiver as they swept over the great bridge. Away down the river lay the fleets of vessels and barges. The banks were environed by elevators, warehouses, wharves. Who planted and reared this commerce? Who built this city? Who developed this power and empire in the Mississippi Valley of which that city is the signet seal? Who were they? What were they?

My mind was carried back to the primitive days of old Cahoka and Kaskaskia; to the time when the men of Saint Louis went there to buy goods; back to the time when the scattered French settlements were all there was of European civilization in the Mississippi Valley; back, back, until I could almost fancy I saw the skiff of Marquette floating down the river.

Is there value in retrospect? We clutch these fragments close to us while we breathe a prayer for the future of our country and murmur: "Yesterday, to-day, and forever." Over the graves of the eminent dead, of whom these works are but the handwriting, we pause to think. My own State had its troubles with Missouri in their time, and I am too proud of that history to shed any tears on it; but, the past redeemed and sanctified, we stand by the grave to admire and sorrow with our sister-State. Gratified at her prosperity, emulous of her enterprise, I for Kansas lay a chaplet of friendship and esteem on the grave of LEWIS VITAL BOGY.

Mr. KNOTT. A variety of circumstances, Mr. Speaker, seems to render it peculiarly appropriate that I should avail myself of the present mournful occasion to pay a brief but just tribute to the memory of the patriot and statesman whose public services we would gratefully commemorate and whose private virtues we would embalm forever in the records of our country for the benefit of those who are to succeed us here when we, too, shall have gone to that undiscovered country from whose bourne no traveler returns. He was not only a native of the State within whose borders, a friendless wanderer, I stepped upon the threshold of manhood, and whose generous people I will remember with gratitude and affection as long as the vital current animates this frame, but as the well-earned reward for a long

and busy career of usefulness in her service, his brow was crowned with her brightest honors when touched by the icy finger of death.

And more than this, it was in my own native State and among those who have repeatedly honored me with a seat on this floor that he fixed the finishing links in his armor and entered upon that long and honorable career of which you have already been told so eloquently and so truthfully by his colleagues who have preceded me. But more than all, "he was my friend, faithful and just to me."

My personal acquaintance with Mr. BOGY commenced over twenty years ago, and although the relations between us from that time to the hour of his death were of the most kind and cordial nature, what I would here record concerning the more distinguishing traits in his character shall be freed as far as possible from the tinge of partial friendship, for I know that even the voice of affection cannot "soothe the dull, cold ear of death," and I would scorn to mock the memory of my friend with the language of fulsome adulation which if living he would despise.

The most striking feature in the character of Mr. BOGY, the one which more than all others distinguished him in his public and private relations in life, the one indeed which furnishes the key to his remarkably successful career, was his earnest, active, unfaltering fealty to duty. Whether as the school-teacher in the quiet shades of a rural district in Kentucky or the busy lawyer in the teeming metropolis of his native State; whether as member of the common council of Saint Louis or of the Senate of the United States, whatever duty demanded at his hands he set himself about with all the energy of his nature and all the powers of his mind.

If duty called him to defend his conscientious convictions of truth and right, whether on the hustings or in the halls of legislation, whatever was the sacrifice to himself, whether triumph lured him with its fascinating laurels or defeat stared him sternly in the face, whatever of time or money or honest effort it might cost, he flung himself boldly into the arena and bore himself bravely and gallantly in the contest.

This unwavering fealty to duty resulted no doubt from the ardent, impulsive, generous disposition for which he was peculiarly conspicuous, coupled with an exquisite sense of honor which, influenced by a careful religious education, kept his conscience ever singularly sensitive to the various obligations imposed by his public and private associations.

The same ardent and impulsive temperament, while it imparted the warm glow of devoted affection to his domestic relations, made him the earnest, active, enthusiastic friend, the enterprising, public-spirited citizen, proud of the grandeur and devoted to the progress of his native State, and the Senator whose patriotism comprehended the interests and aspired to promote the prosperity of the entire country.

He died as he had lived, a faithful, conscientious, consistent member of the Catholic Church, without a single stain upon his escutcheon as a dutiful son, an affectionate husband, a kind and indulgent father, a faithful friend, a generous neighbor, a good citizen, a devoted patriot, an unsullied statesman, an honest man, and a Christian gentleman.

**MR. SPARKS.** Mr. Speaker, when men die who were dignified by high trusts involving great responsibilities to the public it is eminently fitting that our eulogies upon them should be marked by a spirit of sincerity and truthfulness. And if there were no elements of character possessed by them to arrest attention and command commendation it were better that they should be protected by the charitable shield of silence.

Responding cordially to this sentiment and governed by a conscientious responsibility for my utterances, I deem it a duty to speak in eulogy of the life and character of the deceased Senator, in respect for whose memory the resolutions now before us were offered.

I knew him for several years quite well, and know sufficient of his early life and peculiar characteristics to speak with some confidence of the influences that developed his active and eventful manhood.

He was a descendant of Illinois ancestors. Of him we have the somewhat astonishing announcement to make that he, a man of sixty-five years of age, was the son of native-born Illinois parents.

Senator BOGY, according to my estimate of him, was not by nature a great genius, nor was he what is popularly denominated a brilliant or highly cultivated man, and, in my judgment, to attribute these qualities to him would be not only untruthful but do injustice to his memory.

He was a western man, and possessed in a high degree the peculiar characteristics of a pioneer civilization. Born and reared in the midst of the unbroken wilderness, he was characterized by a rugged, fearless nature that marked him in every stage of life and in every pursuit in which he engaged as a strong, bold, and aggressive actor.

Such a man could not be confined to precise technical formulas nor brought within the range of severe methodical rules. But in that strength and courage that grasp and solve great practical questions of a public or private character there were few men in this country his equal.

In the judgment of those most intimately acquainted with him and of those who cherish his memory most fondly his character was marked mainly by three distinguishing qualities: courage, integrity, and Christian faith.

As to his courage, no man who ever looked into his eyes and caught a gleam of its firm and fixed determination could doubt that its possessor was a man strong in purpose and fearless in execution, one whose objects sustained by conscientious convictions would be asserted with a resolution and intrepidity that no ordinary obstructions could defeat.

His integrity is written upon every page of a long life illustrated by prominent public action and varied and important business enterprises, during the whole course of which, in the language of his successor in the Senate, who had known him intimately for more than a third of a century, "his personal integrity and high sense of honor were never questioned."

Senator BOGY was also a man of deep and earnest convictions, and these convictions, always formed cautiously and with painstaking care, became to him fixed and lasting rules of action.

In this connection I propose briefly to speak of his Christian faith. His family were of French origin, and all of them of the Roman Catholic religion. It was therefore his inherited faith. Baptized in infancy by a priest of that church and nurtured carefully in childhood by a devout and pious mother, he became ardently devoted to it. In fact, it was in his religion more strongly than elsewhere that we have a striking proof of his strong, inflexible nature. To it he clung with an unyielding tenacity and a sincere and ardent devotion through the whole course of a busy and eventful life. Tolerant always of the opinions of others on all subjects, the special advocate of an unlimited religious toleration, and in all things fully up to the progressive age in which he lived, for himself he demanded, as a Christian man, the right to worship God according to his own conscience; and in the exercise of that right he sought his spiritual guide in the communion of the Church that represented the faith of his ancestors. To him a reformation that attacked the dogmas of faith of the universal Church was a revolution, which, however kindly his sympathies might be extended toward the sincere and pious men who proclaimed it, was a source of division and discord, fruitful only of disorganizing and disintegrating influences.

To him the Church of his fathers was really and truly a "rule and guide of faith," and a refuge secure and safe from the storms of rival contentions and of angry disputations. To him it was the amplification and ever-existing representative of the faith of the small circle of humble followers who stood around the Great Master on the borders of the Sea of Galilee and received from His divine lips the exalted Christian commission of unity, sanctity, apostolicity, and catholicity.

To a man possessed of a moral courage like his and with convictions such as these, angry protestations and sneering denials were each and all alike unavailing.

Sir, this is not a fitting place nor appropriate occasion to enter the field of religious controversy to determine whether his faith was wisely or unwisely founded; but I submit, with much confidence in the favorable judgment of the good men of every creed, that its sincerity and ardent zeal demand the highest admiration.

Mr. Speaker, I am quite sure that it would be a consolation to us if we could now know that, when the deep shadows of death shall have obscured us, kind friends could then truthfully say that in life we possessed that courage that never quailed in human presence; that, panoplied in the strength of an honest manhood, we always asserted and maintained a fearless and undaunted equality; but that, in the presence of the Great Judge, with head uncovered and heart deeply humbled, we yielded ever the obedience and devotion of little children.

Sir, we would like, when that solemn hour comes, that it could be truthfully said of us that, with an unwavering faith and a trust and confidence that no storms could shake, we embarked on the mystic river without a doubt and without a fear as to the bright harbor to be reached on its unseen shore beyond.

I feel, sir, on this occasion and in this presence that so far as human knowledge extends I am warranted in saying this of Senator BOGY.

**MR. THROCKMORTON.** Mr. Speaker, as a friend of the lamented Senator whose death we this day deplore, I propose to contribute something that may serve, in a slight degree, to perpetuate in the memory of those who are to come after us the high qualities of head and heart possessed by that good and amiable man.

As the executive of Texas during a period of the deepest gloom and humiliation of the people it became my duty to open a correspondence with the national authorities relative to the Indians on the borders of that State; that correspondence touching not only the conduct of the wild tribes then making war on our people, but also the condition of small bands who had never lifted their hands against the white race of the country, but who had by their long and sturdy friendship for the white people provoked and brought upon themselves the hatred and deadly enmity of the hostile tribes.

Senator BOGY was at that time Commissioner of Indian Affairs, and through my correspondence with him my first acquaintance was formed and my first conception of his high qualities of character derived.

The position held was one of grave responsibility, and its duties then, as now, were both delicate and difficult. The officer charged

with the supervision of the relations existing between the Government and the people of the United States and the aboriginal nations of the country, embracing in the aggregate three hundred thousand souls, distributed into a great number of tribes and scattered along a border extending from Texas to Alaska and covering an area of many thousands of miles, should be possessed of the highest order of administrative ability, coupled with a humane heart and a mind of rare discrimination. Such characteristics I believe belonged to Senator BOGY in an eminent degree.

The partial acquaintance formed under the circumstances to which I have referred was renewed and ripened when we subsequently met in these halls, he as a Senator and I as a Representative of our respective States.

The favorable estimate originally formed of his character was strengthened and confirmed by subsequent personal intercourse and by a somewhat close observation of his career as a public man.

He exhibited the same fullness and thoroughness of information upon public affairs, the same healthful, sober judgment of public measures, the same appreciation of the wants of the country and tender consideration of the claims of humanity, and the same resolute and independent discharge of the duties of public trust that I had before ascribed to him.

In no one degree was I disappointed, but the estimate I had formed of his character was heightened by a personal acquaintance.

Senator BOGY did not dazzle the country with his eloquence, nor attract attention to himself by sensational utterances or startling departures from the methods of the fathers, but he did impress upon the popular mind broad, generous, and humane views; did enlighten counsel, stimulate hope, and inspire confidence in the fortunes of the Republic by the brave, patient, and hopeful spirit that marked his public life.

As a public man he was fully alive to the wants of his own State, considerate and thoughtful of the necessities of the great West, an ardent advocate of liberal measures on the part of the General Government calculated to promote the commerce of the Mississippi Valley, and warmly advocating such action on the part of the Government as would insure a speedy connection by means of railways between the Mississippi River and the distant States and Territories of the Government. But, ardent as he was in favor of measures promotive of the interests of his own immediate section, his patriotism and statesmanship were broad and liberal enough to embrace every section of our country.

He was tenacious of his views, earnest in the advocacy of what he believed to be right, and energetic in whatever he undertook to accomplish.

Senator BOGY was honest and capable. In his death the National Legislature has lost one of its most industrious and useful members and the country a citizen of the loftiest character, whose intelligent and conscientious discharge of duty entitles him to the love and respect of his countrymen.

Mr. CLARK, of Missouri. Mr. Speaker, I should be unmindful of the strong promptings of love for a dead friend and indifferent to the duty I owe to the State which honored Senator BOGY with its highest trust, if I did not avail myself of the privilege of this occasion to testify my appreciation of his private worth and public virtues.

Senator BOGY was a native Missourian, having been born at the French town of Sainte Genevieve in the year 1813, seven years before the admission of the State of Missouri into the Union. He came of ancestors who settled in the far West more than a hundred years ago. While he was denied the opportunity and advantage of early intellectual training, he inherited that bold, self-reliant, and aspiring manhood which so distinguished those daring *voyageurs* who conquered the great West from savage dominion and gave it to this generation to refine and build up into the wondrous civilization which the Mississippi Valley presents to-day.

From this rude and unpromising beginning he began his life-work with the energy and hopefulness of one who aspires to great achievements. When a boy he commenced that rigid system of self-culture, and discipline which expanded a mind naturally strong so that he attained in early manhood a breadth and comprehensiveness of mind which made him a marked man in the political struggles of his State and gave promise of his future eminence. He was ambitious to be of service to his country but never a place-hunter, and was frequently chosen by his political friends to lead the forlorn hope of certain defeat, on which occasions he came to the front of battle upholding the banner of his party with the firmness and gallantry of the trained veteran. He was unusually active in his temperment, and took a deep interest in all that concerned his State, ever on the alert to defeat a policy which menaced the interests of his constituents and unflinching in his zeal in the advocacy of all great measures which promised the development of industrial enterprise.

While he was full of that sweet charity which made him tolerant of the opinions of others, always treating a political opponent with the most refined and princely courtesy, he was lion-like in his courage and firm as the rock in the conviction that the fundamental principles of his party were the perfection of republican government, always finding him their consistent and uncompromising adherent—not the blind and blatant adherence of the demagogue, but the earnest, conscientious follower of the convictions of his judgment. As in

private life he acknowledged no higher law than devotion to duty, in political action he knew no higher law than the Constitution of his country, and sought only to satisfy his ambition by a faithful and laborious discharge of the trusts confided to his keeping. Hence his views of public policy were generous, broad, and statesmanlike, looking to the good of his whole country rather than to classes and sections.

He was not a finished speaker, but a rare and fascinating talker, and never failed to impress his views, both in conversation and debate, with marked originality and force. With these characteristics he justly earned a national reputation during his short career in the United States Senate as an able and conscientious representative of his State.

But as his public life and acts have been fully treated of by distinguished gentlemen who have preceded me I turn from that field to the more inviting and congenial theme of his private and social virtues, for it is with these that our dear friend is especially embalmed in our memory. It is a task of love to speak of him as a friend, as a companion as well as a teacher and inspirer of landable ambitions of his young associates, as the substantial friend of the weak and defenseless, the helper of the helpless, and as one of God's almoners of all the sweet charities of life.

Few can miss the light of his presence and his unobtrusive counsel more than myself, who had learned not only to honor the sincerity of his purpose, his unwavering integrity, his fidelity to friends and convictions, but to love and revere him for his sweet amiability of character, his goodness of heart, his unaffected piety, in short for all those qualities which rescue human nature from the sneers of the bad and cynical. He was a Missourian, proud of the State of his nativity and justly proud of its confidence in him, always turning with a lover's eyes to the friends who had lifted him from obscurity to the highest honors in their gift. He had a keen sense of honor, with a sovereign and unfeigning contempt for all that was little and mean, and in the fearless loyalty of his heart never deserted a friend.

But it was with the home-bred charities of the heart, in the sweet retracy of domestic endearments, that our friend's character chiefly claims our admiration, always returning with ever-increasing relish to the delights and enjoyments of that sacred *penetralia* where loving wife and children pined for his return.

When from his stricken associate at Richmond, Indiana, there reached him in the last days of his tenancy of a sorely-racked body a telegraphic message expressing solicitude to learn that he was improving, his eye lighted up with a smile of forgiveness and sympathy as he dictated an assuring response. Both, as it were, clasping forgiving hands on the borders of the unknown, have passed out to the pale realms from which we receive no responses, no tidings. The one, almost for a life-time in the forefront of battle, has been extravagantly praised and censoriously censured. The other, entering official life but a few years ago, had but just begun to fulfill the expectancy of watchful friends.

Opportunity, the handmaid of renown, had waited upon the one, and it was the belief of friends who knew Senator BOGY well in that greatest of arenas, the Senate, he would have found his opportunity, had he been spared longer for the battle. Missouri may send men of equal or greater ability to that august body to which she has accredited a Benton, a Green, a Linn, and a Geyer, but she will never place there a man of purer purpose, of a more exalted conception of his duties and responsibilities as a representative, of a more unbending integrity or unflinching patriotism than he whose loss we deplore and whose memory we now commemorate.

Mr. ELLIS. Mr. Speaker, the lateness of the hour and the knowledge that others who perhaps can speak more intelligently than myself of the virtues of the illustrious dead are to follow me warns me that I must be brief. These virtues have been recited by tongues far more eloquent than mine. Missouri has come and from the lips of her distinguished sons, who so well represent here her honor and her interest, has voiced the great woe she feels as she stands today above the open-mouthed grave of her illustrious son. Other commonwealths have come, neighboring commonwealths represented by those who knew the illustrious Senator better than myself and have spoken of him words that I wish I might as fittingly speak. But I do not deem it inappropriate that the voice of Louisiana should swell this funeral cry that goes up to-day and that her tears should mingle with those that are falling upon this bier, for I do remember, sir, that when she was voiceless and silent here, when she was misrepresented at the other end of the Capitol, that Senator BOGY in the hour of her peril and her trial held with well-nerved arm the *egis* of the Constitution above her stricken form and spoke brave and great words for her disenthralment and for her peace.

Mr. Speaker, it was not my fortune to have known Senator BOGY intimately. When I came here to take my seat amongst the humblest of the members of the Forty-fourth Congress I met him and had that casual acquaintance with him which the members of the respective branches of Congress often have where no particular business interests or social opportunities bring them together closely. It was not until the unpleasant prominence into which my State was forced by her peculiar relations to the electoral count and to all the exciting questions growing out of the last Presidential election, and when Senator BOGY appealed to me for some knowledge of her laws and statutes, that I knew him well.

Afterward a measure of great importance to the entire Mississippi Valley drew us together, and it was then that I learned to measure him and to appreciate him. As briefly as I can, Mr. Speaker, I propose to utter now my estimation of him. As a man I found him frank, brave, and truthful. He was brave enough to stand alone when he believed he was right. When his convictions and his judgments combined told him that he was right he never counted friends, neither did he number his opposing foes.

I found him ever honest. I discovered that, perhaps from his origin and because of the stirring pioneer scenes and associations of his early life, there was in him that rugged honesty which never would bend to the supple requirements of this late day. I saw, too, the grand and salient features of that Spartan integrity which never could be effaced or toned down from their original proportions.

Born of French ancestry, he was ardent, impulsive, warm-hearted, and enthusiastic, quick to resent an injury, and yet ever ready to forgive when the *amende* was made. I found him always ready to extend the hand of friendship and kindness to the younger members of this House who gathered about him, and I was indebted to him more than once for much of friendly counsel and advice with regard to my own course.

The virtues of Senator BOGY, as son, as husband, and as father, have been spoken of here. There is one noble and beautiful trait of his character which it is well for us all to recall and to remember; that which was so eloquently and beautifully alluded to by my friend from North Carolina, [Mr. WADDELL,] who has already spoken. It was his love for his mother. Mr. Speaker, it too often happens that we, especially when fortune and fame smile upon us, are apt to forget her who gave us birth, or to think lightly and carelessly of that beautiful dream of our childhood; to be unmindful of that love which follows us everywhere, which smiles when we smile, which weeps when we weep, which comes to us when sorrow, misfortune, even when guilt or shame may overtake us; which wraps us in the immortal mantle of her affection, seeing only her child, refusing to believe the appearance or even the proof of guilt. Or if we do not forget, we remember only when the world has grown so dark and life so weary, when there come memories of misspent hours, of wasted time, of neglected opportunities, when innocence and youth seems so far away. In those weary times it is that we call out to her even as we do to God; that we would bring back this beautiful vision of our childhood, that we would woo her from the shadowy past; that we confess to her how weary we are of "sowing that others may reap," of "flinging away our soul's wealth," and ask her to take us back to her breast and make us all young and loving and innocent again.

Senator BOGY never forgot his mother. He kept his promise to her; he realized the pledge of his boyhood, and laid at her feet his commission as United States Senator. To him maternal love was a steady lamp that shone all through his life and was a guide to his footsteps. To him it was a hallowed memory that kept his heart ever fresh, warm, and pure. His devotion to his child has already been spoken of. It is said by those who knew him well that the first sign of his decay in himself occurred after the death of his beloved daughter. Like a careful gardener who has seen some beautiful plant grow up beneath his care, has noted its petals open and unfold into beautiful maturity, and when it dies he almost wishes to die with it; and in its decay takes prophetic premonition of his own approaching end; or like some vine that has clung so closely about the trunk of the oak until the two lives are absolutely intermingled and interwoven, when torn rudely and violently away it leaves its parent-tree a prey to enemies that turn its strength to decay and wither all its glories. So when the rude hand of death tore his child away from Senator BOGY's heart it sent its own fatal chill to the fountain of that great and noble life.

As a legislator Senator BOGY was a man of large, liberal, and enlightened views. Particularly was he devoted to the interests of the great Mississippi Valley. Surely never did the heart of Israel's prophet kindle at the thought of that Jordan-watered land which had been given by God to him and his children, as a heritage to them forever, more than did the heart of Senator BOGY kindle at the splendid possibilities of that fertile land whose ribs form the water-sheds of continents, whose chief life-vein is that rushing inland Mississippi sea, whose blood-valves are lakes with voice and expanse like oceans, whose soil is the breast which the famished nations of the world can gather and draw sustenance. It was to the interests of this valley, to the splendid possibilities of that portion of our land, that his heart ever turned with delight. Particularly do I remember how he noted carefully the progress made in the improvements at the mouth of the great river.

I well recall me now with what enthusiasm he talked of the day when, beneath the genius of Eads, the water of that mighty stream should cut the last shackle that binds the imperial West and the majestic South to the car-wheels of insolent monopoly and free them; when the great brown-winged and black-breasted birds of commerce, no matter how heavily laden, might, from ocean's rugged breast to river's peaceful bosom, come and go, and furl their storm-bronzed wings by the wharves of the great cities that margin the border of the stream.

How vividly also do I recall his tireless endeavor for the development of our commercial resources. He properly divined the cause of

the stagnation of business. He saw with true and just eye why it was that furnace-fires were dying; why it was that industry's strong arm was falling in helpless paralysis, and why, in this land of plenty, there was a cry for bread and labor. He knew that it was the over-stimulated productive powers of the country and the inadequate commercial circulation; and he knew that we must have a market for our surplus products or that stagnation and paralysis would still continue. Therefore he was very urgent in his advocacy of a line of steamers to Brazil; and he spoke to me of the shame which should mantle the brow of every American that the American flag was almost unknown in the balmy winds of those tropic seas and that the commerce of that rich South American country should be gathered by people who live so far away that the sun never shines on both lands at once, while we, basking in the same sun-bath with those South American states, had no commerce with them and were almost excluded from their ports. It was due to his energy and his tireless perseverance that that measure passed the Senate. And though that measure suffered strangulation in the close grip of this economical House, yet none the less credit is due to the tireless energy, patience, and statesmanlike foresight of Senator BOGY in urging this measure.

Mr. Speaker, his friends do not claim for him that he was a great orator, yet I remember that once when assailed in the Senate of the United States he spoke with energy, with truth, with earnestness, with that flash of eye and ring of voice and that enthusiasm of manner which then lifted him almost to the heights of sublime eloquence. Nor do I claim for him that he was one of those Vulcans, the sturdy ring of whose strokes is heard adown the centuries, beating out great thoughts and great principles. The demands of these times are rather for the earnest, plodding man of detail, the industrious man of detail and of labor, than for the man of dazzling genius. It is harder to be a giant than it was in the days agone. Owen Meredith, in *Lucille*, has very beautifully and truthfully said:

The dwarf on the dead giant's shoulders sees more  
Than the live giant's eye-sight availed to explore.

The rapid transit of news and intelligence, the easy commingling of remote people, the teeming printing-press, the thousands of books, and the easy acquisition of knowledge have raised the masses. The level of the people is higher and it is more difficult for your giant to appear above the mass than in former days. The demand of these times, as I have said, is for the man of labor, the man of detail, the man of care, the man of method, the man close enough to his people to see their wants and necessities and with the tireless energy to supply those wants and necessities. Senator BOGY was that kind of man; and if he filled full well the measure of his life, if his strength was as his days demanded, then what prouder tribute could be paid to the greatest man in the annals of the race?

The gifted and tender Dickens, above the grave of a young and lovely being, whose life was all a God-written poem, has said:

When death strikes down the innocent and young, for every fragile form from which he sets the panting spirit free a thousand virtues rise in shapes of mercy, love, and truth to walk the earth and bless it. Of every tear that surviving mortals shed o'er such green graves some good is born, some guiltless nature comes. In the destroyer's pathway there spring up bright creatures that defy his power, and his dark pathway becomes a way of light to heaven.

The thought is a very beautiful one; and if we may extend the spirit of the thought, then, indeed, will not from this grave of Senator BOGY arise splendid forms of integrity, impulses of honesty and of truth, of nobility of character that shall be felt by the generations that are to follow? Though dead, will he not speak to the people who are to come after him?

There is one sweet thought for his friends. About his grave may gather with unfeigned regret (every bitterness vanished, every partisan feeling gone) men of every race, men of every shade of political opinion, men of all political parties. Mr. Speaker, if he gave hard blows they were always in defense of the Constitution of his country or of the weak and the oppressed. No plundered commonwealth stands above his grave to-day with burning memories and with bitter tears feeling how great the burden of that charity which bids them be silent and forbids the impulse to crown his grave with the immortelles of abiding hate. No, no; above Senator BOGY's grave there lives no bitter thought or memory.

Mr. Speaker, let us endeavor to emulate his virtue; let us endeavor to so live that we may hear the call of the Great Reaper even as he heard it, calling us away to the spirit land, and that we may go as he did, "not like the quarry slave, scourged to his dungeon," but rather—

Like one that wraps the drapery of his couch  
About him, and lies down to pleasant dreams.

Mr. REA. Mr. Speaker, the services of this hour furnish material for solemn reflection.

The nation's Representatives in this Hall to-day render just tribute to the memory of LEWIS VITAL BOGY, late a Senator from the State of Missouri.

He died at his residence in the city of Saint Louis on the 20th day of September, 1877, in the sixty-fifth year of his age.

He was born on the 9th day of April, 1813, in Sainte Genevieve, now Sair to Genevieve County, in the State of Missouri, and was of French descent. His opportunities in early life for the acquisition of an education were meager, but he industriously availed himself of such means of education as the schools in that new country afforded.

He read law in the office of the late Nathaniel Pope, judge of the United States district court, and afterward became a student in the law school at Lexington, Kentucky, where he graduated in 1835. Soon after he had graduated, he opened an office in Saint Louis and entered upon the practice of law with success.

He held a number of positions of honor and trust in his city and State and also under the Federal Government prior to his election to the Senate of the United States in 1873, all of which he filled with honor to himself and his country. It is said of him that more than forty years before he was elected Senator he formed the determination to qualify himself for the Senate and to work for that end until he arrived at the age of sixty years if necessary to obtain the coveted position. This was a laudable and honorable ambition, and amidst all the vicissitudes and uncertainties of this life he lived to gratify that ambition.

Although I lived in the same State with the deceased for about one-third of a century I did not form his personal acquaintance until in the month of February, 1875, when I met him in this city. During the Forty-fourth Congress, while I was a member of this House and he a member of the Senate, he and I became well and intimately acquainted. I often during that time visited his rooms, and always found him agreeable and courteous. The more I became acquainted with him the more I appreciated his qualities of head and heart.

I believe he was a patriot and sincerely desired the peace and prosperity of the people, not only of his own State, but of the whole Union. He took a deep interest in public questions and had an opinion upon almost every question.

In my judgment he was conservative in his political views and was deeply impressed with the necessity of peace and a full restoration of confidence and good-will between the people of the North and South, under the Constitution and laws, and believed that pacific measures were best calculated to promote the desired end.

He was a man of more than ordinary ability, with strong convictions, and was ever quick and ready to defend and maintain those convictions; always bold, but courteous in debate.

Mr. Speaker, we are reminded upon this occasion of the uncertainty of life and the certainty of death; of the truth of the inspired words, "it is appointed unto man once to die." To this proposition the minds of all yield a willing assent; there is no dispute as to its truth.

The graves of countless millions, who have passed beyond the river of life into the valley of death, and the evidences of decay among the living of those laboring under disease and old age, all verify the universally accepted truth that all men must die.

The path of life is strewn with innumerable dangers all along its wending way. The enemies and destroyers of human life are countless, and are concealed in secret ambush all along the journey of life from the cradle to the grave, ever ready to seize upon their victims.

When we contemplate the innumerable dangers to which our lives have been subjected as we journeyed along we are terror-stricken and wonder that we are still living. How many hair-breadth escapes has each one of us undergone! Each one can recall many incidents of danger to his life, but it is doubtless true that the life of every individual has been exposed to an innumerable number of dangers that were and are unknown. We are ready to exclaim that in the midst of life we are in death. Death and decay are all around us.

The living should contemplate the shortness of human life. When they do so they will be admonished that there is no time to be wasted in idleness or in doing that which is worse. Compare the duration of the life of man with the duration of time as known to the human mind by and through the agencies of history and science, and how infinitesimal it becomes. In an effort to compare the duration of human life with the boundless and illimitable eternity the human mind is lost in incomprehensibility.

Oh, how little time there is for man to work! How short the time in this life for the growth of the human mind and the acquisition of knowledge and wisdom! How short the time for doing good! There is no time for doing evil without irreparable loss. There is no time for idleness and inattention. We are admonished to "work while it is day, for the night cometh when no man can work." In the terse language of Prentiss:

There is no appeal for relief from the great law which dooms us to the dust: we flourish and fade as the leaves of the forest, and the leaves that bloom and wither in a day have no fairer hold upon life than the mightiest monarch that ever shook the earth with his footsteps. Generations of men will appear and disappear as the grass, and the multitude that throngs the world to-day will disappear as the foot-steps on the shore. Men seldom think of the great event of death until the shadows fall across their own pathway, hiding from their eyes the faces of loved ones whose loving smile was the sunlight of their existence. Death is the antagonist of life, and the cold thought of the tomb is the skeleton of all feasts. We do not want to go through the dark valley, although its dark passage may lead to paradise; we do not want to lie down in the damp grave, even with princes as bed-fellows.

In the beautiful language of the poet:

Our lives are rivers, gliding free  
To that unfathomed, boundless sea,  
The silent grave.  
Thither all earthly pomp and boast  
Roll, to be swallowed up and lost  
In one dark wave.

Mr. Speaker, LEWIS VITAL BOGY is dead. His voice will be heard no more in the other end of this Capitol, neither will his voice ever again be heard in the social circle, nor in the place most sacred to all the good, the family circle. His lips are sealed in death. His

body sleeps in Calvary Cemetery, in the suburbs of the city of Saint Louis. The people of my beloved State mourn his loss. Peace be to his spirit.

Mr. CRITTENDEN. Mr. Speaker, death has invaded the Senate of the United States in two notable instances since the last Congress adjourned. Indiana and Missouri have deeply felt the intrusion, and in their common sorrow have been drawn together as loving mothers to mourn the death of their honored Senators. Death is a common leveler of all. It enters the palace of the rich and the hovel of the poor with the same indifferent step and the loved ones of such fade away under its touch into the dust of the valley. Senators and statesmen upon whose words millions have hung with eager ears in their fierce forensic combats for fame, for policies, and power, are as unable to resist its mandates as the babe that sleeps in its weakness upon its mother's bosom. It is the most successful conqueror of all. It awaits the triumph of earth's greatest leaders until the applause of mankind has made its hero drunken with praise, and then by its touch it scatters the weak ones and makes the great and the strong waste away as the morning dew. No mortal was nor will ever be beyond its reach. As the first man, so must the last be obedient to its jurisdiction. Whenever it appears in this Hall or elsewhere, how deeply hushed is the voice of anger, how still is the pen of censure!

This is a beautiful trait in human nature. All are willing that the evils done in this life shall be buried in the grave of the deceased and his virtues only be left to bloom and blossom over the paths of the living. These two Senators had their faults like mankind in general, were full of the frailties of human nature, yet they each possessed many eminent virtues. In battle they were the fiercest warriors; in moments of truce they were as calm and gentle toward each other as men of force and gallantry always are. They stood as resolute and uncompromising leaders in the Senate only a few months ago, contending like giants for the great stake of the Presidency, giving and receiving blows that shook our country from verge to center, and almost caused—

Red battle to stamp her foot and nations feel the shock, each in all probability incurring the fatal disease in the struggle. And yet, when the controversy was over and the victory won, in the contest of words and law rather than in blood and pain, both retired from the scene, that grand *gaudia certaminis*, wearied and worn, never to return again. They were friends when in the Senate, and greater friends upon their death-beds. The one was confined during his last illness at Richmond, Indiana, and the other at Saint Louis, Missouri. Each was daily inquisitive about the condition of the other, and as each grew worse words of comfort and confidence passed by mail and by wire from one to the other. Governor Morton's last telegram to Senator BOGY was received a few moments after the latter had died, and when so advised, he was deeply affected and murmured a short prayer for his peaceful rest. Missouri, in the presence of her dead Senator, tenders to Indiana her words of grief and sorrow, and here renews the hope that the elevated friendship that existed between their Senators in life, and so beautifully closed with their deaths, should be but the commencement of a broader and deeper friendship between the peoples of these two great Western States, so grandly situated for agricultural and commercial purposes, and which are already bound together by so many ties of blood, interest, and commerce.

Governor Morton was the extraordinary man of this age. He never followed in anything; always led with surpassing ability and boldness. His great State will rally around his name as Kentucky does around that of Mr. Clay. When in battle of words he hit hard licks, as such battles with him meant war and war meant blood. In the social circle he was as kind and gentle as a woman, always pleasing, never provoking. Although directing millions of money he never polluted his fingers with one dollar that did not belong to him. He had great faults, he had great virtues. Peace to Oliver P. Morton!

Indiana and Missouri are two great factors in national supremacy, located as they are in the center of an immense empire. As the streams of each mingle together at last in one grand river and are forever lost in that one, diversified although they may once have been in their native States, so may our struggles, our hopes, our interests, at last be centered in our national greatness, and all be richly consummated in a "Union, one and inseparable, now and forever." Castellar, that man of genius and humanity, said in a letter of condolence to Madame Thiers, after the death of her world-renowned husband:

France loses her first statesman, liberty her most prudent defender, the republic its recognized leader, Europe a glorious name which holds a foremost title on the continent, humanity one of its lights which by their brightness paled the stars of heaven, less luminous than great souls.

This is the language of human apotheosis unfitted to our age, our people, our country. Yet to-day, over the freshly made graves of the deceased Senators, there are followers of each who are willing to reiterate the same language about their deceased leaders. It may be the sentimentalism of love, to a certain extent, from bruised hearts and lacerated feelings poured forth in words of praise in their moments of sorrow. Yet it is not manly to condemn such admiration, as it is the noblest sentiment of human nature that survives the fall. It is natural to love our dead, whether our own blood, our kindred, or our leaders. Men differed as to the honesty, sagacity, and ability of each of those Senators, and in moments of excitement severely criticised

their public and private acts; but as they have been gathered to their reward, where mistakes are never made, judgments never reversed, we should bid them live forever unvexed and unwearied by the song of praise or the criminations of language. They are beyond the reach of either.

Can storied urn or animated bust,  
Back to its mansion call the fleeting breath?  
Can honor's voice provoke the silent dust,  
Or flattery soothe the dull, cold ear of death?

The praises of the dead never fret the living. So with each no words of contention will be provoked. The verge of the grave should ever be the limit of severe criticism. When God's voice is heard man's should be stilled.

Senator BOGY died at his residence in Saint Louis on the 20th day of September, 1877, in full possession of his mental faculties, surrounded by his family, his friends, and his Church, that great ministering angel which stands to-day and has for eighteen centuries stood at the bedside of the living and the dying, on every continent, under every sun, ever pointing in solemn majesty to Him who is the resurrection and the life. Senator BOGY was well known in Missouri, was greatly respected in every part of it. He was born in Sainte Genevieve, Missouri, on the 9th day of April, 1813, in the midst of the most cultivated part of the then Territory of Missouri. His advantages for education at that early day, in that sparsely settled part of the country, were limited. He availed himself of the best school within his reach and means, a Catholic school at Perryville, Missouri, and soon by his energy and ability became one of the best scholars in that unpretentious school. At the age of fourteen he became a victim to white-swelling in his right leg, which so completely prostrated him for eighteen months that he was unable to leave his bed.

It was during those long, painful months that he filled his mind with those rich stores of history, legend, and song which ever afterward made him the autocrat in the social circle, at the bar, in the forum, in the Senate. His attending physician during his illness was Dr. Lewis F. Linn, an accomplished gentleman and surgeon, who afterward became United States Senator from Missouri. Dr. Linn, discovering in his suffering patient a boy of rare promise, of strong mind, of graceful manners, of sweet voice, of genial disposition, of ambitious hopes, at once advised him to study law. He consulted his parents about the important step, and they, acquiescing in the proposition, sent him with an old family friend, William Shannon, to Kaskaskia, Illinois, to pursue the study with Nathaniel Pope, then judge of the United States district court and possessing the best law and miscellaneous library in that section of the country. Young BOGY, without undue pride, properly measuring his own inherent powers and feeling the deep impulses of his own aspirations to make a man worthy of the hopes of his parents and friends, wrote and sent to his mother the following letter, so significant, so plain, so worthy of imitation by the young men of our land:

ST. GENEVIEVE, January 16, 1832.

On this day I left home, under charge of Mr. William Shannon, an old friend of my father, to go to Kaskaskia to read law in the office of Judge Pope. My education is limited, but with hard study I may overcome it. I am determined to try; and my intention is to return to my native State to practice law if I can qualify myself, and, while doing so, to work to become United States Senator for my native State and to work for this until I am sixty years old. I will pray God to give me the resolution to persevere in this intention. I have communicated this to my mother and given her this paper to keep, so help me God.

LEWIS V. BOGY.

This is but another instance of what determination and application can do. No boy, in this or any age, ever determined with a bold and tireless resolution to accomplish any fact, reach any point, attain any position in life, that it was not done. The resolution must not be a feeble one, the licks struck must not be feeble ones, such as bend pins or crush straws, but must be that faith that removes mountains, the resolution that surmounts all obstacles, the blows that weld great pieces of iron together, the will that says there is no such word as "fail." Who but a mother, sweet blessed mother, would have preserved for so many long years that little parcel of paper, written in a boyish hand, inspired by a boyish dream, so worthless then, so valuable after its fulfillment? Others would have thrown it aside as the dreamings of a visionary boy, but that mother laid it away, embalmed in her sacred tears, with a mother's prayers, with a mother's hopes. How often are a mother's hopes, a mother's tears, the premonition "of coming events."

Mrs. BOGY died before the son commenced his upward career, before he became "United States Senator for his native State." No man ever had truer, bolder, wiser friends anywhere than Senator BOGY had in Southeast Missouri, and those people never had a truer, nobler, wiser defender than Senator BOGY. Such friendship, such fidelity is worthy of the people, is worthy of their leader. They made the boy a Senator and he made himself an eloquent defender of them. People as well as occasions make some men great, in fact, create men for great purposes. The enthusiasm of the French made Napoleon great, and he in return made France great by reason of that enthusiasm. If Senator BOGY was not possessed of a national reputation when elected Senator from his native State, he was familiarly known all over the State, he had served in the Legislature of Missouri, and was the equal and peer of such men as Blair, Rollins, Doniphan, and Hall, as brave, eloquent, and able men as ever graced the forum of any State.

Early imbibing whig doctrines from such leaders as Clay, Webster, Clayton, and Ewing, he was ever ready to defend all legitimate schemes of internal and foreign commerce, and to him we in Missouri owe much gratitude for the advanced position of our railroad and manufacturing systems, for he believed, as far back as 1832, that "Missouri was destined to become the leading Commonwealth of the Union." He had great and abiding faith in Missouri, her external and internal wealth, her immense capacities and possibilities, and had not the evils of unwise financial legislation rested so heavily upon her his brightest anticipations would have been realized in his lifetime. He loved his native State with childish idolatry, and would resent any reflection upon its capacity or honor, its intelligence and its morality. When a law student at Lexington, Kentucky, in 1834, a New England minister who had been traveling through Indiana, Illinois, and Missouri delivered a lecture on the "Far West" at Lexington, and spoke disparagingly of Saint Louis, "its commerce and business," of its religion and morality, of the abandoned character of the Jews, French, and Catholic Church. Mr. BOGY, then only about twenty years old, was in the audience, which was large and intelligent. He listened to the lecturer with some patience until he annoyed upon the women of his State with unbecoming severity, which so aroused the fiery zeal of his nature that he jumped from his seat and in a loud voice exclaimed, "Now, stop, sir! I pronounce what you say about Saint Louis and its people an absolute falsehood."

There was great consternation. The minister was staggered. He paused some time and then expressed a hope that he would not meet again with such a rude and unwanted interruption. Mr. BOGY's friends tried to quiet him, but he got up again and said, "As long as you only slandered men I could stand it, but when you speak of my countrywomen in the way you did I had to rebuke you and shall do so again if you dare to insult them again." There was a distinct murmur of applause in the audience, and the minister brought his lecture to a rather premature close.

It was the spirit of the man developed in the boy at that early age. It exhibited itself in every phase of his life, whether in the school-room, at the bar, in the Legislature, or in the Senate of the United States. No clearer sentences ever rang out upon the ear of the Senate than when, in a moment of great national excitement, he said:

Sir, the names of Jeffreys and Norbury have come down to us in English history for ages past, covered with disgrace and shame because they were corrupt judges; and the name of that man who changed his vote upon that commission so as to change the votes of Florida from Tilden to Hayes [Justice Bradley] will go down to after-ages covered with equal shame and disgrace. His name will be associated with Norbury and Jeffreys, linked together by a chain of infamy, and never will it be pronounced without a hiss from all good men in this country.

As to the policy or impolicy of the utterance I have nothing to say at this time. I only use it as an illustration of his boldness and fearlessness when he believed a great wrong was being done.

Senator BOGY was a man of enlarged views; nothing small or illiberal about him; never looking for moles or blemishes in the character of any man, never questioning the character of any one without cause; never making unbecoming remarks about ladies, ever treating them with knightly courtesy and unsuspecting confidence; as gentle and kind to children as a mother, and always ready to view human nature with a half-closed eye, and was ever more ready to defend than to prosecute, to justify than to villify; had but little patience with a man claiming to be without faults, without regrets, for he said no man could be good without having feelings of regret every day of his life because of some inconsiderate expression, some rash act. He possessed an unusually well-balanced mind and temper; seldom irritated or irritable, always bright and cheerful at his own fireside and in the social circle, believing, as I have often heard him say, that life was too short for a man to make himself or others miserable by harsh remarks and vulgar passions; although a warm partisan, ever ready to defend his political and religious creeds with chivalrous alacrity, yet his urbanity and earnestness were so distinguished as to secure even the respect of his opponents. He had few enemies anywhere, many friends everywhere. His life was full of sweetness at home and abroad, ever marking him as a prince and a gentleman, a patriot and a Christian, a statesman and a Senator; never, even in the last days of his life, when misfortunes gathered fast and thick around him, when the sharpened pains of the fatal disease were less than the pangs of a troubled mind, forgetting that he was a gentleman and a Senator. Such a man cannot be unmade, cannot be broken down.

Not all the water in the rough rude sea  
Can wash the balm from an anointed king.

His life was a model one, worthy of severe imitation by the old as well as the young, and his memory should long be treasured in our own great State. His life may not have been as resplendent with some one marked deed, some one noted charity, some one brilliant speech as often gave great reputation to some men; but it was filled all the way from manhood to the grave with thousands of noble deeds, thousands of heaven-recognized charities, and countless speeches of the sweetest purity and happiest results. He has left his impress on society, that will long survive him and be a rich heritage to his children.

Mr. Speaker, noble deeds will be reported, distinguished services will be remembered, the works of good men follow them. Some one has uttered the golden thought that—

The planet, the pebble, goes attended by its shadow. The rolling rock leaves its track upon the mountain, the river its channel in the soil, the animal its bones

in the stratum, the fern and the leaf its modest epitaph in the coal. The falling drop makes its sepulcher in the sand or stone; not a foot steps in the snow or along the ground but prints in characters more or less lasting a map of its march, and every act of the man inscribes itself in the memories of his fellows. The air is full of sounds, the sky of tokens, the ground is all memoranda and signatures, and every object is covered over with hints which speak to the intelligent.

Senator BOGY as a Senator never forgot that he was once an unknown school-teacher in the mountains of Kentucky; and the lessons he then learned made him in after-life, when the applause of listening Senators honored his career, considerate of and kind to young men struggling against the decrees of adversity. He never forgot that he was once poor, once unknown, once "without a local habitation or a name." Vulgar minds, vulgar natures, only do. Be-  
shal Hall once said:

Sweet the destiny of all trades, whether of the plow or the mind. Men who have raised themselves from a humble calling need not be ashamed, but rather ought to be proud, because of the difficulties they have surmounted. The laborer on his feet stands higher than the king on his knees.

Senator BOGY understood and appreciated such a sentiment. He was eminently a self-made man; and such are the practical men of life. They have trodden the upward paths of life by the light of daily experience. No other cloud by day or pillar of fire by night as their guide. Missouri has had and still has many men of superior ability to Senator BOGY, of greater brilliance; men capable of greater thoughts, of greater conceptions, of closer reasoning powers, of more logical acumen; men more dashing, who would secure the outer works of an opponent before Senator BOGY would move his forces; but when all the qualities are measured that enter into the man, that form the man, those enduring elements which take a soldier to the inner works, with head erect and arm unstrung, then few indeed are found who surpassed him.

He could always be relied on, as a man, as a lawyer, as a politician, as a statesman. The mind alone does not make the man; if so, Bacon, whom the poet described as the wisest, meanest, basest of mankind, was a great man, in the full acception of that term, for his great mental powers were overshadowed by his great immoral qualities. A great man is not only great in his thoughts, but in all he does, in all his deeds, in all his actions, his mind being ever free from small conceptions and smaller executions, always seeking the elevation of society, of the state, of the country. Measured by this rule, Senator BOGY was no common man, and the longer we are removed from him the greater will be our appreciation of that fact. At the time of his death Senator BOGY was rapidly assuming an elevated position in the Senate. The slow hand of Time and Justice was removing without leaving a blemish or a stain the evil surmises that his enemies had scattered broadcast over the country. At the time he entered the Senate and to-day there is no man of repute who will say aught against the public or private character of LEWIS V. BOGY. His honesty and veracity stand as impervious to slanderous attacks to-day as his own cherished Iron Mountain stands unshaken by the morning breeze or the evening zephyr.

The cemeteries of Saint Louis contain many illustrious dead: Benton, the great Senator, Geyer, Bates, Paschall, Blair, Polk, Green, and BOGY, all sleep that long sleep in almost adjacent graves. Few graveyards contain so many distinguished dead. They were all great men, "immortal names that were not born to die." They have shed a halo of glory over the State of Missouri, and it is permissible for us from that State to bow around their graves with Christian love. Their memories are our idols, our household gods, cherished and loved; where we go they are taken, where we rest they are elevated. Such dead are an honor to any State, to any people. Missouri can point to them as her jewels as the mother of the Gracchi pointed to her sons as hers. May the brightest flowers of spring bloom perennially over their graves. "To-day," as has been beautifully said, "they are with the shadows. The race from which they sprung will never come again to this world. A wiser one may succeed to it, but never a purer, braver, stronger, and more patriotic." Great men's deeds should be incentives to be great men. The world is full of great men if the world only knew it. There is always a great leader for every great event, a Washington for every great revolution, a Clay for every great compromise. Great men have occupied seats in this House and the Senate and have died, and men equally as great do occupy their places, and the legislation moves on as of yore. It is well for us to mourn over our dead statesmen who have left us the rich heritage of liberty to preserve "safe against the tooth of time and razure of oblivion," and to perpetuate their memories in stainless marble and burnished brass; but at the same time we should remember that they had their faults—deep, broad, glaring faults—which should be avoided with the same resolution that prompts us to imitate their virtues. Word paintings do not make the dead perfect or imperfect. Their acts and thoughts have made their characters. "As the tree falls so it must lie." These occasions should teach the living that the great lesson of life, after all, is so to live in this world that when we are called hence "into the dark valley, with its weird and solemn shadows," we go with an unfaltering step, with the response, *adsum*, glowing upon our lips, believing that death is but the beginning of a destiny good or evil, that we have created for ourselves in the years gone by. If the tree is corrupt so will be the fruit when the bloom is gone; if bright and beautiful, so will be the production.

Such men as BOGY and Morton are always missed when they die, always create a vacancy when they fall, as does the strong oak when

removed from its native forest by the hand of the woodman. It takes time, much time to fill the place. How greatly has the Senate changed in the last four years. To study that change makes the hardest of us exclaim, "in the midst of life we are in death." How sadly, how eloquently Old Time's mutations are portrayed in this article, taken from one of the leading newspapers of the day:

TIME'S CHANGES IN THE SENATE.

After an interregnum of seventeen years the Senate is now full. There have been great changes since the Senate met in December, 1860. The Government runs on and on, while the grave takes the governors. To the man familiar with the Senate of that day, the changes death has made in the body that itself never dies have a melancholy interest. Of those who were then Senators but two are Senators to-day: HANIBAL HAMLIN, of Maine, and HENRY B. ANTHONY, of Rhode Island. Notwithstanding the long term of the Senator who serves for six years and the tendency to re-elect, of the seventy-six Senators to-day but two were Senators less than three times six years ago. Pitt Fessenden was in the Senate then, grim, keen, commanding, but misanthropic, seeming to have a spite against mankind because of the bitter love-accident to his birth that sprung from the nature of mankind. Fessenden is dead. John P. Hale was there, brave, eloquent, witty, able to state his case with unsurpassed force and clearness. Hale is dead. Henry Wilson was there, politic, tireless, ambitious, making more of his native talents than almost any man in our history; and Wilson is dead. Sumner was there, the student of the Senate, the man who alone in the Senate was able to summon all history and all literature to prove his point. Massive in his vanity, isolated in his tastes and life; and Sumner is dead. William Henry Seward was there, who had been for ten years the idol of a great following and was the statesman of his party in 1860. Seward is dead. Stephen A. Douglas was there, his democracy pure and simple, and, running through the warp and woof of his nature, his loyalty to the Union, so deep-seated that not even disappointed ambition, always a destroyer of the best things in men, could shake it. "I am ready to act with any party, with any individual of any party, who will come to this question with an eye single to the preservation of the Constitution and the Union," said Douglas in those trying hours. Douglas is dead. Andrew Johnson was there, his voice of the bravest; and Andrew Johnson is gone. George E. Pugh was there, fresh from the laurels of Charleston, that shrill tenor tone ringing like a silvery bell through the Senate Chamber, clinging to the Union and to peace with tenacity, but to his belief with defiance. And that brilliant man sleeps. Jefferson Davis was there, saying, "If I could see any means by which I could avert the catastrophe of a struggle between the sections of the Union, my past life, I hope, gives evidence of the readiness with which I would make the effort. If, in the opinion of others, it be possible for me to do anything for the public good, the last moment while I stand here is at the command of the Senate. I will serve on the committee if the Senate choose." There were thirty-three States then. There were other shining names in the list of Senators. There were names less lustrous that take place in our history. R. M. T. Hunter, Mason of Virginia, Robert Toombs, John J. Crittenden, Jesse D. Bright, Ben. Wade, Lyman Trumbull, Yulee of Florida, Wigfall of Texas, Benjamin and Slidell, and the others, were then Senators. The graves have opened, and events have shifted the leaders. Five States have been added to the Union since that time; ten Senators have been added to the Senate of those *ante bellum* days. The Senate never dies, but how changed it is.—*Cincinnati Enquirer*.

Are not these changes enough to make the living Senators of to-day wonder when death will make its next conscription? With these illustrious names there is one not mentioned, strange as it may seem—John C. Breckinridge, of Kentucky, who was every inch a man and a Senator, and was "the glass of fashion and the mold of form" to the whole country. Who that has read his valedictory address, made January 4, 1859, upon the removal of the Senate from the old to the new Hall, can or will ever forget its lofty ideas and burning words? He, too, has gone to his rest, and sleeps in the great bosom of Kentucky, with Clay and with Crittenden, with Rowan and with Underwood:

Immortal names,  
That were not born to die.

Whenever the living cease to remember their dead, a death greater than the mere decay of the human body will sooner or later erase such a people from the map of the world. History, with its great iron pen, will, in few words, detail their rise, fall, and decay.

Our forefathers saw this, and left us, as one of their legacies, a reverence for the worthy dead. Cicero said "*Vita enim mortuorum in memoriam vivorum est posita.*" The life of the dead is placed in the memory of the living; in other words, a virtuous people will always seek to perpetuate the memory of their virtuous dead. My sad task is over. Senator BOGY has closed his earthly career, and is in his grave awaiting the final summons. Calmly he slumbers beneath the soil of his native State, within the sound of the great city which gave him a home and a grave, and which with its half million of eager population, ever stands, night and day, a vigilant sentinel over the tomb of its honored Senator. Embowered in the peaceful shade of his own beautiful resting-place, through whose stricken boughs the fierce wintry winds are now chanting their requiem, the Senator, the patriot, the father, the husband, and friend sleeps that sleep that knows no earthly waking. As a Missourian who knew and loved him well, I say, farewell, a long farewell, to as kind a friend, to as true a man, to as noble a patriot as ever lived.

Lay him down gently at the iron door.

I offer the following resolution:

*Resolved*, That as a further mark of respect to the memory of Hon. LEWIS V. BOGY, late a Senator of the United States from the State of Missouri, this House do now adjourn.

The resolution was unanimously adopted; and accordingly (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BAGLEY: The petition of 140 citizens of Little Falls, New York, against the reduction of duties on manufactured goods and

against the reimposition of the tax on tea and coffee—to the Committee of Ways and Means.

By Mr. BLACKBURN: The petition of citizens of Kentucky, for a modification of the whisky tax—to the same committee.

Also, two petitions from citizens of Kentucky, for the passage of the Texas Pacific Railroad bill—to the Committee on the Pacific Railroad.

By Mr. BOYD: Papers relating to the claim of Ann Gregory, of Washington, District of Columbia, to be refunded the amount paid for property purchased at a confiscation sale which has since been declared void by the Supreme Court of the United States—to the Committee on the Judiciary.

Also, papers relating to the pension claim of Samuel and Mary F. Mercer—to the Committee on Invalid Pensions.

By Mr. COLE: The petition of citizens and business firms of Saint Louis, Missouri, and other citizens of the United States, that all persons and companies, without preference, be given permission to land telegraphic cables on the shores of the United States—to the Committee on Foreign Affairs.

By Mr. DEERING: The petition of P. N. Woods and other manufacturers and machinists, at Fairfield, Iowa, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. ELLSWORTH: The petition of John McEwan and other manufacturers of salt, at Bay City, Michigan, of similar import—to the same committee.

By Mr. FINLEY: The petition of the Manufacturers and Merchants' Exchange of Louisville, Kentucky, relating to the whisky tax—to the same committee.

By Mr. FRYE: The petition of J. S. Clapp and other workingmen of Paris, Maine, that the tariff may not be hastily reduced—to the same committee.

By Mr. GUNTER: The petition of John A. Purner, for compensation for damages done to his property in Washington, District of Columbia, by United States authorities—to the Committee for the District of Columbia.

By Mr. HARMER: The petition of dealers in leaf and manufactured tobacco in Philadelphia, remonstrating against a reduction of the tax now imposed on manufactured tobacco—to the Committee of Ways and Means.

By Mr. KEIFER: The petition of John Foos, manufacturer of linseed-oil, and 46 farmers of Clark County, Ohio, that the tariff on flaxseed and linseed oil remain unchanged—to the same committee.

By Mr. KEIGHTLEY: The petition of workingmen of Saint Joseph County, Michigan, against tariff changes and against the reimposition of tariff on coffee, tea, and sugar—to the same committee.

By Mr. KILLINGER: The petition of the Milton Iron Company, at Milton, Pennsylvania, that tariff duties remain unchanged until thoroughly investigated—to the same committee.

By Mr. LAPHAM: Papers relating to the claim of Howland Hemp hill—to the Committee of Claims.

By Mr. LINDSEY: Remonstrance of Archibald Linn and 54 others, and of workingmen of Skowhegan, Maine, against a reduction of the duty on foreign goods and against the reimposition of the war tax on tea and coffee—to the Committee of Ways and Means.

By Mr. MAISH: The petitions of citizens of Stewartstown and Wrightsville, Pennsylvania, remonstrating against any reduction of duties which protect labor, and against the reimposition of the war tax on tea and coffee—to the same committee.

By Mr. MONROE: The petition of D. W. Garver and others, of Milton, Ohio, for a reduction of the tax on manufactured tobacco—to the same committee.

By Mr. OLIVER: The petition of E. Huff and 77 other citizens of Osceola County, Iowa, against any change in the present tariff on flaxseed and linseed-oil—to the same committee.

By Mr. PHELPS: The petition of Professor H. A. Newton, of Yale College, and others, for a change of the location of the national Naval Observatory—to the Committee on Naval Affairs.

By Mr. PRIDEMORE: Papers relating to the claim of R. M. Ely—to the Committee on War Claims.

By Mr. ROBINSON, of Massachusetts: Remonstrance of Joseph Daly and others, of Pittsfield, Massachusetts, against a reduction of duties which protect labor and against the reimposition of tax on tea and coffee—to the Committee of Ways and Means.

By Mr. SAMPSON: The petition of E. S. Sampson, for a post-route between Ottumwa and Fremont, Iowa—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH, of Pennsylvania: A paper relating to the pension claim of Harriet Leonard—to the Committee on Invalid Pensions.

By Mr. SPRINGER: The petition of J. Capps & Son and 51 working men and women, engaged in the manufacture of woolen goods at Jacksonville, Illinois, against any reduction of the duties which protect their labor and against the reimposition of the duties on tea and coffee—to the Committee of Ways and Means.

By Mr. STARIN: The petitions of Brown Mowry and other manufacturers and residents of Schuyler'sville, New York, and of C. W. Mayhew and 386 other manufacturers and merchants of Victory, New York, against the repeal of the resumption act and in favor of gold as a legal tender standard—to the Committee on Banking and Currency.

By Mr. STONE, of Michigan: The petition of Ethan R. Clarke and 55 other citizens of Michigan, for the remonetization of silver—to the same committee.

Also, remonstrance of A. B. Long and 44 other citizens of Michigan, against a reduction of duties on foreign goods—to the Committee of Ways and Means.

By Mr. VANCE: A paper relating to the establishment of a post-route between Lamberton, North Carolina, and Little Rock, South Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WAIT: The petition of Charles W. Walker and others, for a change in the postal laws relating to third-class mail-matter—to the same committee.

By Mr. WARD: The petition of 100 working men and women, engaged in the manufacture of woolen gloves in Delaware County, Pennsylvania; and of 15 working men and women in factories in Chester, Pennsylvania, against a reduction of the tariff—to the Committee of Ways and Means.

By Mr. WILLIS, of Kentucky: Resolutions of the Manufacturers and Merchants' Exchange of Louisville, Kentucky, for the speedy completion of the Texas Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. WILLITS: The petition of Nathan Alvord and 56 other citizens of Cambria Mills, Michigan, and vicinity, for the protection of wool-growers—to the Committee of Ways and Means.

## IN SENATE.

THURSDAY, January 24, 1878.

Prayer by Rev. Professor JAMES D. BUTLER, LL. D., of Madison, Wisconsin.

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

### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of the 15th instant, a copy of the report of Indian Inspector E. C. Watkins, dated November 26, 1877, relative to the establishment of a large Indian reservation or territory in the Colville country for the use and occupation of a portion or all reservation Indians now on the various reservations in the State of Oregon and the Territory of Washington; which was referred to the Committee on Indian Affairs, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of the Woman's Christian Temperance Union of the State of New York, signed by the officers, representing more than 2,000 women, praying Congress to provide by appropriate legislation for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public welfare, and the results of license and prohibitory legislation for the suppression of intemperance; which was referred to the Committee on Finance.

He also presented the petition of Edward Perry, of Company A, Sixth Regiment Connecticut Volunteers, praying to be allowed a pension from the date of his discharge; which was referred to the Committee on Pensions.

Mr. HAMLIN. I present a petition signed by A. B. Richard, president, and others, officers of the Lafayette Avenue Temperance Society of Brooklyn, New York, of a character precisely similar to that just presented by the Chair. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. DAWES. I present a petition of a like character from the Massachusetts Temperance Alliance, signed by A. A. Miner, president, and other officers. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. DAWES also presented the memorial of Alvin S. Lyon and others, workingmen of Fall River, Massachusetts, engaged in the manufacture of cotton goods, remonstrating against a reduction of the duties on imports and against the reimposition of the war tax on tea and coffee; which was referred to the Committee on Finance.

Mr. DAVIS, of Illinois. I beg leave to present the petition of Joseph F. Wilkins and many other citizens of Lynden, Illinois, praying for similar legislation with the other petitions concerning the liquor traffic. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. DAVIS, of Illinois. I present also the petition of John L. Reid and 20 others, workingmen engaged in the manufacture of woolen goods, at Charleston, Illinois, praying that the duties which protect their labor be not removed, and also that tea and coffee be not taxed. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CHRISTIANCY presented the petition of James E. Jacklin, Robert Yerkes, and others, citizens of Nashville, Michigan, praying Congress to provide by appropriate legislation for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public wel-