

All that is left to them of JULIAN HARTRIDGE is the heritage of his wisdom, the light of his example, and the memory of his virtues. Time will mitigate our grief, and in the rush and whirl of busy life other thoughts will engage our attention, but there is a sad home in the sunny South within whose broken circle there are bleeding hearts for the healing of which earth has no balm.

For time makes all but true love old;  
The burning thoughts that then were told  
Run molten still in memory's mold,  
And will not cool  
Until the heart itself be cold  
In Lethe's pool.

The influence of wealth, the resources of learning, and the authority of power, all stand dumb and helpless in the presence of death. It is the solution of all the rivalries, struggles, and achievements of time. Surrounded with blighted hopes and funeral trains, the broken heart of humanity through all time has pressed the question of the suffering patriarch of Uz: "If a man die shall he live again?" The quivering spirit whose insatiable thirst for immortality attests the divinity of its origin and the duration of its destiny, kindles with joy as it catches the response from the rejected Nazarene at Bethany, "I am the resurrection and the life; he that believeth in Me, though he were dead, yet shall he live."

Poor wanderers of a stormy day,  
From place to place we're driven,  
And fancy's flash and reason's ray  
Serve but to light the troubled way—  
There's nothing true but heaven.  
And false the light on glory's plume,  
As fading hues of even,  
And love and joy and beauty's bloom  
Are blossoms gathered for the tomb—  
There's nothing true but heaven.

Mr. FELTON. Mr. Speaker, "in the midst of life we are in death." This is one of the most impressive sentences in the English language. We may delude ourselves that the "dread destroyer" is far from us; that we are strong and authorized to rejoice in our strength, but we never remain undisturbed in our fancied security.

Every day we see the great in fame, the mighty in wealth, and the beautiful in health fall around us. Nothing is secure. Death alone is certain.

The business pursuits of life may be engaging and active; family and friends may gather near, and their loving dependence may bind them closer to us; highways of pleasure fringed with perpetual spring, may stretch out before us, and we may see in the future rich and fruitful rewards for our labors; political and professional honors may wreath themselves around the brow, while a cultivated intellect, quickened by a laudable ambition, gives assurance of increasing distinction and greater usefulness: yet,

The hour concealed and so remote the fear,  
Death draws still nearer, never seeming near.

My deceased colleague, Hon. JULIAN HARTRIDGE, was honored by Georgia in early life. When he was a young man the State placed him in important positions of public trust, and his future promised a long continuance of well-deserved honors and an increase of public duties which he would have met zealously and with credit to himself and to his native State.

His legal ability was generally recognized, and whether he sought distinction as a statesman or as a jurist, the path seemed easy of access, leading to a realization of his fondest hopes.

Surrounded by a beautiful family, blessed with an attractive home, honors hanging plentifully over his head, and rejoicing in the strength of mature manhood, the destroyer marked him for his own, and, with the briefest warning, he was called to leave all life's treasures and enter the unknown world.

I add my tribute of respect and admiration for this noble Georgian, and desire to unite with the people of my State in the grief with which they mourn his loss.

No feeble words of mine will add to his fame; nor can I express the grief felt or the great loss which our State has sustained in giving up this favored son. He does not need the voice of eulogy. His record is inscribed upon the history of his State. With heartfelt sympathy for the inmates of that home made desolate by his untimely death, and gratefully reverencing the memory of a colleague who fell at his post of duty, we take our final adieu. I was at his bedside a few hours before his death. I found him calm and hopeful—a philosopher, a scholar, a statesman, and a patriot awaiting his end.

The question was taken upon the resolutions, and they were unanimously agreed to; and thereupon (at five o'clock and twenty-five 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. ALDRICH: The petition of Ida C. Sweet and 34 other women, of Lombard, Illinois, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. CLARK, of Iowa: A paper from Charles S. Kincaid, in reference to the bill (H. R. No. 6072) to pension the regiment known as Gray-beards—to the Committee on Invalid Pensions.

By Mr. COLE: Resolutions of the Board of Trade of Helena, Montana, forwarded through the Merchant's Exchange of Saint Louis, Missouri, favoring the improvement of the Upper Missouri River—to the Committee on Commerce.

By Mr. DENISON: The petition of Mrs. J. Chamberton and 33 other women, of Bethel, Vermont, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. ELLSWORTH: The petition of Mrs. Ruth Smith and 74 other women, of Greenville, Michigan, of similar import—to the same committee.

By Mr. FORT: Joint resolutions of the Legislature of Illinois, asking that the names of the survivors of the soldiers of the Black Hawk war be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. GARDNER: The petition of Sarah Craig and 57 other ladies, of Staunton, Ohio, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. HART: The petition of Ann E. Chesbrough and 112 women of Albion, New York, of similar import—to the same committee.

By Mr. HARTZELL: Joint resolution of the Legislature of Illinois, asking for the passage of the bill to pension soldiers of the Mexican and other wars, and that said bill be so amended as to include soldiers of the Black Hawk war—to the Committee on Invalid Pensions.

By Mr. JACOBS: The petition of Mrs. Eliza J. Ludlow and 6 others, of Olympia, Washington Territory, for the enforcement of the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. JONES, of Ohio: Papers relating to the establishment of a post-route from Centre Village, via Harlem and Central College, to Westerville, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. JOYCE: The petition of Mrs. Julia W. Pitts and other ladies, of Sudbury, Vermont, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. KETCHAM: The petition of A. Ryder, J. G. Miller, and 116 others, citizens of Putnam County, New York, that a pension be granted to Joseph Fisher—to the Committee on Invalid Pensions.

By Mr. KIMMEL: The petition of Ed. J. Oppelt and others, against the passage of the bill to require coupon stamps to be put upon cigars—to the Committee of Ways and Means.

By Mr. LAPHAM: The petition of M. E. Walling and 80 other ladies, of Victor, New York, for legislation to make effective the anti-polygamy law—to the Committee on the Judiciary.

By Mr. MCKINLEY: The petition of W. N. Moon and 79 citizens of Warsaw, Indiana, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. MULLER: The petition of James E. Coulter, to be refunded income tax illegally paid—to the Committee of Ways and Means.

By Mr. NORCROSS: The petition of E. M. Rice, M. Wetherbee, and other women, of Lunenburg, Massachusetts, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. ROBERTS: The petition of Mrs. Frank W. Lawping and 104 other women, of Mount Washington, Maryland, of similar import—to the same committee.

By Mr. SOUTHARD: The petition of Harriett Iliff and 130 others, citizens of Perry County, Ohio, of similar import—to the same committee.

By Mr. SPARKS: Resolutions of the Legislature of Illinois, in relation to soldiers of the Black Hawk war—to the Committee on Invalid Pensions.

By Mr. SWANN: Memorial of the Board of Trade of Baltimore and merchants and ship-owners engaged in trade between that city and South America, against the passage by Congress of the subsidy to Roach's Brazil line of steamers—to the Committee on Commerce.

By Mr. WIGGINTON: The petition of Francis M. Stone and 86 others, for the establishment of a post-route from Huron, via Imusdale, to Cholame, California—to the Committee on the Post-Office and Post-Roads.

#### IN SENATE.

FRIDAY, February 14, 1879.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.  
The Journal of yesterday's proceedings was read and approved.

#### CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Benjamin Franklin Jonas, chosen by the Legislature of Louisiana as Senator from that State for the term beginning March 4, 1879; which were read, and ordered to be filed.

He also presented the credentials of James Black Groome, chosen by the Legislature of Maryland a Senator from that State for the term beginning March 4, 1879; which were read, and ordered to be filed.

Mr. RANSOM presented the credentials of Zebulon B. Vance, chosen by the Legislature of North Carolina a Senator from that State for the term beginning March 4, 1879; which were read, and ordered to be filed.

#### COMMITTEE SERVICE.

Mr. ANTHONY. The retirement of the Senator from Michigan [Mr. CHRISTIANCY] leaves a vacancy upon the Committee on the Revision of the Laws. I move that the Chair have power to fill it.

The VICE-PRESIDENT. Is there objection to the motion of the Senator from Rhode Island, that the Chair fill the vacancy upon the Committee on the Revision of the Laws occasioned by the retirement of the Senator from Michigan, [Mr. CHRISTIANCY?] The Chair hears none.

Mr. THURMAN. While the Chair is doing that I ask that he also fill the vacancy on the Committee on Private Land Claims, occasioned by the retirement of the Senator from Michigan, [Mr. CHRISTIANCY.]

The VICE-PRESIDENT. To this the Chair hears no objection.

#### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the chief clerk of that Department asking an increase of the clerical force of the office of the Secretary of War as provided for in the pending legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General deprecating the changes in the clerical and messenger force in his office proposed in the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office relative to deficiencies in the appropriations for suppressing depredations on the public timber; which was referred to the Committee on Appropriations.

#### PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of Mrs. H. E. Lee and other women, residents of the counties of Cowley and Sumner, Kansas, praying for the passage of an act making effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

He also presented a resolution of the Legislature of Kansas, in favor of an appropriation by Congress to resurvey the line between the States of Kansas and Missouri from the intersection with the Missouri River south; which was referred to the Committee on Public Lands.

The VICE-PRESIDENT. The Chair has received and presents a resolution of the Legislature of Kansas, in favor of an appropriation by Congress to resurvey the line between the States of Kansas and Missouri from the intersection with the Missouri River south. As a duplicate original of this memorial has been presented by the Senator from Kansas, [Mr. INGALLS,] it will lie on the table.

Mr. FERRY presented the petition of W. R. Ninde and 146 others, citizens of Detroit, Michigan, praying for the passage of an act making more effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

Mr. PLUMB presented a resolution of the Legislature of Kansas, in favor of an appropriation for a resurvey of the line between the States of Kansas and Missouri from the intersection of the Missouri River south; which was referred to the Committee on Appropriations.

Mr. WITHERS presented resolutions adopted by a special committee of the senate and the committee on Federal relations of the House of Delegates of Virginia, accompanying a report upon a certain alleged usurpation of power by the United States courts in that State; which were referred to the Committee on the Judiciary.

Mr. DAVIS, of Illinois. I present the memorial of Henry Shufeldt & Co. and others engaged in the distillation of vinegar and whisky, in Chicago, remonstrating against the passage of a bill which is now before the Senate—they think it is incorporated in the revenue bill—to amend the Revised Statutes so as to give to manufacturers of vinegar the privilege of manufacturing alcohol also. They say this will be injurious to their business and would operate very injuriously to the interests of the Government.

The VICE-PRESIDENT. The memorial will lie on the table, the bill being before the Senate.

Mr. DAVIS, of Illinois. A bill is before the Senate—I do not know whether it is incorporated in the revenue bill or not—proposing that each individual cigar shall have a stamp put upon it before it is placed in the box. I have a long memorial of persons engaged in the manufacture of cigars in Canton, Illinois, who protest against this change in the law.

The VICE-PRESIDENT. The memorial will lie on the table, the bill covering the subject-matter being before the Senate.

Mr. DAVIS, of Illinois. I also present a petition of 100 women of

Woodburn, Illinois, praying for the enactment of such a law as will render effective the anti-polygamy law of 1862, and also praying that Utah be not admitted as a State into the Union until polygamy is abolished. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. RANSOM presented resolutions of the Legislature of North Carolina, in favor of an appropriation by Congress for the improvement of the rivers in that State; which were referred to the Committee on Commerce.

He also presented resolutions of the Legislature of North Carolina, in favor of an appropriation for the improvement of the Waccamaw River; which were referred to the Committee on Commerce.

Mr. BECK presented the petition of Burk's Branch Grange, No. 1075, of Shelby County, Kentucky, praying for the repeal or reduction of the tax on tobacco; which was ordered to lie on the table.

He also presented the petition of Burk's Branch Grange, No. 1075, of Shelby County, Kentucky, praying for the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discrimination by common carriers; which was referred to the Committee on Commerce.

Mr. KERNAN presented the memorial of Newins & Griswold and others, citizens of New York, interested in the manufacture of cigars, remonstrating against the passage of the bill (H. R. No. 5430) to secure the more efficient collection of the revenue from cigars; which was ordered to lie on the table.

Mr. BAILEY presented the petition of Maranda Taylor, of Henderson County, Tennessee, widow of Joseph Taylor, late corporal in Company G, Tenth Regiment Tennessee Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. BOOTH presented the petition of Mary Reynolds and other women, of Santa Cruz, California, praying for the passage of an act making more effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

Mr. BOOTH. I also present the petition of Cyrus W. Field and 15 others, citizens of New York City, who give their names and city address, praying for the passage of the bill for the interchange of subsidiary silver coin with United States notes.

The VICE-PRESIDENT. The petition will be referred to the Committee on Finance.

Mr. BOOTH. I beg to say, in the presence of the chairman of the Committee on Finance [Mr. MORRILL,] that this petition is not written on tissue paper but on very substantial legal-cap, and I doubt not it would have been written on parchment or vellum if it had been thought necessary to do that in order to get the consideration of this august body or of the committee to whom this subject has been referred.

Mr. THURMAN presented the memorial of Thomas Worthington, of Ohio, on the subject of conflicting reports by Government officials in relation to his claim for payment of balance alleged to be due him for delivering water to troops, &c., at Camp Dennison, Ohio, during the late war; which was referred to the Committee on the Judiciary.

Mr. CONKLING. I present a memorial in the nature of resolutions and a preamble adopted by the Ministerial Association of Troy and vicinity, composed of ministers of the gospel of many denominations. It relates to Utah and polygamy, and prays such legislation as will enforce the action of Congress and the declaration of the Supreme Court as to its constitutionality. I move the reference of the memorial to the Committee on the Judiciary.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the following petition of John Roach; which was ordered to be printed in the RECORD:

NEW YORK, February 14, 1879.

To the honorable the Senate and House of Representatives:

The undersigned asks leave to say, in reply to a memorial recently presented to your honorable bodies by the "Board of Trade and ship-owners" of Baltimore, that the assertion therein contained that the New York and Brazilian line is now remunerative is not true, and that to give me an opportunity to bid for a United States mail contract would be only squandering the public money in a ridiculous. To both statements I oppose an explicit contradiction. The figures and estimates given in the Baltimore memorial are false, and none knew this better than the people of Baltimore engaged in the South American trade.

Their statement of the financial success of the Brazilian steamship line is distorted when dealing with facts, and it is exaggerated when indulging in estimates and guess-work. Their own recent experience has taught them exactly the contrary of what they assert touching the profit of the Brazilian trade; and the utter failure of their attempt to establish two lines of steamers between Rio and Baltimore, and the total break-down of the scheme because of the rivalry of subsidized British competition, (as well as the failure of like attempts in New York,) is a complete and triumphant answer to the loose declamation of these memorialists. The figures and estimates given in the memorial are incorrect. The receipts from the trips already made by the steamers have not paid the expenses, and a fair United States mail contract is absolutely necessary to the successful establishment and permanent maintenance of the line to Brazil.

The Emperor of Brazil, seeing thirty European steamers each month entering the port of Rio de Janeiro and not one steamer from the United States, determined to secure first-class steamship communication, direct both ways, at least by one steamer each month between Rio and New York, and made a contract with me to put on such a line and maintain it for ten years. This contract was made with the confident hope and expectation by both parties to it that the United States would reciprocate the emperor's action by a contract for reasonable compensation for carrying the outward mails from New York to Rio. Although legislation authorizing such a contract failed at the last session of Congress, yet, having built the ships, I started the line. Notwithstanding this, the Brazilian chambers have not, to this hour, ratified the contract, but have it still under consideration, so that this Brazilian subsidy, which your "memorialists" from Baltimore assert renders a mail compensation from the United States not only unnecessary but outrageous, has not put a penny into the treasury of the Brazilian Steamship Company. In



the light of so palpable misstatement as this, I may spare myself the trouble, I think, of dissecting this "memorial" any further.

In the mean time every possible effort has been made by foreign steamship owners to destroy this line before it is fairly established. The British policy is to have only lines of steamers making triangular voyages from Rio to the United States with Brazilian products, from New York to Liverpool with breadstuffs, and from Liverpool to Rio with European manufactures. The decision of the emperor to have rapid communication direct both ways with the United States was resisted at the outset.

Three little guerrilla English steamers were put on, were run during the session of Congress, were advertised and paraded as a "direct line of steamers between New York and Rio de Janeiro," and were taken off when Congress adjourned. Congress reassembling, they reappeared and commenced running again, and all manner of foreign influences have been set to work to prevent the American Congress from aiding the American line with such assistance as its imperative necessities demand and as comity toward the Brazilian Emperor suggests.

The competition from foreign ships, bound to no schedule, time, or speed, encouraged by American indifference and English animosity to the new regular line, has made the voyages of the latter unprofitable, its success precarious, the experiment of rapid direct steam communication doubtful, and a recurrence to the old fatal triangular system of voyages in English ships almost inevitable.

In reply, therefore, to the charge that the line established by me is now profitable, that the Brazilian mail pay is sufficient to support it, and that no United States assistance is necessary, I repeat that the line, so far, has been run at a loss; that the Brazilian mail compensation (none of which has yet been paid) is not enough to maintain the line, and that the severity and intensity of specially stimulated foreign competition is such that fair and reasonable United States assistance must be afforded or the experiment of a rapid, first-class line of American steamers between the United States and Brazil may fail.

That Congress will under these circumstances—truthfully herein stated—deem it wise and expedient to authorize a contract to carry the mails from New York to Rio, to be let to the lowest bidder, and so enable me to bid, and thus strengthen the experiment so important to American commerce, manufacturers, and other material interests, is a request which I deem both proper and legitimate for me to make and for Congress to grant.

Finally, the "Board of Trade and ship-owners of Baltimore" should reflect that the vast interests of the commercial and producing sections of the country cannot procure the facilities their wants demand through the line of sailing-vessels plying between Baltimore and Brazil, and that if the mere freight facilities so demanded were possible by such a line, rapid transit for the travel and quick delivery of the mails created by commerce would yet remain a want no great commercial people would endure. In a word, the plea of Baltimore against the Brazilian line is local. The demand for a fair mail compensation for the Brazilian line is national in the largest sense, and the granting of it will benefit alike the commerce of New York, Philadelphia, Saint Louis, Cincinnati, Chicago, New Orleans, and Baltimore, while also aiding and benefiting every part of the United States where manufactures exist and where food is produced.

Touching the insufficiency of such communication as the Baltimore line affords and the necessity for such a service as the New York and Brazil Company performs, it seems proper to call the attention of your honorable bodies to the fact that there are three kinds of ships demanded by modern commerce for the carrying-trade.

First. The mail steamer, with great speed and fine accommodations, to bring the people of different countries together, and thus induce trade by enabling merchants to secure quick returns for their capital and to be certain to a day when they can have their correspondence. This postal ship, the pioneer of trade, is expensive to run, and all great commercial nations, save the United States, have made their ocean mail service a national subject. They do not depend on private individuals to build up this service on the sea any more than on the land.

Second. Out of the postal ship grew the slow and cheap-running freight steamer to carry the trade the postal ship creates. This ship awaits the completion of cargo, is not required to sail on a particular day or hour, is not forced to keep a high and uniform speed, and bears no comparison with the postal steamer.

Third. Sailing-ships of large capacity for freights not demanding quick delivery. The American line to Brazil is of the first class, while of the Baltimore line it can scarcely be said to belong to either class of the vessels mentioned. No comparison is fair which compares the necessities of a line composed of the first and second classes of ocean steamers. The freight steamer is an outgrowth of the wise policy which sustains the postal steamer, and she requires no subsidy, mail compensation, nor any other aid, and the immense industry of providing the freight ships is directly fostered by the policy which sustains the swift forerunner of that class of vessels.

Your Baltimore memorialists declare that the hold the British have fastened on the South American trade cannot be loosened, even by congressional aid to the American line. I cannot agree in this declaration, although if the competition for that great trade is to lie between the British steamers and the Baltimore fleet I shall willingly accede to it. But if the action of your honorable bodies shall be such as to enable good, swift, and elegant American steamers to compete with these British lines, their hold on our trade with the southern hemisphere will certainly be broken. If no such action be taken by Congress, then indeed the memorialists, who begin the contest by predicting failure, will be vindicated by the result.

Respectfully,

JOHN ROACH

#### REPORTS OF COMMITTEES.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the petition of William King Lear, of Wrangel Island, Alaska Territory, praying the passage of a law authorizing him to purchase from the United States certain lands on which he resides in that island, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. BAYARD, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 3) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. ALLISON, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 983) for the relief of such members of the Menomonee tribe of Indians as may desire to become citizens of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1585) for the relief of such members of the Menomonee tribe of Indians as may desire to become citizens of the United States, reported adversely thereon; and the bill was postponed indefinitely.

Mr. ALLISON. I am also directed by the Committee on Indian Affairs, to whom was referred the bill (S. No. 1688) for the relief of the Menomonee Indians in the State of Wisconsin, to report it with an amendment in the nature of a substitute. I desire to give notice that when the bill is considered I shall move to amend the substitute in one particular.

Mr. DAWES, from the Committee on Finance, to whom was referred the bill (H. R. No. 916) for the relief of Isaiah Pickard, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 917) for the relief of Sidney P. Luther, reported it without amendment.

Mr. BAILEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1754) for the relief of D. C. Casey, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. DAVIS, of Illinois. The Committee on the Judiciary have had under consideration the bill (H. R. No. 5065) to give circuit courts supervisory jurisdiction in certain criminal cases, and have unanimously instructed me to report it back with certain amendments. It is very important, Mr. President, that this bill should be passed at an early day in order that the amendments may be acted upon by the House of Representatives, if agreed to by the Senate. I beg leave to state that I shall call the bill up to-morrow and ask the indulgence of the Senate to consider it.

Mr. HOAR, from the Committee on Patents, to whom was referred the bill (S. No. 371) to authorize the extension of the patent of E. N. Horsford, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BOOTH. With relation to that bill I desire to say that hereafter I shall present the views of the minority of the Committee on Patents.

ALBERT U. WYMAN.

Mr. ALLISON. The Committee on Finance, to whom was referred the bill (S. No. 1763) for the relief of Albert U. Wyman, late Treasurer of the United States, have instructed me to report it favorably, and as it will take but a moment, I ask unanimous consent that it may be considered now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Albert U. Wyman, late Treasurer of the United States, \$2,351.70, to reimburse him for two bonds of the United States known as "Sixes of 1881," of the denomination of \$1,000 each, and coupons thereon, purchased by him to replace two bonds of like issue and amount, the property of the First National Bank of Newport, Rhode Island, lost or abstracted from the vault of the national-bank division while he was Treasurer of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COAST SURVEY REPORT.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution to print copies of the report of the Superintendent of the Coast and Geodetic Survey for the year 1878, to report back the same without amendment, and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to; as follows:

*Resolved by the Senate, (the House of Representatives concurring,) That there be printed 1,500 extra copies of the report of Carlisle P. Patterson, Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1878, for distribution by said Superintendent.*

#### BILLS INTRODUCED.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1820) changing the time of holding the November term of the United States district court in the district of Connecticut; which was read twice by its title.

Mr. EATON. I move the reference of the bill to the Committee on the Judiciary, with the request for immediate action upon it. A month or more ago I received a petition praying that this alteration be made from the judge, the district attorney, and the bar of the court. I have mislaid that petition, and therefore I ask the immediate attention of the committee to this bill.

The VICE-PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1821) granting an increase of pension to William H. Hale; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1822) granting a pension to James Padget; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1823) to amend pension laws, and punish claim agents for violations thereof; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1824) authorizing the issue of an American register to the brig Dos Hermanos, and to change the

name of the same; which was read twice by its title, and referred to the Committee on Commerce.

#### AMENDMENTS TO BILLS.

Mr. WITHERS. By request of my colleague, [Mr. JOHNSTON,] who is detained from his seat by indisposition, I present an amendment intended to be proposed by him to the bill (S. No. 1186) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto.

I move that the amendment be printed and lie on the table.

The motion was agreed to.

Mr. BAILEY, Mr. MERRIMON, Mr. PLUMB, and Mr. SPENCER submitted amendments intended to be proposed by them, respectively, to the bill (H. R. No. 5215) to establish post-routes herein named; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB submitted amendments intended to be proposed by him to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

#### DOCUMENTS RELATING TO DISTRICT SEWERAGE.

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

*Resolved by the Senate, (the House of Representatives concurring.)* That there be printed 700 copies of Senate Miscellaneous Documents Nos. 13, 17, 19, and 25 relating to the improvement of the sewerage and sanitary condition of the District of Columbia, with maps and plates, the same to be stitched in a single volume and bound with paper covers, of which 200 copies shall be for the use of the Senate, 300 copies shall be for the use of the House of Representatives, 100 copies shall be for the use of the Senate Committee on the District of Columbia, and 100 copies shall be for the use of the House Committee for the District of Columbia.

Mr. ANTHONY. I move that the Senate resolution for the publication of the same documents be rescinded.

The VICE-PRESIDENT. To which the Chair hears no objection, and the order is made.

#### CAPTAIN JAMES B. EADS.

Mr. CAMERON, of Wisconsin, submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved,* That the Select Committee of the Senate on Transportation Routes to the Seaboard be empowered to employ a stenographer to take such testimony as may be given before that committee relative to a bill for the relief of Captain James B. Eads, and that sufficient copies of said testimony be printed for the use of the committee.

#### CERTIFICATES OF DEPOSIT.

Mr. MORRILL. I desire to enter a motion that a message be sent to the House of Representatives for the return of the bill (H. R. No. 5477) to authorize the issue of certificates of deposit in aid of the refunding of the public debt. I will say that this is done for the purpose of amending the bill so that the proceeds may be applied to something besides 5-20 bonds. Those bonds are being so rapidly funded that soon there will be none of them. It is thought desirable by the committee of the House that the bill should be so amended as to include bonds bearing 5 per cent interest; and as the House cannot amend the bill in that respect, the only question on which the two Houses differ being between the rates of 3 and 4 per cent. interest, they ask the Committee on Finance to request that the bill be returned so that the Senate may make this amendment. I suppose there is no objection to the request.

The VICE-PRESIDENT. The Senator from Vermont, by direction of the Committee on Finance, moves that a message be sent to the House of Representatives asking it to return the bill named by him. Is there objection? The Chair hears none. It is so ordered.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted on its disagreement to the amendments of the House to the bill (S. No. 1108) to protect Holmead Cemetery, in the District of Columbia; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM CLAFLIN of Massachusetts, Mr. S. L. MAYHAM of New York, and Mr. R. W. TOWNSEND of Illinois, managers at the conference on the part of the House.

#### DEATH OF REPRESENTATIVE JULIAN HARTRIDGE.

The message also communicated to the Senate the intelligence of the death of Mr. JULIAN HARTRIDGE, late a member of the House from the State of Georgia, and transmitted the resolutions of the House thereon.

#### CUMBERLAND ROAD IN OHIO.

Mr. THURMAN. I ask the Senate to take up a bill I reported yesterday, that will not take two minutes, and to which there can be no objection. It simply gives the consent of Congress to an act of the General Assembly of the State of Ohio relating to the Cumberland Road.

The VICE-PRESIDENT. The bill will be reported for information.

The Secretary read the bill (H. R. No. 1008) relating to the Cumberland Road in the State of Ohio, and to authorize the same to become a free road, by its title.

The VICE-PRESIDENT. The Chair hears no objection, and the

bill is before the Senate as in Committee of the Whole. It will be reported at length.

Mr. CONKLING. Let it be reported for information. I want to reserve the right to object.

Mr. THURMAN. I hope the Senator will not object.

Mr. CONKLING. I do not expect to do so; but I do not want the bill passed so quickly that we cannot understand what is done.

The VICE-PRESIDENT. The bill will be reported for information.

The bill was read.

The VICE-PRESIDENT. Is there objection to the present consideration of this bill?

Mr. CONKLING. I should like to ask a question. When was the bill reported?

Mr. THURMAN. This bill was reported yesterday. We reported unanimously precisely a similar bill in regard to Maryland, and it was passed here the other day unanimously. This bill was reported unanimously from the Judiciary Committee yesterday. The Senator was not there when it was considered.

Mr. CONKLING. I was not; if I had been I should not have troubled the Senator from Ohio to tell me anything about it.

Mr. THURMAN. I can state to the Senator, if he will allow me, in one minute, the whole there is of it.

Mr. CONKLING. I should be very glad to hear the statement.

Mr. THURMAN. More than twenty years ago Congress relinquished to the State of Ohio, the State of Indiana, the State of Maryland, and the State of West Virginia, the Cumberland Road within their respective limits, so that the United States has no further interest in that road except that which everybody else has. But in the act relinquishing the road to Ohio there was consent given to an act of the Ohio Legislature which provided that the governor might take possession of and maintain the road. In that act of the Ohio Legislature there was provision made for the governor levying tolls. The people there do not want it to be a road paying tolls any more. It is the only turnpike, I believe, in the State of Ohio on which tolls are exacted. This act of the Legislature to which the bill gives the consent of the United States is simply to authorize the commissioners of the several counties to make it a free road and maintain the road at the public expense. That is all there is of it.

Mr. CONKLING. And it does not affect any interest of the United States at all.

Mr. THURMAN. Not in the slightest degree.

Mr. CONKLING. I make no objection to it.

Mr. THURMAN. The object is simply to get rid of that provision about the tolls.

The Senate, by unanimous consent, proceeded to consider the bill as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to add the following proviso:

*Provided,* That this consent shall have no effect in respect of creating or recognizing any duty or liability whatever on the part of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### DISTRICT WATER RATES.

Mr. ROLLINS. I ask leave of the Senate to call up for present consideration the bill (S. No. 1529) to authorize the commissioners of the District of Columbia to adjust and fix the water rates within said District. It is a short bill and will occupy but a moment.

Mr. WITHERS. Let the bill be read for information.

The VICE-PRESIDENT. The bill will be reported at length.

The Secretary read the bill.

Mr. WITHERS. When was the bill reported?

The SECRETARY. February 12, 1879.

Mr. WITHERS. The bill is not on the Calendar.

The VICE-PRESIDENT. The bill has been reported since the Calendar was printed.

Mr. ALLISON. This is an important bill. I do not think it ought to be considered this morning. We ought to have a little time to examine it.

Mr. ROLLINS. It is quite an important bill. It is an effort to give people water who now have no water.

Mr. ALLISON. I sympathize with that effort.

Mr. ROLLINS. It will take but a very few moments, and it is important to consider it. Unless it is acted upon now, so that it may go to the House, it cannot be passed during the present session.

Mr. MERRIMON. I beg to ask my colleague on the committee if the bill was considered in the committee and reported by order of the committee?

Mr. ROLLINS. It has been considered by the committee and they recommend its passage.

Mr. ALLISON. I shall object to this bill, if I have an opportunity to do so now.

The VICE-PRESIDENT. Objection is made, and the bill goes over.

#### JOHN C. BIRDELL.

The VICE-PRESIDENT. If there be no further business of the



morning hour the Chair will recognize the Senator from Indiana [Mr. McDONALD] in pursuance of the notice given by him yesterday.

Mr. McDONALD. In pursuance of that notice I move now to suspend what is known as the Anthony rule and all prior orders, that I may move to take up the bill (S. No. 501) for the relief of John C. Birdsell.

The VICE-PRESIDENT. The Senator from Indiana first asks unanimous consent to take up for consideration the bill named by him. Is there objection?

Mr. McMILLAN. Let the bill be read.

The VICE-PRESIDENT. It will be reported by its title.

Mr. ANTHONY. Mr. President, I must insist upon the Calendar.

The VICE-PRESIDENT. The Senator from Indiana then moves to suspend the special order under which the Senate is considering the Calendar of general orders, for the purpose indicated by him.

The question being put, it was declared that the ayes appeared to prevail.

Mr. ANTHONY. I ask for a division.

Mr. CONKLING. May we understand exactly the vote we are to take? I do not.

The VICE-PRESIDENT. The motion is to suspend the special order of the Senate, known as the Anthony rule.

Mr. CONKLING. For what purpose?

The VICE-PRESIDENT. For the purpose of taking up the bill for the relief of John C. Birdsell.

Mr. CONKLING. What is that?

Mr. McDONALD. It is to authorize the application for an extension of a patent for improvement in machinery for hulling and thrashing clover.

Mr. ANTHONY. Is the motion in order?

The VICE-PRESIDENT. The Senator from Indiana gave notice yesterday that he would on this day move to suspend what is known as the Anthony rule.

Mr. ANTHONY. If the rule is suspended now it will be suspended for the rest of the session, I suppose, and the Calendar will have no chance whatever.

The VICE-PRESIDENT. The Senator from Indiana moves to suspend the rule for a special purpose.

Mr. SARGENT. I ask for the reading of the rule. My recollection of it is that it can only be suspended by unanimous consent.

Mr. CONKLING. And notice to suspend a rule I think must be in writing.

The VICE-PRESIDENT. Not under the terms of this rule.

Mr. CONKLING. Let us hear it read.

The VICE-PRESIDENT. It will be reported.

The Secretary read the following resolution adopted on the 3d instant:

*Resolved*, That after this day the order of the Senate of January 20, 1879, relative to the consideration of bills on the Calendar, shall not be suspended, unless by unanimous consent, or upon one day's notice.

Mr. CONKLING. Now I ask for the reading of the rule which prescribes a notice to be given of suspending a rule.

The VICE-PRESIDENT. That rule will be read.

The Secretary read as follows:

61. No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice, in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule, except the eighteenth, may be suspended without notice by the unanimous consent of the Senate; and the rule proposed to be suspended shall precisely and distinctly be stated. The eighteenth rule shall never be suspended under any circumstances whatever.

Mr. CONKLING. If it should turn out that so experienced a parliamentarian as my friend from Indiana has failed to give the requisite notice, I confess I shall be glad of it, although usually I want him to succeed in all his undertakings.

The VICE-PRESIDENT. The Chair rules that the Senator from Indiana has given the requisite notice under the rule.

Mr. CONKLING. I am sorry for it.

The VICE-PRESIDENT. The question is, will the Senate suspend the rule?

Mr. SARGENT. Does not that require a two-third vote?

The VICE-PRESIDENT. It does not. The question is on the motion to suspend the rule, on which a division is called for.

The Senate proceeded to divide; and the ayes were 14.

Mr. McDONALD. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 27; as follows:

## YEAS—20.

|         |           |            |           |
|---------|-----------|------------|-----------|
| Barram, | Eustis,   | McDonald,  | Shields,  |
| Butler, | Ferry,    | McPherson, | Voorhees, |
| Coke,   | Garland,  | Morgan,    | Wadleigh, |
| Dennis, | Grover,   | Plumb,     | Wallace,  |
| Eaton,  | McCreery, | Randolph,  | Whyte.    |

## NAYS—27.

|                  |                  |           |            |
|------------------|------------------|-----------|------------|
| Allison,         | Cockrell,        | McMillan, | Rollins,   |
| Anthony,         | Davis of W. Va., | Matthews, | Sargent,   |
| Bailey,          | Hereford,        | Maxey,    | Saulsbury, |
| Bayard,          | Howe,            | Merrimon, | Saunders,  |
| Beck,            | Ingalls,         | Mitchell, | Thurman,   |
| Cameron of Pa.,  | Kernan,          | Morrill,  | Withers.   |
| Cameron of Wis., | Kirkwood,        | Ransom,   |            |

## ABSENT—29.

|              |                    |                   |            |
|--------------|--------------------|-------------------|------------|
| Blaine,      | Davis of Illinois, | Hoar,             | Patterson, |
| Booth,       | Dawes,             | Johnston,         | Sharon,    |
| Bruce,       | Dorsey,            | Jones of Florida, | Spencer,   |
| Burnside,    | Edmunds,           | Jones of Nevada,  | Teller,    |
| Chaffee,     | Gordon,            | Kellogg,          | Windom.    |
| Christiancy, | Hamlin,            | Lamar,            |            |
| Conkling,    | Harris,            | Oglesby,          |            |
| Conover,     | Hill,              | Paddock,          |            |

So the motion was not agreed to.

The VICE-PRESIDENT. The Secretary will call the Calendar of general orders, commencing at the point reached on yesterday.

## DISTRICT LIQUOR TAX.

The bill (S. No. 1238) to levy a tax on the sale of spirituous and malt liquors in bar-rooms and all places where intoxicants are sold by the drink in the District of Columbia was announced as the first bill in order.

Mr. SPENCER. I think that bill had better go over.

The VICE-PRESIDENT. The bill is objected to, and goes over. The Secretary will report the next bill.

## BANKS IN WASHINGTON TERRITORY.

The next bill on the Calendar was the bill (S. No. 1217) to amend section 1924 of the Revised Statutes.

Mr. COCKRELL. Is there a report accompanying that bill?

The VICE-PRESIDENT. There is no report.

Mr. COCKRELL. Let the bill be read.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, which provides that the Legislative Assembly of the Territory of Washington may by general laws authorize the incorporation of banks of deposit and discount only with the usual banking powers of such, and may authorize the establishment therein of branches or agencies of corporations for such purposes created by other authority; but no such corporation, branch, or agency is to be authorized to make and issue notes for circulation as money, anything in section 1924 of the Revised Statutes to the contrary notwithstanding.

Mr. CONKLING. The Senator who reported that bill [Mr. PATTERSON] seems to be absent; and as there is no report and the bill is one which we ought to know something about, I suggest that it stand over.

The VICE-PRESIDENT. The bill will be passed over.

## FORT YUMA MILITARY RESERVATION.

The next bill on the Calendar was the bill (S. No. 1141) granting the right of way through the military reservation at Fort Yuma to the Southern Pacific Railroad Company.

Mr. MAXEY. Let that go over.

The VICE-PRESIDENT. The bill is objected to, and it goes over.

## MORGAN'S LOUISIANA AND TEXAS RAILROAD.

The next bill on the Calendar was the bill (S. No. 721) to relieve Morgan's Louisiana and Texas Railroad, formerly the New Orleans, Opelousas and Great Western Railroad, from certain conditions imposed by act of June 3, 1856, chapter 42, section 3.

Mr. CONKLING. May I inquire what committee reported the bill?

The VICE-PRESIDENT. The Committee on Public Lands.

Mr. CONKLING. I observe that it makes reference to a chapter and certain sections of the Statutes at Large, which chapter and which sections are repealed and have been repealed since the beginning of 1874. Therefore if the bill be a proper one and is to be operative, it will have, I should think, to be remodeled.

The VICE-PRESIDENT. The Chair will suggest that there is an amendment proposed by the committee. The Chair does not know the nature of it, but it will be reported for information.

Mr. CONKLING. I did not know that.

The Committee on Public Lands reported the bill with an amendment to strike out all after the enacting clause and insert a substitute; which was read.

Mr. CONKLING. That amendment is open to the criticism I suggested upon the original bill. The acts to which it refers are repealed, and in order to make the legislation operative the proper sections of the Revised Statutes should be referred to. I think for that reason, if for no other, the bill had better stand until some Senator who understands it can look at it.

The VICE-PRESIDENT. The bill will go over.

## L. MADISON DAY.

The next bill on the Calendar was the bill (S. No. 1391) for the relief of L. Madison Day.

Mr. DAVIS, of Illinois. I object to the consideration of that bill.

The VICE-PRESIDENT. The bill goes over, objection being made.

## BRIDGE ACROSS THE COLORADO.

The next bill on the Calendar was the bill (S. No. 1140) authorizing the Southern Pacific Railroad Company to construct, maintain, and operate a bridge across the Colorado River at Fort Yuma, in the State of California and in the Territory of Arizona.

Mr. RANSOM. Let that go over.

The VICE-PRESIDENT. The bill is objected to.

## THE REYNOLDS PATENT.

The next bill on the Calendar was the bill (S. No. 1394) to author-

ize Henry S. Van De Carr and Elsie M. Reynolds to make applications to the Commissioner of Patents for extension of the patent granted to Rensselaer Reynolds and Gordon B. Reynolds.

Mr. SAULSBURY. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is.

Mr. SAULSBURY. Let it be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. BOOTH on the 13th of June, 1878, from the Committee on Patents.

Mr. SAULSBURY. I think that had better go over.

The VICE-PRESIDENT. The bill is objected to, and will go over.

#### HUBBARD AND CONANT'S PATENT.

The next bill on the Calendar was the bill (S. No. 1395) for the relief of George W. Hubbard and William E. Conant.

Mr. CONKLING. Is there a report in that case?

The VICE-PRESIDENT. There is.

Mr. CONKLING. I should like to hear the report read.

The VICE-PRESIDENT. It will be read.

The Secretary read the report submitted by Mr. WADLEIGH on the 13th of June, 1878, from the Committee on Patents.

Mr. COCKRELL. Let that go over.

The VICE-PRESIDENT. The bill goes over.

#### RAILROAD IN TEXAS.

The next bill on the Calendar was the bill (S. No. 1316) to aid in the construction of the Corpus Christi, San Diego and Rio Grande Railroad.

Mr. ANTHONY. It will be impossible to consider such a bill at this time.

The VICE-PRESIDENT. The bill is objected to.

#### GREAT SOUTHERN RAILWAY.

The next bill on the Calendar was the bill (S. No. 899) to aid the Great Southern Railway Company (consolidated) to construct a line of railway in the States of Georgia and Florida.

Mr. EATON. That might as well go over.

The VICE-PRESIDENT. The bill is objected to, and will be passed over.

#### BEN. HOLLADAY.

The next bill on the Calendar was the bill (S. No. 1398) for the relief of Ben. Holladay.

Mr. MORRILL. I think it is hardly worth while to read that bill.

The VICE-PRESIDENT. The bill is objected to, and will be passed over.

#### ESTATE OF JOHN M. ROBINSON.

The next bill on the Calendar was the bill (S. No. 1399) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased.

Mr. COCKRELL. If there is a report in that case let it be reported.

The Secretary read the report submitted by Mr. HARRIS on the 14th of June, 1878, from the Committee on Claims.

Mr. CONKLING. I do not think that bill ought to pass without any explanation. It may be a meritorious bill.

The VICE-PRESIDENT. The bill goes over.

#### JOHN FLETCHER.

The next bill on the Calendar was the bill (S. No. 191) for the relief of John Fletcher.

Mr. CONKLING. Is there a report about that bill?

The VICE-PRESIDENT. There is.

Mr. CONKLING. Let us hear it by all means.

The Secretary read the report submitted by Mr. MORGAN on the 14th of June, 1878, from the Committee on Claims.

Mr. CONKLING. If I apprehend this case aright it is that of a contractor who agreed to furnish cattle on the hoof at points named. He did not furnish the cattle, but he alleges that he failed to do so because the cattle were stamped by Indians; therefore, in the language of the report, as the Government has thrown its protecting arms around the Indians and thus made them its wards it is to step in and respond as if they had acted in some sort as the agents of the Government in stampeding these cattle. That may be law, Mr. President, but if so I think it should be affirmed after some consideration, and I should object to its being done on the mere reading of the report.

The VICE-PRESIDENT. Objection is made to the consideration of the bill, and it goes over.

#### DES MOINES RIVER LANDS.

The next bill on the Calendar was the bill (S. No. 1330) to quiet title of settlers on Des Moines River lands in the State of Iowa, and for other purposes.

Mr. KERNAN. I think that had better go over.

The VICE-PRESIDENT. The bill is objected to.

The time within which the Calendar of general orders is to be considered under the special order has expired, and the Senate proceeds to the consideration of its unfinished business.

#### NOTICE OF BUSINESS.

Mr. PATTERSON. I give notice that on next Tuesday, after the expiration of the morning hour, I shall call up the bill (S. No. 1802)

to establish a United States court in the Indian Territory, and for other purposes.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 1704) for the relief of Daniel M. Frost and the heirs and executors of William M. McPherson, of the State of Missouri; in which it requested the concurrence of the Senate.

#### CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.

Mr. BLAINE. Mr. President, in the remarks of the honorable Senator from Ohio [Mr. MATTHEWS] yesterday—I regret that I do not see him in his seat—he intimated that the Government of the United States had solicited the last treaty with China now under consideration. I think that is just the reverse of the historic fact. What is known as the Reed treaty with China had given to the merchants of the United States and to those who desired to trade with China all the facilities they desired, and the treaty known as the Burlingame treaty was certainly asked in the most impressive manner by a Chinese embassy from our Government. The eminent gentleman who had gone to China as our minister had transferred his services to the Chinese Empire, and he returned to us at the head of a special embassy with great prestige from China, with a very great number of friends at home, and was able to do what perhaps no other man then living could have done for China. He was generally spoken of during his life-time as a stump-speaker. He has been ten years in his grave, and I desire here and now in referring to him to say that he was a man of great address and great ability, and that he showed it in placing himself in the position he did with relation to the Chinese Empire and influencing us to do as we did at his request.

This subject divides itself naturally into two parts, one of form and one of great substance. The one of form is whether we may rightfully adopt this mode of terminating the treaty, for after all it relates to form. The second and graver question is whether it is desirable to exclude Chinese immigration from this country. I noticed that the Senator from Ohio yesterday on the first of these questions called the attention of the Senate to the gravity of the obligation which existed between the two countries, but he stopped reading at a very significant point. He read from the fifth article of the treaty down to this point. I will repeat just what he read:

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.

And here the honorable Senator from Ohio stopped, and it was well for his argument that he did, for right following the words that he read are these:

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.

I maintain that the latter clause of that treaty has been persistently violated from the very hour it was made. In the sense in which we get immigration from Europe there never has one Chinese immigrant come to these shores. Those words were understood at the time to have been penned specially by Mr. Seward. They are worth repeating; and as my honorable friend from Ohio, who is now in his seat, did not read them yesterday, I will read them again in his hearing:

The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes.

The words are worth emphasizing; not merely "voluntary," it must be "entirely voluntary," and then each nation was to make laws to secure this end. Now, I am told by those who are much more familiar with this subject than I am that there is no notice at the State Department that China ever complied with that provision to make a law; and I suppose that when a nation in a treaty agrees to make a law it agrees to enforce it. The mere making of a law and then not enforcing it, would be no compliance. They agree, in other words, to enforce the provision that there should be nothing else than voluntary emigration, and entirely voluntary emigration. They have never done it, and have been absolutely false and faithless on that point.

The treaty stands broken and defied by China from the hour it was made to this time. It never has been complied with. We had to legislate against it. We legislated against it in the cool law. The Chinese were so flagrantly and so palpably violating it that statutes of the United States were enacted to contravene the evil they were doing, and it has gone on, probably not so grossly since those laws were passed as before, but in effect the same. So that all the point the Senator makes about our Punic faith in attempting to break this treaty, is answered by the fact that the treaty has been broken by the other power continuously.

The Senator from Ohio asked what we should do in a similar case if the other contracting party were Great Britain or Germany or France



or any power that was able to make war. I ask the honorable Senator what he would advise us to do if Great Britain or France or Germany should locate six commercial companies in New York, whose business it should be to bring hither to this country the worst class and the lowest class of the population of those three kingdoms? What would the honorable Senator from Ohio say to that, or does he hesitate to believe what we would say to it?

Mr. MATTHEWS. Does the Senator desire an answer?

Mr. BLAINE. Yes, if the Senator pleases.

Mr. MATTHEWS. Then, Mr. President, I would say this, that instead of inaugurating an arbitrary and *ex parte* act of legislation on our own part, giving our own construction to the treaty and the conduct of the other party under it, I would, through the usual diplomatic representative of this country, make representations to that government making complaints of the alleged breach of the treaty, and ask what answer could be made to that; and only in the event, as a last resort, of a contumacious refusal to obey the plain requisitions of the treaty obligation, would I resort to a repudiation of our own obligations under it.

Mr. BLAINE. Ah! but the Senator does not answer the question I asked him, what he would do in case they had themselves broken it, and we were the victims of the breach? He answers me that he would take hat in hand and bow politely before them, and ask them if they would not do better! What are we to do as a measure of self-defense when they have broken it, and taken the initiative? I say that this country and this Senate would not hesitate to defy any European power. The argument the Senator meant to employ was that we were doing toward a helpless power, not able to make war with us, that which we would not do if a cannon were pointed toward us. Does the Senator doubt that if any one of these countries should locate six commercial companies here to import the worst portion of their population and put it upon our shores, (and you cannot even find so bad a population as this in Europe,) that we would hesitate in our course towards the offending power?

Mr. MATTHEWS. Will the Senator allow me a moment?

Mr. BLAINE. Certainly.

Mr. MATTHEWS. The bill which he advocates does not abolish the six commercial companies; it forbids the voluntary emigration of more than a certain number.

Mr. BLAINE. It forbids the nefarious practices of the six commercial companies. And now, in regard to this treaty, the Senator says we should give notice. It has been read in the hearing of the Senate a dozen times, that nearly one year ago we called the attention of the Executive to this matter. Certainly it must be the presumption of Congress that the President did his duty in that regard. It is not for any Senator here to speak of what he has done or what he has not done. The presumption is that all departments have done their duty; and the plain duty of the Executive was to bring this resolution by way of notice to the attention of the Chinese government. And there is another feature to which I beg the honorable Senator from Ohio to direct his attention. I hold in my hand a book which contains all the treaties which have been made by the United States with all foreign powers from the time the Government was organized. They are about two hundred and thirty in number, I think; about one-half of them with European powers, the remainder with South American, Central American, Mexican, Asiatic, and African countries. I believe I could say, although I am a little modest about universal affirmations, I believe it is almost true as a universal affirmation, that you cannot find, with the exception of the Burlingame treaty, any one in that whole list that relates to a commercial connection that does not either terminate itself by a certain date or provide the mode of its termination. Almost all of them have a given date when they expire. Some of them have a time within which either party may give notice, but there is a clause in almost every one of them providing that by a certain process either country may free itself from the obligations that it assumed. The Burlingame treaty is peculiar; it relates to a commercial and personal connection of emigration and of trade, but it does not say that it shall last ten years or twenty years, or any other period. It is interminable in its provisions. It does not provide that we shall give notice in a certain way, or that they shall give notice in a certain way. There is no provision in the world by which you can terminate it unless you take the initiative, as is proposed now.

Mr. MATTHEWS. Will the Senator allow me to take advantage of this pause in his argument to make an inquiry?

Mr. BLAINE. I pause for the Senator's benefit.

Mr. MATTHEWS. I was not in when the Senator commenced his allusion to the six companies. The inquiry I desire to make is in what manner and in what degree and to what extent the Emperor of China or the Chinese government is responsible for the establishment of the six companies in this country for purposes of emigration?

Mr. BLAINE. That I do not know. The secrets of the Chinese Empire are past finding out. I do not know what sort of agency they have from the government. They have some undoubtedly. They have some sort of connection with the government, and they retain it. They are in a certain sense agents of the Chinese government for the importation of this cool population. Does the Senator disbelieve that himself?

Mr. MATTHEWS. I have no reason to suppose other than the statement just made by the Senator that the six companies have any

connection whatever with the Chinese government or any authority from the Emperor in reference to their operations.

Mr. BLAINE. That is not very essential to the point. What I maintain and what I wish to attract the attention of the Senate to is that this treaty does not provide any mode itself by which it may be terminated. Somebody must necessarily take the initiative. The Senator from Ohio says he would go to the Emperor and make certain representations. Then I ask the honorable Senator: Suppose the Emperor should refuse, what would he do then? Suppose the Emperor should say "you have entered into a treaty with us for all time; its very terms show that there was to be no limit to it." Now I ask the honorable Senator from Ohio what he would do then? Suppose we are unanimously of opinion here that the treaty ought not to continue, what would the honorable Senator do in case the Emperor should say, "I desire to stand by that treaty?" What then?

Mr. MATTHEWS. Does the Senator wish an answer?

Mr. BLAINE. Yes, if you choose.

Mr. MATTHEWS. I should take it into consideration. [Laughter.]

Mr. BLAINE. That is a very exact executive way of doing things. [Laughter.] He would consider it. That is just about as definite a point as I supposed the Senator would come to. [Laughter.] If we unanimously determine that this treaty ought to be ended and we send an embassy, as he suggests, to the Emperor and he says "No, I think it ought not to be ended," he would come back and sit down and take it into consideration. [Laughter.] That is just about what I supposed!

Mr. President, this Chinese question is not new here. We have had it before. We had it here very significantly a few years ago when we were amending the naturalization laws. But before I leave the treaty I wish to come to another point. The Senator from Ohio read us a lesson upon the great obligations that rested upon us as a nation of honorable people, as if we were about to do something in the way of terminating a treaty which would give us a bad name and fame among the nations of the earth.

Now, in answer to the honorable Senator, without attempting to defend all that has been done by various nations in regard to the termination of treaties, I say this, that it has been the usual habit of nations, and is laid down in the very *principia* of the law of nations, (which I will not quote,) that when a people find a treaty that is "pernicious to the nation," the very words of Vattel, it may terminate it, and we took advantage of a French authority on a very memorable occasion. The treaty that we made with France in 1778, which was considered the origin of the strength that gave us success in the Revolution, contained this article:

Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other, first obtained.

And the French afterward said that the Americans, without giving them the slightest notice, "stealthily precipitated" a peace and left them open either to war or negotiation, and when we were accused of it we turned to their own author and said this was an absolute and essential thing to the life of our people; we were compelled to do it and we did do it. Self-preservation is the first law of nations as well as of nature, and we used it.

As I said, the Chinese question is not new; we have had it here very often; and proceeding somewhat to the second branch, I lay down this principle, that so far as my vote is concerned I will not admit a man to immigration to this country that I am not willing to place on the basis of a citizen. Let me repeat that. We ought not to admit in this country of universal suffrage the immigration of a great people, great in numbers, whom we ourselves declare are utterly unfit to become citizens.

What do we say on that point? In the Senate of the United States on the 4th day of July, 1870, a patriotic day, we were amending the naturalization laws. We had made all the negroes of the United States voters practically; at least we had said they should not be deprived of suffrage by reason of race or color. We had admitted them all, and we then amended the naturalization laws so that the gentleman from Africa himself could become a citizen of the United States; and an immigrant from Africa to-morrow, from the coast of Guinea or Senegambia, can be naturalized and made an American citizen. Then Senator Trumbull moved to add:

Or persons born in the Chinese empire.

He said:

I have offered this amendment so as to bring the distinct question before the Senate whether they will vote to naturalize persons from Africa and vote to refuse to naturalize those who come from China. I ask for the yeas and nays on my amendment.

The yeas and nays were as follows on the question of whether we would ever admit a Chinaman to become an American citizen. The yeas were:

Messrs. Fenton, Fowler, McDonald, Pomeroy, Rice, Robertson, Sprague, Sumner, and Trumbull—9.

The nays were:

Messrs. Bayard, Boreman, Chandler, Conkling, Corbett, Cragin, Drake, Gilbert, Hamilton of Maryland, Hamlin, Harlan, Howe, McCreery, Morrill of Vermont, Morton, Nye, Osborn, Ramsey, Sanlbury, Sawyer, Scott, Stewart, Stockton, Thayer, Thurman, Tipton, Vickers, Warner, Wiley, Williams, and Wilson—31.

My friend from Rhode Island [Mr. ANTHONY] and the honorable chairman of the Judiciary Committee [Mr. EDMUNDS] are put among

the absent, but there was a vote of 31 against 9 in a Senate three-fourths republican declaring that the Chinaman never ought to be made a citizen. I think that settles the whole question if that was a correct vote, because you cannot in our system of government as it is to-day, with safety to all, permit a large immigration of people who are not to be made citizens and take part in the Government. The Senator from California tells us that already the male adult Chinese in California are more numerous than the white voters. I take him as an authority for his own State, and I should expect him to take my statement about my own State.

Mr. SARGENT. I said they were about the same number. That is my information, and I think it is correct.

Mr. BLAINE. It seems to me that if we adopt as a permanent policy the free immigration of those who by overwhelming votes in both branches of Congress we say shall forever remain political and social pariahs in a great free Government, we have introduced an element that we cannot handle. You cannot stop where we are; you are compelled to do one of two things, either exclude the immigration of Chinese or include them in the great family of citizens.

The argument is often put forward that there is no particular danger of numbers coming here; that it is not a practical question; and as the honorable Senator from Ohio is free to answer, I ask him if the number should mount up into the millions what would be his view then?

Mr. MATTHEWS. The Senator seems to expect a reply to his inquiry. I would say that when there was a reasonable apprehension by the United States of the immigration mounting up to such numbers, then I would take that into consideration.

Mr. BLAINE. Take that into consideration! The Senator is definite! If it should come to millions in the population of the Pacific slope, he would begin to take it into consideration! That is practical legislation! That is legislating for an evil upon us to-day! The Senator's statesmanship is certainly of a considerate kind.

Well, what about the question of numbers? Did it ever occur to my honorable friend from Ohio that the vast myriads of millions almost, as you might call them, the incalculable hordes in China, are much nearer to the Pacific coast of the United States in point of money and passage, in point of expense of reaching it, than the people of Kansas. A man in Shanghai or Hong-Kong can be delivered at San Francisco more cheaply than a man in Omaha now. I do not speak of the Atlantic coast, where the population is still more dense, but you may take the Mississippi Valley, Illinois, Iowa, Nebraska, Kansas, Missouri, all the great Commonwealths of that valley, and they are, in point of expense, further off from the Pacific slope than the vast hordes in China and Japan.

I am told by those who are familiar with the commercial affairs of the Pacific side that a person can be sent from any of the great Chinese ports to San Francisco for something over \$30. I suppose in an emigrant train over the Pacific Railroad from Omaha, not to speak of the expense of reaching Omaha, but from that point alone, it would cost \$50 per head, and that would be cheap railroad fare as things go in this country. So that in point of practicability—in point of getting there—the Chinaman to-day has an advantage over an American laborer in any part of the country, except in the case of those who are already on the Pacific coast.

Ought we to exclude them? The question lies in my mind thus: either the Anglo-Saxon race will possess the Pacific slope or the Mongolians will possess it. You give them the start to-day, with the keen thrust of necessity behind them, and with the ease of transportation before them, with the inducements to come, while we are filling up the other portions of the continent, and it is entirely inevitable if not demonstrable that they will occupy that great space of country between the Sierras and the Pacific coast. They are themselves to-day establishing steamship lines; they are themselves to-day providing the means of transportation; and when gentlemen say that we admit from all other countries, where do you find the slightest parallel? And in a republic especially, in any government that maintains itself, the unit of order and of administration is in the family. The immigrants that come to us from all portions of the British Isles, from Germany, from Sweden, from Norway, from Denmark, from France, from Spain, from Italy, come here with the idea of the family as much engraven on their minds and in their customs and in their habits as we have it. The Asiatic cannot go on with our population and make a homogeneous element. The idea of comparing European immigration with an immigration that has no regard to family, that does not recognize the relation of husband and wife, that does not observe the tie of parent and child, that does not have in the slightest degree the ennobling and the civilizing influences of the hearth-stone and the fireside! Why when gentlemen talk loosely about emigration from European states as contrasted with that, they certainly are forgetting history and forgetting themselves.

My honorable colleague [Mr. HAMLIN] and the Senator from Wisconsin [Mr. HOWE] voted that the Chinaman ought not to be a citizen of this country, voted that he ought not to become a voter in this country. My honorable friend says *sotto voce* that he did not vote that he never should; but you are like the honorable Senator from Ohio; you voted "no," and then proceeded to take the question "into consideration," [laughter,] which you have been doing for ten years. When the question was up, whether the Chinaman should be a subject of naturalization, you said "no," and you said "no" at a time when

you said the negro from Africa might come in and be naturalized. You said "no" at a time when every emigrant from every portion of the habitable globe was the subject of naturalization; and I think that vote largely precipitated the trouble. I think the Chinaman in California, if he is to be forced upon us in great numbers, would be safer as a voter, dangerous as that would be, than as a political pariah.

Mr. HOWE. Why not apply that remedy?

Mr. BLAINE. I am talking about a choice of evils. That is not the remedy. You do not remedy one evil by putting in another evil. I want to remove both. That is no remedy at all. You only present me another evil. I am opposed to the Chinese coming here; I am opposed to making them citizens; I am opposed to making them voters.

But the Senator from Wisconsin must contemplate the fact that with the ordinary immigration that is going on now, if the statistics given by the honorable Senator from California are correct, you are going to have very soon a large majority of the male adults of California non-voters; and with the Republic organized as it is to-day, I make bold to declare that you cannot maintain a non-voting class in this country. It was a necessity to give the negro suffrage. Abused as it has been in the South, curtailed unfairly, it is still the shield and defense of that race; and with all its imperfections and all its abuses and all its shortcomings, either by reason of his own ignorance or by the tyranny of others, the suffrage of the negro has wrought out or has pointed the way by which shall be wrought out his political and personal salvation.

Mr. DAWES. I should like to be certain about this matter of the naturalization of Chinamen. They naturalize Chinamen in my State.

Mr. BLAINE. Then they do it by what law?

Mr. DAWES. United States laws, of course.

Mr. BLAINE. The United States laws are directly in the teeth of that.

Mr. DAWES. I cannot help that.

Mr. BLAINE. Then if you choose to disobey the United States laws you can do it, but the United States laws say that those naturalized shall be white persons or natives of Africa.

Mr. MITCHELL. Or of African descent.

Mr. DAWES. I state the fact of my personal knowledge. I have seen Chinamen naturalized in our courts.

Mr. SARGENT. The United States circuit court in San Francisco on a test case and in a very able opinion delivered by Judge Sawyer, held that under the laws of the United States Chinamen cannot be naturalized.

Mr. BLAINE. It is clear on the forefront of it. It does not require a United States circuit judge to find that out. It is right on the forefront of the law that they cannot be. It was voted down in the Senate of the United States when they attempted to change it. Massachusetts judges who do that violate the laws of the United States.

I have talked with a great many gentlemen on this question, and I never yet have seen one who did not, like the honorable Senator from Ohio, desire to escape and take the subject into consideration when it came to the point of how far will you permit this immigration to go? to what extent? where do you propose to limit it? The honorable Senator declined to tell me where he would limit it. I have never yet found any one who would say that he would allow it to be illimitable. I have never yet found one who was an advocate of Chinese immigration that would say where he would make a point that he would fix it and restrain it.

Is there any Senator on this floor—and I ask to be answered if there is—who is willing to say that under the operation of the Burlingame treaty as it is now running, if the Chinese come in and occupy the three Pacific States to the exclusion of the whites, they have the right to do it under this Government; or rather that we would be right in permitting them to do it? I will repeat my question: Should we be justified sitting still here in the administration of this Government and permitting this treaty and the immigration which it allows to go forward until those three States should be overridden by that population? That is what I ask every Senator.

Mr. HAMLIN. If my colleague wants an answer, I will give him one for myself.

Mr. BLAINE. I do.

Mr. HAMLIN. When the sky falls we shall catch larks. That is an old adage. The statistics will show that in the last thirty years the immigration hence from China has exceeded a little four thousand a year.

Mr. BLAINE. Still my honorable colleague is evading the question, not answering it.

Mr. HAMLIN. I am not going to evade it. I will come a little nearer my colleague than the Senator from Ohio; I will take it into consideration now. I will meet every question as it shall arise, and I will state to my colleague how I would meet it when it shall arise. It has not arisen now. When the time shall come that I become satisfied that the population of China will overrun our country, and there shall be danger or imminent peril from that immigration, I will join with my colleague in abrogating all treaties with them; not one single little paragraph of a treaty, while we ask them to maintain it in its integrity for all the commercial advantages that that treaty bestows upon us and all the protection that that treaty gives us to the right of trial by jury under our own laws. I will not meet it by an



attempt to abrogate a treaty upon a little point while we are the beneficiaries in the great and substantial points. I am as indifferent to all the danger that shall come away down into the stillness of ages from the immigration of the Chinese. Treat them, I will not say like pagans, because Confucius would shame us if we go to his counsel—treat them like Christians, and they will become good American citizens. [Applause in the galleries.]

Mr. BLAINE. But my colleague voted that they should not become American citizens.

Mr. HAMLIN. I do not want to interrupt my colleague, but I will state before the debate shall close the reasons which were satisfactory to my mind for my vote then, and I am half inclined to believe that I will so state them that my colleague himself will see that I voted them right.

Mr. BLAINE. I would have voted with my colleague, unqualifiedly I would have voted with him.

Mr. SARGENT. Will the Senator from Maine [Mr. BLAINE] allow me to justify a statement he has made? I will take but a moment. I understood his colleague [Mr. HAMLIN] to say that the average importation of Chinese during the last twenty years had been four thousand a year.

Mr. HAMLIN. Between four and five thousand.

Mr. SARGENT. Now, sir, Rev. Otis Gibson, a missionary laborer among the Chinese of San Francisco, as much their friend as the Senator from Maine, [Mr. HAMLIN,] has written a work upon this subject; he had access to the books of the six companies in San Francisco; and in his book he gives the following table of Chinese importation down to April 1, 1876, over two years ago, and the number has increased since that time. The Ning Yung Company has imported 75,000 during the time the Senator referred to; and an average of 4,000 for twenty years is 80,000. He says the Hop Wo Company imported 34,000; the Kong Chow Company 15,000; the Yung Wo Company 13,000; the Sam Yung Company 11,000; the Yan Wo Company 4,300, making in all 151,300 against 80,000 the Senator would calculate upon, and at the port of San Francisco alone, saying nothing of those who come into Oregon and those that come into Washington Territory who crowd out the men at the Colville mines, a continual stream of them coming all the time.

Mr. MORRILL. May I ask my friend from California if it is not true that a much larger number have returned to China in the last year than have come here.

Mr. SARGENT. I think on account of the excitement existing in California, on account of the danger of trouble there—and you will have to reconstruct those States by and by if you do not take care of this question soon—the Chinese have been deterred to a considerable extent in coming. There has been called a halt on account of the great public meetings held there, on account of the people I might say showing their teeth. That has repressed it somewhat.

Mr. MORRILL. I merely desire to say that I have understood there were now three or four times more going back to China than were coming this way.

Mr. SARGENT. Oh, no, that is an error, a mistake. There is a very large number coming now, and there is about the same number returning.

Mr. HAMLIN. My colleague will pardon me for a moment.

Mr. BLAINE. Certainly; I will hear my honorable colleague with pleasure. I will hear all in turn.

Mr. HAMLIN. I think it is utterly impossible to state with precise accuracy what is the number of Chinese in this country at this time. I think, however, it can be approximated very closely. The Senator from California has stated the basis of his conclusions. Now I will give from the Alta Californian Almanac, published in San Francisco, the calculation, and I will read it to the Senate. It may be they have made an underestimate, but they would not be very likely to do it in that community.

Mr. SARGENT. That paper is very strongly pro-Chinese, and the only one on the coast.

Mr. HAMLIN. The only one! I think there are five in the city of San Francisco which favor the immigration of Chinese.

Mr. SARGENT. Will my friend please name them?

Mr. HAMLIN. I have got two or three of them here. In thirty years, according to the official report, the gain in the arrivals over departures has been 139,863, or at the rate of 4,662 per annum. The deaths, according to the Alta Almanac, page 43, number about 20 for every 1,000 per annum; but taking the largest number given for arrivals, 233,000, and taking the official figure of returns, 93,000, and deaths of 20 in every 1,000 per annum, and you have 123,000 deducted from the 233,000, leaving the number on this continent at the present time the enormous number of about 100,000! The Alta Almanac further gives, on page 43, the number in California at 78,000, while I understand the official record of the Chinese themselves places the number in California at but 60,000. Now, I say to my colleague, it was upon that information that I said the arrivals beyond the departures had been between four and five thousand.

Mr. BLAINE. Still the wonder grows with me that if the aggregate immigration is so small and will remain so small, as my colleague states, he should still have thought that they ought not to be citizens, and could not be safely trusted with the elective franchise. All that my honorable colleague has said has made me wonder still more at that vote; although as I state I would have given the same

vote with him, but I would have given it from an entirely different stand-point and with an entirely different view. I am sure, even if I do repeat myself in so saying, that no gentleman can justify an indefinite immigration from China who is not willing to assume and justify all the responsibilities of their becoming citizens of the United States, because we cannot remain with the Pacific coast exposed to that immigration with a non-voting class largely outnumbering the voting class.

The Senator from Ohio [Mr. MATTHEWS] made light of race trouble. I supposed if there is any part of the world where a man would not make light of race trouble it was here. I supposed if there was any people in the world that had a race trouble on hand it was ourselves. I supposed if the admonitions of our own history were anything to us we should regard the race trouble as the one thing to be dreaded and the one thing to be avoided. We are not through with it yet. It cost us a great many lives; it cost us a great many millions of treasure. Does any man feel that we are safely through with it now? Does any man here to-day assume that we have so entirely solved and satisfactorily settled on a permanent basis all the troubles growing out of the negro-race trouble that we are prepared to invite another one? If so, he views history different from myself. If any gentleman looking into the future of this country sees, for certain sections of it at least, peace and good order and absolute freedom from any trouble growing out of race, he sees with more sanguine eyes than mine. With this trouble upon us here, not by our fault, to deliberately sit down and invite another or permit another and far more serious trouble seems to be the very recklessness of statesmanship.

Treat them like Christians, my friend says; and yet I believe the Christian testimony from the Pacific coast is that the conversion of Chinese on that basis is a fearful failure; that the demoralization of the white is much more rapid by reason of the contact than the salvation of the Chinese race, and that up to this time there has been no progress whatever made. I think I heard the honorable Senator from California who sits on this side of the Chamber [Mr. BOOTH] say that there was not, as we understand it, in all the one hundred and twenty thousand Chinese, more or less, (whether I state the number aright or not does not matter,) there did not exist among the whole of them the relation of family. There is not a peasant's cottage inhabited by a Chinaman; there is not a hearth-stone in the sense we understand it, of an American home, or an English home, or a German home, or a French home. There is not a domestic fire-side in that sense; and yet you say that it is entirely safe to sit down here and permit that to grow up in our country. If it were a question of fifty years ago I admit with my colleague it would not be practicable. Means of communication, ease of access, cheapness of transportation, have changed the issue and forced upon our attention a crisis in it. I am always disposed to take each Senator's statement about his own State. If I should make a statement about my State, or my colleague who knows more about it should make a statement concerning Maine, I should not feel very well to have it doubted by other Senators. I undertake to believe at least that if the Congress of the United States should decide adversely, in effect confirming the treaty and the status of immigration as it now is, you cannot maintain law and order in California without the interposition of the military five years hence. Do I overstate that?

Mr. SARGENT. I am sorry to say that I think the Senator does not overstate it.

Mr. BLAINE. I do not justify the brutality of the treatment of those Chinese who are here; it is greatly to be regretted; it is greatly to be condemned; but you must deal with things as you find them. If you foresee a conflict upon that coast by reason of an immigration that calls for the interposition of the military, I think it is a good deal cheaper and more direct way to avoid the trouble by preventing the immigration.

I have heard a good deal about their cheap labor. I do not myself believe in cheap labor. I do not believe cheap labor should be an object of legislation, and it will not be in a republic. You cannot have the wealthy classes in a republic where suffrage is universal, legislate for cheap labor. I undertake to repeat that. I say that you cannot have the wealthy classes in a republic where suffrage is universal legislate in what is called the interest of cheap labor. Labor should not be cheap and it should not be dear; it should have its share and it will have its share. There is not a laborer on the Pacific coast to-day, I say that to my honorable colleague—whose whole life has been consistent and uniform in defense and advocacy of the interests of the laboring classes—there is not a laboring-man on the Pacific coast to-day who does not feel wounded and grieved and crushed by the competition that comes from this source. Then the answer is, "Well, are not American laborers equal to Chinese laborers?" I answer that question by asking another. Were not free white laborers equal to African slaves in the South? When you tell me that the Chinaman driving out the free American laborer only proves the superiority of the Chinaman, I ask you, did the African slave labor driving out the free white labor from the South prove the superiority of slave labor? The conditions are not unlike; the parallel is not complete, and yet it is a parallel. It is servile labor; it is not free labor such as we intend to develop and encourage and build up in this country. It is labor that comes here under a mortgage. It is labor that comes here to subsist on what the American laborer

cannot subsist on. You cannot work a man who must have beef and bread, and would prefer beer, alongside of a man who can live on rice. It cannot be done. In all such conflicts and in all such struggles the result is not to bring up the man who lives on rice to the beef and bread standard, but it is to bring down the beef and bread man to the rice standard. [Manifestations of applause in the galleries.] Slave labor degraded free labor; it took out its respectability; it put an odious caste upon it. It throttled the prosperity of a fine and fair portion of the United States; and a worse than slave labor will throttle and impair the prosperity of a still finer and fairer section of the United States. We can choose here to-day whether our legislation shall be in the interest of the American free laborer or for the servile laborer from China.

I only rose, Mr. President, to speak briefly. I have had many interruptions or I should have long since taken my seat. In conclusion, or by summary, I maintain that this legislation is in the strictest accord with international obligation. We have given notice, and the Chinese Empire has itself violated the treaty. Whether you take it on the one ground or the other, we are entirely justified in the legislation proposed. They have never lived for one month on their side by the terms of the treaty. A treaty, I repeat, which is interminable, so far as its own language is involved, when one party or the other desires it to be terminated, must be terminated by just such action as this bill proposes. That question out, the only one we have to regard is whether on the whole we will devote that interesting and important section of the United States to be the home and the refuge of our own people and our own blood, or whether we will continue to leave it open, not to the competition of other nations like ourselves, but to those who, degraded themselves, will inevitably degrade us. We have this day to choose whether we will have for the Pacific coast the civilization of Christ or the civilization of Confucius. [Applause in the galleries.]

The PRESIDING OFFICER, (Mr. McMILLAN in the chair.) Demonstrations of applause in the galleries must be restrained. The officers must attend to preserving order and removing disorderly persons from the galleries.

Mr. MITCHELL. Mr. President, if there is any one thing that could possibly be more embarrassing to me than another it is in undertaking to address the Senate of the United States at the close of a speech from the honorable Senator from Maine.

The rapid approach of the end of the Forty-fifth Congress, and the great mass of public business yet pressing upon the attention of the Senate, impel me to forego at this time any elaborate discussion of the pending measure, momentous as it is, and although of peculiar and especial interest to the people I in part represent on this floor. These considerations, in connection with the fact that I have heretofore detained the Senate on more than one occasion in elaborating my views upon the question of the constitutionality, the policy, the propriety, and the entire defensibility from every possible standpoint of not only partial but absolute inhibition by Congress, on the further invasion of our shores by the Mongolians of Asia, the existence of the Burlingame treaty to the contrary notwithstanding, shall lead me at this time to do little more than make a very brief *résumé* of the grounds upon which I give my hearty and unqualified support to the pending measure. And for an elaboration of my views and reasons I, as the lawyers say, refer to a speech delivered by me in this body, May 16, 1876.

There are at times questions in reference to which Congress is brought face to face and with which it is compelled to meet and grapple, which for the time obliterate all party lines and unite in one solid phalanx men of every shade of political party, who either from their locality or their careful investigation of the subject have come to realize their gravity and their intimate relation to the future well-being of our country, its institutions, and people. Such a question is that presented by the pending bill. It is no political question in the ordinary acceptance of that term. It is one that rises above mere party and addresses itself to us, not as mere partisans striving for party supremacy, but as conservators of the peace and good order of our people and the integrity and perpetuity of republican institutions in America; as defenders of the purity of our political and social fabric against the contaminating, corroding, and destructive effects of the imperial customs and practices of overwhelming numbers of Asiatic barbarians.

That this is so may be gleaned from the fact that of the eighteen Senators, Representatives, and Delegates from the Pacific States and Territories, where alone in the United States the shadow of this great evil has cast its blighting influence, all, twelve republicans and six democrats, are a unit upon this question. Forgetting for the time that they are mere partisans, seeing and comprehending a great impending danger, they unite as common defenders of a common heritage, and insist upon such legislation as will avert so great a calamity as to-day threatens the peace, the prosperity, the civilization of the people of the Pacific coast through the contaminating influences of a race which is flowing in upon us from the countless millions of Asia; a race which it has been truly said speaks not only a different language but worships unknown gods, keeps alive imported customs and traditions in direct and dangerous conflict with all our systems, and forms almost a separate caste. These Senators, Representatives, and Delegates of the Pacific States and Territories, irrespective of party, to-day with one voice, and that but the rightful

echo of the almost universal sentiment of the people of that section, demand in the councils of the nation prompt, affirmative, and efficient legislation in opposition to, and in restraint of, this new, strange, imminent, and deadly menace to the peace, the integrity, the permanency of our institutions; legislation that will throttle in its infancy and weakness this great anaconda in whose folds the vital interests of the laboring men and women of the Pacific States and Territories and the highest interests and purposes of our civilization are to-day being crucified; an evil which is sacrificing our labor interests upon the debasing altar of an unequal, unjust, unreasonable, and degrading competition with the serf-labor of the lowest classes of heathenish Asiatic serfdom, and against which honest toil is to-day upon that coast rebelling justly in righteous indignation.

Surely, then, when the representatives of all parties from the infected districts, if I may so speak, are, without a single exception, unable to see in this invasion of our shores by the serfs of Asia, instigated and controlled, guided and directed, as it unquestionably is, by wily, calculating, and avaricious masters, personified as they are by the notorious six companies, their agents and allies, aught but present and fearful menace and final and indescribable disaster to the rights, the privileges, the liberties, not alone of our own people, but to those also of the oppressed and downtrodden of other lands who upon our shores seek an asylum from oppression and a permanent home for themselves and their posterity, it would seem Senators from the East and South who have never personally stood in the presence of this new and great danger should pause and reflect before deciding adversely to the proposed legislation through any ill-considered or false notions of humanitarianism or the sacredness of treaty stipulations.

Mr. President, in what I shall briefly say at this time on this subject I prefer to address myself not so much to those whose education and political teachings would naturally lead them to discriminate in reference to race, color, and previous condition, but rather to those who have heretofore occupied and do now occupy higher, more liberal, and humane views in reference to the questions of race and color, and will endeavor to show that a wholesome restraint of Asiatic emigration to this country as a measure of protection to our institutions, our civilization, and our people, is in no sense in conflict with the most advanced opinions of those who hold to the universal brotherhood of man, or to the doctrine even that suffrage is a birth-right; no more in conflict, indeed, with these opinions than are our naturalization laws of to-day, which prescribe a certain residence in the United States and impose other jurisdictional conditions before any court in the land can admit any foreigner to an exercise of the rights of citizenship. "All men," says the immortal Declaration, whose flowing words pointed the way to the men who achieved our liberties, "are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

To this declaration I give my hearty and unqualified assent. The rights of life, liberty, and the pursuit of happiness upon the part of every human being should be respected, upheld, maintained in all lands, under all circumstances, in all ages, at all times. For the vindication and perpetuity of this idea war has been waged and patriots have fought and fallen. The United States to-day would blush with shame to hesitate to give to this sentiment, this declaration, her unqualified indorsement and hearty support; but while indorsing this to the fullest extent as to individual rights, it will not be contended that there is not something due to us as a nation. While we concede the brotherhood of man; while we cheerfully proclaim, in the language of the immortal charter, that all men are created free, we yet recognize the imperative necessity of so regulating our affairs as that our institutions and our people should be free from the contamination of every and any disturbing element, the existence of which among us is inconsistent with the general good of our people, the welfare of our Government, and the just claims and noble aspirations of our civilization.

I on yesterday listened with interest and pleasure, as I always do, to the able and eloquent speech of my friend the junior Senator from Ohio in opposition to the pending measure. He feasted the ears of the Senate in sentences of thrilling eloquence and deep pathos, of which he is such an acknowledged master, as he described the glory and the grandeur of the doctrine of the fatherhood of God and universal brotherhood of man. His platform was, indeed, broad, grand, enticing, striking down as it did at one fell swoop every shadow of distinction between the races and the peoples of the globe and elevating all, Caucasian and Mongolian, Christian and pagan, to one fraternal plane of universal brotherhood.

To this doctrine, in a certain sense, considered disconnectedly from all idea of municipal and civil government and the conditions and necessities that necessarily pertain to its establishment and maintenance, there can be and is no possible objection; but the learned Senator, in his patriotic zeal to grasp the whole world in his philanthropic embrace, forgot to tell his auditors that while it is conceded that all men in their proper sphere are created free and invested with certain inalienable rights, such as life, liberty, and the pursuit of happiness, that yet, in the formation and preservation of all civilized governments, the very purpose of which is to give complete protection to these identical rights, restrictions on individual rights, which may sometimes seem to trench somewhat upon those that are



inalienable, are absolutely indispensable, and without which these inalienable rights of life, liberty, and the pursuit of happiness of human kind would exist only in name. Hence in our Government, for instance, the restrictions imposed by our naturalization laws, and which in a very large sense impair the symmetry and mar the beauty of the rule of governmental action for which the eloquent Senator from Ohio so ably contended yesterday. While our Government may accord to the Prince of Wales or Prince Bismarck all that is asserted in the Declaration of Independence as to the rights of life, liberty, &c., and while as to them our Government might not see any danger to our institutions or civilization by their coming to reside on our shores, still, under the inflexible polity of our government, as an indispensable measure of protection to it, and one, too, which to a very great extent seems to conflict with the theoretical idea of the universal brotherhood of man, neither of these men, not Mongolians, not pagans, but Caucasian Christian princes, could to-day, were he to apply, be rightfully admitted by any court in the land to a participation of the rights of citizenship in this country. And why not? Surely, is not the right to exercise the elective franchise by one who may come to our shores, fleeing from political or religious persecution and seeking an asylum and a home among us, equal in dignity and value, if not indeed included in the right described by the words "pursuit of happiness."

Yet no alien can be admitted to citizenship unless he shall declare on oath before the proper tribunal that it is his *bona fide* intention to become a citizen of the United States, and not only so, but to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of which he may be at the time a citizen or subject; not only so, but he shall, according to our laws, before he can be admitted, declare on oath before the proper tribunal that he will support the Constitution of the United States and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty, and positively by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; but not only so, before the court can properly or lawfully admit to citizenship any foreigner and all of whom are a part of the grand brotherhood of man, it must be made to appear to the satisfaction of the court that such alien has resided within the United States five years at least, and within the State or Territory where the court is held one year at least, and that during that time he has behaved as a man of good moral character, is attached to the principles of the Constitution of the United States, and is well disposed to the good order and happiness of the same. But not only so, he must even then be excluded unless it shall appear that he is either a free white man or of African nativity or African descent. Therefore under no circumstances under existing laws could the Chinaman become a citizen, though he remained here a thousand years.

This rule, therefore, to-day, looking as it does to the welfare of our Government, to the good of our people, to the preservation of the rights and liberties of existing generations and their posterity, as well and at the same time recognizing the doctrines of the Declaration of Independence in reference to the birthright of humanity as to liberty and the pursuit of happiness, requires, nevertheless, a rule of action which to-day forever excludes from these sacred political rights more than one-half the foreign population of the globe, including the very race under discussion, and imposes these severe restrictions upon the remainder.

While, therefore, we recognize the brotherhood of man, while we to the fullest extent accord to all men, whether born in America, in Africa, or on the distant shores of Asia Minor, the rights of life, liberty, and the pursuit of happiness, still, to maintain our autonomy among the nations, to protect our people and our civilization from contact that will degrade and paralyze and finally overthrow it, we insist on the right to interpose with conditions upon the same principle upon which we impose conditions in reference to naturalization. In other words, we say to the nations of the world, for the same reason that we would inhibit a foreign prince or potentate, or the adherent of any foreign prince or potentate, from becoming a citizen of our country, we would inhibit a race whose customs, practices, aspirations, are in direct conflict with our own from obtaining by numerical force a controlling influence in our Government and among its people.

But, says the learned Senator from Ohio, the doctrine of the right of expatriation is a cherished one, and its recognition by our Government by an article in the Burlingame treaty forecloses the Government of the United States on this subject. To this I reply, if the Government of the United States has inconsiderately given its assent to a doctrine in conflict, when applied to the heathen nations of the world, with the most sacred rights and interests of our Government, then there is no foreclosure, and the sooner the true position is enunciated, proclaimed, and defended, the better. And this brings me to consider briefly the question of the right of the Congress of the United States to enact a law which in effect contravenes the provisions of a treaty entered into between the United States and a foreign country. I frankly concede that, whatever may be the right or power of Congress in this regard, and I believe no one now denies it, it is one that should be exercised with the greatest caution and only for the most satisfactory and conclusive reasons.

That Congress, however, has the power to contravene and annul

the provisions of a treaty by a subsequent act of Congress, I apprehend cannot now, in the face of the repeated adjudications of the Supreme Court of the United States, be successfully contended. In the Cherokee tobacco case, (11 Wallace, 616,) the Supreme Court of the United States held that if a wrong to the nation had been done in a treaty the power of redress was in Congress and not with the judiciary. Says the court in this case:

The consequences in all such cases give rise to questions which must be met by the political department of the Government. They are beyond the sphere of judicial cognizance. In the case under consideration the act of Congress must prevail as if the treaty were not an element to be considered; if a wrong has been done the power of redress is with Congress, not with the judiciary; and that body being applied to, it is to be presumed, will promptly give it proper relief.

Therefore, although it is asserted in our fundamental charter that "the Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land," still by this provision no greater power, dignity, or supremacy is given to a treaty than to a law of Congress. They are both the supreme law of the land; but inasmuch as the Senate and the Executive, the treaty-making powers upon the part of our Government, must assent to an act of Congress before it can become a law, such assent must be construed as a revocation of the provisions of any treaty so far as the same may be contravened by such act of Congress, and being the latest expression of sovereign authority must be held to be the supreme law of the land, although it conflict with prior treaty stipulations.

But, again, the Senator from Ohio dwelt at length and with emphasis, and I must say also with much power, upon what he regarded as the inviolability of these treaty covenants and of the Punic faith which, in his judgment, is about to be manifested in the passage of this bill. That Senator is too thoroughly versed, not only in the axioms, but in the intricacies and labyrinths of international and public law, not to know that all writers on these subjects agree that every treaty prejudicial to the State is not only voidable but absolutely void. Vattel, in his Law of Nations, section 228, in speaking upon this subject, says:

Every treaty prejudicial to the State or contrary to her fundamental laws being in its own nature void, the oath that may have been added to such treaty is void likewise and falls to the ground, together with the covenant which it was intended to confirm.

And again, further on, he says:

A treaty pernicious to the State is null and not at all obligatory.

And who, I inquire, has a better right to judge as to whether a treaty stipulation is "prejudicial" or "pernicious" to the State than the law-making power which includes the treaty-making power and the commons as well? Where, then, is the Punic faith upon the part of our Government if it shall even without a moment's warning, which it has not done nor does it propose it now, strike from its list of covenants with a heathen nation one that was ill-advised in its inception and which has proven to a demonstration to be, in the language of Vattel, not only prejudicial but pernicious in the highest degree to our Government and its most cherished interests? Pernicious in this, that its legitimate fruit is the speedy subordination of the interests of the laboring men and women of America to those of the rice-eating, serf-bound millions of China. Pernicious in this, that it has given a lodgment within our borders to a germ whose contagion is deadly and whose effects will in time tell upon American civilization, socially, morally, and politically.

But we are appealed to to keep faith. Might it not be well in this connection for the honorable Senator from Ohio to look for a moment at the repeated breaches of treaty covenants upon the part of the Chinese Empire?

By the French treaty China allows French missionaries to buy land and reside in the interior of the empire. By the British treaty, ratified at the close of the last war with China in 1860, at Peking, and known as the treaty of Peking, China allows Englishmen to travel in all parts of the empire, (except such places as may be in actual rebellion,) for the purposes of pleasure or trade, and admitted her majesty's subjects to all the rights of the most favored nation. By the American treaty, made at Tien-Tsin, (Tientsin,) about the same time as the British treaty of Peking, and commonly called the American treaty of Tien-Tsin, China allows to the United States all the privileges allowed to the most favored nation.

Under these treaties our missionaries have a perfect right to buy land, build houses, and reside in the interior of China, and our merchants a perfect right to buy tea and silk in every part of China except in places in actual rebellion against her government. But China has never carried out these articles of treaty toward either Great Britain or the United States.

She will issue passports, but not for purposes of trade in the interior, confining that to the open ports or European settlements. Some English missionaries some ten years ago undertook to insist on treaty rights to reside in the interior of China, and their houses were pulled down and their lives endangered.

The Burlingame treaty was made after all of these, and is barren of one single article of advantage to this country. The essential features of it are only two, both highly pernicious to the best interests of our state: the first providing for the influx of Chinese without limit; the second that they are allowed to worship their false gods. Their influx has proved a curse as far as it has gone in the estima-



tion of those interested to know. The second, in relation to their worship and idolatry, is not only in violation of the first command of God, but of the practice of our courts; for you could never swear a Chinaman in court, for he has nothing to swear by except that sometimes they are sworn on the bleeding form of a headless chicken or the useless fragments of a broken saucer.

Although, then, by the fifth article of the Burlingame treaty it was stipulated that "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 one country to the other for purposes of curiosity, of trade, or as permanent residents," yet, if in the deliberate judgment of Congress such stipulations—which as an abstract proposition may be true—when applied to the non-assimilating heathen subjects of Asia are untrue and dangerous to the peace and perpetuity of our civilization, such declaration upon the part of Congress must under and by virtue of the provisions of the Constitution of the United States stand unimpeached and unimpeachable as the supreme law of the land, however it may conflict with prior treaty stipulations; and, under the principles of public law, such action upon the part of our Government must stand also unimpeached and unimpeachable by any mere charge of Punic faith.

It follows, then, by every principle of both constitutional and public law, that there can be no question as to the power of Congress, duly expressed, as well as the absolute right, to contravene and set aside by act of Congress a prior treaty stipulation found to be prejudicial to the state.

Power is one thing, policy or right is another; and in this regard I should hold that the considerations that would lead Congress to an exercise of the power, under a belief that the treaty stipulations were prejudicial to the state, would not lack in sufficiency to justify the right or policy of such action. And, with these views, I cannot but conclude that the pending measure, should it receive the sanction of Congress and the Executive, will be justified, not alone by the Constitution of our country and by public law, but by the highest considerations of governmental policy and duty.

And now, in conclusion, a word in reference to the doctrine of the right of expatriation, or the right of the subject of one country to abjure his allegiance to his own government and better his political fortunes by attaching them to another. To this doctrine, when applied to all who assimilate with our institutions, I give my unqualified assent. I regard it as one that should be upheld and maintained at all hazards and under all circumstances by all nations in the civilized world—a doctrine that should receive unqualified assent of the friends of political liberty in all lands, and which should never fail to merit the approbation of mankind; and above all others should free intelligent America, with universal freedom as her watchword, not only extend this doctrine to the civilized governments of Europe, but insist upon it with reference to all such governments whose subjects, either in large or small degree, may desire to better their political condition by seeking a home, an asylum in our country by becoming citizens of our Republic, and thus availing themselves of superior immunities from political oppression afforded by our cherished form of government.

But, sir, is it true of those who migrate from Asia that they seek to better their political condition? Is it true they come to assimilate with our people, to cast their fortunes with us, to identify themselves with our people and our institutions, to live with us, to die upon our shores, and be buried among us? Not by any manner of means. In this respect, in marked contrast with the migratory people of European nations, they stand out in glaring, peculiar contrast. They come to our shores not to seek to better their political condition. They would not if they could in the home of their ancestors rescind or abrogate the system of imperialism that from the earliest ages of human government has marked the pages of Chinese history. To them the operations of their system of government, so far from being regarded in the nature of oppression from which they would seek an asylum in foreign lands, are contemplated with a degree of sacredness unparalleled, and from which they would not be divorced if they could.

No, they do not, as the European emigrant, come to our shores to seek an asylum from either political or religious persecution, nor do they come with any intention of making this their permanent abiding-place, or of identifying themselves in any manner with our institutions or Government. On the contrary, they come with unfaltering devotion to the imperialism, the licentiousness, the idolatry, and the customs of the heathen land from which they come, without the slightest intention of becoming any part of our people or participating in the slightest degree in the maintenance of our Government or the perpetuity of our institutions, expecting to obtain from us of our substance all that they can without giving us at last as a recompense even so much as the dust of their dead bones to enrich our soil, for these at last must, as a sacred rite, be conveyed to the land of their fathers and offered as a sacrifice upon the Hindoo altar of a superstition as old as the ages.

Mr. THURMAN. Mr. President—

Mr. MATTHEWS. Will my colleague give way for a moment in order that I may offer an amendment to the pending bill by way of substitute and have it reported?

Mr. THURMAN. I have no objection to that.

Mr. MATTHEWS. I move the following amendment as a substitute for the pending bill:

Strike out all after the enacting clause, and insert:

That the President of the United States is hereby requested, as promptly as in his judgment would be expedient, to give notice to the Emperor of China, that the existing treaty stipulations regulating the immigration of subjects of the Chinese Empire to this country, and the practice of immigration which has resulted therefrom, are not satisfactory to this Government, and to request such modifications thereof as will, in his opinion, limit or prevent the evils resulting therefrom; and that unless the Emperor of China shall assent to such modifications by the negotiation of a new treaty, to be submitted to the Senate for its ratification, on or before the 1st day of January, A. D. 1880, the President is hereby authorized and requested then further to notify the Emperor of China that this Government abrogates the existing treaty, from and after the 1st day of July thereafter.

Mr. THURMAN. Mr. President, I have a very few words to say on this bill, and scarcely anything at all upon the general question involved in it. I shall assume that the arguments already made at this session and at previous sessions have convinced the Senate that a limit ought to be placed upon the migration of Chinese to the United States—if, indeed, that migration ought not to be stopped altogether. What I shall say, therefore, will relate mainly to the mode by which a stop or limit is to be put to that migration. It has been said that it can only be done by the negotiation of a new treaty. I do not know that that proposition has been distinctly advocated upon this floor; but if it does lurk in the mind of any Senator, I beg him to listen to the very few observations that I have to make upon it.

To me it seems perfectly clear that the proposition cannot for a moment be sustained, and that it would be ruinous to this country, or to any country, to hold that a treaty can only be put an end to by the negotiation of another; for that would put you completely at the mercy of the party with whom you had negotiated a treaty. Take, for instance, this very case. If we can only put an end to this treaty by negotiating a new treaty with China, then it is in the power of China, by refusing to negotiate a new treaty, or such a one as we desire, to hold us to this treaty, however detrimental to our interests it may be.

Mr. HAMLIN. Will the Senator allow me to ask him if he knows of any one who holds that doctrine?

Mr. THURMAN. I said I did not know; but it has been said and it has been argued, and the Senator from Maine knows very well that, when he and I were members of the other House, in the celebrated Oregon discussion, it was stoutly maintained then that the convention with Great Britain, known as the Oregon convention, could not be put an end to by an act of Congress.

Mr. President, I said that the very necessity of the case requires that this power should reside in Congress. It must reside somewhere, and it must reside in that department of the Government which can judge for itself, irrespective of what any foreign power may say. The very existence of the Government itself might depend upon the exercise of this power. It is very true that if we were, without cause, to put an end to a treaty and thereby prejudice the other party to it, we should, in morals and according to the law of nations, be responsible in damages for such abrogation; but, still, the power to do it exists in every party to a treaty. In the nature of things it must be so. Treaties are like partnerships. There is no such thing as an indissoluble partnership; there is no such thing as an indissoluble treaty. Either party may declare it abrogated, being responsible if it abrogates it without due cause; but the treaty itself is at an end. And that Congress is the right department of the Government to put an end to it, follows, as a matter of course, if it be admitted that there is some other mode of putting an end to it than by the negotiation of a new treaty. If it does not belong solely to the treaty-making part of the Government to put an end to it by the negotiation of a new treaty, then, *ex necessitate*, it must belong to the legislative department of the Government, and this is perfectly consistent with the declaration of the Constitution in article 6:

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.

A treaty is a law according to the Constitution, and its modification or its abrogation belongs to that department of the Government which makes and unmakes laws.

Mr. President, in pursuance of this view we have again and again modified, or even abrogated, or put an end to treaties. The most notable case—one that excited this country very greatly at the time it happened—was the action of Congress in 1798 in regard to the treaties made with France, including that celebrated treaty of the Revolution with France, to which we owed so much in achieving our independence. In 1798, by act approved July 7, Congress declared as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States are of right free and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

There was a treaty abrogated expressly by act of Congress, and on the question of power it does not in the least militate against this exercise of power by Congress that the preamble to this act sets forth divers causes why the treaties ought to be abrogated, and alleges



breaches of the treaty on the part of France; because, whether there was cause or not cause to abrogate that treaty, if the Congress had no power to abrogate it, if the power to abrogate it resided with the treaty-making portion of the Government, then no matter what was the cause, Congress had no right to pass that law. But it was not so regarded then. Congress did pass that law; and we have again and again since, and notably in the case of our treaties with the Indian tribes, modified or even put an end to them, according to our own opinion as to what was right and proper; and that we have that power in the opinion of the Supreme Court of the United States has been conclusively shown by the Senator who last spoke on this bill.

I take it, then, Mr. President, that there can be no manner of question that Congress has the power. But it has been argued that, admitting that it has the power, it is not wise and discreet that it should exercise it. Now, it seems to me that this is a very great mistake. While it might be true in respect to many treaties, mere commercial treaties or the like, that Congress should be slow to exercise this power, yet in regard to the subject-matter now before us, the migration of Chinese to the United States, I think that that is a subject which always was and ever will be a more fit and proper subject for legislation than for treaty; and why? This country owes much of its greatness to the immigration of foreigners who have come here and taken up their homes; and I assume that there is not one Senator here who would interpose any obstacle to the migration of white persons into the United States; certainly I never would interpose such an obstacle at all. But the question who shall come here and what provisions shall be made in respect to their coming here is more eminently a matter for legislation than for treaty; and why? Because in the nature of this subject it ought to be regulated by law; and if you do not regulate it by law, if you surrender it wholly to the treaty-making power, you eliminate the House of Representatives, the direct representatives of the people, from any consideration whatever of the subject. I know no subject upon which the House of Representatives ought to be sooner consulted than this, and I do think, therefore, that to attempt to regulate this by treaty, instead of regulating it by law, to bind ourselves by treaty stipulations which we may find it most injurious to observe, instead of making our own laws on the subject of who shall come to the United States, is a very great mistake and is ignoring the House of Representatives in a matter that, above almost all others, that House ought to be consulted about.

But again, Mr. President, this is the constitutional view of the subject. What says the Constitution? Where did the Constitution suppose this power of prohibiting migration to this country would reside? Manifestly the Constitution assumed that it should reside in Congress, for, in the first article of the Constitution, that which confers upon Congress all its powers, what is known as the legislative article, we find section 9 in these words:

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding \$10 for each person.

We all know very well that the principal object of that provision was that the importation of slaves might not be prohibited before the period therein named; but that provision shows that the framers of the Constitution understood that Congress had the power to prohibit the immigration of anybody here if it saw fit to exercise it; and, hence, is put in that prohibition upon Congress that they shall not exercise that power before the year 1808. There can be no doubt, therefore, Mr. President, that in the purview of the Constitution, according to the spirit and language of the Constitution, this is a subject in regard to which the power ought to be exercised by Congress rather than by the treaty-making power.

But my colleague proposes that the President shall be set in motion to negotiate a new treaty. Why, I might ask, has he not had time enough to do this; did not his predecessor have time enough to negotiate a treaty, and his predecessor too, and has not the attention of the Executive been called to this subject enough to induce us to say that if, after the lapse of ten, or twelve, or more years of discussion of this subject, sometimes warm and heated discussion, and certainly thorough and exhaustive discussion, if the executive department has not until this day moved in this matter, or has moved unsuccessfully, is it not time for Congress to take the business in hand? It does seem to me that it would be trifling with this subject to adopt the amendment suggested by my colleague, and which he has laid upon the table, to ask the President to go to work to negotiate with the Emperor of China for a modification of that treaty, and, if he cannot get the modification by such a time, then to authorize the President to do what? To prohibit immigration? Not the least bit in the world; that is not the amendment; but to declare that the treaty is at an end! Well, suppose the treaty were at an end and there is no prohibitory legislation, John Chinaman could come here just as well as he did before the treaty was made. Putting an end to the treaty would not afford a remedy at all, but putting an end to the treaty would do a great deal of harm, perhaps, because we do not want to put an end to all of that treaty. The most of the treaty is good enough; we want the most of the treaty, and because the Emperor of China should not consent to abrogate those sections which provide for the immigration of Chinese here, are we

to cut off our own noses by abrogating the whole treaty without China asking us to do so at all? No, Mr. President; that amendment will not do. That amendment would be of very great injury indeed, if it were adopted and were executed.

I say, therefore, Mr. President, that the true way is, there having been no modification of this treaty by the treaty-making power, and, so far as we know, no attempt having been made to modify it, there having been nothing of that kind done, many, many years, having elapsed since the treaty was made, and the evil growing every year greater and greater, and the danger to which we are exposed by this migration becoming every year more and more imminent, it is now the duty of Congress without delay to take this matter in hand. Why, sir, we have taken it in hand to a certain extent; we did it long ago by the passage of the cooly bill, to which the Senator from Maine [Mr. BLAINE] referred. By that bill we made it a penal offense for anybody to bring coolies here as servants or apprentices against their consent or for any stipulated time of service. We did that. That was not considered an unfriendly act by China; that was, in fact, rather in pursuance of the provisions of the treaty than otherwise, and it ought not to be considered by China an unfriendly act if we now put a stop to Chinese migration.

Sir, of all the countries on the face of this globe China is the last country to insist that her people shall migrate to other countries as a matter of right. Do we not know that for centuries upon centuries, more than ten centuries, China shut out the whole world from her borders, and although she now permits us to trade at a few ports, a very limited number, although she allows Americans to settle in some few of her ports, practically, we all know, that there is no such thing as American migration to China. The treaty is all one-sided in that respect. The Chinese are an emigrating nation, and whenever they have obtained a foothold they never have let go. Read the history of Cochin China, of Siam, of Anam; look at the condition of Borneo and Sumatra now; see the multitude of Chinese in Hindostan, and you will see that wherever that people have obtained a foothold they never recede; they increase and increase and increase; and so it will be here.

Now, Mr. President, it does not seem to me that they are a desirable population. I do not think that they can be molded with the rest of the people of this country into one homogeneous mass. We have already three races besides them on this continent, the white race, the black race, and the red man. That is enough. We want no more mixture of such races in this country; but we want time to amalgamate our white people who can amalgamate until they are a homogeneous people. We can go no further than that. I have, therefore, always been in favor of the immigration of white people to this country; I think that every one of them who comes to the country adds to the wealth and the strength of the country. I have had no fears from that migration here. I know that in the third or fourth generation their children's children will be amalgamated with the rest of the white population of the country, and we thus have a homogeneous country. But that can never take place between the whites and the Mongolians or other colored races. Their presence in our country, although it might be advantageous as furnishing a set of cheap and efficient laborers, carries with it such disadvantages that they more than counterbalance all the benefits we could derive from their presence.

I hope, therefore, Mr. President, that this bill, which it seems to me is pretty carefully drawn, which it seems to me is a moderate enough measure, will receive the approbation of the Senate and become a law.

Mr. SARGENT. I suppose it will be in order to perfect the text of the bill before the motion to strike it out and insert a substitute is made. I desire to move an amendment to the bill, in line 9 of section 1, and I put in the language that is necessary to make it conform to what may be called the overcrowded passenger act, left out by inadvertence, I think. I move to strike out the words "or shall," in line 9, after the words "United States," and insert "and leave such port or place and;" so as to read:

With the intent to bring such passengers to the United States, and leave such port or place and bring such passengers to any number exceeding fifteen on one voyage within the jurisdiction of the United States.

I suppose there will be no objection to the friends of the bill perfecting it in such way as they think it will be efficient before the substitute is voted on. I ask for a vote on this formal amendment.

The PRESIDING OFFICER. (Mr. BRUCE in the chair.) The question is on the amendment submitted by the Senator from California.

Mr. EDMUNDS. Let it be read from the desk.

The SECRETARY. In line 9 of section 1 it is moved to strike out the words "or shall" and insert in lieu thereof the words "and leave such port or place and;" so as to read:

With the intent to bring such passengers to the United States, and leave such port or place and bring such passengers to any number exceeding fifteen on one voyage within the jurisdiction of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

The amendment was agreed to.

Mr. SARGENT. I would suggest a similar amendment in line 5 of section 2. Strike out, in line 5, section 2, after "United States," the words "or bring" and insert the words "and leave such port or place." It is exactly the same amendment.

The amendment was agreed to.

Mr. SARGENT. On line 5 of the first section, the words "nor other person" are superfluous and ungrammatical. I think the mistake occurred in the haste of copying. I move to strike out those words.

The amendment was agreed to.

Mr. SARGENT. I move, on line 9 of the second section, after the words "on board," to strike out "or" and insert "and."

The amendment was agreed to.

Mr. SARGENT. Now I offer an amendment as section 6, to come in before the present sixth section, which will then be section 7:

That this act shall not apply to persons officially connected with the Chinese government, or any embassy thereof, or to persons rescued from shipwreck during the voyage of and by the vessel bringing the same within the jurisdiction of the United States.

I think no Senator will object to that, whether for the bill or against it. It explains itself.

The amendment was agreed to.

Mr. SARGENT. Now I move to change the words "section 6" so as to read "section 7." That is a verbal amendment.

The PRESIDING OFFICER. The Chair hears no objection to changing the number of the section.

Mr. SARGENT. I move to add at the end of that section an amendment designed to obviate a criticism which has been made in regard to notice to the government of China:

And the President of the United States shall immediately on the approval of this act give notice to the government of China of the abrogation of articles 5 and 6 of the additional articles to the treaty of June, 1858, between the United States and China, proclaimed February 5, 1870, commonly called the Burlingame treaty.

The amendment was agreed to.

Mr. SARGENT. I ask now for a vote on the substitute proposed by the Senator from Ohio.

Mr. MATTHEWS. I ask for the yeas and nays on my amendment.

Mr. McMILLAN. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That the President of the United States is hereby requested, as promptly as in his judgment would be expedient, to give notice to the Emperor of China that the existing treaty stipulations regulating the immigration of subjects of the Chinese Empire to this country, and the practice of immigration which has resulted therefrom, are not satisfactory to this Government, and to request such modifications thereof as will in his opinion limit or prevent the evils resulting therefrom; and that unless the Emperor of China shall assent to such modifications by the negotiation of a new treaty, to be submitted to the Senate for its ratification on or before the 1st day of January, A. D. 1880, the President is hereby authorized and requested then further to notify the Emperor of China that this Government abrogates the existing treaty from and after the 1st day of July thereafter.

Mr. JONES, of Nevada, addressed the Senate. [His speech will be in the Appendix.]

Mr. HAMLIN. Mr. President—

Mr. MATTHEWS, (at five o'clock and fifty-five minutes p. m.) Will the Senator from Maine give way for a motion to adjourn?

Mr. EATON and others. I hope not.

Mr. HAMLIN. I will give way for that motion.

Mr. MATTHEWS. I desire to move that the Senate adjourn. The Senator from Maine is the chairman of the Committee on Foreign Relations, and expects to close this debate.

Mr. SARGENT. I do not think the Senate will adjourn at this hour.

Mr. MATTHEWS. I make that motion, Mr. President.

Mr. SARGENT. I call for the yeas and nays on the motion.

Mr. DAVIS, of West Virginia, and others. Let us divide first.

Mr. SARGENT. Well, let the question be taken by a division first.

Mr. GARLAND. Will the Senator from Ohio yield to me for a moment?

Mr. MATTHEWS. Certainly.

Mr. GARLAND. Last week I gave notice that I would call up to-day the bill (S. No. 910) for the relief of the book agents of the Methodist Episcopal Church South. Not wishing to obstruct the business of the Senate, which was fixed already, I have not called it up to-day; but I give notice now that I shall call it up Tuesday next on the expiration of the morning hour.

Mr. HOAR. I understand the senior Senator from Maine, [Mr. HAMLIN,] the chairman of the Committee on Foreign Relations, would prefer, if it were left entirely to his own choice, to speak to-morrow. I suppose the objection of the Senator from California, who has charge of this bill, to an adjournment is the fear that if the debate goes over to-morrow it may last indefinitely. I would suggest that there be unanimous consent to take the question upon the pending bill and all pending amendments at some fixed hour to-morrow. That will meet the views, I suppose, of both sides.

Mr. BLAINE and others. That is right.

Mr. HOAR. I suggest two o'clock to-morrow.

Mr. HILL and others. Say three.

Mr. HOAR. I will say three o'clock.

Mr. WINDOM. I must insist on taking up the post-office appropriation bill to-morrow.

Mr. SARGENT. That, of course, is an objection to fixing an hour to-morrow at which to take the vote. I do not wish to antagonize other bills. Senators all around me say they are willing to stay here to-night and finish this bill, and they require that I shall insist that the Senate do stay here to-night and finish the bill.

Mr. WINDOM. We ought by all means to sit it out to-night. I shall certainly ask to have the appropriation bill taken up to-morrow morning if the Senate adjourns now.

The PRESIDING OFFICER, (Mr. MORRILL in the chair.) The question is on the motion of the Senator from Ohio that the Senate adjourn.

Mr. SARGENT. I ask for a division.

Mr. CONKLING. I ask the Senator from Ohio to withdraw that motion, if he will, for a moment.

Mr. MATTHEWS. Certainly.

Mr. CONKLING. If an adjournment is to be had now, (and I know not what the sense of the Senate will be,) I should like to offer an amendment that it may be printed, if the debate goes over until to-morrow, and that it may be considered if we go on to-night.

Mr. HOAR. Let it be read.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill, and to insert:

That the President of the United States is hereby requested immediately to give notice to the Emperor of China that so much of the existing treaty between the United States and China as permits the migration of subjects of the Chinese Empire and their domicile in this country is unsatisfactory to the Government of the United States and in its judgment pernicious, and to propose such modifications of said treaty as will correct the evils complained of, said modifications to be made in a new or supplemental treaty to be submitted to the Senate of the United States on or before the 1st of January, 1880. Should the government of China refuse or omit to agree by change of the existing treaty to such modification as aforesaid, then the President of the United States is further requested, and he is authorized, to inform the Emperor of China that the United States will proceed by laws of its own to regulate or prevent the migration or importation to its shores of the subjects of China, and after the 1st of January, 1880, to treat the obnoxious stipulations as at an end.

Mr. MATTHEWS. I now renew my motion to adjourn.

The PRESIDING OFFICER. The Chair will take it as unanimous consent that this amendment shall be printed provided there should be an adjournment, and also that the bill as amended shall be printed.

Mr. MATTHEWS. And I ask the same in respect to my own amendment.

The PRESIDING OFFICER. And that the amendment also of the Senator from Ohio be printed. The question is on the motion to adjourn, on which a division is asked.

The Senate refused to adjourn; there being on a division—ayes 14, noes 31.

The PRESIDING OFFICER. The question now recurs on the amendment proposed by the Senator from Ohio, [Mr. MATTHEWS.]

Mr. CONKLING. I will offer mine, then, as a substitute for the amendment of the Senator from Ohio.

The PRESIDING OFFICER. To come in after the word "that."

Mr. CONKLING. Differing not in all its essential features, the Senator from Ohio, if he observed its reading, will see that mine does still differ essentially from his amendment. I do not know how it may strike the Senator from Ohio. If it sufficiently is in conformity with his idea, and he will adopt it as his own, I should be glad to have the sense of the Senate taken upon it in that way; otherwise I will move it, if he prefers, as a substitute for his amendment.

Mr. MATTHEWS. I am quite willing to withdraw my amendment and allow the Senator from New York to offer his.

The PRESIDING OFFICER. The Senator from Ohio withdraws his amendment, and the amendment of the Senator from New York is first in order.

Mr. SARGENT. Mr. President, I do not wish to discuss this amendment. It is simply a promise that something shall be done hereafter, instead of taking positive action now. It is entirely unsatisfactory to me; entirely unsatisfactory to the representatives of the Pacific coast here; and I trust that the friends of the bill will vote it down as unfriendly. I so regard it, and I know it will be so regarded on the Pacific coast.

Mr. CONKLING. Mr. President, the Senator from California, addressing the friends of the bill, appeals to them to unite against this amendment. I am sorry to hear that appeal, because it seems to me to proceed upon a misapprehension. Without meaning, at this moment at all events, to enter this debate, I wish to make one or two suggestions in the hope of inducing the Senate to perceive the real purpose and effect of this substitute.

The Senator from California makes an observation also which leads me to suspect that he misunderstands it. He calls it a mere promise, effecting nothing. The Senator from California knows, every one who has attended to this subject knows, that the migration of Chinese to our shores did not begin with the treaty with China. This migration began before the treaty; it would have proceeded without it. Remove the treaty, it will still proceed. Therefore, whatever may be the fate of the treaty in question, something more is necessary to put an end to that which we have heard variously characterized as a colossal and intolerable evil.

Bearing in mind this fact, the substitute requests (it could not well in terms require, but virtually and effectually it does require) the executive department of the Government to give a certain notice to the imperial government of China. What is that notice? First, that the Government of the United States deems the existing treaty stipulations,—and I mean by that term only so much of the treaty as facilitates and sanctions migration,—unsatisfactory, and, more than that, pernicious, which word was intended as a strong and significant



one; and that the Government of the United States wishes by treaty, not merely to modify those stipulations, but to go to the root of the thing itself and dealing with that to obviate and correct the evils complained of.

Proceeding, the substitute enacts that a period after a short interval shall be the period by or before which a new or supplemental treaty may be made, and submitted to the Senate of the United States, that being, along with the Executive, the treaty-making power, and that unless by the 1st of January, 1880, (which is ten months hence, and as soon as any session of Congress after this, as far as we can discern, could possibly take action,) a treaty has been solemnized averting, correcting, eradicating this great evil, the law-making power of the United States will proceed to do two things: first, by municipal law of our own to put a stop to Chinese immigration, or, in the very language of the substitute, to "regulate or prevent," that is to moderate or altogether check the flow of Chinese immigration; and that, all treaty stipulations to the contrary notwithstanding, we now give notice that after the 1st of January next we shall regard everything between the United States and the Empire of China which authorizes or tolerates immigration, utterly at an end.

Mr. President, there is something more than a promise in that. There is something which surgeons would call heroic treatment. There is something which would have been very significant had it been transplanted to another field of controversy. When it was foreshadowed that an apocryphal sum of money was to be awarded by an umpire, or by the other members of a tribunal to which he belonged, against the Government of the United States for the exercise of the right to fish, had the two Houses of Congress enacted that notice should be given, given to the authorities of that imperial group of islands over which the flag of England waves, that unless in eight months that power came to us with protocol and convention to be submitted to the Senate, obviating all the fault we found with the treaty of Washington, we would thereafter proceed by municipal law to regulate the whole subject and to hold that treaty utterly for naught, I rather think it would not have occurred to the most warlike member of this body, it would not have occurred to any citizen, whatever his impressions might be of the strength of the beak and claw of American power, that the thing proposed was a mere promise, a tame sentimental something, talking of a shadowy by and by.

Mr. President, we are not dealing with England; we are not dealing with a nationality whose "march is o'er the mountain wave" nor "whose home is on the deep;" we are not dealing with one whose ships and parks of artillery and disciplined soldiers and means to conquer with command the respect and also another feeling of all the nations of the earth. We are dealing with a different power, and (without at this moment speaking even inclusively of myself) there are Senators whose experience and instruction in such regards entitle their opinions to much weight, who feel that the bill on our table, dismissing entirely the merits of the subject at large, is excessive, egregious, abrupt, unwarranted. They say that according to the manners, if I may so call them, prevalent in the family of civilized nations, according to the code by which one nation accosts another in matters of moment, there are methods known, and known to the public law, by which there should be initiated at least, even if by those modes they cannot be completed, transactions such as these. Among the Senators to whom I refer—and I hold the sentiment which I am about to state as firmly as any one—is a sense that neither the Senate of the United States nor the American nation should turn a deaf ear or a regardless sense to the judgment, the feelings, the interests, and as they believe the rights of those communities on the Pacific sea who from Alaska to Mexico and extending inland far toward the Rocky Mountains are deeply concerned and deeply indignant in this regard. They feel the contact which we do not feel; they live in the immediate presence of the population whose coming and whose domicile the Senate considers to-day; and speaking from that knowledge which contact and experience give, speaking with that feeling which has existed and grown more and more for years, they demand that something, and I know enough of them to know that they mean something suitable and fit as well as effectual, shall be done to abridge, to limit, if not to entirely obliterate, the consequences from which they say they suffer. I feel quite sure I can speak for some members of this body beyond myself who find themselves unable to assent to such a bill at such a time, who nevertheless are as willing, I will not say as actively eager but as willing, as any Senators from the State of Oregon, the State of California, or the State of Nevada, to do that permitted by the Constitution, permitted by the comity of nations, and permitted by civilized usages between nationalities to accomplish the whole purpose which the good of the people of the western coast demands.

But there is a difference as to methods. The honorable Senator from Maine, the chairman of the Committee on Foreign Relations, [Mr. HAMLIN,] who I think quite as probably as any other Senator whose name I know feels all that the case requires any Senator to feel of regret at the evils complained of and of willingness to correct those evils, says that he cannot see his way clear by an act of legislation of this sort at this time to attempt to cut the knot. He says—and whether he has said it publicly or not I do not feel sure but I will venture to remind him that he has said or that it has been said in his presence, that now negotiations proceed which so far from revealing that the government of China is going to refuse accommoda-

tion on this subject, indicate affirmatively the reverse. I do not intend in this presence to say, and I believe I have not said, aught that belongs to the Senate in its executive capacity, or aught that is in the keeping exclusively of anybody else. I only say, speaking from the general understanding which we all have a right to express, that several members of this body, and the honorable Senator to whom I have alluded among them, do not understand that we have encountered a refusal from China to negotiate, or to negotiate to the satisfaction of this country in this regard; but on the contrary there is reason to suppose that a willingness and inclination exist to do anything which may be deemed reasonable by our own Government.

Pending that condition of affairs, Senators say it is not enough to prove that the Supreme Court of the United States has decided that by law you can violate or terminate a treaty. Undoubtedly you can terminate a treaty in various ways. You can terminate a treaty by declaring war, and the Constitution gives Congress the power to do that. Nobody doubts it. You can terminate and violate a treaty at the same time by an act of Congress. What is such an act of Congress? A legislative declaration inscribed on the statute-book that you will no longer stand to and abide by a treaty, and that as to you it is at an end. Yes, the Supreme Court has said that the machinery of legislation will accomplish that purpose; and whatever might be thought of those decisions if the question were *res nova*, it is too late, certainly too late for me, to challenge those decisions. But Senators who accept them say it is not enough to prove that we have the physical or the legislative power to violate or to terminate this treaty; we want in addition to that a condition of facts showing either that there is no other way as effectual to terminate it, or that we have been authorized, justified, excused by the action of the other party for proceeding in that mode; and they say, if we can find another mode, as for example here, which observes the comity and the usage of civilized nations we prefer it; and in saying this they are not to be selected from among the members of the Senate as those who do not feel an interest and a respectful interest and a deference at the same time for the wishes of the people of the Pacific States touching a great local question to be sure, but a question also national and transcendent in its general proportions.

Mr. President, I will inquire—for I have not the bill before me—what is the date fixed by the pending bill after which only fifteen Chinese at once can tread upon American soil, because the deck of an American ship in the harbor of Hong-Kong, with the flag flying over it, is so many square feet of American soil? What is the date after which only fifteen Chinamen at once can tread the deck of an American ship?

The PRESIDING OFFICER, (Mr. MORRILL.) Section 7 provides that "this act shall take effect from and after the 1st day of July, 1879."

Mr. CONKLING. Thank you, sir, the 1st day of July, 1879.

Mr. President, if all the instrumentalities, whatever they may be, by which this act is to be executed were ready to fall as a weight would fall when you cut away its fastenings, on the 1st of July, it would precede by six months the operation of the substitute offered assuming that all negotiations would fail and that the government of China would simply sulks and say "We refuse to negotiate and refuse to agree to anything." As I understand it in the one case the interval to elapse would be six months greater than in the other case.

Mr. SARGENT. The interval to elapse may be six months between, in the one case, the time the law itself shall go into operation, and in the other case the time that Congress shall consider whether it will pass the law or not, in accordance with the promise made here.

Mr. CONKLING. My honorable friend from California again, I submit, fails to explore the difference even.

Mr. SARGENT. I see it plainly.

Mr. CONKLING. Altogether too plainly; my honorable friend reads between the lines. I would like to have the Senator from California state what is the barrier between the law-making power of the State of California and the Chinese or the men who bring them to the shores of California? What is the barrier?

Mr. SARGENT. There is the Pacific Ocean there, if you refer to that, which, instead of being a barrier, I consider a way, a facility.

Mr. CONKLING. Is there anything in this bill, Mr. President, to repeal the Pacific Ocean?

Mr. SARGENT. If the Senator meant anything else by the question, if he will ask it again I will endeavor to answer.

Mr. CONKLING. My honorable friend mistook the spirit in which I am trying to discuss this substitute. If he had not, he would not have answered me in that spirit. He is too good a lawyer, he has too much experience in legislation—

Mr. SARGENT. Will the Senator be kind enough to tell me what he means?

Mr. CONKLING. I will in a moment. He has too much culture to suppose that I intended to ask him such a question as that. Let me see if I cannot make myself less unfortunate in statement. I ask the honorable Senator what is the difficulty in the State of California by State law in shutting the door at the ocean edge against the Chinese?

Mr. SARGENT. The Supreme Court of the United States answers the question. The Senator is very well aware of it. It is simply because the power to legislate on the matter resides in Congress, and not in the State Legislature. That is the reason.



Mr. CONKLING. It has nothing to do with the treaty?

Mr. SARGENT. Not as far as our power is concerned. The power to make regulations in regard to foreign commerce resides entirely in the Congress of the United States, and that is the difficulty. Of course the treaty is one of the laws sanctioned by the supreme power, and like all other laws of the United States "the supreme law of the land" binding on the State. With the treaty out of the way, still I hold the State would not have the power to take effectual measures to preclude this immigration.

Mr. CONKLING. Were the honorable Senator from California and I contending as counsel on the opposite sides of a cause, I should accept without complaint the answer he has made, because although it is not the whole answer that I think should be given, it is abundant for my purpose. What is the difficulty in the case I have put? The Senator says the difficulty is that the State of California cannot legislate on this subject, which the Supreme Court has never decided to my knowledge in the case referred to or any other. But that is beside the purpose.

Mr. SARGENT. It was so decided in the New York capitation-tax case.

Mr. CONKLING. I beg the Senator's pardon. Never since the case of *Gibbons vs. Ogden*, in which Chief-Justice Marshall gave the opinion, has the supreme court or any other court decided that police powers do not reside, despite the Constitution, in the several States. Never has the Supreme Court decided that pilot laws, health laws, the regulation of ferries and bridges, the police of harbors even though the tide ebb and flowed, had been taken from the States.

Mr. SARGENT. Did the Senator understand me to say that it had?

Mr. CONKLING. No, sir; and I know the Senator is too good a lawyer to say any such thing. But do not let me get off now in an episode. He says the difficulty, as he understands, in dealing with this question is that under the authority of the vagrant clause of the Constitution, as it has sometimes been called, it is for Congress to deal with the subject. What stands in the way of Congress? A treaty made in pursuance of this Constitution which becomes, the laws of the States to the contrary notwithstanding, part of the "law of the land."

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

Mr. CONKLING. Not at this moment, because unless I am able to either state a proposition entirely or some fraction of it at a time, I shall not advance much.

Mr. SARGENT. The Senator will excuse me; I will not interrupt him.

Mr. CONKLING. The Senator needs no excuse; and when I have made a statement that is intelligible to his mind or to mine, I shall cheerfully yield; but I do not wish to be interrupted in the midst of it so that neither he nor I can understand it.

I say then, Mr. President,—the Senator compels me to repeat,—that the difficulty with the State is the forum in which the legislation must take place; the difficulty with Congress is that here stands a treaty, a lion in the path in the estimation of a great part of this body and of a great part of the nation. Now here is a provision under which on the 1st of January, 1880, that treaty *pro hac vice* ceases to be, because we have said, the two Houses have said, the President has signed the act or two-thirds have carried it over his veto so that the whole law-making power, if this provision is adopted, has said that after January 1, 1880, we shall utterly disregard, hold utterly for naught this treaty, and proceed without reference to it by municipal law to do what we choose to do. Does not that remove the obstacle which has been found? The State, the Senator says, cannot legislate because it is for Congress to legislate. We should differ about that, but no matter; I accept his postulate Congress finds in its way this treaty. We propose on the 1st of January to remove the treaty, to take off every shackle from Congress, to leave it perfectly free to do anything that the vagrant clause of the Constitution, without treaty, permits; and the honorable Senator says "it is nothing, you make no advance in that way." There is one lion in the path, and only one; we take him out, and "you make no advance!"

Mr. SARGENT. Does the existence of that treaty limit the power of Congress to legislate on this matter?

Mr. CONKLING. Oh, Mr. President, no. I had taken pains to say that it was too late to challenge the power of Congress and by the machinery of legislation to break, to rend, to terminate, a treaty. Power! Yes, Congress has that; but it often happens that, as far as the east is from the west, so far is the power to do a thing from the right to do it. If the whole object was to show what Congress could do, to exhibit and illustrate on a broad scale the power of Congress, there would be but one criticism upon this proceeding, and that would be in the phrase of boys, that we had not taken somebody of our size. If anybody should wish to criticize it, that would be the criticism; for although we are talking about a nation composed of hundreds of millions, they are Asiatics, they are untrained and unequipped in the sinews and powers which make warlike nations the peers of each other. Therefore, if I did want to exhibit on a broad theater the power and at the same time the courage of the American people, I would rather invite Germany or England into the lists; I would rather issue an invitation even to that people who have so long abided between the Alps, the Rhine, and the Pyrenees. I am

not going to talk about the power, it is of more immediate concern to discuss the question of right and the proper method of proceeding; and, before I was diverted, I was laboring to show the honorable Senator from California that, instead of a vague promise purporting nothing, this substitute adopted would take in a few months from our path the only obstacle found in the way to action, that it would make provision in the mean time by accustomed modes for accomplishing the whole purpose, and that at the same time it would relieve those who seek to do what is just and effectual and yet avoid seeming to do what they believe is austere and oppressive and what they fear will appear to be something which would not have been done had the other party concerned been one of the leading belligerent powers of the earth.

Mr. President, I did not intend to multiply words about this question; I rose to make a single observation and that only to state, if I might, in other terms, the substance of this amendment. I venture now to say that if it is voted down it must be for reasons which have not been given. When the Senator from Ohio on my right [Mr. MATTHEWS] offered a somewhat similar amendment, his colleague [Mr. THURMAN] encountered him with a suggestion that it looked to an abrogation of the whole treaty. So it did. There was force in that objection. This amendment looks to the abrogation of nothing except so much of that treaty, carved out and segregated wherever it may be found, as stands in the way of the Congress of the United States in excluding, if it sees fit to exclude, Chinese immigration absolutely. Therefore, the objection of the Senator from Ohio [Mr. THURMAN] is answered.

Again, the amendment of the honorable Senator from Ohio [Mr. MATTHEWS] committed discretion to the executive branch. This amendment requires notice to be given immediately and absolutely.

Again, the amendment of the honorable Senator from Ohio on my right committed to the discretion of somebody the formation of such articles of treaty as might in that discretion be deemed wise. Here are rigorous terms requiring the submission to the Senate of a treaty, if it can be negotiated, which goes to the root of the whole matter, which without reference to the terms of the existing treaty takes it up *de novo* and eradicates the whole thing.

Again, this amendment provides that after a certain date, whether there is negotiation or not, all existing treaty stipulations on this point shall end, and imports notice that Congress will proceed at once by our own jurisprudence to effect the object we have in view. My honorable friend on my right [Mr. HAMLIN] says it makes this notice absolute. Yes, in one sense, more absolute than has occurred to either of us. This is not a private act; it is a public act; and of the act itself, everybody takes notice; and, therefore, without special notice from the Executive, the adoption by the two Houses of this bill as a statute, gives notice to the six companies in California, and to all the other sixes and sevens involved, that ten months hence we shall deem the provisions of the treaty in question at an end, and then shall proceed to legislate.

So, then, Mr. President, this amendment is not offered in disregard of that which the Senator from California wishes, but it is offered rather to enable those who participate in the object which the Senator cherishes, who are in sympathy with that, to do, and do effectually, all that the case requires, and yet seem to avoid for the nation the attitude of bullying anybody on the one hand or of seeming recreant to obligations on the other. It is with that view and in that spirit that this amendment is offered; and I think the honorable Senator from California, if he will look at it, will see that whatever its shortcomings may be, it is ample to cover the ground on which he thinks it is deficient.

Mr. THURMAN. Mr. President, the substitute offered by the Senator from New York [Mr. CONKLING] goes upon the idea that the passage of the bill now under consideration would be a rude and offensive mode of putting an end to a treaty stipulation; that it would be treating a friendly power with disrespect—a power with which we desire to cultivate friendly relations, and with whom we have already a considerable trade and hope to have a much greater trade in the future. If that were the case, what is said by the Senator from New York would be entitled to great consideration. But, Mr. President, is that the case? And if that is the case so far as the bill is concerned, does the Senator from New York better the matter by the substitute which he proposes? With the greatest respect in the world for him and the greatest admiration for his capacity to draft almost anything that he wants to draft, I must say that to my mind his proposition is far more offensive to the Chinese government than is this bill.

He speaks about bullying. Why, if there is anything in the world of bullying, if there is anything in the world of bulldozing, to use a slang phrase, which has become current nowadays, it is in his amendment. We do not bully China by exercising our constitutional power to abrogate a provision in a treaty. There is no bullying about that. China executed that treaty with a knowledge, we are bound to presume, as we are bound to presume that everybody knows the law, that Congress could put an end to that provision in the treaty; that so far as we are concerned we could put an end to it. There is nothing, therefore, of bullying in exercising that power which China knew we possessed and which China knew that we would exercise if it were our interest to exercise it. But when you come to say to the government of China, as this amendment proposes, "if you do not



agree to put an end to that provision of the treaty, then we will put an end to it; then we will prohibit the migration of your citizens or subjects; and when we come to speak in the language of this amendment to the Chinese government that the immigration of Chinese here is a pernicious evil that we want to get rid of, while we say not a word about there being any pernicious evil to China in the migration of Americans to the free ports of China, I do think that we are offering something very nearly like an insult to that government. I think that the proposition of the Senator from New York would be far more offensive to that government than the plain and simple exercise of our undoubted constitutional right to pass this bill. That is the way it strikes me.

Now, sir, I once more desire to repeat what I said before, that China of all countries in the world is the last one that can take exception to the prohibition contained in this bill, for that prohibition in respect to other people has been the traditional policy of China for two thousand years. There is no danger, Mr. President, of China taking offense at that and putting a stop to our trade with that empire. There is no difficulty at all upon that subject. There is nothing offensive in this. Did Great Britain take offense when we put an end to the convention of 1818, I think that was the date, in relation to the joint occupation of Oregon? Not at all. Why? We exercised a right we had to put an end to it, and there was no offense taken. And so it is with every nation that treats with another. It knows when it treats with that other nation that the nation with which it treats has a right to exercise, and if it be its interest will exercise its power to put an end to anything in the treaty that is prejudicial to its interests. I cannot, for the life of me, therefore, see that there is any necessity whatsoever to vote down this bill or amend it in order to shield us from the imputation of breaking a treaty or shield us from the imputation of treating a friendly power with disrespect or contumely. But I can see in this proposition of the Senator from New York much that a sensitive government might be offended with.

Mr. HOAR. I desire to ask the Senator from Ohio a question, because I am very much afraid I have misunderstood his position, and it is a position that I do not think he would like to have misunderstood by the country. The words which the Senator from Ohio utters upon a question of international obligations do not fall to the ground. They are attended to, not only in this country but throughout the civilized world, as expressing the sense of public obligation to the requirements of public faith of a distinguished and prominent American statesman respected by very large numbers of his fellow-citizens. I desire to ask him if I understood him correctly when I understood him to say that a nation which has made a treaty is at liberty to break it or disregard it by simply proceeding to do the acts which it promised in the treaty not to do, and nothing more, whenever the refraining from those acts seems to it to be prejudicial to its interests?

Mr. THURMAN. Mr. President, I said when I addressed the Senate this afternoon that the right of either party to a treaty to put an end to it was absolutely necessary, not only for the preservation of the interests of the party, but it might be necessary for the very salvation of the Government; and I said in the most distinct words, that if it put an end to the treaty without just cause and to the prejudice of the other party to the treaty, it would by the law of morals and the law of nations be responsible in damages. If it should put an end to a treaty simply on account of its own interest, without any breach of the treaty by the other party to it and to the prejudice of the other party, although it can put an end to it in that way, it is responsible in damages to the party that is thus injured by its act. But the right to put an end to it is absolutely necessary, for, as I illustrated then by a common-law illustration, there is no such thing as an indissoluble partnership, and there is no such thing as an indissoluble treaty. Mark it, I do not say that there may not be clauses in a treaty which cannot be abrogated, clauses in the nature of grants. For instance we acquired by the treaty with France the Louisiana Territory; by the treaty with Spain, Florida; by the treaty with Mexico, California, and various other Territories. France, Spain, and Mexico could not afterward put an end to those treaties and by so doing deprive us of our vested right to the territory which we had thus acquired. Nobody pretends that. Nobody pretends that vested rights of property or vested rights of jurisdiction could be destroyed in that way. But in respect to matters like these, executory in their character, in which no rights are vested of the kind I have just spoken of, every nation must of necessity have the right to say whether that treaty shall be any further executed or not, subject, of course, to respond in damages if simply for its own interest, and without cause given by the other party it puts an end to the treaty.

Mr. HOAR. Then, Mr. President, I understand the Senator from Ohio to affirm that in regard to the executory promises made by governments by treaty no obligation rests on a government like the obligation which rests on an individual when he has given his word.

Mr. THURMAN. If I have not made myself understood it is my misfortune. I say the Supreme Court has recognized it, too, in the clearest way in the world, that this nation must have the right to put an end to a treaty, for to hold that we are bound and can only get rid of a treaty stipulation by negotiating another treaty with the power with whom we had formerly negotiated, puts us completely at the mercy of that power, and circumstances might so change that that might be destruction almost to the Government itself.

Mr. HOAR. Mr. President, the Senator from Ohio still does not to

my apprehension meet the point of my inquiry. We agreed by act of Congress to pay certain public creditors certain sums of money. Now undoubtedly the Supreme Court of the United States would hold that Congress might constitutionally repeal that promise. The legal authority to enact what this Government and the ministers of this Government shall do and shall not do rests, subject to certain constitutional restraints, wholly in Congress. Now undoubtedly when the President and the Senate have made a treaty, the question to determine who shall carry it out, or to forbid any public officer from carrying it out, or to enact that it shall no longer be a law binding upon the citizens of the United States, rests wholly in the law-making power of the Government. That is the question of legal power, just as the Supreme Court of the United States, the final judicial authority, has the legal power to decide a case wrong and contrary to law. The question of the right of a great nation, when it has given its promise, not to keep it, the question of the obligation of a great nation, although it promised to its hurt, to make that promise good, is the question which I do not conceive the honorable Senator from Ohio to have answered at all, unless he has said, as his words seem to mean, that the question whether any nation shall make that promise good, so far as it be an obligation to do something in the future, depends only on the other question whether it shall find it convenient so to do.

Mr. THURMAN. Mr. President, I do not think anything I might say would make my position any clearer than it is. At least I so understand it and I hope that everybody else understands it clearly enough, and therefore I have no more to say upon it.

Mr. BAYARD. Mr. President, may I read to the honorable Senator from Massachusetts the language of Judge Curtis on this very subject? Perhaps that may satisfy him that the power and the right does exist:

To refuse to execute a treaty, for reasons which approve themselves to the conscientious judgment of the nation, is a matter of the utmost gravity and delicacy; but the power to do so is prerogative, of which no nation can be deprived without deeply affecting its independence. That the people of the United States have deprived their Government of this power in any case, I do not believe. That it must reside somewhere, and be applicable to all cases, I am convinced. I feel no doubt that it belongs to Congress.

Mr. HOAR. Mr. President, let me illustrate the point by simply reversing the suggestion. I do not understand that Judge Curtis is dealing with the question of moral obligation or constraint which rests upon the nation; he is dealing with the question of legislative freedom under the Constitution.

Mr. CONKLING. Mere *modus*.

Mr. HOAR. Yes. Suppose China had refused to carry out her share of this treaty; suppose China had refused, in violation of her promise under this treaty, to admit our merchants to Hong-Kong or to Canton or the other ports, would it not have been according to the laws of nations a just cause of war, not to compel her to pay damages, but to compel her to execute her promise?

Mr. BAYARD. Well, Mr. President, a nation may give another a *casus belli*, but may do so in the very highest pursuit of duty to itself. The language of Judge Curtis is thoroughly applicable to this. It becomes "a matter of the utmost gravity and delicacy," and therefore each case that you state must make its own law, and for that purpose the nation is a law unto itself. The rule of its self-preservation, the sense of honorable obligation, all these things are questions which are weighed when you come to apply them to the facts; but that the power does exist in every nation to judge when she shall retire from a treaty stipulation, except as has been stated here where rights have vested which cannot be divested, seems to me a necessary fact, and the nation having the power can be and must be the sole judge of the time of its proper exercise.

Mr. HOAR. But if the honorable Senator from Delaware were to make a promise to me now to pair with me on the vote on this bill, or on any other matter, it must be absolutely within his control so far as the question of power, of volition, of free-will is concerned, whether he will keep that promise or break it; that is not the question I am putting to him; but he would rather cut his right hand off and lose his right eye than break it. He would recognize a moral constraint, more absolute than any other form of constraint which could be applied to him in this world, and acknowledge the force of that obligation binding upon his honor to keep that promise. Now, the inquiry which I propounded to him and to the Senator who sits next to me is whether, when a nation has given its honor, or, to use the language of this very treaty, has set its seal to a document in faith that it will do certain things, it is any more at liberty to disregard that promise than the Senator from Delaware would feel himself to be to disregard his in the case I have supposed?

Mr. BAYARD. Mr. President, it really seems to me that the honorable Senator would bring either of two contracting parties into this sad predicament, that a treaty once having been made and the stipulation entered into, it never could be retired from without the consent of the party on the other side; in other words, that absolute must be sought from the very party who perhaps has inflicted the injury which we adjudge good cause for putting an end to the treaty. But let me read another passage from Judge Curtis's opinion in the case of *Taylor et al. vs. Morton* (2 Curtis's Circuit Court Reports, page 458:)

I think it is impossible to maintain that, under our Constitution, the President and Senate exclusively possess the power to modify or repeal a law found in a

treaty. If this were so, inasmuch as they can change or abrogate one treaty only by making another inconsistent with the first, the Government of the United States could not act at all to that effect without the consent of some foreign government; for no new treaty affecting in any manner one already in existence can be made without the concurrence of two parties, one of whom must be a foreign sovereign. That the Constitution was designed to place our country in this helpless condition is a supposition wholly inadmissible. It is not only inconsistent with the necessities of a nation, but negatively by the express words of the Constitution. That gives to Congress, in so many words, power to declare war; an act which, *ipso jure*, repeals all provisions of all existing treaties with the hostile nation inconsistent with a state of war.

It seems to me that one line of opinion which I have read would answer the honorable Senator from Massachusetts. It is that it is "inconsistent with the necessities of a nation" to claim that the power of retiring from a treaty at will does not exist; and the honor or duty which compels that action, or, to use the language of this learned judge, the gravity and delicacy of the circumstances, can only be judged of by the nation itself in the light of the facts in which it proposes to act. I think there can be no other statement of obligation or power than that.

Mr. MATTHEWS. Mr. President, conceding the question of the naked power under the Constitution to do what the nation will, having regard merely to its own interest, I would like to address to the Senator from Delaware and to my colleague this inquiry: Whether in their opinion it would not be both the more honorable and expedient course, when this nation seeks relief from an inconvenient promise, first, before abruptly terminating its obligation, to seek by the amicable process of negotiation the consent of the other contracting party to relieve her?

Mr. BAYARD. Questions of war and peace are questions wholly for national conscience; they are such as there can be no arbitration for, because between two nations equally sovereign there can be no third and arbitrator except by their consent. Questions of war and peace are, as I say, questions of national honor and duty. They may be based in the most cruel doctrines of aggression; they may have their exercise dictated by the most patriotic theory of self-defense; they may be generous and honorable or they may be utterly aggressive and dishonorable; but how shall you lay down a canon of interpretation of acts? All you can do is to allege a lawful exercise of power, and then the amount of conscience that shall restrain that power or put it in force must be drawn entirely from the basis of facts to which you apply it.

Mr. MATTHEWS. But, Mr. President, the inquiry I addressed was to the conscience of the Senator, in his opinion, in the circumstances of this case, upon his vote upon this bill, whether or not it were not the more honorable and expedient course first to resort to diplomacy before to the last extremity?

Mr. SARGENT. I hope we shall have a vote now.

Mr. EATON. Only one word, Mr. President. I desire to express my dissent from this amendment. There is no room for argument here. There is but one question before the Senate, and is to be by the very terms of the amendment of the Senator from New York but one thing for the Emperor of China to do. What is said here to-night goes into the embassy of China to-night; and what is the difference, I beg to ask, between terminating, abrogating, if I may use the word, a part of this treaty to-day or six months hence? It is averred by this amendment of the Senator from New York, to the Emperor of China, I suppose, Most High Celestial, "we treat you with the greatest kindness and the utmost confidence; we will not abrogate this treaty to-night, but six months from to-night; if you do not consent to do it peaceably, we will do it anyhow." That is all there is about it. It is an absolute, downright threat, and a threat is worse than a blow. That is my view about it.

I do not propose to discuss the question generally, but I simply say this amendment ought not to be adopted. To an honorable man it is offensive. I have the right, if you please, to pass this door by the terms of an agreement between my friend from New York and myself. I prefer that he should strike me to the floor rather than to tell me, "If you go through that door I will knock you down after you get through." That is the whole sum and substance of this amendment. It does not propose to negotiate with China; it does not propose to say, "If we cannot do just what we like we will do the best we can with you," but it simply proposes to do just six months hence what the bill proposes to do to-night. That is all.

Now I submit to my friend from New York that it is an insult to the Emperor of China in a greater degree than to pass the bill. The term "bullying" has been used; I do not know but that it was used by my friend from New York; at any rate the term "bullying" has been used by some Senator on the floor. Is it not bullying to tell a power "if you do not do this peaceably within six months we will compel you to do it at the end of that time?" That is not the way we should address Great Britain; that is not the way we should address France; that is not the way we should address Germany; but if there was a provision in an existing treaty which ought to be abrogated we would abrogate it to-day, and not simply give notice to that power "we won't cross a 't' nor dot an 'i,' but we will give you just six months to consider that we will do it then." Upon my word, Mr. President, I fail to see that it is an insult to do this thing now rather than to threaten a power that we will do it six months hence.

Mr. CONKLING. Mr. President, after listening to the honorable Senator from Connecticut, if anybody should bring me a note indorsed by the Senator and tell me as a lawyer to collect it, I should

fear to offend him if I did not sit down and sue him at the beginning. I should fear that he would take it in dudgeon if I should write a civil letter to him saying "a note which it is alleged you have indorsed, and on which you have been protested, as the memorandum shows, has been left with me for collection; now although it may be my duty if you fail to attend to this, to put it in course of collection"—I believe that is the phraseology customary in such cases,—“I wish you would come in and arrange it or go to the bank and see to it.” I should never dare to address such a note as that to the honorable Senator from Connecticut because I esteem his friendship and regard so highly that I would not on any account forfeit it; and after what he has said I should expect him to come bounding into my office and saying "what did you mean by insulting me in writing a civil note of this kind; why did you not sit down man-fashion and sue me, and send the sheriff in a manly way and serve a summons of complaint." I never shall write such a note, I hope he will not take this in earnest, I only say that if anybody proposed to me to write him a note I never should do it but I would say "take your note somewhere else to be collected; gold can be bought too dear; I dare not sue the Senator from Connecticut for there is nothing else that he will allow me to do."

Mr. EATON. Well, Mr. President, if my friend from New York thinks that is an answer to get himself out of the dilemma into which he was forced the very moment that he proposed this amendment, I am well satisfied. All I have to say on the question of the note is this: either course may be adopted. I apprehend that out of one thousand instances where notes are put in the hands of counsel for collection, in nine hundred and ninety-nine suit is commenced at once, especially where the snap law is in practice, and there is a desire to attach property. My friend, when he gets a note against me, may adopt either course he pleases. I shall be perfectly good natured. He may rely upon that. [Laughter.]

Mr. CONKLING. Well, Mr. President, in view of the suggestion of a snap law, there is a good deal of logic in the position of the honorable Senator.

Mr. BOOTH. Mr. President, we have heard much of this as a great question of international law and comity and we have been reminded of those rights which are supposed to underlie both. At this hour of the discussion, has it come to this, that such a question is to be decided on what would be considered the courtesy between lawyers in bringing an action upon a promissory note? If it be, days and hours and weeks of discussion and most anxious thought have gone for nothing, and we ought to have left it as a mere question for a form-book.

Now, Mr. President, the question immediately before the Senate is the substitute offered by the Senator from New York, [Mr. CONKLING.] I need not say in this presence that he could offer nothing that would not challenge my most serious attention and for which I would not be inclined to vote. But what is the difference between his proposition and that which we are called practically to consider? He proposes that we shall say to the Emperor of China that "upon the 1st day of January next we shall do certain things whether you are willing or not."

The bill that we are considering proposes to say that under that supreme law of self-preservation, under the higher law of necessity, we propose to do them now. If there be a distinction it is merely a distinction in form; for if I understand the amendment the Senator from New York proposes now to say, "we shall do this in defiance of your will," while we simply propose to say to-day under this bill, "we do this under the imperative law of self-preservation."

Mr. President, let us not lose sight of the main question in this matter. We are here for the purposes of practical legislation. If it be conceded that it is so absolutely necessary that this thing shall be done on the 1st day of January, 1880, we cannot afford to-night to take the chances of the change of time and circumstance. This is not an absolute Government; we have not in our hands the full powers of treaty and of legislation; we are answerable to our own consciences for what we do; we must do what we can to control the policy of this Government, but we cannot determine what shall be the course of the other departments. Here is a practical question. I do not wish to violate any law of propriety in referring to what has been done in the other department of Congress; but this is a question to be settled now. We must determine for ourselves what shall be the fate of this bill. If we send it back, if we disagree, if we commit to the other departments of the Government the final decision, are we not upon a very "sea of troubles?" I do not know that this question will ever approach nearer an issue than it does to-night, and I ask that the vote may be taken on the proposition as it comes to us, with such amendments as are necessary to make it practicable and efficient.

The PRESIDING OFFICER. (Mr. MORRILL.) The question is on the amendment of the Senator from New York.

Mr. HOAR. Mr. President, I had not proposed to take any part in this debate, and I do not now propose to enter into any extended discussion of this amendment or of the bill; but I wish to call the attention of the Senate briefly to one or two very important practical considerations, as I conceive them.

I do not doubt that there may be cases where an imperative danger of national destruction may warrant or excuse a people in breaking its faith; but such a case is not the case of a breach of national faith;



it is the case of an impossibility to keep the promise. If a nation cannot keep a treaty without destruction, then of course it becomes impossible that the treaty shall be kept, because the destruction of the nation is of itself a destruction of the power to observe the obligation which is in question. But does anybody pretend that there exists to-day in California, or in Nevada, or in Oregon, or anywhere on the Pacific coast, a state of things which threatens such imminent and present peril and destruction to our civilization, to our national life, to our national interests, as warrants this nation in resorting to the extreme and harsh measure of abrogating at once a treaty without even a notice or a request to the power with whom the treaty has been made?

We have a thick volume on which the international rights, the international obligations, large commercial interests, and large personal interests of the citizens of the United States depend. It has been a triumph of our recent diplomacy, a triumph due not to the skill of our Secretaries of State or our foreign ministers, but to the recognition of the growing power of this country and increased respect abroad for our flag, that we have within the last ten or twelve years made treaties with the principal powers of the earth in regard to the right of expatriation and the right of their citizens to take up their abode in this country and to form new ties here. On the validity of those treaties depend some of the most valuable rights of large numbers of our adopted fellow-citizens, Germans, Irish, English, Swedes, and men of other nationalities. Yet the Senator from Ohio and the Senator from Delaware declare that those treaties are but rags, whenever Germany or England or any of the powers from whom they were extorted by respect for the growing power of this nation chooses to determine that it is for its interest to abrogate them. There is not a page of this volume which contains the record of any right which the United States has a right to enforce against any foreign country, if the doctrine which is avowed here be true.

Mr. President, this treaty with China itself is one upon which very large commercial and business interests depend. The men of New York, the men of Boston, the men of Philadelphia, the men of Baltimore, and of our other commercial cities, have large interests in the trade with China. Our citizens are domiciled there; our large commercial houses, who have obtained large wealth and have large relations throughout the civilized world, are established in China to-day on the faith of this treaty. Yet it is proposed by the Senator from California at one blow, without any necessity for adopting this course, to cut up by the roots every right which an American citizen has, depending upon this treaty, to his property, his established business, his right to prosecute his commercial relations with that people. Suppose the right exists, it seems to me that there never was a more crude, a more unjustifiable, and more indefensible measure of statesmanship proposed in the American Congress than the method which Senators propose to adopt by this bill to terminate the treaty.

Will any Senator get up here and claim that if this bill passes to-night and is signed by the President to-morrow there is a single treaty right which this country can enforce in favor of any of its citizens against the Empire of China? Yet this is to be given up rather than give a six months' notice to our own citizens who are concerned; rather than make an attempt by diplomatic methods to induce the Emperor of China to abandon a right for his subjects which these very gentlemen who argue for this bill say he is indifferent to. Both the Senators from California and the Senator from Nevada have told us that the Emperor of China is opposed, or, at least, is indifferent to the emigration of his subjects; and yet rather than ask him to abandon voluntarily a right which he does not desire to have exercised on behalf of his subjects, if the full and careful studies of the Senator from Nevada can be depended upon as authority, it is proposed to overthrow by a single blow every right to the commerce which the merchants of the United States have depending upon treaty stipulations with China.

But, as I said, Mr. President, I do not wish to detain the Senate at this late hour; I wish simply to put on record my own individual opposition to this measure. I am opposed to it, first, because it violates without necessity and in the absence of danger the public faith. I am opposed to it because, if we had the right to accomplish the result by this method, it overthrows the guaranteed rights of so large a portion of our fellow-citizens, on which so much of their wealth and their commerce depends. I am opposed to it for another reason. I am opposed to it because it violates the fundamental principle announced in the Declaration of Independence upon which the whole institutions of this country are founded, and to which by our whole history the American people are pledged.

Mr. President, the function of this people, the duty which God has committed to this people, is in my opinion to work out in practical history the truth, that wherever God has placed in a human frame a human soul, that which he so created is the equal of every other like creature on the face of the earth,—equal, among other things, in the right to go everywhere on this globe that he shall see fit to go, and to seek and enjoy the blessings of life, liberty, and the pursuit of happiness at his own will. That truth, declared in the Declaration of Independence, declared in more august words and by higher authority in the Gospel of Christ, is the truth which lies at the foundation of the institutions of the American people.

I do not mean to give any vote based on the theory that obedience to that divine law of justice and of liberty is to work destruc-

tion to any people who undertake to obey it. The argument of the Senators from California, and of the junior Senator from Maine, and the Senator from Nevada, is the old argument of the slaveholder and the tyrant over and over again with which the ears of the American people have been deafened and which they have overthrown.

Mr. SARGENT. No, sir; that is not the argument we make.

Mr. HOAR. Mr. President, in this year of grace 1879, at the beginning of our second century, after the lessons of our great civil war, with the three great amendments to the Constitution blazing like three stars in the front of our history, I do not wish to go back to the practices which the Senator from Alabama [Mr. MORGAN] in his elaborate speech here described. He was consistent. He argued for this bill, drawing from history and experience the belief which I have no doubt he sincerely entertains, that wherever there is an inferior race there is a natural right to command its labor and to prescribe the terms and conditions on which that labor shall be had by the superior race at the will of the superior.

Mr. MORGAN. I beg leave to say to the Senator from Massachusetts that I did not claim that there was any natural right, but that there was a historical right; that the ancestors of the Senator from Massachusetts more than the ancestry, I supposed, of any other Senator on this floor had established the right of service of the inferior races, including Indians and Africans, to the power and domination of the white race on this continent.

Mr. HOAR. Mr. President, I will read what the Senator said, and this bill is its logical result:

Indeed, in all ages and countries the white race has demanded the service of the colored races on such terms as they chose to prescribe. This demand has been so generally acquiesced in that it might be called a historical if not a natural right.

Mr. SARGENT. Mr. President, one mistake I think that the Senator from Massachusetts and those who think as he does fall into is in belittling the facts in this case. I suppose no emergency has arisen, according to him, when in the city of San Francisco there are two hostile camps with arms in their hands; on one side a labor element starving for the proceeds of the employment engrossed by the Chinamen, with the Chinamen armed in their self-defense, peace being kept between these camps by the cooler judgment and humanity of many of the citizens. That is no emergency to stir the pulse of the Senator from Massachusetts. He is far off from any danger or mischief to him or his constituents. He can stand here and talk in glittering generalities and sentimentality, quoting the Declaration of Independence, while in the Pacific States there is this great danger to the peace of those States now existing and ready to burst when it shall be understood that Congress turns a deaf ear to the petitions of those people.

Does the existence of this state of things depend upon the assertions of Senators on this floor? If it did they would be sufficient; but it does not. Our State Legislatures have spoken, and spoken time and time again during years past. This matter has been called to the attention of the Senate and of Congress over and over again. It has been before committees here for years; and the Senators who are now so ready with their professions, with their lip service, with their anxiety to relieve these troubles in some other way than any method that is practicable, upon committees prevented reports from being made, upon committees turned deaf ears to the prayers and supplications of that people when these mischiefs were pointed out and they were told that this difficulty was existing. The people there ask for relief, and they are told, as the Senator from Ohio [Mr. MATTHEWS] said last night, that the trouble is on account of their unregenerate hearts because they do not receive the Chinaman to their bosoms and vacate the land in his favor. The national conventions of both parties called attention to these evils and recognized them. One promised respectful consideration, and the other promised redress. Where was the Declaration of Independence at that time? Was that a promise made to the ear to be broken to the hope of the people of California? Were those platforms put forward merely to catch votes, that the whole matter might be postponed until another presidential election should come and more platforms should be laid down? If they meant anything they bind the acts and consciences of Senators who supported the candidates upon those platforms and acquiesced in the platforms themselves, they being taken as the exponent of their political faith.

The Senator says that every man, no matter how humble, created by God, has a soul, and has the right to life, liberty, and the pursuit of happiness. I do not deny it. I admit that the German in Germany has those rights; that the Frenchman in France has those rights; that the Chinaman in China has those rights, and we have no right to invade their land and take away their rights or trample them down; but I do say that if it is necessary, when an element is brought into our community that destroys its morality and its integrity, that overwhelms our republican institutions, that destroys our Christian civilization, we have a right in self-defense to exclude such a crowd from access to our shores. We have a right of self-defense such as was claimed by Hamilton in his arguments in favor of the Constitution, and as is laid down in this volume of Vattel which I hold in my hand. To deny that is to deny a maxim as well established and as well founded as anything named in the Declaration of Independence.

But suppose we apply the case. I presume there are less than two million people in the State of Massachusetts. Give them the proportion of Chinese which we have in our State, give them two hun-



dred thousand, which is the number we have, according to the smallest estimate made by the Senator from Maine, [Mr. HAMLIN,] how would the Senator from Massachusetts like the influx of such a crowd of persons coming there without families, coming there with no desire to become citizens, underselling the labor of the Massachusetts people—the artisans of which State to compete with them would be compelled to give up the education of their families, ay, their families themselves—who were brutish and sordid barbarians in their habits, with all their monster vices diffused through the State? Give them eighty thousand Chinese in the city of Boston, and what would become of the Athens of America?

The misfortune of the Pacific coast in this matter is that Senators look upon this question as a mere abstraction. They do not take it to heart; they do not feel in their hearts for the people of the Pacific coast; they care more for the Chinese, they care more for the alien than they care for the integrity of the citizen, than they care for the rights and the comfort of the citizen; and being incrustated in a certain habit of thought, with their minds running in certain ruts, they cannot and they will not understand the subject, because they turn a deaf ear to it and belittle it. When a whole people, inhabiting a region capable of being made one of the grandest empires of the world, the magnificent Pacific slope, come and say, "We are being supplanted, inevitably supplanted; pagan institutions are being planted here; these people are coming in such numbers that they root us out; they root out our arts, they root out both employers and employed, they are turning this coast into a province of China," Senators pass these things by and deny that there is any emergency. The assertion is thrown back as a lie. No matter how solemnly formulated by those people, no matter under what forms and under what sanction of organized body it is presented, Senators say: "We do not believe your assertions; we do not believe what your people say about the gross oppression which they state; no emergency exists in the matter." I say that an emergency does exist. I speak it in the language of the Legislature of California, oftentimes repeated; I speak it in the language of the monster petitions which have been laid here upon the table of the Senate; I speak it in the language of the constitutional convention now sitting in the State of California; I speak it in the language of the report of a joint committee of Congress who went to San Francisco and took hundreds of pages of testimony. I do not believe that the Senators who now deny these facts and say that there is no emergency, that there is no occasion for legislation, have ever read that report or ten pages of the testimony.

I noticed when this matter was being discussed in the Senate in favor of this legislation that Senators here on my right, with a few exceptions, left their seats vacant. Hours after hours these seats remained vacant when the friends of this measure were trying to convince the Senate of the United States that there was necessity for action; and then, in the final moment of the debate, Senators come in and affect to be ignorant that there is any crisis in the matter or that there is any occasion for legislation. It is not treating with proper respect the States of this Union whose happiness and prosperity and peace are so deeply involved in this matter. It is an unworthy trifling with a great subject, and it is not an answer, where the children of the Republic ask for bread, to give them a stone.

It is said that we propose to cut up by the roots the trade with China. I deny it. No portion of any treaty of ours upon which that trade depends is affected by this bill. Is it pretended that the government of China will break the rest of the treaty and all other treaties, provided the fifth and sixth articles of the Burlingame treaty are broken by our action?

Mr. HOAR. Will the Senator from California allow me to interrupt him?

Mr. SARGENT. I cannot yield; I shall be through in a few moments. I say that experience shows to the contrary. If Senators had listened to the arguments on this question they would know that there is in the English treaty and also in the French treaty a provision somewhat similar in terms providing for the immigration of Chinese to the English and French colonies, and that in both there has been legislation under the pressure of the necessity which is felt in the Pacific States. In one case a large importation tax was levied upon the heads of these immigrants, which had the effect to prohibit that immigration; and, as Lord Carnarvon said in the British Parliament, the treaties provided for free immigration, but these statutes of Queensland and other colonies had prevented that immigration. The government of China has never broken up trade with England, and never has taken any step toward it at all. This condition of affairs has been going on for the last six or eight years. Judged by that example there is no reason to suppose that if we ourselves object to this immigration and take means to prevent it we shall be treated any differently than the governments of England and France have been treated by the government of China.

But more than that, we are not the parties chiefly interested in commerce with China. We buy twenty million dollars' worth of products per annum from Chinamen and we sell them \$1,000,000. The balance of trade is against us by \$19,000,000, which we make up with our gold and silver. It is said that China will not sell to us more than \$20,000,000 of her products, when Japan, her neighbor, is interested in the sale of those very articles and would be very glad to open the trade with us; and our merchants could resort to the Japanese ports and buy those articles of Japan.

Why sir, this treaty ought to be cut up by the roots, in fact, as all these treaties should be. There is no reciprocity in them. We are allowed to enter but five ports of China. An American traveling into the interior of China has to do it upon a passport, and that is difficult to obtain. The Chinese come by the hundred thousand to the United States and travel over the country and do as they please. By the Chinese census there are only five hundred and forty-one Americans in all China. As I said, our citizens can only go in at certain ports and they are impeded in their passage through the country. If China would modify those treaties it would be well for us.

But there is another point to be mentioned in speaking of this trade with China. It is not in the hands of Americans. Commodore Schufeldt, who has recently been sent in the Ticonderoga on its voyage around the world to foster American commerce, in a lecture which he delivered in Connecticut, I think it was, not long ago, spoke of his observations in China. He said that those great palaces or hongs formerly occupied by American merchant princes, when trade was great and flourishing, are now being deserted and falling into ruins as the trade itself has declined or has passed into the hands of the Chinese; that here and there an employé may be seen walking through the deserted halls where they still remain in American possession, but that the glory of American supremacy in commerce and of foreign supremacy in commerce had entirely failed; that the Chinamen had taken possession of it. The Chinese are now rooting us out in the carrying trade in their own waters. They have had built a large fleet of four-hundred-ton steamers and are taking away that profitable branch of business from America. In other words, as the thing now runs, within the next ten or fifteen years there will not be a vestige of commerce in China in the hands of Americans; it will be entirely in the hands of Chinese. It is to hold on to this glittering phantom that we are to allow ourselves to be overwhelmed by an influx of these barbarians. Commerce is interested, and therefore we should give up a State!

Mr. President, there is something more important than commerce; there is something more important than wealth, if Senators from the commercial States will appreciate that fact. There is something in national purity; there is something in having the Republic occupied by republicans, and not by imperialists or monarchists, as the Chinese are; there is something in having the family and the American home, and not the squalid quarters of the Chinese; there is something in the school-house, there is something in the church, worth preserving. Even though the balance of trade in the commerce with China were \$19,000,000 in our favor instead of being \$19,000,000 against us, I say throw away the commerce and let us retain our republican form of government, our republicans as citizens, our homes, our purity, our Caucasian civilization.

The Senator from Massachusetts says that the advocates of this bill take the argument of the slaveholder and stand in the position of the slaveholder. I deny it. I say to the Senator from Massachusetts that he can hardly afford to make the accusation against myself or against my colleague or the Senator from Nevada that we have any sympathy in that direction. I speak for the other Senators by saying that their history upon that matter is as clean and pure as that of the Senator from Massachusetts. Neither upon this question are we liable to misconception. We object to a system of importation of contract labor. We endeavor to break up the importation of these masses of people who are held in peonage or semi-slavery. We do not want California and the Pacific coast to be overrun by slaves or by men who are bound by contract to slavery. It is not free immigration in any sense of the word. The argument used by our great landholders, with their broad acres covering half a county, ten and twenty thousand acres in a body, is that they cannot carry on farming unless they have this cheap Chinese labor. Better that such farming should stop, better break up those great ranches and farms, and let the people have homes. Let there be free laborers there, and not men consigned by one of the six companies to work month after month and month after month serving out contracts made in China which run on for years.

We object to this system of contract labor, and we object to Chinese immigration for this reason. We might invoke in our behalf all the declarations made in the Declaration of Independence. We might well in behalf of this cause ask for our own people all the protection which the principles enunciated by the fathers of the Republic will afford. We are the ones who stand for free government and free citizens, for men standing upright in the sunlight of God, with the love of liberty in their souls, and an appreciation of it,—men calculated to make a state great, and wise, and noble, and prosperous; and not trembling peons and slaves, the servants not only of men, but of superstition. All we ask is that the teeming thousands of New England and of the Western States may swarm to our hives and build up a civilization like that which they have at home, and that they may not be met and turned back as they are at the present time by a horde coming in from China with their antagonistic habits, repellant in all their qualities, making their way on account of their repellant qualities. We ask that our land may be fertilized by floods of population coming in from Europe and from the other States of this Union, so that we may have a homogeneous civilization. When we plead for this, are we to be met with sneers? Are we to be told that there is no emergency? Are we to be told that we are un-republican in the ordinary party sense; that we violate the principles



of the Declaration of Independence; that we are unworthy to be believed? I say that it is unjust toward us, entirely unjust.

While I speak with earnestness upon this matter, I do not desire to trench upon the prejudices or injure the feelings of any Senator who, with a more limited experience with reference to this matter, may not see it as I do. I know how much force there is in education and constant association. I know how men's minds are turned in certain directions. It is necessary to come in contact with this problem as we see it day by day in the Pacific States in order to appreciate it in its full extent. There is no Senator here who, if he would go there and study the problems that exist in the Pacific States, would think that we ask too much at the hands of the American Congress.

One word more and I am done. I did not intend to speak to-night, and I am not fit to speak at all. I am infirm and sick. I would not speak except from a sense that I should not justify myself to my own conscience did I not plead that upon this opportune moment when one House of Congress has spoken the other will speak, and give us not a promise for the future which may not be kept, but give us substantive action. I am not able to go on further, Mr. President.

Mr. BECK and Mr. HOAR addressed the Chair.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. HOAR. I do not rise to ask the Senator from Kentucky to yield to me, but I thought the Chair had recognized me. I merely wish to say a word in reply to the Senator from California, [Mr. SARGENT.]

The Senator from California charges me with having uttered what he calls sentimentalities, and with seeking to make sentimentality the guide of our legislative action. Mr. President, I do not understand that those simple rules of conduct which are laid down by the founder of our religion, by the founders of our Republic, by the sense of honor and the sense of honesty of mankind, are properly described by the scornful term which the Senator from California applies to them. The rule which requires nations to keep their faith, which demands that governments shall have regard to the laws of justice, which declares the equality of every human soul with every other human soul in the right to use the gifts which God has created for His children in this world—these are the eternal and practical verities which, through all time and everywhere acted upon, lead to prosperity, to wealth, to greatness, and which departed from lead the government or the individual who departs from them to disaster, to poverty, to destruction. You might as well say that the mariner who trusts that the compass points to the north is relying upon a sentimentality, as to say that the nation which governs itself by these rules of conduct in its legislation is resting upon sentimentality.

Mr. President, I agree with the Senator from California in the desire to accomplish all that he says he desires to accomplish by this legislation. I agree that the coolie trade should be broken up. I agree that laborers imported, not coming in as immigrants but imported by their employers, may properly be excluded from our ports. I agree that contracts for terms of time by capital for the employment of human beings, contracts in which the laborer has no volition, are illegal and immoral, and should be broken up. But this legislation does not undertake alone or simply to do that. It starts by a denial of the obligation of national faith. It starts by the abrogation at the mere will of one party of a solemn treaty. It starts by relieving the Emperor of China of obligations upon which depend the rights and the property and the business of large numbers of our own fellow-citizens, who are as much entitled to the protection of the Government in their business as any other class of our fellow-citizens; and it does all these things without the slightest necessity. It does all these things because the people of California tell us that in some remote future a population which in thirty years has left with its immigration, according to their own account, but a hundred thousand excess of the immigrants who have stayed above those of the emigrants who have returned, will some time in distant ages swamp their civilization.

Mr. President, the argument which I addressed to the Senate was not that the coolie trade ought not to be broken up; not that labor contracts were not immoral; but that this bill was in violation of the true principles of government. I said that the Senator from California in his argument struck hands with the Senator from Alabama and but repeated the old taunts and the old arguments which had been ringing in our ears for two generations. I do not believe that it is necessary for the future of this Republic to prohibit to any man who seeks its shores of his own volition the right to enter in the mode and at the time he may choose, and to remain as a citizen or as a laborer or as a resident so long as he may choose. I believe that right is the right to the pursuit of happiness with which the Creator has clothed every human being, and I am willing to trust the power which creates a planet, which sets it in motion in its course, and which brings it back at the end of a thousand years true to its hour, to the due execution of His own laws.

Mr. BECK. Mr. President, when I sought the floor a few moments ago it was to urge the Senate to come to a vote. I expected to say a word or two, but the eloquent sermon preached by the Senator from Massachusetts has almost made it impossible for me to say anything. I agree with the Senator from California, [Mr. SARGENT.] The bill ought to pass. I believe that self-preservation is the first law of nature. If the President and his Cabinet are so diplomatic that after

Congress refused to make Chinamen citizens and deprived them of the right that we give all people from elsewhere, Africans and everybody else, they did nothing, some steps ought to be taken by Congress whereby we may exercise the right to exclude them from our shores, if they cannot stand upon an equality with the rest of us.

I believe that no greater evil can afflict a people than to have a set of peons, a degraded class, in our midst, who have not the rights of the humblest citizens. I do not believe that a set of men such as they have in California, who are living upon rice with perhaps a rat or two a week as a luxury, working for one-third what a civilized man can labor for, ought to be there in this age, struggling to keep down the rights of the white man. I believe that if the executive branch of the Government will not take hold of the matter, but refers it to the Congress of the United States, the Congress of the United States, after what has taken place, ought to step forward and defend the dignity of the white man and the right of the American laborer against these serfs (for that is what the Chinaman is) of the men of wealth who own the machinery and run the great corporations of that part of the country. It is not fair to the laboring class of our own people to allow that condition of things to exist any longer, and if the executive branch of the Government will not take hold of it, then it behooves us to do it.

I agree with the Senator from Connecticut, [Mr. EATON,] that when the case is put into our hands it is our business to act. The negotiation ought to be carried on by the President and by his Cabinet, but when they cease to negotiate and we have to act upon it, we ought to act promptly.

But beyond that, Mr. President, (and perhaps there is no other man on the floor who agrees with me,) I believe that nothing can be more detrimental to the growth and prosperity of this country in the years yet to come than to bring in vast multitudes of an inferior race of men and have them mix among our people. I have seen the Spanish cavaliers, and I have seen the Portuguese all over South America and over Central America, the descendants of Pizarro, and Cortez, and the men who were the greatest of their day, who have become part of the inferior race with whom they mixed, and they have all become a mongrel race. It is said that a Kentuckian always brags from a race-horse down to a game cock. In all the relations of stock raising we claim to be superior to everybody else, and we do attain superiority because we maintain the purity of the blood, and we keep it up. There could no greater calamity befall a nation than to have a swarm of Chinamen come in and degrade this race of people. Such an amalgamation has degraded every race wherever it has taken place; it has degraded its labor; it has degraded the men who have had to come in competition with it; it has degraded the condition of society, and it always will do so. When the question is submitted to me whether I will maintain the great Caucasian race on this continent, or whether I will consent that this thing shall go on under a system of peonage, such as exists now, and which would first destroy great California and then extend all over this continent, I, for one, am against it. I am with the Senator from California [Mr. SARGENT] in his efforts to get clear of this great evil.

Mr. BRUCE. Mr. President, I desire to submit a single remark. Representing as I do a people who but a few years ago were considered essentially disqualified from enjoying the privileges and immunities of American citizenship, and who have since been so successfully introduced into the body-politic, and having large confidence in the strength and the assimilative power of our institutions, I shall vote against the pending bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York, [Mr. CONKLING.]

Mr. CONKLING. Let us have the yeas and nays on this question.

The yeas and nays were ordered.

Mr. WALLACE. Let the amendment be reported.

The Secretary read the amendment.

Mr. HAMLIN. Mr. President, I am a political partisan. I have been one my life long. I have little respect for any man who is not; and I have a high respect for every Senator upon the other side of the Chamber who expresses with manly firmness his political convictions and stands by them like a man. I trust I love my whole country in all its length and its breadth, and I am willing to leave the record of my life to prove the sincerity of that assertion. If there be an injury to any citizen of this broad land, however remote, I would redress that injury, no matter from what source that injury may come. I would do it "decently and in order." I would do it with the respect that belongs to the civilized nations of the world.

Upon this great question I think there has been but one distinctive speech made in favor of human liberty and the rights of man. "Glittering generalities" these may be, but I think they are principles deep imbedded in the foundations of our Government. I have my own convictions upon what is the right course to pursue in the proper settlement of the question which is presented to us. I should like to have presented them to this body, but when a proposition was made distinctly to take this question at two o'clock to-morrow, and by which we should have consumed less time than we have now occupied, the majority determined otherwise. I bow with all submission to the will of that majority. At this hour, however, with no voice save the eloquent one of my friend from Ohio [Mr. MATTHEWS] raised against this measure, but with a fixed and determined purpose on the part of a large majority of this body, as I suppose, to hurry this measure through, I am



not disposed to be driven to an expression of my opinions at this late hour. I am only going to enter my solemn protest against this kind of legislation that caters to your Dennis Kearneys and to your unnaturalized Englishmen, and is only a counterpart of that wild craze that ran over this land known as native-Americanism—little better than that. Inaugurate it now, and where shall it end? Shall it apply to the lazaroni that swarm the coasts of the Mediterranean, and shall they be excluded from our country and our Government? Shall it next enter the theological arena, and shall the Catholic be told that he shall not come here to breathe the free air of this Republic? I know not where it may end.

I have convictions upon this question, and they are deep in my heart. I love my country and I would keep it at least like the motto inscribed upon the banner of the unstained knight, "Without fear and without reproach." We are hurrying on now to do an act at which I fear in after-time the men who do it will blush, and he who writes the history of the day will read it with amazement and astonishment. There is much to be said. I would be glad to state the substantial reasons upon which my convictions are founded. I should have no hope of influencing a single mind within this body. I know the power of prejudice. I know how it holds with grappled hooks of steel; and it is perhaps just as well that I utter no word, that I attempt to present no argument which satisfies me that the faith, the honor of this Government, that every Senator should hold higher and above all else, demand of us that we pause in this kind of legislation.

I decline further to address this body this evening.

Mr. HOWE. Mr. President, if it be the pleasure of the Senate to abrogate a solemn international compact, both sides of which were negotiated by distinguished American citizens, without even asking the other party to that compact to consent to such modifications of it as will render it less obnoxious to us, I shall have but one word to say against doing that, and that word is "no." But, sir, the Senator from Maine [Mr. HAMLIN] is chairman of the Committee on Foreign Relations. He is not the youngest member of this body. He is not a Mongolian; he is an American. He is not a pagan; he is a Christian. He was not planted here by the Chinese six companies; he was planted here by the voice of a sister State. The hour is late. It would be a needless cruelty to compel him to enter upon this debate at this hour. I must be permitted to say that I think it a needless discourtesy to drive this question to a final vote without giving him an opportunity to present that side of the case which he and others here hold, but which only one Senator has taken the liberty to present to the Senate.

Mr. President, the Senator from Minnesota [Mr. WINDOM] is not now in his seat. If he were here, I should ask him once more to hold back the appropriation bill to which he has called our attention until the hour of three o'clock to-morrow in the afternoon, to the end that the Senator from Maine may have an opportunity to speak for himself concerning this great measure affecting the honor of the American people. As he is here now, I will appeal to him and to the Senate to say if by unanimous consent this debate may not be adjourned until to-morrow, upon the common understanding that it be closed at three o'clock in the afternoon.

Mr. MORRILL. And I will say to the Senator that I will immediately call up the resolution that was introduced yesterday that we meet at eleven o'clock in the morning, and thereby perhaps the vote might be taken at two o'clock to-morrow.

Mr. CONKLING. Three is early enough.

Mr. HOWE. The Senator from Minnesota says in an aside that if I will suggest two instead of three o'clock, he will not object.

Mr. WINDOM. Meeting at eleven.

Mr. HOWE. If I could foreknow that the Senate would agree to meet at eleven, I would consider the proposition of the Senator quite as reasonable as that I submitted myself.

Mr. DORSEY. Mr. President, let me make a suggestion to the Senator from Wisconsin. The Committee on Appropriations, I speak for the chairman and also for myself, will accept the proposition made by the Senator from Wisconsin with the further understanding that we are to finish the post-office appropriation bill to-morrow before we adjourn. That bill has now been reported four or five days from the Committee on Appropriations, but one thing or another has intervened and we have not been able to have action on it yet. It is a very important bill. It seems to me we cannot delay it longer.

Mr. WITHERS. While that matter is being adjusted, I wish to suggest that there is another bill in which a good many of us over here feel a very great interest, and we cannot agree that unanimous consent of the Senate be given to take the vote on this measure at two o'clock to-morrow with the understanding that the appropriation bill shall be taken up immediately thereafter and disposed of.

Mr. DORSEY. And finished to-morrow.

Mr. WITHERS. If the Senator from Arkansas, who has charge of the post-office appropriation bill, will consent to let us take up the revenue bill first, and we will dispose of it as speedily as it is possible to do it, then I will agree to take up the appropriation bill.

Mr. DORSEY. I cannot consent to anything of that kind.

Mr. HOWE. Mr. President, my suggestion goes no further than that by unanimous consent we adjourn this debate over until to-morrow, with the understanding that this be closed at a specified hour. I do not include in my suggestion what shall be the order of the Senate after this is disposed of.

Mr. CONKLING. Mr. President, is a motion in order under the rules that the Senate do now adjourn until eleven o'clock in the morning?

The PRESIDING OFFICER (Mr. FERRY.) It is.

Mr. CONKLING. Mr. President, I shall submit that motion after making one observation.

This bill was referred to the Committee on Foreign Relations. The Senator from Maine [Mr. HAMLIN] is the chairman of that committee. It was by him that this bill was reported to the Senate, without recommendation I know, still by him it was reported. According to parliamentary custom, I might say parliamentary law, he has the right, at least by courtesy, to close the debate. I need not remind the Senate, in addition to what has been said by the Senator from Wisconsin, [Mr. HOWE,] that the Senator from Maine rarely does either of two things: he rarely makes a request of the Senate for the advantage of his personal convenience—

Mr. HAMLIN. I make none now.

Mr. CONKLING. He says he makes none now. I am aware of that. And he rarely occupies the attention of the Senate; much more rarely than I sometimes wish he did. He has indicated a purpose, if reasonable convenience should be accorded to him, of addressing the Senate on this bill. I think there are few friends of the bill so heated that they will refuse that convenient opportunity, and, as a mode of securing it, I now move that the Senate adjourn until eleven o'clock to-morrow.

Mr. SARGENT. Is that motion debatable?

Mr. CONKLING. No, sir, it is not.

Mr. SARGENT. Then I ask the Senator to withdraw it for a moment.

Mr. CONKLING. Without knowing why the Senator asks me to do so I withdraw the motion.

Mr. SARGENT. I wish to speak. That is the reason I ask the Senator to withdraw it, in order that I may say something.

Mr. CONKLING. If the Senator wishes to make a general speech, he probably would not ask me to withdraw the motion for that purpose. If he wishes to make an observation on this point, I withdraw it with pleasure.

Mr. SARGENT. Of course I wish to discuss nothing but this point.

Mr. CONKLING. Then I withdraw the motion.

Mr. SARGENT. Yesterday afternoon, in spite of all that I could do, at the request of the Senator from Maine and on the ground of courtesy, as he put it, the Senate adjourned this debate until to-day. That was at half past four o'clock. We might have gone on an hour or two last evening and abbreviated the discussion of to-day. The Senator from Maine at any time to-day could have spoken. Any of us who have occupied time would have been very glad to give him an opportunity to speak. The Senator from Maine does not stand in the relation of personally reporting this bill. He reported it back and the committee were discharged, and he has no responsibility for it beyond any other Senator. If any Senator has charge of the bill I suppose it is myself, as I have urged it, but I really have no more right than any other Senator to take charge of it. It has so happened, however, by a sort of common consent on the part of those interested in the bill, that I have stood in that relation, and the Senator from Maine has not stood in that relation. I myself would gladly have listened to him to-day at any length he desired; but when it was on his request and on the ground of courtesy put over last night, although I was disappointed in not going on, for his sake I was rather glad it was done. I understand now that he does not make any request. It is simply the friends of this legislation, who want to devise some better way to do it, who are now insisting on further delay! further delay! further delay! On account of the business of the Senate I object to that, even in spite of those friends who are so solicitous that proper legislation on this matter shall be had; and I beg the Senate that it will finish this matter to-night, especially in the absence of a request of the Senator from Maine, who has already spoken, for us to adjourn.

Mr. CONKLING. Mr. President, all that the Senator from California says leaves standing what the Senator from Wisconsin said and what I said, and it leaves standing two other things which the Senate should not forget. In the first place, I may say without inappropriate reference to the doings of committees, that the report of this measure was hastened and immediately hastened out of courtesy to the friends of the bill, and I mean by that especially the honorable Senator from California. The other fact which remains is that most of the time consumed in this discussion has been consumed by the friends of the measure, and almost no time, indeed I think I might say none save that occupied by the Senator from Ohio [Mr. MATTHEWS] has during my own presence in the Chamber been consumed by those opposed to the bill.

Now, Mr. President, having added these two considerations to what were before the Senate already, I renew my motion that the Senate do now adjourn until eleven o'clock to-morrow morning.

Mr. WITHERS. Will the Senator from New York withdraw that motion in order that I may understand the status the question will have to-morrow?

Mr. CONKLING. Certainly if the Senator does not understand it, I will withdraw the motion for that.

Mr. WITHERS. I am perfectly willing that the adjournment should take place provided there is unanimous consent that the vote upon



the pending bill and all amendments shall be taken at two o'clock to-morrow, and also that the notice previously given with regard to calling up the revenue measure shall remain in as full force to-morrow as if the attempt were made to get it up to-night.

Mr. CONKLING. In other words the Senator proposes to substitute for my motion a unanimous consent which has been refused, and therefore he drives me to test the sense of the Senate, which I now insist upon testing on the question whether we shall adjourn until eleven o'clock to-morrow, enabling the Senate then to govern itself as it shall deem best.

Mr. GORDON. Will the Senator withdraw his motion one moment? I will renew it. I just want to make one statement which will settle this matter, I think.

Mr. CONKLING. Will the Senator state his object?

Mr. GORDON. My object is simply this: I understand my friend from Virginia to want the vote upon this question fixed for an early hour in order that he may bring up immediately thereafter a bill which he has in charge.

Mr. WITHERS. No, the Senator from Delaware [Mr. BAYARD] has it in charge—

Mr. GORDON. Which the Senator from Delaware has in charge, but in which my friend from Virginia is very much interested. Now, what I wish to say is this: if we set an hour, say two o'clock to-morrow, we designate so many minutes to be occupied by the Senator from Maine in speaking upon this question. I simply want to say to the Senate that as he is the senior Senator probably upon this floor, having served longer than any one else, it certainly is due to him that the friends of this bill should give him as much time as he shall require to express his views. It is due to any Senator, and it certainly should be due to the man who is the senior of any gentleman who is here present; and though I am a friend of this bill and expect to vote for it, I appeal to the Senate, and especially this side of it, to give to that Senator the opportunity to express his views.

Mr. CONKLING. Now, Mr. President, I renew the motion.

The PRESIDING OFFICER. The Senator from New York moves that the Senate adjourn until eleven o'clock to-morrow morning.

Mr. GORDON. No, Mr. President, I did not mean to displace the request for a given time.

Mr. CONKLING. It displaces nothing; it leaves it exactly where it was except that it moves us forward to eleven o'clock in the morning. Now I insist on my motion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The motion is not debatable.

Mr. SARGENT. Let us have the yeas and nays.

Mr. CONKLING. By all means let us have the yeas and nays.

Several Senators addressed the Chair.

Mr. SARGENT. I object to everything except the regular order.

Mr. CONKLING. That is right.

Mr. BRUCE. I want to give a notice as to calling up a bill.

The PRESIDING OFFICER. It is not in order. The Senator from New York moves that the Senate adjourn until to-morrow morning at eleven o'clock.

Mr. BAILEY. I ask the Senator from New York to withdraw the motion for one moment, and I will renew it. I wish simply to understand the established business for to-morrow, for I wish to vote to give the Senator from Maine an opportunity to speak; but there is a question of great importance to a large portion of this country to be determined by a bill now pending and notice was given that to-day a motion would be made to take it up. I wish to know whether that notice will be considered as in force for to-morrow. If not, many of us will be compelled to vote against the adjournment.

Mr. CONKLING. It leaves that question just where it would have been otherwise.

Mr. DAWES. Just where it was.

Mr. BAILEY. But the notice was given for to-day. Will that notice be considered as operative for to-morrow?

Mr. DAWES. As I understand it, the Senator from Delaware will be in exactly the same position to-morrow as he is to-day.

Mr. BAYARD. I so understand, and I shall vote chiefly in view of the convenience of the honorable Senator from Maine.

The PRESIDING OFFICER. The question is on the motion to adjourn until eleven o'clock to-morrow.

Mr. BRUCE. I ask the Senator from California to yield.

The PRESIDING OFFICER. The Senator from Mississippi wishes to be heard. Is there objection? The Senator from Mississippi will proceed. The Chair hears no objection.

Mr. BRUCE. I wish to give notice that on Monday, after the expiration of the morning hour, I shall endeavor to call up the bill (H. R. No. 4318) to provide for the organization of the Mississippi River improvement commission, and for the correction, permanent location, and deepening of the channel and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the Senate do now adjourn until eleven o'clock to-morrow.

The motion was agreed to; and (at eight o'clock and thirty-seven minutes p. m.) the Senate adjourned until to-morrow at eleven o'clock a. m.

## HOUSE OF REPRESENTATIVES.

FRIDAY, February 14, 1879.

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

The Journal of yesterday was read and approved.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed joint resolutions and bills of the following titles, in which the concurrence of the House was requested:

Joint resolution (S. No. 59) to provide for the publication and distribution of a supplement to the Revised Statutes;

Joint resolution (S. No. 62) authorizing the printing of a portrait of the late Joseph Henry to accompany the memorial volume heretofore ordered;

An act (S. No. 979) in relation to the payment of arrearages of taxes and assessments in the District of Columbia; and

An act (S. No. 1691) giving the consent of Congress to an agreement or compact entered into between the States of Virginia and Maryland respecting the boundary of said States.

### CHANGE OF NAME OF A VESSEL.

Mr. COBB, by unanimous consent, introduced a bill (H. R. No. 6433) authorizing the Secretary of the Treasury to issue an American register to the German-built brig *Dos Hermanos*, and authorizing the owners of said brig to change the name of the same from *Dos Hermanos* to *H. Milne*; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CHITTENDEN, for five days.

### SOLDIERS, ETC., OF THE MEXICAN WAR.

Mr. BANNING. I ask unanimous consent that the bill (H. R. No. 376) be taken from the Speaker's table and that the amendment of the Senate thereto be concurred in.

There was no objection, and the bill (H. R. No. 376) for the payment of the officers and soldiers of the Mexican war of the three months' extra pay provided for by the act of July 19, 1848, was taken from the Speaker's table.

The amendment of the Senate was read, as follows:

At the end of the bill add the following:

*Provided*, That the provisions of this act shall include, also, the officers, petty officers, seamen, and marines of the United States Navy, the revenue-marine service, and the officers and soldiers of the United States Army employed in the prosecution of said war.

The amendment of the Senate was concurred in.

Mr. BANNING moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### JAMES F. HARRISON.

Mr. HARRIS, of Virginia. I ask unanimous consent for the passage of a bill to remove the political disabilities of James F. Harrison.

There was no objection, and the bill (H. R. No. 6434) to remove the political disabilities of James F. Harrison, a citizen of Virginia, received its several readings, and (two-thirds of the members voting in favor thereof) was passed.

### NATIONAL BENEFICIARY COLLEGE IN THE DISTRICT OF COLUMBIA.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 6435) to establish a national beneficiary college in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

### CAPTAIN JOSEPH IRISH.

Mr. ACKLEN. I call up the motion to reconsider the vote by which the bill for the relief of Captain Joseph Irish was laid upon the table. I ask that it be recommitted to the Committee on Foreign Affairs.

The SPEAKER. The Chair thinks it has been recommitted.

Mr. ACKLEN. No, it was not recommitted; it was laid upon the table, and in the absence of objection I suppose that it can now be recommitted.

The SPEAKER. To-day is private bill day, and the Chair is bound, under the rules and by the general wish of the members of the House, to consider private cases only.

Mr. ACKLEN. I understand it can be done by unanimous consent.

The SPEAKER. The Chair is informed that there is a motion pending to reconsider.

Mr. ACKLEN. I wanted the motion by which the bill was laid upon the table reconsidered, and the bill recommitted to the committee.

The SPEAKER. The Chair hears no objection, and the bill is recommitted to the committee.

### ELECTION OF PRESIDENT AND VICE PRESIDENT.

Mr. SOUTHARD. At the last session the Committee on Revision of the Laws in relation to the election of President and Vice-President