

By Mr. SHAW: Petition of Mary E. Carroll, of Carroll County, Maryland, praying that war claim of Christian Carroll be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SPRIGGS: Petition of Henry A. Dewey, of Oneida County, New York, praying for the removal of certain disabilities, and proof thereof—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Petition from some parties with regard to the Presidency—to the Committee on the Judiciary.

Also, memorial Knights of Labor of Decatur, Ill., relating to the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. STAHLNECKER: Petition of citizens of New York relative to the duty on marble—to the Committee on Ways and Means.

By Mr. STRUBLE: Petition of E. C. Herrick and 14 others, citizens of Cherokee County, Iowa, asking that Congress submit to the States a proposition to so amend the Constitution as to protect the women of the States and Territories in the enjoyment of the right of equal suffrage with men—to the Committee on the Judiciary.

By Mr. WILLIAM WARNER: Petition of William H. Rodenald and others, of Independence, Mo.; of Frederick Eitelgeorge and others, and A. L. Chapman and others, of Kansas City, Mo., for payment of certain claims of Missouri militia—to the Committee on War Claims.

By Mr. WHEELER: Petition of Claborn W. Hunt, administrator of W. L. Shelton, deceased, of Jackson County, Alabama, for compensation for property taken and used by the United States Army during the late war—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. SESSIONS: Of farmers of Chautauqua County, New York.

SENATE.

FRIDAY, February 26, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

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

HOUSE BILL REFERRED.

The joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States, was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Local Assembly No. 2143, Knights of Labor, Krumroy, Ohio, praying for the passage of the bill restoring the wages of employes in the Government Printing Office to the former rate; which was referred to the Committee on Printing.

Mr. CULLOM presented a petition of Local Assembly No. 4146, Knights of Labor, of Lincoln, Ill., praying for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MAXEY presented a petition of Knights of Labor of Terrell, Tex., praying that an appropriation be made for the improvement of the harbor at Sabine Pass; which was referred to the Committee on Commerce.

Mr. JONES, of Arkansas, presented a memorial of 486 visitors at Hot Springs, Ark., remonstrating against the removal of bath-houses from the Government reservation at that place; which was referred to the Committee on Public Lands.

Mr. WILSON, of Iowa, presented a petition of J. W. Hedberg and 45 other citizens of Iowa, praying for the passage of an act of absolute forfeiture of the unearned lands within the limits of the grant to the Sioux City and Saint Paul Railroad Company; which was ordered to lie on the table.

He also presented a petition of the Fairfield monthly meeting of Friends, comprising 500 members, located in Ohio; a petition of Winnecheik (Iowa) monthly meeting of Friends; a petition of citizens of West Branch, Iowa; a petition of the New Sharon (Iowa) monthly meeting of Friends; and a petition of the Earlham (Iowa) monthly meeting of Friends, praying the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which were referred to the Committee on Foreign Relations.

Mr. PLUMB presented a petition of citizens of Morris and Wabunsee Counties, Kansas, praying the passage of the bill to open the Oklahoma lands in the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of ex-Union soldiers residing in Kansas, praying for the passage of what is known as the Weaver bill, proposing to pay the Union soldiers of the late war the difference in value between

the depreciated greenback currency in which they received their pay and gold; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1339) to amend the police regulations of the District of Columbia, reported it with an amendment.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1543) fixing the rate of interest upon arrearages of taxes due July 1, 1884, and on all special improvements due the District of Columbia, which may be paid within a specified time, reported adversely thereon; and the bill was indefinitely postponed.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 346) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867; and the bill (S. 62) enlarging the powers of the Washington Safe Deposit Company, and for other purposes, reported adversely thereon; and the bills were postponed indefinitely.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1587) in relation to the trustees of the Reform School of the District of Columbia, reported it without amendment.

Mr. BROWN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1008) to empower the Board of Foreign Missions of the Methodist Protestant Church to hold property in the District of Columbia, reported it with an amendment.

Mr. CAMERON, from the Committee on Commerce, to whom was referred the bill (S. 805) to authorize certain foreign-built steamships in the service of the International Navigation Company to be registered as vessels of the United States, reported it with amendments.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 1646) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1647) for the relief of Henry H. Wheeler, of Crook County, Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 1648) granting an increase of pension to William Collinsworth; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased; and it was thereupon signed by the President *pro tempore* of the Senate.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there is no further routine morning business the Calendar is in order under Rule VIII, and the first case on the Calendar will be reported.

Mr. MITCHELL, of Oregon. In pursuance of the notice given by me, I ask that the Calendar may be laid aside for the purpose of enabling me to have taken up Senate bill 1483, what is known as the Chinese bill, for the purpose of submitting some remarks upon it.

The PRESIDENT *pro tempore*. Pending the Calendar the Senator from Oregon asks that it be postponed and that the bill indicated by him be taken from the table for consideration. The Chair hears no objection to the request of the Senator from Oregon.

Mr. HALE. I gave notice yesterday that at the close of the remarks of the Senator from Mississippi [Mr. GEORGE], who was then entitled to the floor, I should move that the Senate go into executive session. The hour was so late when the Senator from Mississippi finished that I did not think it then advisable to attempt to interfere with the progress of the bill which was at that time before the Senate, but I wish to give notice now that at the end of the remarks of the Senator from Oregon [Mr. MITCHELL] I shall make a motion that the Senate proceed to the consideration of executive business.

PROHIBITION OF CHINESE IMMIGRATION.

The PRESIDENT *pro tempore*. The bill called up by the Senator from Oregon will be read by its title.

The CHIEF CLERK. A bill (S. 1483) abrogating all treaties heretofore made and now operative between the United States Government and the Chinese Empire, in so far as they, or any of them, provide for, recognize, or permit the coming of Chinese to the United States, and in

so far as they, or any of them, inhibit the United States from absolutely prohibiting the coming of Chinese to the United States; and repealing all acts of Congress, in so far as they, or any of them, recognize or permit the coming of Chinese to the United States; and absolutely prohibiting the coming of Chinese to the United States, excepting only diplomatic, consular, and other officers, and prohibiting the landing of any Chinese therein, excepting only such diplomatic or other officers.

The PRESIDENT *pro tempore*. If there be no objection the bill will be regarded as before the Senate as in Committee of the Whole, and the Senator from Oregon is entitled to the floor.

Mr. MITCHELL, of Oregon. Mr. President, nothing but the deepest sense of official duty and obligation to a devoted, generous, and deserving constituency could induce me at this early day in my term to obtrude myself on the attention of the Senate, and thus in a sense and to a certain degree violate that unwritten law of this body, so well understood but not always observed, in reference to the privileges of new members. I trust the importance and urgency of the questions involved, coupled with the fact of the peculiar and intimate relation they bear to the people of the State and coast I in part have the honor of representing, will justify me in doing that which under other circumstances might seem something of an impropriety.

It is a rule, recognized by physicians and surgeons, that desperate cases in medicine and surgery require heroic treatment; when the cancer is malignant and uncompromising, is making unrestrained inroads on the system and startling headway toward the vitals, all temporizing with narcotics, herbs, and palliatives must give way to the knife; and though the emergency and the means may compel the sacrifice of human blood in order to save human life, the ulcerous, devouring sore must, with all its cancerous roots, be cut from the body and cast away. So it is with the body-politic. When it is assailed by an extraordinary evil, menaced by an unyielding and rapidly advancing vice, which brings into grave and imminent peril not only the best interests of our people but the most cherished institutions of our country the time for temporizing has passed away; the more ordinary remedies must be put in the background, and the amenities which under other circumstances should be observed toward foreign powers and their subjects must upon the principle of self-preservation give way to such heroic and aggressive measures as the necessities of the case render absolutely essential. In the case under consideration such treatment seems necessary to the vindication of the most sacred rights and privileges of our people, the maintenance of our civilization, and the preservation of the domestic peace and tranquillity of the Republic.

Such an evil, a vice more terrible in its tendencies, more degrading in its influences than has been suggested, is to-day not merely paralyzing the rights of the laboring classes, not only absolutely destroying the interests of American labor in a large section of this country, not only fastening its fangs and exuding its leprous virus into the very vitals of the moral and physical being of our body-politic, and casting physical and moral infection on every side, but, worse than all this, absolutely disturbing the public peace, creating internal dissension and strife, and bringing into the most imminent peril the domestic tranquillity of our people, the Christian civilization of the age, and the general welfare of our nationality.

From such an evil are the people of the whole Pacific coast suffering to-day through the presence in their midst of large numbers of an unclean, non-assimilating, and pagan race. To such an infliction, national in its character, malignant and devilish in its tendencies, are they now subjected. Impending over them and gradually but surely extending its dominion eastward like a cloud of wrath, it imperils the rights of labor, of property, of peace, of life itself. To meet and successfully grapple with and finally subdue and eradicate from our land this dire scourge will require some more heroic treatment, some more vigorous remedy, some more emphatic measure, some firmer, more decided, and aggressive governmental step than has ever yet been taken by the American Congress or the Government of the United States through any of its departments or instrumentalities, and one, moreover, which never can be taken rightfully or properly and at the same time preserve inviolate the present existing treaty stipulations between the United States Government and the Chinese Empire, and such an one, moreover, which in my judgment we can not within any reasonable time hope to obtain through the treaty-making power by any further negotiations with the empire.

Hence it is that in the measure which I have submitted, and which is now under consideration, it is proposed that the States and the people of this Republic, as they constitutionally and of right may do, through their Senators and Representatives in the Congress of the United States, with the approval of the Executive, or even by a sufficient vote of the Congress without his approval, remove those barriers that have for years stood in the way of Congress in the form of treaty stipulations, and which have restricted and prevented it from inaugurating the necessary measures and exercising the requisite powers to successfully deal with this momentous question—with this herculean evil.

In other words, it is proposed by the bill under discussion as a first essential step to clear the way of all obstructions, so that Congress may constitutionally and rightfully rise in the scale of legislative power and

action to that position which time and circumstance have demonstrated is absolutely necessary to meet this political scourge, by wiping out of existence every treaty stipulation with China which in any manner or in any form recognizes or permits the coming of Chinese to this country, or which inhibits the United States from absolutely prohibiting Chinese immigration to the United States; and then, the right of way to Congress being thus clearly secured, the bill proposes to absolutely prohibit the coming of Chinese whether subjects of the Chinese Empire or otherwise, as well those who have been here and have returned, those who are now here and who may hereafter leave the United States and attempt to return, as those who have never yet been within our limits, to any port or place within the United States, or from landing or remaining therein, excepting only diplomatic, consular, or other commissioned officers and their household and body servants.

In considering this bill two questions of importance present themselves:

First. Has the United States the constitutional right or power by an act of the Congress to abrogate or repeal a treaty with a foreign nation; and

Second. If so, does the importance to this country of the questions involved, the magnitude of the evil to be dealt with, the interests of the people to be subserved, the institutions that are to be protected, the peril that is to be warded off, and the preservation and vindication of the public peace, justify the step proposed?

First, as to the constitutional power of Congress to abrogate or repeal an existing treaty between the United States and a foreign nation. And, further, does a subsequent act of Congress repeal and abrogate the provisions of a prior treaty with a foreign nation in so far as it conflicts with such provisions?

These are propositions so well settled as to require but little more than the statement of the proposition and a reference to the decisions of the Supreme Court of the United States. And but for the fact that this power has, since the introduction of the bill under discussion, and with an air of self-importance as amazing as it is absurd and ridiculous, been flatly denied by one of the great journals of the metropolis (the New York Times) and its senseless assertion taken up and, parrot-like, repeated in an ignorant as well as an offensive manner by the Post of the national capital, no argument whatever in its support would now be offered.

The morning subsequent to the introduction of the bill under consideration the New York Times, in its issue of the 12th instant, had the following editorial:

Senator MITCHELL, of Oregon, has introduced a new anti-Chinese bill by which he coolly proposes to sweep away all treaty provisions which stand in the way of an absolute prohibition of Chinese immigration, and to exclude from the country all Mongolian immigrants and prevent the return of any that may leave the country. The logical sequel of this kind of legislation would be a provision for sending out of the country all the Chinese now here, which would place us squarely on the policy of China of a generation ago. The chief drawback about this policy is that it does not discriminate on the proper lines. If we are to exclude from this country objectionable immigrants we should so draw the line as to exclude those that are objectionable because they are objectionable, and not those that belong to one particular race because they belong to that race. If we are going to filter the incoming population we should so arrange our strainers as to exclude the scum. It may be stated also for Senator Mitchell's information that treaties can not be amended or abrogated by statute law.

While in its issue of February 15 the constitutional expounder of the Washington Post exposed his consummate stupidity on the subject by the following editorial:

The anti-Chinese bill introduced by Senator MITCHELL, of Oregon, shows two things—his narrow-mindedness and his ignorance. He proposes to sweep away all treaty obligations that affect immigration from China. Yet, he ought to know that a treaty can not be abrogated by an act of Congress. His bill prohibits all Chinese immigration. The purpose is to prevent the admission to the country of objectionable immigrants. But this bill declares against a certain class, not because they are objectionable, but because they are Chinese. The illiberality and the ignorance seem to be furnished in equal quantities.

Now, then, Mr. President, as the constitutional lawyers of the New York Times and the Washington Post have, in the infinitude of their professional wisdom and the profundity of their constitutional and international lore, so kindly for my information volunteered the statement that "treaties can not be amended or abrogated by statute law," I shall take the liberty for their information, as also for all interested, to attract attention to a few suggestions upon that point; and I do this not so much for the mere purpose of proving what every lawyer knows to be true—that is to say, that Congress has the undoubted power to abrogate our existing treaties with China—but rather for the purpose of calling attention to the fact that our courts, lawyers, jurists, and best statesmen while conceding this power, have concurred as to the duty of Congress to abrogate a treaty whenever it is pernicious in its operations or ruinous to the state. And in this connection I assert it as a fact that the doctrine that a subsequent act of Congress in so far as it conflicts with the provisions of a prior treaty with a foreign power or an Indian tribe abrogates the treaty to that extent, is one that has received the unqualified sanction of every department of this Government, legislative, executive, administrative, and judicial, and no man but an ignoramus in the profession, and I might perhaps say with propriety in every other respect as well, would expose himself or his paper to ridicule by asserting to the contrary.

True, article 6 of the Constitution provides that—

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.

Even though the doctrine that a subsequent statute in direct conflict with a prior statute, whether purporting to repeal the former, or that otherwise operates as such repeal, could not be properly applied to a case of a subsequent statute coming in direct conflict with a prior treaty, the contention can be successfully maintained, and has been time out of mind, that for certain great purposes for which the Constitution was ordained and established by the people of the United States, such as the common defense and general welfare, including the power to declare war; to regulate commerce with foreign nations and among the several States; to levy and collect taxes, duties, imposts, and excises; to coin money and regulate the value thereof; to raise and support armies; to borrow money on the credit of the United States; to establish a uniform rule of naturalization; to promote the progress of science and useful arts; to provide and maintain a navy; and in fact all the powers vested in Congress by the Constitution, the powers so vested can not be taken away, impaired, or in any manner abridged by the Executive and the Senate in pursuance of the exercise of the treaty-making power.

The supreme right on the part of the Government to exercise at all times and under all circumstances through the Congress any power delegated to it by the Constitution, and the exercise of which in its judgment may become necessary to the vindication of the great rights which pertain to the common defense and the general welfare, stands pre-eminent, above and beyond the reach or assailable of any other power, whether executive, judicial, or administrative; and the treaty-making power, although guaranteed by the Constitution, is limited and subordinate to the exercise by Congress of those supreme powers necessary to the execution of the general purposes specified, for which the Constitution was ordained, and the right to exercise which are by the terms of the Constitution, specifically or inferentially, granted to Congress.

Story in his Commentaries on the Constitution, volume 3, section 1502, makes the following statement:

The treaty-making power is necessarily and obviously subordinate to the fundamental laws and constitution of the state, and it can not change the form of the Government or annihilate its constitutional powers.

Story in his Commentaries on the Constitution again in section 1508, volume 2, in speaking of the treaty-making power remarks as follows:

The power to make treaties is by the Constitution general, and of course it embraces all sorts of treaties—for peace or war, for commerce or territory, for allowance or succors, for indemnity for injuries or payment of debts, for the recognition and enforcement of principles of public law, and for any other purposes which the policy or interests of independent sovereigns may decide in their intercourse with each other. But though the power is thus general and unrestrained, it is not to be so construed as to destroy the fundamental law of the state.

A power given by the Constitution can not be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination to it, and can not supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope, and no one embraces a right to annihilate any other. A treaty to change the organization of the Government or annihilate its sovereignty, to overturn its republican form, or to deprive it of its constitutional powers, would be void, because it would destroy what it was designed merely to fulfill—the will of the people.

Inasmuch, therefore, as the Congress has by virtue of an express grant in the Constitution the "power to regulate commerce with foreign nations," and inasmuch as the Burlingame treaty is in all its essential particulars nothing more nor less than a regulation of commerce between the United States and China, and as an act of Congress inhibiting the coming of Chinese to this country and absolutely excluding them from it would be the exercise of the power to regulate commerce with foreign nations, it therefore follows that the making of the treaty did not and constitutionally could not, in any manner or in any respect, impair the power of Congress to pass a prohibitory act whenever in its judgment it became necessary to do this; and to hold that the Burlingame treaty and the treaty supplementary thereto should be construed as an inhibition on the power of Congress to pass a prohibitory law, would be simply to declare that the treaty itself was absolutely void, because in such a case the effect of the treaty would be to deprive Congress of its constitutional power.

But the doctrine that a subsequent act of Congress abrogates a prior treaty in so far as it conflicts with its provisions is one that has been recognized in this Government since the matter was first discussed or the question raised nearly ninety years ago; and it has received the sanction of every department of the Government—legislative, executive, administrative, and judicial—commencing with its exercise by Congress, when in July 7, 1798, an act of Congress was passed abrogating our treaties with France. That act declared among other things as follows:

That the United States are of right freed 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 of the United States or citizens of the United States.

But not only so. The Department of Justice has through its Attorneys-General, at different times, proclaimed this doctrine in unqualified terms. Attorney-General Crittenden (see Opinions Attorneys-General,

volume 5, page 345), in discussing the question of conflict between a prior treaty and a subsequent act of Congress with reference to the Florida claims, uses the following language:

An act of Congress is as much a supreme law of the land as a treaty. They are placed on the same footing, and no preference or superiority is given to the one or the other. The last expression of the law-giving power must prevail; and just for the same reason and on the same principle that a subsequent act must prevail and have effect, though inconsistent with a prior act, so must an act of Congress have effect though inconsistent with a prior treaty.

Again, Attorney-General Akerman, as late as the year 1870, in the case of the Choctaw Indians (see Opinions Attorneys-General, volume 13, page 357), said:

There is nothing in the Constitution which assigns different ranks to treaties and to statutes; both the one and the other, when not inconsistent with the Constitution, seem to stand upon the same level and to be of equal validity; and as in the case of all laws emanating from an equal authority, the earlier in date yields to the later.

But not only so. Repeatedly has the Federal judiciary through its circuit and supreme courts, without reserve, doubt, or qualification of the doctrine, held that the power to abrogate a treaty with a foreign power, as well as with the Indian tribes, does not rest exclusively with the Executive and the Senate, but does reside in the Congress. The court, in *Taylor vs. Martin* (2 Curtis's Circuit Court Reports, 454), in discussing this subject, uses the following language:

It is impossible to maintain that under our Constitution the President and the Senate exclusively possess the power to modify or repeal a law found in a treaty. If this were true no change in a treaty could be made without the consent of some foreign government. 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 negated by the express words of the Constitution. That gives to Congress, in so many words, power to declare war, an act which *ipso facto* repeals all treaties inconsistent with a state of war. It can not, therefore, be admitted that the only method of escape from a treaty is by the consent of the other party to it or a declaration of war.

To refuse to execute a treaty for reasons which approve themselves to the conscientious judgment of a nation is a matter of the utmost gravity, but the power to do so is a 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 I do not believe; that it must reside somewhere and be applicable to all cases I am convinced, and I feel no doubt that it belongs to Congress.

But the Supreme Court of the United States, the supreme arbiter in all questions of this character, finally settled the doctrine beyond the power of future controversy in this country in the case known as "the Cherokee Tobacco case," reported in 11 Wallace, page 616. The court in that case, opinion by Mr. Justice Swayne, uses the following language:

The effect of treaties and of acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. The treaty may supersede a prior act of Congress (2 Peters, 314), and an act of Congress may supersede a prior treaty (2 Curtis, 454; 1 Woolworth, 155).

In the cases referred to these principles were applied to treaties with foreign nations. Treaties with Indian nations can not be more obligatory. They have no higher sanctity and no greater inviolability or immunity from legislative invasion can be claimed for them. 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.

This doctrine, so well settled that it is a matter of amazement that any one, much less the constitutional expounders of great metropolitan journals, should assert to the contrary, was fully recognized by President Hayes in his veto message of March 1, 1879, wherein he gave his reasons for withholding his approval of the bill passed both Houses of that Congress restricting the immigration of Chinese to the United States; although on the ground of policy solely he vetoed the bill, he in terms recognized the power of Congress to abrogate the Burlingame treaty in these words:

The authority of Congress to terminate a treaty with a foreign power, by expressing the will of the nation no longer to adhere to it, is as free from controversy under our Constitution as is the further proposition that the power of making new treaties or modifying existing treaties is not lodged by the Constitution in Congress, but in the President, by and with the advice and consent of the Senate, as shown by the concurrence of two-thirds of that body.

A further declaration is made in this message:

A denunciation of any treaty by any government is confessedly justifiable only upon some reason, both of the highest justice and of the highest necessity.

And in this connection it may not be out of place to attract attention to the fact that in the passage of the bill in the Forty-fifth Congress abrogating the Burlingame treaty the two Houses of Congress by a most decided vote declared not only in favor of the power of Congress to abrogate a treaty with a foreign power, but did actually in that particular instance, in so far as the Congress could do it in the absence of executive approval, absolutely abrogate, set aside, and repeal the Burlingame treaty. The vote on the passage of that bill was in the House of Representatives 155 yeas, 72 nays, not voting 61, and most of whom were paired. The vote in detail is as follows:

YEAS—155.

Acklen,	Bayne,	Blount,	Caldwell, W. P.
Aiken,	Beebe,	Boone,	Calkins,
Aldrich,	Bell,	Brentano,	Campbell,
Atkins,	Benedict,	Brewer,	Chalmers,
Bailey,	Bicknell,	Bright,	Clarke of Kentucky,
Baker, John H.	Blackburn,	Buchner,	Clark of Missouri,
Baker, William H.	Blair,	Cabell,	Cobb,
Banning,	Bliss,	Caldwell, John W.	Cole,

Cook,
Covert,
Cox, Jacob D.
Cox, Samuel S.
Cravens,
Crittenden,
Cummings,
Davidson,
Davis, Horace
Deering,
Dibrell,
Dickey,
Durham,
Eden,
Elam,
Ellis,
Ellsworth,
Errett,
Evans, James L.
Evins, John H.
Ewing,
Felton,
Finley,
Fort,
Foster,
Freeman,
Garth,
Gause,
Gibson,
Giddings,
Glover,

Gunter,
Hale,
Hamilton,
Hanna,
Harmer,
Harrison,
Hartzell,
Hatcher,
Hayes,
Hazelton,
Henkle,
Herbert,
Hewitt, Abram S.
Hewitt, G. W.
Hiscock,
Hooker,
House,
Hubbell,
Hunton,
Ittner,
Jones, Frank
Jones, James T.
Keightley,
Kenna,
Ketcham,
Killinger,
Kimmel,
Knapp,
Landers,
Ligon,
Lockwood,

Luttrell,
Mackey,
Maish,
Majors,
Manning,
Martin,
Mayham,
McMahon,
Metcalfe,
Mills,
Money,
Morse,
Muldrow,
Neal,
O'Neill,
Patterson, T. M.
Peddie,
Pollard,
Potter,
Pound,
Rea,
Reagan,
Reilly,
Rice, Americus V.
Robertson,
Robinson, M. S.
Ross,
Ryan,
Sapp,
Saylor,

Shallenberger,
Singleton,
Slemmons,
Smith, William E.
Southard,
Sparks,
Steele,
Stenger,
Throckmorton,
Townsend, Amos
Townsend, R. W.
Turner,
Turney,
Vance,
Van Vorhees,
Walker,
Ward,
White, Michael D.
Whitthorne,
Wigginton,
Williams, Jere N.
Williams, Richard
Willis, Albert S.
Willits,
Wilson,
Wren,
Wright,
Yeates,
Young, John S.

Bacon,
Bagley,
Banks,
Bisbee,
Bouck,
Bragg,
Briggs,
Brogden,
Bundy,
Burchard,
Burdick,
Cain,
Candler,
Cannon,
Caswell,
Chittenden,
Clark, Rush
Conger,

Crapo,
Cutler,
Danford,
Denison,
Dunnell,
Dwight,
Eames,
Hardenbergh,
Harris, Benj. W.
Harris, Henry R.
Hart,
Hendee,
Henderson,
Humphrey,
Hungerford,
James,
Jones, John S.
Joyce,

Lathrop,
McCook,
McGowan,
Mitchell,
Monroe,
Morgan,
Norcross,
Overton,
Patterson, G. W.
Phelps,
Pridemore,
Pugh,
Raine,
Randolph,
Reed,
Rice, William W.
Robbins,
Robinson, G. D.

Sampson,
Sexton,
Sinnickson,
Smalls,
Smith, A. Herr
Starin,
Stephens,
Stewart,
Strait,
Swann,
Thompson,
Tipton,
Townsend, M. I.
Waddell,
Warner,
Watson,
Williams, C. G.
Williams, James.

NAYS—72.

Ballou,
Bland,
Boyd,
Bridges,
Browne,
Butler,
Camp,
Carlisle,
Claffin,
Clark, Alvah A.
Clymer,
Collins,
Culberson,
Davis, Joseph J.
Dean,
Eickhoff,

Evans, I. Newton
Forney,
Franklin,
Frye,
Fuller,
Gardner,
Garfield,
Goode,
Harris, John T.
Haskell,
Henry,
Hunter,
Jorgensen,
Keifer,
Kelley,
Knott,

Lapham,
Lindsey,
Loring,
Lynde,
Marsh,
McKenzie,
McKinley,
Morrison,
Muller,
Oliver,
Phillips,
Powers,
Price,
Riddle,
Roberts,
Shelley,

Springer,
Stone, John W.
Stone, Joseph C.
Thornburgh,
Tucker,
Veeder,
Wait,
Walsh,
White, Harry
Williams, Andrew
Willis, Benj. A.
Wood,
Young, Casey.

NOT VOTING—61.

So the bill was passed.
During the call of the roll the following announcements were made:
Mr. MULLER. On this question I am paired with my colleague from New York, Mr. Willis. If he were present, he would vote "no" and I would vote "ay."
Mr. HUNTON. My colleague, Mr. Goode, is absent by reason of sickness and is paired with Mr. Camp, of New York.
Mr. HAMILTON. My colleagues, Mr. Brown and Mr. Fuller, are absent and paired. I do not know how they would vote if they were here.
Mr. PHELPS. I desire to announce that on this question Mr. Ballou, of Rhode Island, is paired with Mr. Henry, of Maryland.
Mr. HEBBERT. My colleague, Mr. Forney, is absent by order of the House, serving on a committee.
Mr. TUCKER. I am paired generally on all political questions with Mr. Lapham, of New York.
Mr. HARRIS, of Virginia. I am paired with Mr. Wait, of Connecticut.
Mr. RYAN. My colleague, Mr. Phillips, is absent on important business. If present, I think he would vote "ay."
Mr. HALE. My colleague, Mr. Frye, is absent by order of the House, serving on a committee.
Mr. BAKER, of Indiana. My colleague, Mr. Brown, is absent by reason of sickness.
Mr. METCALFE. I am paired with my colleague, Mr. Bland. As I am assured that if present he would vote "ay," I will vote "ay."
Mr. STONE, of Iowa. I am paired with Mr. Shelley, of Alabama. If he were here, I would vote "no."
Mr. HENKLE. On political questions my colleague, Mr. Henry, is paired with Mr. Ballou, of Rhode Island.
Mr. BOYD. I am paired with Mr. Roberts, of Maryland.
Mr. OLIVER. I am paired with Mr. Carlisle, of Kentucky. If he were here, I would vote "no" and I am informed he would vote "ay."
Mr. MCKENZIE. I am paired with Mr. Powers, of Maine.
Mr. HASKELL. I am paired with Mr. Knott, of Kentucky.
Mr. WHITE, of Pennsylvania. I am paired with Mr. McKinley, of Ohio.
Mr. BRAGG. My colleague, Mr. Lynde, is absent by order of the House, serving on a committee.
Mr. MAISH. My colleague, Mr. Clymer, is absent on account of sickness.
Mr. EVANS, of Pennsylvania. I am paired with my colleague, Mr. Clymer. The result of the vote was then announced as above stated.
Mr. COX, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

The vote in the Senate was yeas 39, nays 27; as follows:

YEAS—39.

Allison,
Bailey,
Bayard,
Beck,
Blaine,
Booth,
Cameron of Pa.,
Coke,
Dennis,
Dorsey,

Eaton,
Eustis,
Garland,
Gordon,
Grover,
Hereford,
Jones of Nevada,
Kirkwood,
Lamar,
McDonald,

McPherson,
Maxey,
Mitchell,
Morgan,
Oglesby,
Paddock,
Patterson,
Plumb,
Ransom,
Sargent,

Saunders,
Sharon,
Shields,
Spencer,
Teller,
Thurman,
Voorhees,
Wallace,
Windom.

NAYS—27.

Anthony,
Bruce,
Burnside,
Butler,
Cameron of Wis.,
Conkling,
Conover,

Davis of Illinois,
Davis of West Va.,
Dawes,
Edmunds,
Ferry,
Hamilin,
Hill,

Hoar,
Howe,
Ingalls,
Jones of Florida,
Kellogg,
Kernan,
McCreery,

McMillan,
Matthews,
Merrimon,
Morrill,
Randolph,
Withers.

All of whom voting yea, I will state for the information of the New York Times and the Washington Post, voted to abrogate a treaty by an act of Congress.

But not only so. A doctrine akin to this has been recognized time and time again by Congress in the passage of revenue laws. In 1857 the United States entered into a treaty with Denmark in which there was a provision to the effect that "no higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominion of the treaty-making power, than are or should be payable on like articles, being the produce or manufacture of any other foreign country."

Subsequently, in 1875, the United States entered into a treaty with the Hawaiian Islands in which certain products were admitted free of duty, and it was insisted upon the part of the exporters in Denmark that by virtue of the provision in the Hawaiian treaty similar products to those admitted under the Hawaiian treaty should come in free of duty, but the circuit court for the southern district of New York held as follows:

The stipulation in a treaty with a foreign power to the effect that no higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominion of the treaty-making power, than are or shall be payable on the like articles the produce or manufacture of any other foreign country, does not prevent Congress from passing an act exempting from duty like products and manufactures imported from any particular foreign dominion it may see fit.

And although we have similar provisions to that contained in our treaty with Denmark, in our treaties with Prussia, Sweden and Norway, the Two Sicilies, Portugal, Nicaragua, Hayti, Honduras, and Italy, yet none of these provisions in these several treaties has ever stood in the way of Congress enacting such tariff laws as was deemed necessary and proper.

In fact, the national House of Representatives so long ago as on the 7th day of April, 1796, adopted a resolution declaring that when a treaty depended for the execution of any of its stipulations on an act of Congress, it was the right and duty of the House to deliberate on the expediency or in expediency of carrying such treaty into effect. And though it is a fact that President Washington in his message of 30th of March, 1796, denied this right on the part of the House of Representatives, it has been exercised time and time again during all the administrations of the past.

It is true a doctrine contrary to that which has become firmly settled in this country as applicable to treaties between certain nations, and to which the United States is not a party, has sometimes been asserted but not maintained by these foreign nations; as, for instance, the congress of Paris in 1856, in which Great Britain, France, Prussia, Sardinia, and Freiburg were represented by ministers plenipotentiary, declared it to be an essential principle of the law of nations that—

None of them can liberate itself from the engagements of a treaty nor modify the stipulations thereof unless with the consent of the contracting parties by means of an amicable understanding.

But this doctrine has never received the sanction of either the executive, administrative, or judicial authorities of this country; nor has the doctrine been practically acted upon, carried out, or enforced by any of the governments represented in that congress; but, on the contrary, a notable example of an entire repudiation of this doctrine by Great Britain is to be found in the passage by the British Parliament of the act of 1870 abrogating in part our extradition treaty with that Government of 1842. And it may as well be remembered by those who are so punctilious upon the subject of interference with treaty stipulations that Great Britain in the passage of that act did so without making any inquiries whatever of the Government of the United States, and without soliciting its consent, and without giving any notice whatever of its intention to modify the provisions of the extradition treaty by an act of Parliament.

During the discussion of the Chinese question in the Senate in May, 1876, this very question as to the power of Congress to abrogate a treaty came up and was alluded to as follows:

Mr. OGLESBY. I should like to ask the honorable Senator from Vermont, as I do not know myself, whether any conflict exists or not on the point concerning which I am about to inquire. Suppose under the treaty-making power a treaty should be made with China which should contain certain specific regulations

upon this very question, and it should be duly ratified by the Senate, and a law of Congress under the power to regulate commerce with foreign nations should be passed upon the same subject, general but internal in its application, and yet in conflict with the terms of the treaty, I should be obliged to the Senator from Vermont to state if he knows whether there has been any determination by the Supreme Court as to how that conflict would be regarded under the Constitution of the United States. Would the law passed by Congress regulating commerce in conflict with a treaty upon that subject prevail or would the treaty prevail?

Mr. EDMUNDS. As I understand it, the Supreme Court of the United States has two or three times (but once is enough, it being a unanimous opinion) determined that under the Constitution, just as it reads, the laws passed by Congress and treaties are both of them equally the supreme law of the land, any law or regulation of a State to the contrary notwithstanding. I do not quote the words but that is the substance. Now, that being the state of the Constitution, the Supreme Court has decided unanimously more than once, and I think upon perfectly impregnable grounds, that, if a law is in conflict with a treaty that existed when the law was made, the treaty, to the extent that the law does conflict with it, is abrogated by the general sovereign power of the nation. Whether that abrogation would be an act of injustice or of war, or whatever it might be called, toward the foreign nation with whom we had the treaty, is a question with which, of course, the courts have nothing to do. On the other hand, if a law as a commercial regulation, to say nothing about the right of the House of Representatives to originate revenue bills and tariff bills—waiving all that—if a law about the introduction of persons should be passed, and afterward the President and the Senate should conclude a treaty with a foreign power which conflicted with the law, then in the same way the treaty would override the law and abrogate the law to that extent. In other words, the last act of the sovereign power exercised in either way under the Constitution, being a complete exercise of sovereign power, would prevail.

But, again, in 1879, when the act abrogating the Burlingame treaty was finally passed through both Houses of Congress, Senator Thurman, of Ohio, expressed his views upon this question as follows:

It has been said—

Referring to the prohibition of Chinese immigration—

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 I have to make upon it.

To me it seems perfectly clear that the proposition can not 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 the 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 so 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 un-makes 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 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."

Senator Thurman, proceeding, further said:

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 our treaties with the Indian tribes, modified or even put an end to them, according to our own opinion of 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.

Mr. Justice Field, in the case of the Chinese laborer from Hong Kong, decided by him in United States circuit court of the ninth circuit, September 24, 1883, in discussing this very question, said:

It will not be presumed, in the absence of clear language to that purport, that

Congress intended to disregard the requirements of a treaty with a foreign government, or to abrogate any of its clauses. At the same time, an act of Congress must be construed according to its manifest intent, and, so far as the courts are concerned, must be enforced. A treaty is in nature a contract between two nations, and by writers on public law is generally so treated, and not as having of itself the force of a legislative act. The Constitution of the United States, however, places both treaties and laws made in pursuance thereof in the same category and declares them to be the supreme law of the land. It does not give to either a paramount authority over the other. So far as a treaty operates by its own force without legislation, it is to be regarded by the courts as equivalent to a legislative act, but nothing further. If the subject to which it relates be one upon which Congress can also act, that body may modify its provisions or supersede them entirely. The immigration of foreigners to the United States and the conditions upon which they shall be permitted to remain are appropriate subjects of legislation as well as of treaty stipulation. No treaty can deprive Congress of its power in that respect. As said by Mr. Justice Curtis in *Taylor vs. Morton*: Inasmuch as treaties must continue as part of our municipal law, be obeyed by the people, applied by the judiciary, and executed by the President while they continue unrevoked, and inasmuch as the power of repealing these municipal laws must reside somewhere, and nobody other than Congress possesses it, then legislative power is applicable to such laws whenever they relate to subjects which the Constitution has placed under that legislative power. (2 Curtis C. C. Reports, 459.)

IS THE TREATY PERNICIOUS TO THE STATE, PREJUDICIAL TO ITS BEST INTERESTS, AND SHOULD IT BE ABROGATED?

The power of Congress, therefore, to abrogate these treaties being beyond question the next proposition to which I desire to attract attention is this: Do the admitted facts, read and known by all men, either demand or justify its exercise in the manner proposed by this bill? I insist, without fear of successful contradiction, that they not only justify but imperatively demand it. And in this connection I concede that the abrogation of a treaty with a foreign power by Congressional enactment should never be attempted, much less consummated, except for the gravest, most satisfactory, and conclusive reasons. But if from its inception it has been, or has for any reason since become, either contrary to the fundamental law, prejudicial to the state, or in its operation or effect pernicious to the commonwealth, and in its tendencies violative of the public peace or subversive of public justice, then no higher duty could possibly devolve on the American Congress than that of striking it down and wiping it out, either on account of its illegality or because it was from its inception, or has become, a vicious enemy of the state. Indeed, writers on international law agree in the declaration that a treaty that is prejudicial or pernicious to the state is absolutely void, just as a treaty is that is in conflict with the fundamental law. Vattel, in his *Laws of Nations*, section 228, in discussing 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 continuing further he says:

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

And further, page 259:

Though a simple injury or disadvantage in a treaty is not sufficient to render it invalid, the case is not the same with those inconveniences that lead to the ruin of the state.

While Grotius, the great author of international law, states the following rule:

The natural law, by which every nation is bound to maintain its own existence, is not abdicated by treaty.

In this connection I shall assume that it is conceded by over 95 per cent. of all intelligent, reasoning men of mature years in the United States who have given to this subject any consideration, whatever may be their opinion as to the abstract right of the proposition as to whether their coming should be absolutely excluded by law, that the presence of Chinese in this country is an evil colossal in character, insidious in its operations, pernicious in effect, provocative of dissension and strife, the corrupter of public and private morals, a blight upon American labor, an obstruction to the rightful demands of honest toil, a disturber of the public peace, a restraint on desirable European immigration, a common enemy of the toiling millions of our land, a gradually and rapidly expanding and fearful menace to the best interests of our Republic, and a poisonous cup to the lips of Christian civilization.

Whatever may be the sentiment on this subject east of the Rocky Mountains where the shadows of this great scourge have as yet comparatively so lightly fallen, there is among the people west of the Rocky Mountains but one sentiment, but one mind, but one judgment, on this great and all-absorbing question, if we may except an occasional mercenary journal whose venal proprietors attach more value to the patronage of the Chinese six companies than they do to the rights of the masses of the people or the best interests of the State, or an occasional corporation whose interest is to degrade labor, cheapen the price of honest toil, and obtain the services of the laboring man at the lowest possible price.

As bearing upon this question of unanimity of opinion on the Pacific coast in opposition to Chinese immigration, it may be well to remember that six years ago, through the action of the Legislature of the State of California, the question was submitted to a vote of the people of that State. The whole vote cast was 155,521—a full vote. Of these, 154,638 were cast in opposition to Chinese immigration, while only 883 votes were cast in favor of it. And it is an unquestionable fact that public opinion on this question in the infected districts—and by this is meant the whole Pacific coast, including, as I believe, also the State of Colorado

and the Territories of New Mexico, Wyoming, Montana, and Dakota—has ever since been becoming more solidified, more robust, more aggressive, and is now more determined and emphatic than ever before.

To-day there is but one voice on the Pacific coast on this question, coming alike from the field and the workshop, the bench and the bar, the rostrum and the pulpit, while the press, irrespective of party, with but an occasional exception as stated, is indefatigable and able not only in its attacks on the dreadful invasion but also in insisting that the real remedy is that proposed by the bill I have presented. As evidence of my statement in this regard, I attract attention to the following editorials and extracts from some of the leading journals of San Francisco, that have fallen under my notice the past few days.

I find in the San Francisco Evening Post of the 15th instant the following report of a pulpit discourse recently delivered in that city by the celebrated Congregational divine, Rev. Dr. Barrows:

At the First Congregational church last evening Rev. C. D. Barrows, the pastor, delivered a strong anti-Chinese sermon, in which he favored adopting any legal measure for expelling the Mongolian from this country. He said the time had come when the pulpit could no longer be silent, but must show equal interest with the press in affairs of this character. Self-protection was always justifiable, and if so in individuals why not in communities. Invasion, he remarked, was not immigration. If one invites a stranger to share a meal, and he proposes not only to take his portion, but that of the family and turn them out of doors, should the host submit? There was no question that the Chinese were usurping our rights and the laws human and divine entitled us to protect ourselves. The speaker declared that justice must not be forgotten, and defied the philosopher or missionary to prove by the Bible that there was any justice in the present state of affairs. The Chinese should be removed in accordance with justice, and there should be no more such immigration. Religious people made a great mistake when they thought that the only thing to do with the Chinese here is to Christianize them. In conclusion he stated that there was a necessity to readjust the national policy, and that we must make our country one of reunited States, and not the home of vagabonds.

The Evening Post comments editorially in the same issue, as follows:

Two weeks ago Rev. John Gray preached in the same strain at the Episcopal Church of the Advent. Neither of the reverend gentlemen said anything novel upon the theme which engaged his eloquence—for indeed, no one can say anything new upon so well worn a subject—but the fact that two clergymen, belonging to denominations so respectable, numerous and influential, should seize the present occasion to speak out so boldly and intelligently upon the Chinese question is noteworthy and gratifying. There has been a great advance within the past ten years in the position of the Pacific coast pulpit on this subject. Time was when here, as elsewhere throughout the country, it was thought that the pro-Chinese view was necessarily the Christian view. The argument ran thus: As it is the duty of Christians to convert the heathen, everything that facilitates this work is to be encouraged; Chinese who are brought to this country come directly under Christian influences—therefore, Chinese immigration should be approved. Long experience has shown, however, that it is no easier to convert the Chinaman here than on his native soil, and it has also become painfully apparent that whatever benefit, spiritual or other, which the Chinese may derive from being in America, nobody else gains any permanent advantage. It has been seen that the presence of the Chinese means poverty, suffering, and moral and religious blight to many of our own race.

The church view of the Chinese question has, therefore, broadened so as to take in the souls of white as well as of Mongolians, and the result is that many clergymen are now among the most earnest advocates of exclusion. The religious press of the coast is almost as outspoken as the secular in its antagonism to coolism. Of late the Occident, the Presbyterian organ, has been doing good missionary work in enlightening its pious contemporaries of the East as to the evils, material and spiritual, which accompany the advent of the picturesque heathen from Asia into American communities. It is significant of the changed attitude of the church that the anti-Chinese convention held recently at San José selected a Baptist clergyman of that city as its agent and representative to travel through the State and organize anti-coolism.

How can our esteemed contemporaries of the East reconcile these facts with their theory that hostility to the Chinese is confined on the Pacific coast to the ignorant and the vicious? We should like to see the sermons of Dr. Barrows and Rev. Mr. Gray printed in pamphlet form and sent to every newspaper office in the Union—especially to every religious newspaper office.

The San Francisco Evening Post in its issue of the 12th instant, in referring to the introduction of the bill now under discussion, speaks editorially as follows:

THE MITCHELL BILL.

Senator MITCHELL, of Oregon, has introduced a Chinese bill of a much more thorough character than any that has yet been offered by a responsible statesman. It abrogates all existing treaties with China, so far as they hamper the United States in dealing with immigration; forbids the entry of any Chinese persons except government officials and their servants; provides punishment for any master of a vessel who brings Chinese in violation of the law; prohibits the naturalization of Chinese, and makes due provision for the execution of the act. No chance is left for the courts to nullify the law. The prohibition of immigration, with the one exception named, is absolute. In express terms, it applies to all persons of Chinese race, whether subjects of the Chinese Empire or not. The amiable witness, who appears with mechanical regularity to swear that the petitioner once lived on "DuPont'slee," would, under this measure, find his occupation gone, for previous residence is not recognized by the bill.

As to the justice of this proposed act there can not be two opinions on the Pacific coast. It is precisely what the Post has been recommending for months, and what will have to come, sooner or later.

The Daily Evening Bulletin of the same issue said, among other things in its leading editorial, the following:

SENATOR MITCHELL'S PROPOSITION.

Senator MITCHELL, of Oregon, has introduced a bill in the Senate to abrogate all treaties which give the Chinese the right to enter this country and then effectually exclude them. There is not much doubt but that is a step which will have to be taken sooner or later. The movement against the coolies which is now so general throughout the Pacific coast goes by different names. As a matter of fact it is merely a popular effort more determined than anything that has yet been attempted to shake off Mongolianism. Its object is nothing more than the full and complete re-Americanization of the Pacific States and Territories, which are about the only areas not well filled up in the United States at this time. It might as well be understood by all those who gave any thought to the subject, East or West, that this movement is not going to come to a halt, or that

there is not going to be a reaction of any consequence. The conflict is as irrepressible as it is between free and slave labor formerly in the South. It will proceed until the only logical solution possible under the circumstances is reached—that is to say, the absolute, complete, and eternal exclusion of the servile and disturbing Chinese element. If there is not legislation wise and broad to facilitate and guide the movement, it will, before long, assume another more ultra and less manageable form.

To Senator MITCHELL's proposition, therefore, Congress will in time have to come. No doubt the wisest thing to do is to accept and enforce it now.

The San Francisco Morning Call of the 13th instant said editorially in reference to this question and this particular measure:

MITCHELL'S ANTI-CHINESE BILL.

Senator MITCHELL has begun where other anti-Chinese legislators will end. The present Congress may not be prepared for the bill Mr. MITCHELL has presented, but the next Congress will be. The people of the United States appear to have made up their minds that Chinese immigration must be stopped, the only question now being as to the necessity of an act of legislation which abrogates existing treaties. The Mitchell bill will be opposed in Congress on the ground that it is a discourtesy to the State Department to give notice of the abrogation of a treaty through Congressional action. It will be held by some that the State Department should exhaust diplomatic resources in the effort to obtain such a treaty as we want before Congress shall declare a treaty abrogated. It seems to us, however, that time enough has been wasted in waiting for the State Department to act. There is much reason to doubt if that Department is intensely interested in keeping Chinese out of the country. It is certain that the Treasury Department has construed the present law to admit Chinese in transit without assuming the duty of ascertaining if the Chinese so admitted left the country as they reported their intention to do.

In various ways the Departments have done much to render the present law ineffective. There is some excuse, in consequence, if Congress, representing the people, takes the task of getting rid of Chinese into its own hands. Nine years ago, in the early part of Mr. Hayes's administration, an exclusion law was passed which did not pretend to conform to existing treaties. The President vetoed it on the ground that it would be discourteous to China to announce through Congress the abrogation of a treaty. Under the stimulant of this Congressional act the State Department set its intellectual forces at work, and in the course of time the treaty of 1880 was agreed upon. By that treaty we agreed to allow all Chinese then in the country to go and come at pleasure. The go-and-come clause in the treaty has proved fatal to its usefulness. The "go" was all right, but the "come" was a mistake. Senator MITCHELL's bill eliminates the word "come" wherever it occurs. The facilities for going are not in the least impaired, but we do not want any one Chinaman to go but once. The Call has frequently expressed the belief that the present act might be made effective by literal construction and rigid enforcement.

But the courts say that literal construction violates the spirit of the treaty. Rather than violate the spirit of the treaty the courts have so construed the act that it serves but little purpose. It increases the cost of landing Chinese in the country, but it does not apparently materially diminish the number landed. Now, if we must disregard the treaty, let us do so in an open and manly way. Let us say to the Chinese Government that on and after a certain date no Chinese laborers will be allowed to land in the United States. The stupendous folly of permitting a Chinaman to return and repeat his raid should be openly renounced. Provision can be made for the migration of recognized merchants whose business requires an occasional trip to China. But when a Chinese laborer goes he should be denied the privilege to return. The Call favors all legislation which will strengthen the present law. If the Morrow bill can be passed and the Mitchell bill can not let us have the Morrow bill. If it does not work better than the present law, Congress will be ready for the Mitchell bill before its fiftieth session expires.

The Call, in another recent editorial, said:

MAKE IT TIGHT.

A Washington dispatch says it is thought that all the anti-Chinese legislation the Pacific coast desires will be conceded by Congress. The anti-Chinese legislation which the Pacific coast especially desires is an enactment which will keep Chinese out of the country. Our experience convinces us that this can only be done by the enactment of a law forbidding Chinese laborers to return at all. When they go let them stay. So long as we undertake to provide for the return of the Chinese laborers, so long will fresh Chinese be sent in the place of those departed. We do not ignore the provision in the last treaty which allows Chinese then in the country to go and come of their own accord. It is, however, within the constitutional power of Congress to notify the Chinese Government that this provision of the treaty can not be observed without abandonment of the purpose for which the treaty was made. We have tried during four years a restriction law which carefully observed the provisions of the treaty. Between Department decisions and judicial decisions, all intended to carry out the spirit as well as the letter of the treaty, this law has been made ineffective. We now want a law that can not be construed away. The bill Representative MORROW has introduced limits the time within which a Chinese laborer may remain in China without forfeiting the right to return to two years. This is a disregard of the treaty, which makes no limit at all. An air-tight and water-proof Chinese exclusion law is what the Pacific coast now desires.

The Chronicle, in discussing the pending bill editorially, said:

He [MITCHELL] has gone further than the most strenuous opponents of the Chinese have thus far gone, but it is just as well for Congress to face it now. MITCHELL will doubtless furnish reasons to justify the legislation he proposes, and show that the trade with China is not worth considering.

But the San Francisco Daily Evening Bulletin, returning to the subject in its issue of the 15th, publishes the following editorial under the head of

THE RISING TIDE OF PUBLIC OPINION.

If Senator MITCHELL's bill, with some modifications, or any other bill having a like purpose in view, can be passed, the Chinese question will be solved for all time. That bill rises fully to the gravity of the case. If the question of our relations with China were broadly and ably presented, there is not much doubt that his proposition will become the law of the land. Mr. MORROW's bill was introduced early in the session. It went as far as it was thought it was possible to go at that time. But since then the Chinese question has undergone an entire change on the Pacific coast. One whole stage in the natural process of its solution has been jumped over. There was no one who favored MORROW's bill who did not know that at some future time some other and more ultra measure would have to be adopted. By the act of the people in every city and town of importance on the whole coast the question has been advanced one step on the Calendar, so to speak.

Revolutions never go backward. A social, moral, industrial, hygienic, financial, and ethnological revolution is now in progress in California and the other States and Territories of the Pacific. The general and, in many respects, lawful uprising of our people has stripped the question of the falsehoods by which it was surrounded. It is not the revolt of one class against another, however justifiable, but of a unanimous people determined to prevent the further defile-

ment of this fair land by a heathen horde. Is it Americanism asserting itself against the debased and servile Mongolism of Asia. For the time being the Pacific coast is fighting on the forefront of civilization. The movement is one which will occupy a greater space in history than the small souls who are now seeking to dwarf or divert it for gain imagine possible. It will rank second in the great moral and philanthropic movements of the epoch. The overthrow of black slavery was the first. The extinction of the more subtle Coolyism of the present day is the second.

Senator MITCHELL's bill is necessarily more in accord with the rising tide of popular determination to extirpate the Chinese evil once for all than any previous measure. There ought, in the present condition of things, to be no trouble about accepting it. There is no reciprocity at all in our dealings with China. We have received no reciprocal advantages. The case can be summed up in a few words: We enjoy no more rights in China than any other civilized nation; but our country alone has been opened up for the traffic of the man-dealers of Canton. That traffic is openly carried on with Cuba, Brazil, and Asia and is sanctioned by treaty. Here it is cloaked and disguised because our laws forbid forced labor. Some people do not believe that the Chinese are held to service and labor in the United States because they do not see them driven about in gangs.

The chains which bind these slaves are invisible. They were forged out of their religion and their civil polity. The relatives of the Chinese peon are mortgaged at his home for the faithful performance of his contract. If he fails they are sold into slavery. He goes about apparently as a freeman, but his acts show the collar on his neck. Expensive lawyers are hired to represent Coolies in the efforts to evade the restriction law, but in nothing else. Coolies move in obedience to orders issued by a central authority. They can not leave the country without the permission of their owners. If they attempt to do so they are removed from the steamer under trumped-up charges of felony. By cutting the Gordian knot as proposed by Senator MITCHELL we bring this slave incursion to an end. There is no reason to believe that such a summary method of proceeding will result in the commercial loss of any kind. Even if it did, every consideration of patriotism, morals, philanthropy, and civilization would require that the sacrifice should be made. But China has too good a thing in the trade with the United States to relinquish it. Besides, we are masters of the situation. By discriminating duties on tea and silk we can build up Japan at the expense of China.

Nor is there any necessity for diplomatic delay. No nation is bound to continue a treaty that is working it a constant and manifest injury. Great Britain did not ask permission when it modified by act of Parliament the extradition treaty which it had with us. It was enough for it that, in its opinion, that treaty was doing violence to some of the principles upon which its government was founded. No permanent, satisfactory arrangement can be made whereby certain classes of a people of whom we know but little, and of whose language we are all ignorant, are to be admitted and certain others excluded. The exigencies of the Burlingame Treaty, when the object was to adhere to the letter of that one-sided document, required that some such arrangement should be set up, but for the reasons stated it can never be made to work. There will always be fraud and imposition in the administration of any law of that kind. It is by far preferable that an end should be made of the whole business right off. The Chinese can not be admitted to this country. There are millions of them standing ready to overwhelm us if the gates are not finally and firmly shut.

But the sentiment expressed in these editorials and on the bill under discussion is not confined by any means to the Pacific coast, and as a sample I attract attention to the following editorial found in the Philadelphia Press in its issue of the 11th instant:

POTTERING WITH A GRAVE QUESTION.

The anti-Chinese outbreak at Seattle, Wash., is the first exhibition only of a hostility which has long been growing. During a year past there has been a manifest increase in the aversion to this class of immigrants on the Pacific Slope, and the determination to be rid of them is now much stronger than ever. A trial of nearly four years of the restriction act has shown that it is little better than a rope of sand as a bulwark against the Mongolians. The frauds that can be practiced under it are numerous, and the wily Chinese were not slow to find the loopholes and to take advantage of them. The knowledge of these facts has aroused the people of the Pacific Slope as they were never aroused before on the subject. Numerous meetings have been held to interchange opinions on the question, and two State conventions have been called to insure united action in dealing with the evil. One convention will assemble in Portland, Oreg., next Saturday, while the other will meet in San Francisco March 10.

These events ought to impress upon Congress the necessity for taking this matter into serious consideration at once. The legislation of the past has been mere pottering and was enacted evidently in the hope that the question would settle itself in time. This, however, it has not done, and to-day the situation is more grave than ever. The great shame of the whole business is that it has been viewed more in its political aspects than in any other light. As the great majority of the members of Congress reside on this side of the Rocky Mountains and have no personal knowledge of the subject, they have taken that view of it which was likely to benefit their party most. Meanwhile the evil has gone on increasing. Instead of diminishing under the restriction act, the number of Chinese is believed to have steadily increased. According to the census of 1880 there were 73,548 Mongolian immigrants in California, 9,472 in Oregon, 3,166 in Washington Territory, and 104,000 in the whole country. California now estimates its Chinese population at 75,000, and the other States and the Territories in that vicinity admit no decrease. The frauds practiced on the custom-house officials and the ease in crossing the British Columbia border will account for this increase.

It is evident that some other policy must be tried. It is unjust to one of the fairest portions of the country for the rest of the nation to sit by supinely and see its prosperity retarded, its labor demoralized, and its people contaminated and refuse relief.

It will no longer do, therefore, to urge here or elsewhere in all this broad land that it is the irresponsible hoodlum element of the West only that is inveighing against Chinese immigration and crying out against their infectious, demoralizing, and pernicious presence.

This cry, always unfounded in fact, has in the face of events past and now transpiring become obsolete. The voice of honest labor, the intelligent demand of vital industries, the piteous wail of indigent toil—struggling for life in the unequal and unfair contest of competitive trial with the servile labor of Asia, transplanted, unfortunately, as it has been in American soil with all its tragic train of degradation, its ruinous tendencies, its debasing practices, its revolting customs and nameless crimes, are practically a unit on this great question in dignifying the movement on the Pacific coast in opposition to the Chinese as one in the interest of the general welfare, the conservation of public peace, the preservation of domestic tranquillity, the unfettering of public and

private justice, and the vindication of the rights of American labor on American soil.

In view of the fact that the discussions of this question in Congress during the past fifteen or twenty years, and of the investigations that have been made under the direction of the two Houses of Congress, and the reports that have from time to time been submitted, with volume after volume of accompanying testimony, whereby have been spread upon the CONGRESSIONAL RECORD and before Congressional eyes evidence without limit and in its character overwhelming and conclusive, showing in all its horrid phases and in its real, abhorrent character the evil nature, the contaminating tendencies, and horrible results of Mongolian life and habits on American soil, it would seem superfluous to waste the time of the Senate in a repetition of the disgusting facts or in rehearsing the many arguments that have been made bearing upon this great question.

It is not a new question; the public mind is not in ignorance in reference to it; Congress is not unadvised; the executive and administrative departments of the Government can not be blind in view of the past and present disclosures, either as to the real state of the case or the gravity of the situation. And if the evidence and arguments heretofore submitted to Congress are in any respect wanting in verity or deficient in amplification or force, and surely they are not, they are to-day being strongly and emphatically supplemented, supported, and sustained by the scenes of riot and anarchy and dissension and bloodshed that have occurred during the past few months in Wyoming and California and Washington Territory and other sections of the Pacific coast, and all of which, however indefensible or unjustifiable they may be, and however untrue or unjust it would be to, in any manner, charge the responsibility upon the Knights of Labor or upon any other class of intelligent and respected workingmen, it is true that they may be traced directly to the fact that there is imbedded within the population of these districts an abnormal element, a foreign body, a non-assimilating mass, a hideous putrefaction, the absolute and continual tendency of which is to provoke dissension and strife and anarchy and bloodshed.

The presence of nearly or quite two hundred thousand Mongolians, coming from among the worst classes of the lowest order of Asiatic life, and planted amidst and intermingled with a home population of less than one and a half millions on the Pacific coast, is an indigestible substance in the stomach of the body-politic of these communities; it is a nauseating emetic, which the people of that coast have been compelled to swallow, dipped from the stagnant and sickening cesspools of Pagan filth, and until it is ejected and thrown out the life and character, and destiny of that people will rest under the shadow of an affliction infinitely worse than that suffered by the Egyptians from the divers curses to which they were subjected.

In reference to the recent disturbances in Washington Territory and in other portions of the West, while we may and do reprobate violence under whatever pretense evoked or however great the provocation, except in support of law and order, it will not do, nor will the facts sustain the assertion, to say that it is the hoodlum or tramp or irresponsible element that is engaged in peaceable and orderly manifestations of opposition to the Chinese on the Pacific coast. As honorable and intelligent and respectable and worthy a class of workingmen as ever honored themselves and their families in this country, or their race, by honest effort and honest toil, suffering as they are to-day in their individual persons and in their families from the deprivation of the means of subsistence from the cheap and degraded labor of these rice-eating swarms of Asiatic serfs who have crowded them unceremoniously from the pick, the shovel, the hod, the plane, and the bench; from the factory and the hotel, from the field and the railroad, from the canal and the mine, from the garden and the shop, from the fisheries and the ways of travel, from the streets and the restaurants, from the manufactories and other places and vocations whereby men by their daily toil provide for self and wife and children and home, and goaded to a wild and, I may say, not inexcusable desperation, rise up in their majesty as intelligent, independent, suffering, resolute men, and protest by vigorous word and determined action against the presence in their midst of an element that is to them destructive of the means of subsistence and life and an insurmountable obstruction against them in every avenue of honest employment and fair recompense.

Is it to be wondered at that under these circumstances there will at times, through the indiscretions of the less discreet and peacefully inclined, occur occasional conflicts requiring the interposition of the strong arm of the law? The greater wonder is that the patience of communities composed of intelligent and worthy native-born and naturalized American citizens, whose homes have been established on these Pacific shores, whose families are there, and whose dependence is exclusively upon the fruits of their daily toil, and whose means of livelihood are filched from them day by day and hour by hour by a homeless band of male pagans, to whom home and family and fireside and children and domesticity are entire strangers, does not give way to desperation and to high-handed and united effort to immolate and destroy these destroyers of their peace and happiness. That this is not done under circumstances of such intense aggravation and of such aggravated provocation is to the workingmen and working-women of the Pacific coast a crown of unspeakable glory, and it rightfully commends them and their

interests to the favorable consideration and real sympathy not alone of Congress and the Executive but of the people of the entire nation.

As the public mind in this country has become so fully informed and thoroughly educated upon the general question as to the unadvisability of this character of immigration, and the public judgment is, as I believe, so firmly fixed, I have made no particular effort in what I have said to rehash the testimony bearing upon this question. I will, however, depart so far as to submit a quotation from Bayard Taylor, with whose writings all are familiar, and whose long residence in China enabled him to speak with accuracy upon the subject. In his work on India, China, and Japan, published in 1855, he says:

It is my deliberate opinion that the Chinese are, morally, the most debased people on the face of the earth. Forms of vice, which in other countries are barely named, are in China so common that they excite no comment among the natives. They constitute the surface-level, and below them are depths of depravity so shocking and horrible that their character can not even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind; but there was enough in the things which I could not avoid seeing and hearing—which are brought almost daily to the notice of every foreign resident—to inspire me with a powerful aversion to the Chinese race. Their touch is pollution; and, harsh as the opinion may seem, justice to our race demands that they should not be allowed to settle on our soil. Science may have lost something, but mankind has gained, by the exclusive policy which has governed China during the past centuries.

But as in my judgment there are no two opinions upon this question in this country, it is but a waste of time and a useless performance to adduce further testimony upon this point.

THE BURLINGAME TREATY NOT ONLY IN ALL RESPECTS VALUELESS TO THE UNITED STATES COMMERCIALLY, BUT A STANDING CURSE.

But it has been said that we can not afford to break faith with China, we can not afford to surrender the great privileges that have accrued and are accruing to the United States by reason of the Burlingame treaty. In answer to this I unhesitatingly say that never in the history of national compacts, never before in the execution of treaties between governments was any nation so shamefully overreached, fooled, bamboozled, outwitted, and swindled as was the United States in the adoption of the Burlingame treaty. The truth is, in that bargain the United States absolutely got nothing worthy of the mention that it did not possess before, while many of its then existing rights and privileges were materially restricted and in consideration of which it made a grant, an unqualified concession to an idolatrous nation, to an Asiatic empire, the result of which, unless restrained, will ere many years cast a blight upon our nationality, a paralysis upon American labor, a blot upon our civilization, a mildew upon our progress, and become a serious stumbling block in the way of the advancement and prosperity of our Republic.

What rights, or privileges, or concessions, or powers, or advantages were given or granted to the United States by virtue of the provisions of the Burlingame treaty that we did not possess by virtue of our treaty with China of June, 1858? Let us inquire. In the first article of the Burlingame treaty China asserts that in making concessions to the citizens or subjects of foreign powers of the privileges of residing on certain tracts of land, or resorting to certain waters of that Empire for purposes of trade, the Emperor of China had not by prior treaty or by any means relinquished his right of eminent domain or dominion over the said land or waters; and it is stipulated that no such concession or grant shall be construed to give to any power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States, or their property, within the said land or waters; and the United States is by this article prohibited from attacking the citizens or subjects of any power or party, or their property, with which they may be at war on any such tract of land or waters of the said empire; and the article then proceeds to absolutely and materially restrict the rights which the United States then enjoyed by stipulating that grants of land theretofore made to the United States or any of its citizens in China for the purpose of trade or commerce should in no event be construed to divest the Chinese authorities of their rights of jurisdiction over persons and property within said tracts of land, except so far as that right may have been expressly relinquished by treaty. The first article of the Burlingame treaty, therefore, so far from granting any new rights or privileges, is but a restriction on the rights and privileges of the United States and their citizens in China which they possessed before.

The same may be said of the second article, as it stipulates that any privilege or immunity in respect to trade or navigation with the Chinese dominions which may not have been stipulated for by treaty shall be subject to the discretion of the Chinese Government, and may be regulated by it accordingly.

The third article is also a concession to the Chinese Government, for which we receive nothing. It stipulates that the Empire of China shall have the right to appoint consuls at the ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the consuls of Great Britain and Russia, or either of them.

Article IV concedes naught that we did not possess under the treaty of 1858, save and except it is stipulated that the sepulture of our dead

shall be held in respect and free from disturbance or profanation, for which we extend the same courtesies.

The stipulation in reference to the exemption of citizens of the United States in China from disability or persecution on account of their religious faith, and the enjoyment of liberty of conscience, are but little, if indeed anything, more than an elaboration of concessions then enjoyed by the United States under the treaty of 1858, while all these rights, privileges, and protections are thrown around Chinese subjects in the United States.

Article 5 of course concedes nothing to the United States, while the United States by its provisions, in an hour of thoughtlessness on the part of the great premier, Mr. Seward, and of the Executive and the Senate, and I might say of the entire people of the whole nation, while boasting of the protection they pretend to give to American labor and American interests, threw open wide the doors of the nation and bid welcome to our midst at their pleasure the countless millions of yellow idolaters of the Celestial Empire.

Article 6 is an elaboration and guarantee of the rights and privileges accorded to Chinese subjects in the United States by article 5 of the treaty.

But what do we get by article 7? The enormously valuable concession that citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China enjoyed by citizens or subjects of the most favored nation, and the right upon their part to freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; while all these privileges are extended to Chinese subjects in the United States. Wondrous concession, that the civilization of free enlightened America, the outgrowth of popular and scientific education and of Christianity, should be graciously admitted to the sacred educational temples of the descendants of Confucius in a land where popular education is unknown, where the sciences are strangers, and Christianity is unheard of!

And now having traveled through each and every article of the treaty, except the last, without being able to discover a single solitary new grant or concession to the United States or its citizens that is or ever has been or ever can be worth so much as a farthing, we come to consider the last article in the treaty to find a second Chinese wall more formidable than that which held the Tartars at bay for over fourteen centuries, erected with our consent, built in part with our own hands around the Chinese Empire and all its vast territory, so broad and firm and high as to forever exclude from whatever fields of enterprise that country may possess all American enterprise, capital, and labor.

The United States—

Says this article—

do hereby disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs, or other material or internal improvements.

And again:

On the other hand, his majesty, the Emperor of China, reserves to himself the right to decide the time and manner and circumstance to introduce such improvements within his dominions; and it is further stipulated that whenever his Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned within the empire, the United States shall, on demand of the Emperor of China, designate and authorize suitable engineers to superintend and carry on the work for China, and will recommend to other nations that they respond to the request of China in that regard in like manner.

The Daily Evening Bulletin of San Francisco, in discussing this question and suggesting the advisability of abrogating the Burlingame treaty, in a recent issue of that paper made the following statement:

When the argument comes up on the latter point it will not be difficult to demonstrate that in that compact we gave everything and got nothing whatever in return. It would be impossible to find an instance in which a nation was more grossly overreached than we were on that occasion. The instrument will be searched in vain for any right or privilege conceded to Americans which all other foreigners do not enjoy. The history of diplomacy does not reveal another instance of a bargain so entirely one-sided.

It is therefore evident that were the Burlingame treaty and the supplementary treaty of 1880 wiped out of existence to-morrow *in toto* our interests in China would not be damaged to any material extent whatever, while on the other hand results incalculable in their value would inure to the benefit of the United States. The objection that our commerce with China would suffer and great commercial interests be stricken down by the abrogation of this treaty is not well-founded. It is based upon an entire misconception of the facts; it is founded in an erroneous impression of the benefits alleged to have been conferred upon this country by the Burlingame treaty; it is made in ignorance of the real state of facts in reference to our trade with China. China has too much at stake, too many interests to subserve to close her ports against American commerce. Her exports to the United States are nearly 300 per cent. more in value per annum than the value of our exports to China.

I hold in my hand a statistical statement showing the kind, qualities, and values of the imports into the United States from, and the exports of the United States to, China during the year ending June 30, 1885, which I ask the permission of the Senate to incorporate in my remarks without stopping to read it.

Statement showing the quantities and values of imports into the United States from and the exports from the United States to China during the year ending June 30, 1885.

IMPORTS.

Articles.	Quantities.	Values.
FREE OF DUTY.		
Chemicals, drugs, and dyes, not elsewhere specified		\$124,524
Coffee.....pounds.....	254,051	25,872
Farinaceous substances, and preparations of, not elsewhere specified.....		65,698
Hair, not elsewhere specified.....		65,366
Hides and skins, other than fur-skins.....		398,544
Silk, unmanufactured:		
Cocoons.....pounds.....	2,098	1,256
Raw, or as reeled from the cocoon.....pounds.....	1,030,540	3,199,851
Waste.....pounds.....	13,420	10,711
Spices, unground.....		42,890
Tea.....pounds.....	35,895,835	8,038,896
Wood, unmanufactured, not elsewhere specified.....		33,429
All other free articles.....		52,761
Total free of duty.....		12,050,768
SUBJECT TO DUTY.		
Chemicals, drugs, dyes, and medicines, not elsewhere specified:		
Opium, crude.....pounds.....	5,501	21,311
prepared for smoking.....pounds.....	21,402	182,186
All other.....		27,740
Cotton, manufactures of.....		128,752
Earthen, stone, and china ware.....		33,662
Fish, not elsewhere specified.....		57,075
Furs, dressed on the skin, and manufactures of fur.....		221,956
Hats, bonnets, and hoods, and materials for.....		979,869
Oils, vegetable, fixed, or expressed, other than olive.....gallons.....	399,428	188,880
Provisions, meat products.....		42,742
Rice, not elsewhere specified.....pounds.....	38,363,652	724,974
Rice, granulated, or rice meal.....pounds.....	358,039	9,141
Silk, manufactures of.....		618,696
Spirits, distilled, and spirituous compounds, proof-gallons.....	81,170	27,698
Sugar, brown (not above No. 13).....pounds.....	1,888,406	44,341
Tobacco, manufactures of.....		42,763
Vegetables:		
Pickles and sauces.....		37,903
All other.....		45,231
Wool, and manufactures of.....		28,920
Wool, and manufactures of:		
Unmanufactured.....pounds.....	1,141,604	102,757
Manufactures of.....		29,960
All other dutiable articles.....		641,844
Total subject to duty.....		4,241,401
Total imports of merchandise.....		16,292,169
Total imports of gold and silver coin and bullion.....		1,529
Total imports.....		16,293,698
EXPORTS.		
Books, maps, engravings, and other printed matter.....		26,445
Breadstuffs:		
Wheat, flour.....barrels.....	7,060	35,734
All other.....		4,784
Clocks and parts of.....		51,813
Cotton, manufactures of:		
Colored.....yards.....	74,446	\$4,644
Uncolored.....do.....	51,216,132	3,400,339
All other.....		9,531
Gunpowder and other explosives.....		419,361
Iron and steel, manufactures of:		
Firearms.....		768,076
All other.....		38,329
Oils: Mineral, refined.....gallons.....	15,421,400	1,455,234
Provisions, comprising meat and dairy products.....		35,977
Wood, and manufactures of.....		25,667
All other articles.....		120,238
Total exports of domestic merchandise.....		6,396,178
Total exports of foreign merchandise.....		332
Total exports.....		6,396,500

From this statement, it will be seen that the whole amount of merchandise imported from China to the United States during this period amounted in value to the sum of \$16,292,169, of which amount only about one-fourth, or \$4,241,401, was subject to duty, the balance being on the free-list; while the sum total of our exports to China on domestic commodities during the same time was \$6,396,178, our total exports of foreign merchandise but \$322, making our total exports \$6,396,500.

The port of San Francisco alone exported merchandise to all foreign countries during the year ending June 30, 1885, more than six times the amount in value than did all the ports of the United States, San Francisco included, export to China during the same period, her exports of merchandise for that year being \$33,115,624, while the port of Portland, Oreg., the next nearest port of consequence to China, if we may except Astoria, Oreg., exported in all that year merchandise within

\$2,000,000 of the amount sent to China by all the ports of the United States, San Francisco and Portland included.

Nor has our export trade with China increased, but on the contrary largely decreased, during the past few years under the operation of the Burlingame treaty. Our total exports to China for the year ending June 30, 1885, were less by nearly \$500,000 than they were seven years ago. In that year, ending June 30, 1878, they were \$6,867,255, and our exports to China during the year ending June 30, 1885, were less by \$1,968,036 than they were in 1881, and, small as it is, less than double that when the Burlingame treaty was ratified. But, not only so, it requires a drain of our gold and silver of nearly \$10,000,000 annually to square our account with China, to say nothing of the immense drain of many millions annually sent out of the country through the operation of the Chinese.

Recurring to the immense drain of specie from our country involved in this trade, I submit the following statement from the Bureau of Statistics, Treasury Department, showing the value of the foreign trade with China and Hong-Kong and our annual total exports of gold and silver to China during the past fifteen years.

Value of the foreign trade of the United States with China and Hong-Kong.

Year ending June 30—	Exports.		Total ex- ports.	Imports.	Total im- ports and exports.
	Domestic.	Foreign.			
MERCHANDISE.					
1870.....	\$3,051,616	\$64,765	\$3,116,381	\$14,565,527	\$17,681,908
1871.....	2,041,836	28,996	2,070,832	20,064,365	22,135,197
1872.....	2,915,465	21,370	2,936,835	26,752,845	29,689,670
1873.....	2,547,085	8,885	2,555,970	27,191,759	29,747,729
1874.....	2,078,565	55,096	2,133,661	18,568,940	20,702,601
1875.....	3,551,038	15,710	3,566,748	14,676,416	18,243,164
1876.....	4,715,115	14,777	4,729,892	12,817,633	17,577,525
1877.....	4,903,075	31,631	4,934,706	12,301,684	17,239,390
1878.....	6,850,931	16,324	6,867,255	18,120,483	24,987,738
1879.....	5,930,954	11,245	5,942,199	18,084,644	24,026,843
1880.....	3,974,447	4,328	3,978,775	24,020,707	27,999,482
1881.....	3,361,949	2,585	3,364,534	24,717,557	33,082,091
1882.....	9,106,902	16,978	9,123,880	22,638,433	31,762,313
1883.....	7,845,753	12,328	7,858,081	22,060,225	29,918,306
1884.....	7,705,022	5,465	7,710,487	17,121,373	24,831,860
1885.....	6,396,178	322	6,396,500	16,292,169	22,688,669
GOLD AND SILVER.					
1870.....	3,369,547	2,554,138	5,923,685	62,960	5,986,645
1871.....	1,878,380	1,693,267	3,571,647	1,950	3,573,597
1872.....	4,799,470	1,199,865	5,999,335	700	6,000,035
1873.....	4,789,608	2,364,941	7,154,549	181	7,154,730
1874.....	6,621,400	2,759,641	9,381,041	39,772	9,420,813
1875.....	5,210,966	1,392,403	6,603,369	6,840	6,610,209
1876.....	5,842,947	2,086,642	7,929,589	6,908	7,936,497
1877.....	12,255,259	3,175,605	15,430,865	10,952	15,441,817
1878.....	13,200,925	3,011,650	16,212,575	7,559	16,220,134
1879.....	4,413,618	3,017,744	7,431,362	134,635	7,565,997
1880.....	4,282,341	2,230,442	6,512,823	90,991	6,603,814
1881.....	1,367,034	2,111,568	3,478,602	41,179	3,519,781
1882.....	2,307,620	2,142,500	4,450,210	36,005	4,486,215
1883.....	4,168,736	2,971,744	7,140,480	192,801	7,333,281
1884.....	4,936,985	4,404,574	9,341,559	5,260	9,346,819
1885.....	5,188,705	9,384,528	14,573,233	1,529	14,574,762

But another consideration of immense importance must not be lost sight of in the consideration of this question. Prior to the existence of the Burlingame treaty Americans on the Pacific coast and elsewhere within the limits of the United States carried on whatever trade we had with China and received the benefit of it. How is it to-day? Over 95 per cent. of the whole trade is monopolized and carried on by Chinese. The chimera, therefore, in reference to our great commerce with China and its alleged immense importance to this country cannot delude much longer, and when put in the balance against the great evils that are resulting to this country and our people from the presence of the Chinese, it should not be considered for one moment, even though the effect of the abrogation of the treaty might be to deprive us wholly of this trade, which, as I have endeavored to show, it most certainly will not; for, even conceding the importance of that trade and the desirability of retaining it, China will never close her ports against it, treaty or no treaty. The advantages are too greatly in her favor; the profits are all on her side of the ledger. The benefits inuring from it are in favor of China and not of the United States.

With Great Britain her account stands quite differently. England is not compelled to go down in her exchequer every year to the tune of many millions as have we in order to settle a balance of trade with China. Her opium from India alone very nearly pays for the Chinese products purchased by her.

It was proclaimed with a flourish of trumpets when the Burlingame treaty was consummated that a new market for our surplus wheat was to be opened up to the producers of this country; that the rice-eating millions of China would at once become a bread-eating people. But what is the result? Eighteen years have passed away and our annual total exports of breadstuffs to China, including wheat and flour, is of the value of less than \$40,000, the exact amount for the year ending

June 30, 1885, being \$35,734—a mere bagatelle. And so with our provisions, comprising meats and dairy products; \$35,977 in value is the sum of all they purchased from us in the last year.

In fact, if we may except the two products of uncolored cotton manufactures, the value of our exports of which to China during the past year was \$3,400,339, or considerably over one-half of all our exports to that country, and refined petroleum, amounting to \$1,455,234, our export trade with China amounts to absolutely nothing; while from her free listshe, through her importations, is permitted to enter into competition with our producers of hides and skins, chemicals, drugs, and dyes, unmanufactured rare woods, hair, and other of our productions.

From this it will be seen we have in that time sent to China in gold and silver to balance our account \$131,134,815. In the four years and seven months ending July 31, 1879, we exported from San Francisco alone, to China, specie to the amount of \$49,848,918. This immense sum of over \$131,000,000 in gold and silver is in small part the tax that has been levied on the white labor of the Pacific coast and handed over to the Mongols of Asia. But to this add not less than from \$75,000 to \$100,000 per day that is daily being absorbed by the laboring Chinese of the Pacific coast, and only a very small fraction of which finds its way back into American life and industries, and the balance of which, amounting to untold millions, is sent out of the country, and then some adequate conception may be had of the enormously bad bargain this country struck with China when the Burlingame treaty was made.

RESTRICTION ACTS.

Restriction acts have in the past proven mere delusions and snares. They do not meet the evil, but rather aggravate it by offering opportunities for their evasion through the crafty practices, fraudulent devices, and bold perjury of the criminal Chinese. They have only been placed on the statute-book to be evaded through perjury, chicanery, and fraud, and to have their efficiency destroyed by judicial and departmental construction in strained efforts to harmonize their provisions with the letter and spirit of the treaties.

This bill, unlike our restriction acts and proposed acts, is not elastic; it is absolutely iron-clad; it leaves nothing to construction; it is conclusive. It is not open to the objection of being liable to have its vitality sapped or its efficiency destroyed by judicial or departmental decision. No delicate questions as to conflict between act and treaty are left open for construction or determination by either court or department; all questions as to the power of consuls to issue certificates; all issues as to their fraudulent character; all inquiries, judicial or otherwise, into the identity of the hundreds of Chinese who come regularly to our ports under claim that they have formerly resided here and are therefore under the restriction acts entitled to return, whose names are not only *idem sonans* as a rule but in person *facies omnibus una*, are wholly dispensed with. The premium held out by mere restriction acts to professional perjurers is withdrawn. The opportunity for the exercise of Chinese cunning, Mongolian chicanery, and Pagan prostitution of the forms of law to the base purposes of eluding the requirements of law, is forever taken away.

Restriction acts simply apply the knife in a rather delicate manner to some of the outer branches of the deadly upas tree, while the bill under consideration lays the ax with a determined and vigorous hand at all of its poisonous roots. Restriction merely is a harmless anodyne applied with a delicate brush to an incurable ulcer; prohibition is the surgeon's knife thrust vigorously beneath the festering sore. The one is simply boxing and fencing with an athletic giant-evil that is making rapid strides toward Mongolianizing the Pacific coast; the other is grasping that evil boldly and energetically and defiantly, but yet constitutionally, by the throat and downing it without form or ceremony. The one is a pretense and a fraud in that it assumes to be legislation in pursuance of treaty stipulations, when in fact it is in violation of them, while the other proclaims to the world that the treaty itself is a fraud upon American labor, on public justice, on public and private morality, and on American civilization, and as such it has become the duty of Congress to brush it aside. Our past experience on this subject has proven that restrictive legislation on this subject does not restrict, but rather, under its operation, the number of Chinese in this country is augmented. While the census of 1880 showed but about 105,000 Chinese all told in this country, the number now here, as ascertained by careful estimates in the various localities occupied, is not less than from 180,000 to 200,000.

If, therefore, this class of immigration is so objectionable as we all concede it to be, if it is so fraught with disaster to the best interests of our Republic and people, if its effect is so baneful, as we claim, on American labor, subordinating it to that of the cooly labor of Asia, if it is such a blight on public and private morals through its squalidness, wretchedness, and crimes; through its drain on the vitalizing currents of our financial, physical, and moral life; through the operation of all its vile instrumentalities, such as opium dens, houses of prostitution, and other snares of virtue and haunts of vice it has already established in startling numbers, not only in every city and town of the Pacific coast, but also in every city of any magnitude throughout the entire land; if, as is susceptible of abundant and conclusive proof, this immigration has transplanted from the hot-beds of moral and physical corruption in the depths of Asia new, detested, and nameless crimes,

whose very touch is pollution, whose mention is forbidden in this presence, and whose infection is moral and physical death; and if again no great interest of trade or commerce is to be protected by withholding the blow necessary to its destruction, then why should Congress hesitate to rise at once, and without further delay, to the demands of the hour, and in the exercise of its constitutional power strike with unsparing hand a death-blow at the vitals of American civilization's direst foe? To hesitate in the presence of such a danger is to parley with the assassin and treat with the corrupting invader of home and fireside. It is to fire blank cartridges when full-weighted leaden bullets are demanded.

The conflict that is being waged on this subject of the Asiatic occupation of this country is as irrepressible as the conflict that resulted in the overthrow of human slavery. It is a conflict for supremacy on American soil between intelligent, enlightened, and honest American labor and the cheap and degraded labor of the lowest order of the Mongol; a conflict between morality and vice, order and anarchy, Americanism and Asianism; a conflict between civilization and heathenism, Christianity and paganism; a conflict between two opposing forces in all essential particulars non-assimilating and repellant when considered in the relation of the one to the other; and the one or the other of which must and will ultimately and necessarily be driven to the wall; nor does it require any peculiar prescience to determine the result of the contest, if the United States Government either stands supinely by and does nothing, or, what is but little more effective for good, simply attacks the advancing army of invaders with wooden swords and paper bullets under pretense of conforming to treaty stipulations and sustaining diplomatic relations.

Public opinion, when so nearly unanimous as it is on this subject, is not often wrong in this country and this age, and it is to-day, in a voice whose echo shall startle the empire and command the respect and approval of all civilized nations, demanding of Congress the enactment of a prohibitory law that will at once and forever end this great controversy and strangle this arch enemy of free labor, of law, order, tranquillity, and civilization itself.

I now move a reference of the bill to the Committee on Foreign Relations for their consideration.

The motion was agreed to.

AID TO COMMON SCHOOLS.

Mr. HALE. Mr. President—

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. HALE. I now rise to make the motion indicated by me at the beginning of the session to-day, that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

Mr. BECK. I should like to ask the Senator from Maine—

Mr. EDMUNDS. The motion is not debatable.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BECK. I do not desire to debate it. I have no objection to an executive session, but I suppose the object is to consider a case from Maine that has been somewhat debated in committee.

Mr. EDMUNDS. It is not in order to talk about the object of an executive session.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BECK. I merely asked the Senator from Maine the object of his motion.

Mr. HALE. I should like to hear the Senator from Kentucky, although I presume he would have no right to proceed.

Mr. INGALLS. That can be stated after the doors are closed.

Mr. HALE. I am not going to refer to any particular thing, but I do not desire to go into executive session unless the object I have in going in can be accomplished; and if the Senator from Kentucky, who I know is interested in the same matter but perhaps upon the other side, has anything to say with reference to it that will oblige us to come again into legislative session, I desire that he should state it now rather than that we should go through the form of going in and coming out.

Mr. BECK. All I desire to say is that we shall save a great deal of time by not taking up the matter now when it can be done Monday as early as the Senator from Maine may desire, when I shall aid him to go into executive session. The Senator from Indiana [Mr. VOORHEES] is absent to-day and many matters we desire to look at can be presented on Monday.

Mr. HALE. Does the Senator say that he is not ready for an executive session?

Mr. BECK. I am not ready.

Mr. HALE. Upon that assurance of the Senator I can not insist on the motion, because I know well it would only result in going in and coming out. Therefore I will withdraw the motion, but with the understanding that on Monday early I shall expect the Senator's co-operation with me in securing an executive session.

Mr. BECK. I shall help the Senator.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. BLAIR. Regular order.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON] to the amendment of the Senator from Alabama [Mr. MORGAN]. The amendment and the amendment to the amendment will be reported.

The CHIEF CLERK. The amendment is to add as a new section:

Sec. — That the money that shall be appropriated in pursuance of this act for the purposes of education in the Territories shall be apportioned according to a census that shall be taken in each of the organized Territories, at the expense of the United States and under the direction of the Secretary of the Interior, on or before the 1st day of June, 1886.

The amendment to the amendment is to substitute the following:

That the apportionment of the money that shall be appropriated in pursuance of this act for the purposes of education in the Territories shall be upon the basis of the illiteracy therein, as provided in section 2 of this act; but in determining the number of illiterates therein the Secretary of the Interior is authorized to receive and consider, in addition to the census returns of 1880, any evidence that may be submitted to him showing the number of illiterates in any such Territories and shall determine therefrom before the first distribution is made the amount to which such Territory is entitled.

Mr. BLAIR. I wish to understand in just what form it is. Is the amendment of the Senator from Indiana a substitute for the amendment of the Senator from Alabama?

The PRESIDENT *pro tempore*. It is a substitute for the amendment of the Senator from Alabama.

Mr. BLAIR. I think then it is an amendment that should be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The bill is still open to amendment. If no further amendments be proposed—

Mr. PLUMB. I think some amendments have been proposed.

Mr. ALLISON. I offer the amendment of which I gave notice yesterday.

Mr. BLAIR. There are other amendments which were offered earlier.

Mr. ALLISON. I offer the amendment now, to come in at the end of section 2.

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa will be reported. There is no other amendment pending.

Mr. BLAIR. There are several amendments pending, if the clerks would state them.

The PRESIDENT *pro tempore*. There are no other amendments pending in the sense that they have been offered. Notice has been given that several would be offered, but they are not pending. The amendment proposed by the Senator from Iowa will be read.

The CHIEF CLERK. It is proposed to add to section 2:

And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

Mr. ALLISON. I desire to modify my amendment by striking out in line 4 the words "such white and colored;" so as to read: "and paid out for the support of schools in the proportion that the illiteracy," &c.

The PRESIDENT *pro tempore*. The Senator can modify his amendment.

Mr. ALLISON. I will modify it in that way.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The Chief Clerk read as follows:

And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

Mr. BLAIR. Does the Senator from Iowa desire to take the floor on the amendment?

Mr. ALLISON. I do not care to do so at this moment.

Mr. BLAIR. I do not understand as yet whether the Senator has modified his amendment by unanimous consent, or whether the amendment is under discussion as he originally offered it. I should like to ask the Senator how he understands that to be.

Mr. ALLISON. I leave it as I originally offered it for the present, so that the Senator may have an opportunity to debate it on that basis.

The PRESIDENT *pro tempore*. The modification is withdrawn.

Mr. BLAIR. Before the question is taken on the amendment I desire to offer a few observations upon it. It is in its nature, in its inevitable effect, the introduction into the provisions of the bill of a discrimination based upon race, as I understand it. It can have no other effect; and it seems to me it is a late day for the American Congress to adopt that class of legislation. The bill itself, careful all the way through, in all its provisions, excludes any such idea; and the bill itself is not one of recent origin, or one which has lacked careful and sharp criticism

in the past. It is not here with its terms unstudied or its real meaning readily misunderstood.

I have had occasion several times to allude to the fact that the provisions of this bill, and especially its provisions in this regard, have undergone the close scrutiny not only of our friends upon the other side of the Chamber but upon this side of the Chamber, and never until the offering of this amendment has it been necessary that there should be any modification of them. The only legitimate effect of this amendment is to introduce an element of discord, to revive discussions which I supposed had become obsolete in this country, to arrest and arraign as against this bill constitutional difficulties, to raise questions as to whether the bill itself may not by the insertion of this provision become unconstitutional, and if there were no difficulty at all, it is calculated, in the practical administration of the act among the people where we hope it will be most useful, simply to occasion confusion, mischief, and possibly the entire destruction of the favorable operation of the law; and it seems to me there is on this side of the Chamber some misapprehension as to the nature of the basis of the distribution which is made use of in the bill, that of illiteracy, as to the portion which goes to the several States, and I would be delighted if more of the Senators who have this objection were present and would hear what is to be said in explanation of the position assumed in the bill and the views which were so entirely satisfactory to this side of the Chamber until now, but there are some here who have not before listened to what I have now to say, perhaps.

It should be borne in mind that the basis of distribution established in this bill, which was never objected to before in the Senate so far as I know—certainly the objection never was exhibited in the form of a vote so as to pass upon the record—the basis of distribution in this bill is illiteracy. It is not white illiteracy; it is not colored illiteracy; no money goes to any part of this country because the man who is to be benefited by it is white or because he is colored, nor because the child who is to receive the benefit of the operations of this bill is of one color or of another color. No dollar goes to the State of Mississippi because there are white illiterates there or because there are black illiterates there. Illiteracy is taken in its broadest sense, inclusive of all individuals who are illiterate, be they white or black; and there is no discrimination in regard to color by the adoption of the rule of the bill as to the distribution among the States. The illiteracy is not of one color or the other; but illiteracy of all is the basis.

It would be just as sensible to say that the provisions of this bill should be more largely favorable to illiterates who were only 5 feet high than to illiterates who were more than 5 feet high as to say that the provisions of this bill should be more favorable to the illiterates of one color than to those of another color. In the adoption of illiteracy as the basis of distribution there is no reference, as I said before, to the matter of color, and it is not properly to be charged against this bill that because in the State of Mississippi or in any other State there are more illiterates of the blacks, therefore the children of a particular color in that State should receive the larger benefit from the operation of the act. As I stated before, it would be just as reasonable to make a discrimination among illiterates upon their relative sizes or weights or any other arbitrary and non-essential distinctions that might exist as between them as individuals. The substance which is at the bottom of all this line discrimination, now offered as an amendment to this bill, disappears.

Now, a little further. Here is another objection which exists in the minds of some people. They say to us, "You distribute this money upon the basis of illiteracy and the illiterates in particular States are more of them blacks than whites." Therefore they reason that the amount which goes to the States is based or ought to be based on color, because more of the illiterates happen to be black than happen to be white. But that is not so. If every one of these illiterates were white precisely the same amount of money would go there, and would go there because it is illiteracy that is dangerous and it is illiteracy only that we are dealing with.

Suppose now, to reverse the condition of things, that in the North the illiteracy existed and in the South where they have this colored population they had a degree of intelligence such as we now have at the North, would you undertake to say, would it be claimed that the South, understanding the fact that she was more intelligent but had a larger number of negroes, people of the colored race, within her borders, should therefore receive the larger amount? On the other hand, although the illiterates were all white, under the rule of distribution adopted in the bill the money would go to the North if its people were thus illiterate; they would get the money instead of the South.

They tell us that the basis of distribution comprises all the illiterates, those who are of the school age and those who are over the school age; and so it does; and therefore they say that as you depend upon the aggregate illiteracy in all the States of persons over ten years of age, when you have distributed the money upon that basis to the State and it has gone into the State, it should be paid out in the State for the education of the illiterates on the same basis. But that is a *non sequitur*; it does not follow at all. It is an absurdity. This basis of illiteracy is only, as I explained in what I said the day before yesterday, an arbitrary method which we adopt because no other so good has been suggested to determine the basis of distribution from the national Treasury to

the States; that is all. But when the money reaches the State, what is it to be paid out for? By the provisions of the bill, by the dictates of common sense, it is to be paid out to educate those who are within the ages when they can receive education. Simply because the money is distributed originally upon the basis of the illiteracy of the aged as well as the young, is it to be understood when the money is in the State it is to be applied to the illiterate who are there as such, regardless of age? By no means, for, of course, none of us understand, none of the very Senators who urge this objection will rise in their place and say the money should be thus distributed. If it is not to be thus distributed, what becomes of their objection that it should be applied in the State to illiterates because it goes to the State on that arbitrary basis of distribution?

The money being sent to the State, illiteracy having been assumed as a general measure for all, and the share of the State (which as I said the other day is based on the lack of education and its inability, by reason of poverty, to bear taxation to remove that illiteracy), the money being once in the State on that basis, it is to be paid out to educate those who ought to be educated, those whom the common schools can educate; it is no time in the day, no time in the century, no time in the history of mankind to say that a child is to receive more or less simply because he is of one or the other color, in this country at least. This amendment proposes to say that; that is the purpose of it; the money shall be paid out in such a way as to give the children of a certain color a larger proportion of the money than the children of another color get. That is the only effect of it, and I think it is entirely wrong.

Mr. President, there is another objection to this amendment. It proposes to distribute the money to schools and not to the individuals who may attend the schools. The measure of distribution is to existing schools and the schools that may exist, so that the effort to derive, all that can be had on the part of the existing schools will tend to exhaust the moneys. A school that is established for three or six months, as the case may be, getting its money now, desiring to increase its facilities, to give additional advantages to the scholars who may be attending it, is directly and selfishly interested at once to prevent the establishment of any other schools.

The Senator's amendment says give it to the schools. The schools existing have the right to the whole of it by the amendment, and thus the existing schools are by the provisions of this amendment at once organized into a board to prevent the spread of any of the money beyond themselves. It has been already one hundred times stated in the debate, and never contradicted, that the great region beyond the schools that already exist is the greatest source of danger, and it is to that as yet unpenetrated region that we should endeavor to distribute this additional money so far as we can.

The amendment is pernicious in its practical operation by reason of the fact that it contemplates white and colored schools existing in one county and builds them up to oppose the distribution of any money beyond themselves. It prevents the spread of schools. If this were not on other grounds an objectionable amendment, there is that which is an insuperable objection. Time is short that I must not enlarge upon it any longer. I have indicated the objections.

While I am on my feet, as the Senator from Oregon [Mr. DOLPH] thought it necessary last night to make part of his address the two-column article of Judge Tourgee, in which is discussed this same point, somewhat with the air of a master, of a gentleman who has said all that there is to be said and disposes of those who may have a little different opinion with him on this subject as though their opinions were of the most trifling account, I shall venture to go over this article with him and suggest as I go over it a few of the reasons of my dissent, and the dissent of the committee, and the dissent of the Senate, and, as far as I know, of the country generally with his views. I refer to the sense of the Senate as expressed at a former Congress. It must be remembered that the bill before the Senate now is precisely the same bill that passed the Senate in the Forty-eighth Congress. This is a lengthy article on the necessity of assistance to remove the illiteracy of the country, which is a very strong one, a repetition of arguments the writer has himself made on many occasions and which have often been made in this Chamber and elsewhere. Speaking of the educational bill he says—I read from the RECORD:

The educational bill now before the Senate is a curious instance of the lack of political knowledge and sagacity on the part of legislators who merely jump at an idea without taking the trouble to investigate details.

One would suppose that after spending three weeks on this matter in the last Congress the whole Senate might reasonably have been looked upon as tolerably diligent investigators, but, of course, their final action must necessarily disclose lack of intelligence on their part.

So far as the matters herein referred to are concerned, it is identical with the Blair bill which passed the Senate at the last session of Congress and the Willis bill which was reported to the House, but failed to be reached on the Calendar. These measures are based on the following hypothesis:

1. That a sum of money be appropriated to each State for the cure of illiteracy—the amount assigned to each being estimated on the number of illiterates in each State, according to the census of 1880.

That, of course, is correct.

2. That the same shall be used by the respective States for the promotion of elementary education in the public schools, without distinction as to race.

As a result about four-fifths of the fund will go to the Southern States, as it

ought to do, in order to remove the overwhelming ignorance of both races in that region.

As a matter of fact he has overstated that. It is somewhat between two-thirds and three-fourths.

The necessity for this is readily shown by the following tables, compiled from the census of 1880.

These tables have been printed already, and there is no fault to be found with the tables as far as they go. He selects, however, certain particular States, not including the whole of the Southern States, in order to make the showing for his views apparently as strong as possible.

The extent of the peril arising from this may be seen by examining the following table.

By which he shows that in Virginia there were 430,352 illiterates, 40.6 per cent. of population, and so in several other States, the total in eight States of illiterates being 2,989,802, an average per cent. of illiteracy of 48.4. The average per cent. in the Northern States is figured out here as 8.5.

The most important fact connected with the measure, however, is the relation it bears to the education of the two races. It should be borne in mind that in all the Southern States the schools for the two races are distinct, and the funds for their support are now distributed according to the number of each race in the separate school districts, or else according to the number of children of each race within the school ages, as prescribed by the laws of the respective States. Practically there is no difference in these standards; to distribute according to the number of children is in effect to distribute according to the proportion of the two races. So that, if a State have 1,000,000 whites and 500,000 blacks, the white schools will have twice as much money as the colored schools.

Then he makes this assertion:

The bill in question requires the fund thereby appropriated to be distributed in the same manner as the respective school funds, though it is assigned to the States on the basis of illiteracy.

There is a very serious misstatement of fact. The bill provides that the money goes to the State which must, under the operation of the bill, be combined with the funds of the State, and however they may have been distributed hitherto, the whole must be so distributed hereafter as to secure equality of school privileges without regard to race or color. So this is a very pointed and absolute misstatement of the bill.

According to the report of the House committee of the last Congress.

He goes on to show that the average amount going to each illiterate is \$1.60, but it is not because he is a white illiterate or because he is a black illiterate but because he is an illiterate. He gets under the bill (the distribution of \$10,000,000 being the basis assumed by the calculation) \$1.60 because he is an illiterate, not because he is white or black. Making up another table of certain States, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, he says:

It will be seen that there were almost three times as many colored as white illiterates, and, considering the character of the appropriation and the fact that all the school-houses and educational equipment of the ante-war systems in those States are held by and for the use of the white race, it would seem as if good policy and common sense would demand that the remedy should be spread somewhat evenly upon the sore—that the colored schools should be benefited somewhat in proportion to the amount to be received by the State on account of colored illiteracy. The following tables will show what would actually occur under the provisions of the bill. See foregoing table for the number of white and colored illiterates in each State, &c.

And he says:

Received on account of white illiterates, \$1,182,406; paid on account of colored illiterates, \$3,690,692.

There is where the gentleman is again entirely in error. There is not a dollar of this money received in the State of Mississippi or in any other State because of white illiteracy or because of black illiteracy, but the distribution is made to the States by reason of the fact of the actual illiteracy there. The modification now proposed in this bill is to the effect that the money shall go into these States in proportion, not to the illiteracy itself, but in proportion to the illiteracy of persons of a particular race, and having gone in that way it shall be applied to the illiterate children of that particular race. But does any man rise here and say that, in view of our actual duty as a nation, it is any more essential to the future peace of the country that the colored child who is of school age should be educated, than it is that the white child of school age who sits beside him and lives in the same community, and is to be a citizen of the same State and the same country in the future, should be educated? No, sir; and this effort is simply one to discriminate in favor of children of a certain color against other children of another color. He goes on and makes this statement:

So that while each illiterate black and white alike will draw \$1.60 from the national Treasury for the benefit of the State, each white illiterate will receive for his education in a white school several times the amount that will be applied to the education of the colored illiterate in the schools of his race.

Now, as a suggestion to this gentleman who criticises Congress and those interested in this bill with considerable freedom, as a suggestion to him which may probably admonish him that he has not thought too much on the subject, as he possibly might have done, I call the attention of the Senate to his statement that this money is to be applied in the States to the education of illiterates, the men of a hundred years of age and the women of a hundred years of age who are reckoned as illiterates in making up the basis of illiterates. When the \$1.60 gets into the States the white illiterate is to receive his \$1.60 and the black illit-

erate is to receive his \$1.60; that is the statement here made, showing the utter confusion of mind under which the gentleman was laboring, and who by his miscalculations has made some confusion apparently in the Senate.

There is much more of this article, but I have attended to the substance of it and shown the fallacy of the ground on which the gentleman proceeds; and I have said myself as much as I desire to say in reference to the pending amendment. As I stated before, it concentrates the activities of existing schools for the prevention of the spread of the money where there are no organized schools and where it is still more needed than in the schools that already exist. It is introducing into this bill a discrimination as to color, seems designed to do that. Its purpose is to carry more money to the colored child than the white child of school age; and it is an anomaly as a Republican proposition. It has been always understood that the mission of the Republican party was to carry universal freedom, to make practically the Declaration of Independence a reality to every son and daughter of the country, regardless of race or color. It is pretty late to introduce this now, pretty late for me to learn this lesson. I trust I shall not be obliged to do so in order to support this bill.

Mr. ALLISON. Mr. President, I offered this amendment in good faith, hoping thereby to improve the bill under consideration. The bill, it is true, was debated here a few years ago at considerable length and passed I believe at that time substantially as now proposed by the Committee on Education and Labor. I then voted for the bill with some distrust in my own mind as to the propriety of that vote as the measure then stood. I have heard the Senator from New Hampshire two or three times say that the vote cast on this side of the Chamber two years ago was in pursuance of some arrangement in a Republican caucus, and that the Republican party thereby was committed not only to the general features of an educational bill providing for national aid, but that the provisions of this bill had passed the ordeal of the caucus as well as of the Senate. I need not tell that Senator or any gentleman on this floor that Republican caucuses do not attempt to bind Senators with reference to public measures, and that every Senator upon this floor is at liberty to vote as he chooses upon any public measure notwithstanding the views of the majority of the members of the party to which he belongs.

The justification of this bill as presented in this Chamber by those who have advocated it thus far is that because of the fact that by national legislation we gave the franchise some years ago to a large class of ignorant voters we are required now to extend national aid in order that the votes of this class may in the future be cast intelligently, and also upon the further ground that it is of national interest to every State in this Union that the ballots to be cast should be cast intelligently.

Those are the only two grounds upon which I have heard the bill justified upon either side of the Chamber. In other words, if we had not emancipated the colored race, and if they were not a part of the body-politic in the several States and in the United States, would there now be a party in this Chamber that would suggest a bill such as is here proposed? Or if the colored race was as intelligent in the Southern States as the white race in those States is, would such a proposition be presented here to-day?

The basis of this bill is that there has been thrown into the civil polity of those States a class of people who have not had an opportunity to become educated and yet have had thrust upon them the ballot. Now, for myself, I would prefer, and I think I said so two years ago, that any donation or aid that is to be given by the General Government for this purpose should be given to the colored race exclusively; but I saw then as I see now that that is perhaps not a practicable measure; and therefore I am willing to give a portion of the money that is gathered together into the Treasury of the United States for the purposes of education, based upon the ideas that are presented to us by the promoters of this bill and all other bills which have been presented to the Senate of a similar character, namely, that we are to educate the illiterate portion of those people, whether they be white or colored.

The Senator from New Hampshire speaks as though the proposition contained in my amendment was a new feature in this proposed legislation. Why, Mr. President, with the exception of this bill now laid upon our tables as passed by the Senate two years ago, I do not know of a single person or association that has suggested to Congress this legislation who has not proposed that it should be upon the very basis stated in my amendment. The Senator from New Hampshire took a large amount of testimony, and with the exception of a few gentlemen who appeared, from the Southern States before his committee every educator in this country, without exception so far as I have been able to examine, suggested that this distribution should be made upon the basis of illiteracy.

Mr. BLAIR. On the basis of illiteracy?

Mr. ALLISON. On the basis of illiteracy in the State, and not on the basis of illiteracy to the States.

Mr. BLAIR. Certainly that is the bill itself. The money goes to the State in proportion to the illiteracy in the State. That determines the rule of division between the States.

Mr. ALLISON. If that is the provision of the bill as it stands to-

day, then there can be no objection to the amendment which I have proposed, because that is to make it certain and clear and specific that the provisions of the bill shall apply to the illiterate people in those States, and not to the people who are not illiterate.

Mr. RIDDLEBERGER. Will the Senator from Iowa allow me to suggest an objection, which is that the amendment makes a distinction on the ground of color between white and colored people. The moment that the United States Government shall draw that distinction, it will destroy the public schools.

Mr. ALLISON. Mr. President, so far from making a distinction between the white and colored race, this amendment absolutely abstains from such distinction; it places this bill just where its promoters say it should be placed, namely, on the ground of illiteracy. Can it be proposed, and will Senators on the other side of the Chamber ask, that the white race in the Southern States, who for two hundred years successively have oppressed the colored race, shall now, in the distribution of national aid, take from one-third to one-half of the very money which the colored race ought to have because of their illiteracy in that section? Is it possible that in this rush in the South for supremacy or for education, the white people there, with this advantage of two hundred years, with the advantage of race, if you please, and of power, will not consent that the poverty-stricken race which has been thrown upon them, as they say, as voters, taking a part in the Republic with them, shall have that portion of the money which their illiteracy fairly entitles them to? I want to ask any Senator upon the other side of the Chamber if he is desirous and willing that the white race itself shall receive, on account of the illiteracy of another race, that portion of the fund which by the very terms of the bill is to be given on the basis of illiteracy? Is it possible for a Southern State to say to us, "You shall not appropriate money and give it to our schools even unless you do it upon the exact basis of school population, without reference to the fact that the white population in the South is educated as 80 per cent. is to 20 when compared with the colored population?" Will the Senator from Virginia say to me that it is an unfair distribution to give to the illiterate classes of the State of Virginia in proportion to their illiteracy, and that it will be fairer to give to the white race of that State one-half or more of this money, when in fact that white race shows that as compared with the colored race it is educated in the proportion of 80 to 20 per cent?

Mr. RIDDLEBERGER. Yes, sir; I do say it is unfair. It is unfair from two standpoints, and the Senator's amendment would so cripple the public schools as that the poor children, whether white or black, if it shall be incorporated in the bill, will never receive the benefit of public education, for you are drawing the line between the two races.

Mr. ALLISON. Mr. President, I must of course submit to the judgment of a Senator who represents a portion of this population; but he should see as other Senators see that in the State of Virginia, and in every other Southern State, there is already a distinction drawn between the two races with respect to their schools. They have separate schools in every State, white and colored, do they not? Are there mixed schools in any of the Southern States? If there are, I have not noticed such a state. Therefore the distinction is already drawn. I am told that even constitutional provisions in these States require that the distribution of moneys shall be between white and colored schools, recognizing everywhere the distinction.

Mr. BLAIR. The bill provides that separate schools may exist; not that they must exist.

Mr. ALLISON. Now, Mr. President, will the Senator from New Hampshire appropriate the money of the Treasury of the United States for the purpose of educating people who do not require to be educated, under the provisions of this bill?

Mr. BLAIR. Certainly not. The bill does not—

Mr. ALLISON. Does he not desire that this bill shall apply to those people who are to-day within its provisions, namely illiterates?

Mr. BLAIR. Certainly.

Mr. ALLISON. And if so, should it not be applied in proportion to that illiteracy?

Mr. BLAIR. Certainly.

Mr. ALLISON. Very well. Now, that is my amendment.

Mr. BLAIR. The Senator's amendment, however, wants to apply it according to color, and not illiteracy.

Mr. ALLISON. I will read it again. I distinctly disclaim any suggestion of color; I will read it:

And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

I ask the Senator from New Hampshire if the school moneys in the Southern States are not now distributed to white and colored schools?

Mr. BLAIR. Not wholly.

Mr. ALLISON. Are they not now applied to white and colored schools under their laws?

Mr. BLAIR. To some extent.

Mr. ALLISON. Is not that the provision of every Southern State?

Mr. BLAIR. I will answer the Senator.

Mr. ALLISON. I ask the Senator to answer.

Mr. BLAIR. I understand that white and colored schools are the rule in the Southern States, that there is no law, constitutional or otherwise, as far as I have known or heard, compelling the schools to be unmixed, wholly of one or wholly of the other race, but some of the schools are mixed; and the region where there are no schools, taking the South as a whole, comprises as many or more children as that where schools are already organized.

Mr. ALLISON. Now, I will ask the Senator at that point whether or not the present provision for common schools in the Southern States together with the provisions of this bill will be sufficient to enable those States to establish schools in every part of those States for the benefit of all the children?

Mr. BLAIR. Nobody can tell until the effort is made whether it will be sufficient to organize all the States entirely.

Mr. ALLISON. I ask the Senator's own opinion.

Mr. BLAIR. It will go further than the existing condition of things. The bill provides that they shall apply all the moneys in that direction as far as they can.

Mr. ALLISON. I ask the Senator to state whether or not, in his opinion or in the opinion of the Committee on Education and Labor, the amount of money now raised by taxation in these States, supplemented by the amount proposed to be granted by this bill, will provide common-school education for all the white and colored children of school ages in those States?

Mr. BLAIR. I do not suppose it will, and make those schools of any efficient length, but it will add very largely. It will go a great way toward it.

Mr. ALLISON. But does not the Senator believe and has he not stated over and over again in his reports that to make an efficient school system of six months in the year in those States would require an appropriation from the Federal Treasury of from twenty-five to thirty million dollars per annum, and that \$15,000,000 is the lowest possible sum that could be profitably expended, covering both colored and white children?

Mr. BLAIR. I have stated always that I thought the amount proposed by this bill was not sufficient. I tried to have \$105,000,000 appropriated, running over ten years. The Senate reduced the time two years and made the sum \$77,000,000. I do not understand the Senator's point precisely.

Mr. ALLISON. I will enable the Senator to understand it in a moment.

Mr. BLAIR. I wish the Senator would.

Mr. ALLISON. I shall try to make myself clear. On the statement of this Committee on Education and Labor, on the statement of the Senator from New Hampshire, when this bill shall have passed, and when the power of the State for taxation shall have been exhausted, there will still be a large number of the school children in those States that will not have the benefit of education.

Mr. BLAIR. Not so much as they ought to have.

Mr. ALLISON. They will not have the benefit of this common-school education. Therefore, in the nature of things, there will be a scramble for the money that is to be appropriated here and for the money to be expended which is raised under the tax laws of those States. Now I say that in that scramble we should see to it by our legislation that those people who are illiterate and whom we propose to aid shall have their share of this money; and for that reason I have suggested the pending amendment.

Mr. RIDDLEBERGER. Will the Senator allow me to ask him where he proposes to insert this amendment?

Mr. ALLISON. At the end of section 2.

Mr. RIDDLEBERGER. It is not stated on the print itself.

Mr. ALLISON. I know it is not.

Mr. RIDDLEBERGER. At the end of section 2?

Mr. ALLISON. Yes, sir. I have here the handy volume presented to us by the Senator from New Hampshire, and though he is somewhat criticised for it I want to thank him for it, as furnishing us a vast amount of information. In one of the tables presented in the speech of the Senator, found on page 1211 of the RECORD, there is given the illiteracy of the white and colored races in the Southern States and in all the States of the Union.

Taken altogether, the white illiteracy in the United States of those above ten years of age is only 9 per cent. The illiteracy of the colored race is 70 per cent. as shown by that table, as against an average of 9 per cent. for the whites. If you will take that table and run over the Southern States you will find that with the single exceptions of North Carolina and Tennessee the white illiteracy in the Southern States is less than 20 per cent. of the population, and that the colored illiteracy in every one of those States exceeds 70 per cent., and in some of them it is 85.

Mr. BLAIR. Will the Senator from Iowa allow me to ask him a question?

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. ALLISON. Yes, sir.

Mr. BLAIR. What does the Senator mean by white illiteracy and colored illiteracy as bearing upon the necessity of the education of children, whether white or black?

Mr. ALLISON. I think I understand the purport of the Senator's question. I mean what is stated in the table, the total illiterate population ten years old and over, the white illiterate population and the colored illiterate population. I mean what the table says, and it shows that of those persons ten years of age and upwards in the whole United States the average of white illiteracy is 9 per cent. and of colored illiteracy 70 per cent.; and then I add, as appears from the table, that with two exceptions the white illiteracy in the Southern States themselves does not exceed 20 per cent.

The Senator from New Hampshire will say that that includes the white and colored population from ten years of age to a hundred. I have heard that statement made before; but fortunately for us he has himself furnished us a table which gives us an opportunity of making an accurate comparison between the white and colored races as to illiteracy of those from ten to twenty-one years of age. Table 7, also found on page 1211, shows the white and colored adult males and the adult male illiterates of the two races, with percentages, for each State and Territory. Curiously enough, the illiteracy of that table is substantially the illiteracy of the other, showing that the proportion of illiteracy runs from ten years and upward to the age of twenty-one, and clear beyond it to the age of one hundred, if you please, and that the percentage of illiteracy of people of school age is substantially the same as it is of those who are above twenty-one years of age, as shown by this table.

Mr. BLAIR. Well, assume it to be so.

Mr. ALLISON. I assume that where there are separate schools for white and colored children, if we are to appropriate money for the aid of such schools it is fair justice to both the classes that that aid shall be given in proportion to the illiteracy found in the separate schools of colored and white children.

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

Mr. ALLISON. I will.

Mr. HOAR. If convenient to him at this time?

Mr. ALLISON. Just now.

Mr. HOAR. I wish to ask two questions, one being a prelude to the other. I ask whether the Senator does not understand that by the bill, section 3, lines 17 to 22, section 10, section 11, lines 17 to 25, and the last section, section 15, it is enacted that no State shall get any of this money which does not distribute all the moneys that it raises for common-school purposes equally for the education of all the children without distinction of race, which does not provide for all its children without distinction of race or color an equal opportunity for education? So the condition of the bill is the supplying by the State of a sufficient common-school education for all its children of both races.

Now, I put the second question at the same time. That being answered in the affirmative, would it not follow from the Senator's amendment either that colored children of school age are to have a larger sum expended on the education of each child than the white children, or that the State must itself remedy this inequality voted by Congress and make an inequality in its own distribution by giving more to white children so as to have the result come out equal?

Mr. ALLISON. I will answer the Senator's last question first by asking him another. If there are two hundred children in school on either side of this Capitol, on one side of it only twenty of the hundred able to read and write and on the other side eighty out of the hundred able to read and write, does he believe that it will cost no more in labor to educate the eighty children who are unable to read and write than it will cost to educate the twenty children on the other side who are unable to read and write?

Mr. HOAR. I not only believe that, but I believe it will not cost as much. Will the Senator allow me to explain?

Mr. ALLISON. Yes, I should like to hear the explanation.

Mr. HOAR. If you have got eighty children out of the hundred well educated, able to read and write at least, but still going on with their common-school education on one side, and eighty children out of the hundred on the other side who can not read or write and have left home at that point, the eighty per capita—not *per numeros* but *per capita*—in any reasonable and just system, if they were the children of the same father and mother loving and prizing all alike, as they are to the State, will not require, until they are further advanced, as costly an education per capita as those who are a little further advanced. In other words, as you advance the degree of education you must have teachers of a higher grade, of higher pay, and all those things.

The defect of the Senator's amendment, as it seems to me, is that he does not consider that when you have got a perfect common-school education for everybody, then all you want to do is to secure it so that everybody has an equal chance; and because the ignorance of the black children is the occasion for national interposition you can not give \$20 a head to educate them while the white children, who would not, if there were not any blacks, need any help at all, get but \$5 apiece to educate them. Let each of them have \$10 apiece, and educate them all.

Mr. ALLISON. The Senator in answering the question very carefully excludes *per numeros* and includes *per capita*. The situation that I describe is exactly the situation between these two races. Here is the colored race having 2,200,000 children of school age. Of those 2,200,000 in the Southern States 70 per cent. are illiterate. There are,

say, an equal number of white children in those States between the ages of ten and twenty-one; only 20 per cent. of them are illiterate; and yet the Senator from Massachusetts tells me that this money should be distributed exactly equally upon the basis of numbers and not upon the basis proposed in the main features of the bill.

Does not the Senator from Massachusetts know that the 20 per cent. in the Southern States have the advantage by association in the white schools over the 80 per cent., so that day by day and moment by moment, by contact they take in the education which their fellows have already acquired in the school? Does he not know (no one knows better than he does) that those white school children as they trundle home from school go to intelligent and Christian mothers and fathers, and sisters, and brothers, surrounded as they are by the intelligence of home influence and home life; whereas the 80 per cent. of the colored race go home to fathers and mothers in hovels where neither father nor mother can write or read even the Gospel which gives them salvation? Yet when we come to contribute the public bounty on the ground, and the ground alone, that we have placed an illiterate race in a position to take part in the affairs of government, and we are therefore bound in honor to contribute of our substance to enable them intelligently to take that part, the Senator says that we can not do it unless we give dollar for dollar upon an exact and measurable equality, as much to the white race already educated and who have the start of the colored race in civilization by thousands of years, and that we are doing an injustice when we propose to give the money upon the basis of the necessities of those people!

Mr. EDMUNDS. And where the State law makes the distinction.

Mr. ALLISON. And where the State law by positive enactment makes the distinction, and places the races in separation in the schools. If it was not in the Senate of the United States, I should think any other proposition than the one which I make was monstrous; but it seems that even my proposition is regarded as ridiculous by the Senator from Massachusetts and the Senator from New Hampshire.

Upon the question of white and colored schools I wish to read one or two statements which I find in this handy volume respecting the methods of appropriating this money, because, as I understand, in every Southern State—and if there is a Southern State in which this is not done I will ask a Senator from that State to give me the information—to-day by law and by constitutional provision the moneys raised for schools must be distributed between the white and colored population substantially alike. Is there an exception to that rule? Is there a State in the South that discriminates in its laws against the colored race? If there is, I am not aware of it.

Mr. RIDDLEBERGER. Will the Senator allow me to ask him whether the effect of his amendment would not be—I do not refer to the whole effect of it but one partial effect—to allow a State that has a large proportion of white illiterates to discriminate against them? I so read the amendment.

Mr. EDMUNDS. There is no distinction between white and black. Each one takes its share.

Mr. RIDDLEBERGER. I understood it in the way I have stated. If I am mistaken I should like to be informed.

Mr. ALLISON. It is an absolute mistake. On the contrary, it is to make the equality absolute, so that the application shall be to the illiterates, whether they be white or black or of any other race.

Mr. RIDDLEBERGER. Does the amendment apply to States where the white and colored schools are distinct?

Mr. ALLISON. Yes, sir; and only there.

I find in the testimony a statement made by a gentleman from South Carolina with reference to the schools in the city of Charleston.

Mr. BLAIR. On what page, please?

Mr. ALLISON. I read from page 1254 of the RECORD containing the speech of the Senator from New Hampshire. Mr. Thompson appeared before the committee and gave information respecting South Carolina. He said:

I now desire to call the attention of the committee to the second point I make, which is that the State of South Carolina is unable because of her impoverished condition to give proper instruction to all classes of her people. The scholastic population of the State—

In 1875—he thinks it is substantially the same as the census of 1880—was, whites 85,678, colored 152,293, making a total of 237,971 children—

Between the ages of 10 and 16 years.

The school attendance in South Carolina for the year 1880-'81 was, whites 61,339—

Or within 24,000 of the whole number—

Colored, 12,119—

Or less than one-twelfth of the whole number. Out of 152,293 colored children between the ages of ten and sixteen, with absolute equality in your laws, with absolute equality in the distribution of your funds, there were but 12,119 who appeared at the schools in the State, according to this intelligent gentleman, Mr. Hugh Thompson, of South Carolina.

Mr. HAMPTON. Will the Senator allow me to interrupt him?

Mr. ALLISON. Yes, sir.

Mr. HAMPTON. I think that the Senator has made a mistake in quoting from that statement, for the report of Mr. Thompson, who was

subsequently governor, will show a larger attendance of colored children in South Carolina than of white, if my recollection is right. I have before me the report of the present superintendent of education, which shows that there are 178,000 children attending school in South Carolina, and in those schools, supported nearly *in toto* by the white people, the report shows that there are 99,000 colored children at school, and but 79,000 white children.

Mr. ALLISON. I am glad to know that the present report shows an improvement in that direction. I only take this statement from the testimony furnished to me by the chairman of the Committee on Education and Labor, because I read from his speech.

Mr. BLAIR. The statement was made as to the condition in 1875, the Senator will observe.

Mr. ALLISON. Senators will observe that the language is "the school attendance in South Carolina for the year 1880-'81." Who was in power then, may I ask the Senator from South Carolina? Was the Republican party then in power there?

Mr. HAMPTON. No; the Democratic party. The Republicans had control in 1875.

Mr. ALLISON. The Democratic party was in power, and in 1881, so says Mr. Thompson, the whites attending school were sixty-one thousand, and the colored twelve thousand. As the Senator from Connecticut [Mr. PLATT] very properly suggests, if they have made such a rapid progress between 1880-'81 and 1885-'86 it would seem that even they might get on without the appropriation suggested in the bill. But I do not wish to take that view of it.

I wish now, Mr. President, to call your attention to another statement made by Mr. Thompson:

Taking the illiteracy of South Carolina shown by the return of the last census, which I had an opportunity of observing last night, the ratio of white illiterates to the whole population is 7.77 per cent.

Mr. Thompson was mistaken in that; the ratio is 15 per cent., as shown in another part of the speech, as taken from the census of white illiteracy.

The ratio of colored illiteracy to the whole population is 33.09.

That was too low a statement also for South Carolina. Then he says—

I maintain that as far as controlling the white illiteracy in the State is concerned, South Carolina is able, ready, and willing to control it; and that she is equally ready and willing to control the colored illiteracy, but that it is beyond her power to do so. It is from this class of our citizens, a class to whom I claim that the State government of South Carolina in all its departments has done full and ample justice, that the trouble comes.

It never entered the mind of Mr. Hugh Thompson when he was before the committee that the State of South Carolina would grasp at one-half of this fund for her white children, although her white children were illiterate only to the extent of 15 per cent.

Mr. BLAIR. Will the Senator allow me to make a suggestion to him?

Mr. ALLISON. Yes, sir.

Mr. BLAIR. I wish to say that by virtue of the bill South Carolina is obliged to so apply all the funds that she otherwise would give to her white children as that there will be produced an equalization of privilege to all.

Mr. ALLISON. The State of South Carolina, by her laws, by her constitution, by every reason that can apply to human nature or to human justice, is required to do that thing, whether the Government of the United States gives 1 cent or \$1,000,000. Those people are a part of her population; she has for hundreds of years secured the benefits of their labor, and made herself largely rich and opulent before the war because of the labor of those people or their fathers. Can South Carolina or any Southern State say that it does not behoove her to use whatever portion of money she can raise by taxation properly for the education of the children of that State?

Mr. BLAIR. The Senator's question should be answered in the affirmative. The other question immediately occurs, has she done it? The statistics which the Senator has read show that she has not done it. When she accepts this money she contracts to do it hereafter.

Mr. ALLISON. South Carolina and all the Southern States now are required to do this thing. Does the Senator believe if they do not do it now that they will do it under the provisions of his bill?

Mr. President, this is an exceptional bill. Here we propose to turn over to the States, a thing unexampled and unprecedented, \$77,000,000, to be expended under State authority and State control, without one particle of supervision on the part of the General Government. Can any Senator give me an instance in the history of the United States from its foundation where that thing has ever been done before?

Mr. BLAIR. There has never been a contribution from the National Government which was not precisely in that same way, without supervision and without conditions.

Mr. ALLISON. There has never been any contribution like this.

Mr. BLAIR. There were the contributions to go to the common schools in the case of the proceeds of the sales of public lands; and the \$28,000,000 which I showed day before yesterday went principally to the benefit of schools was given absolutely without any conditions at all, and was distributed in a single year.

Mr. ALLISON. The Senator from New Hampshire has failed to read the history of that transaction. Does he not know that that \$28,000,000

was never given to the States at all; that it was a loan to the States, and by the very terms of that loan made a sacred trust, and each State receiving its share was bound to pledge its good faith to return every dollar of that money, and that every dollar to-day stands against the States on the books of the Treasury Department, and they stand indebted for it? No conditions! Why, that was a loan of surplus revenue, a loan to be collected presently, not by a statute of the United States, but Secretary Manning, if he chooses to do so, can issue an order to-day requiring the State of Ohio and the State of Massachusetts to pay that money in sixty days. The law was so rigid in its character and so perfect in detail that all the Secretary of the Treasury has to do is to demand of the States the money, and they are bound in good faith to return it. Assimilate that to a donation of \$77,000,000 that goes into the treasury of the States as a gift, without control, without limitation except as the States through their officers give an account of their action in communications to the Secretary of the Interior!

Mr. BLAIR. Will the Senator allow me to interrupt him for a moment?

Mr. ALLISON. Yes, sir.

Mr. BLAIR. That is quite an impassioned statement of the matter, which is proper enough, but the Senator must know that there is no substance to it.

Mr. ALLISON. Well, Mr. President—

Mr. BLAIR. If the Senator will allow me—

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. ALLISON. I will yield once more.

Mr. BLAIR. The Senator was not yielding more than is usual in debate. If he thinks he is indulging in any excessive courtesy I shall not interrupt him.

The PRESIDENT *pro tempore*. The Senator from Iowa has a right to the floor and ought not to be interrupted except with his consent.

Mr. BLAIR. I insist that he ought to be interrupted, by the usages and practice of the Senate, unless he insists that he shall not be interrupted; and I do not understand that I am at all indulging any unusual assertion of myself on this occasion.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. ALLISON. I yield to the Senator from New Hampshire. He has spoken so little on this subject that I feel that I ought to yield whenever he asks me to do so.

Mr. BLAIR. As I said before, if the Senator thinks that he indulges in any unusual courtesy, I shall not trespass upon him.

Mr. ALLISON. No, certainly not.

Mr. BLAIR. I wish to say with reference to his statement in regard to the \$28,000,000 distributed, deposited as a matter of form, always understood as a matter of form and not of substance, every dollar of it was distributed throughout the States according to their own inclinations, appropriated by them fifty years ago generally to the aid of the schools, already expended in that way, and no human being has the slightest idea that the assertion of the reserved right, which was a mere formal matter, will ever be made at all.

Mr. ALLISON. That was a side question, and I would not have alluded to it but for the fact that the Senator from New Hampshire has several times in the debate mentioned it as a precedent for this bill. I state again, and I challenge contradiction, that there is not within the range of public legislation in this country, save and except perhaps the illustration made the other day by the Senator from Mississippi, a case in which public money has been appropriated without the direction and control of the General Government. That was the case of Venezuela, where we made a contribution many years ago to relieve distress in that country. But in every other instance the United States has undertaken to follow the money that it has appropriated. Now, why does it not do so here? It does not do so in deference to gentlemen upon the other side of this Chamber who have constitutional scruples with reference to the power of the General Government to go into the States upon this question. I respect those constitutional scruples. I am willing myself to trust the States largely in this regard; but while I am so willing I desire for one, if I am to vote for this bill, that the money shall go where the Senator from Mississippi and other Senators upon that side of the Chamber have said it was necessary it should go—that is, to those people who are illiterate in their several States, without reference to color or race, and not because of color or race.

Mr. President, I do not wish to occupy the attention of the Senate with regard to the amendment which I have offered. Every Senator understands it as well as I do. The tables show conclusively that if we do not adopt this amendment, instead of doing what the trustees of the Peabody fund, what the association of teachers, what the large number of petitioners who have petitioned for such a bill as this seem to think we are doing, we are providing for the education of the white race in the Southern States, who I think, as this gentleman from South Carolina thinks, are abundantly able to educate themselves.

This amendment is not to be whistled down the wind, I give notice, by mere statements that there are general provisions in the bill already which cover the case. If the bill now does what is proposed in my amendment, then the amendment can do no harm; but if the bill does not do that, the amendment clinches the irregularity and the injustice

proposed in the tenth section of this bill by providing, not that this distribution shall be made on the basis of illiteracy, but providing absolutely that it shall not be so made, but that it shall be made upon the number of school children in the State, and no other basis can be adopted under it. So, Mr. President, I have offered this amendment in good faith believing that it is essential.

Mr. HOAR. Where does the Senator find what he says in the tenth section?

Mr. ALLISON. It is found in the fourth and fifth lines of that section:

As near as may be for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory.

Mr. HOAR. That is very different from what the Senator from Iowa said.

Mr. ALLISON. That is to be taken in connection with the other sections of the bill, which require that this fund shall be distributed on the basis of school population. So then the provisions of this bill are intended to clinch and make more certain a distribution which I think is unjust and unfair.

Now I wish to say one thing further with reference to this bill before I close, and that is that I am willing to vote this money for the purposes which I have indicated; and when I do that I do not desire to be understood as voting for it because the State of Iowa receives a small pittance of this money. Of this \$77,000,000 to be thus distributed in eight years the State of Iowa will receive only \$575,000, less than 10 cents per annum upon the school children of my State; yet we expend in the State of Iowa annually for schools by taxation five and a half million dollars. What kind of taxation, a Senator asks. Not State taxation, not Federal taxation, but county and local taxation under our laws. Under our school system the people who are benefited by the schools vote for the taxes, distribute the money, and account to the tax-payers for the money thus expended; and under this local system, which I suppose is substantially the local system of every State, we last year collected and for several years have collected an amount exceeding \$5,000,000 for school purposes.

Mr. BUTLER. What about the public lands granted to your State?

Mr. ALLISON. I thank the Senator for suggesting that question.

The State of Iowa, as every other State except the original thirteen that got all the lands within their borders, and the State of Texas which came into the Union with all her lands, received a portion of the public lands within her limits for the benefit of her school system, under an arrangement which was common to all the States admitted by which the lands of the Federal Government should not be taxed. Under that provision the State of Iowa has a school fund of near \$4,000,000, a school fund built up, if I may use that term, by the same means and from the same source that was given to the State of Mississippi, to the State of Alabama, and to every other State of this Union, so far as I know, except the original thirteen and those that were admitted within a few years after the adoption of the Constitution.

Mr. GEORGE. I ask the Senator how many sections were donated for schools in each township in Iowa?

Mr. ALLISON. I believe the grant in Iowa was every sixteenth section in a township.

Mr. GEORGE. And the thirty-sixth section, too?

Mr. ALLISON. No; we only had one section in a township—the sixteenth. I will answer the Senator from Mississippi, however, by saying to him that in this handy volume, from which I have so often quoted, I find that the State of Mississippi received a little more land on account of schools than did the State of Iowa. So whatever our brethren of South Carolina and New York and other older States may say, it does not become the Senator from Mississippi to say that Iowa has received a bounty that was not also given to the State of Mississippi. That sum I say is \$4,000,000, accumulated from these resources, the income of which amounts to the enormous sum of \$240,000 per year, and that is the only income the State of Iowa has from a permanent school fund—\$240,000 a year as against five and a half million dollars expended.

Mr. BUTLER. Raised by taxation?

Mr. ALLISON. By taxation and taxation alone. We have 1,800,000 people there possibly—1,700,000 by the last census—and we have taxed ourselves in this way for the purpose of educating the children of our State. I submit to the Senator from South Carolina that although we have a rich and fertile soil and an industrious population, yet when you get off into the inner regions of the State in which I live, where our people reside upon the prairies at a great distance from fuel, they have to struggle day by day to secure a livelihood sufficient to enable them to live as the people of Iowa desire to live and to educate their children as the people of Iowa desire to educate them.

As I have said, I would prefer that this bill were put upon a different basis with reference to the distribution of the money. I should be content to be more liberal than this bill provides in reference to where the money should go. I would surrender for the State of Iowa this pitiful 10 cents per annum to each one of its children of school age, and I would give it to the illiterate children of South Carolina and Mississippi, who need it more than we do, and upon the very basis which the Senator from Massachusetts stated the other day as the justification for

this bill, namely, the basis that it was necessary to have an intelligent people to exercise intelligently the powers of a free government.

In the State of Iowa, as shown by the census, only 2.2 per cent. of her people are illiterate. Is it possible that upon any basis of justification any portion of this money should go to Iowa? I do not believe it. I do not believe that in any of the Northern States there is such illiteracy as would endanger the institutions under which we live. I believe that in all these States we have not only the ability but the disposition, from local taxation gathered in each community from the great body of the people, to educate them as they should be educated. Now, our Southern friends say to us that they have not the ability to educate their white people and their colored people as well. If they have not I am willing for one to go to the national Treasury and give them such portion of the money there as is needed to properly aid them in this work; but I want them to apply that money where the trouble is, to the illiterate people of the South and not to the intelligent people of the South.

Mr. President, I have occupied much longer time than I intended in these remarks.

Mr. HAMPTON. I rose while the Senator from Iowa was speaking to correct what I thought was a mistake into which he had fallen. I did not have the document before me then, but I have it now. In the report of the Secretary of the Interior for this year, and in the report of the Commissioner of Education submitted with the report of the Secretary of the Interior, I find that the whites enrolled in public schools in 1882-'83 in South Carolina were 74,157; the colored children enrolled in public schools were 98,398. In 1883-'84 the enrollment respectively was, of whites 84,028 and of colored 101,591; and the report of the superintendent for 1884-'85 shows the enrollment of whites to be 78,458 and of colored 99,565. I have no doubt that the figures from which the Senator quoted were a misprint. That is all I have to say.

Mr. TELLER. Mr. President, I do not yield to any man on this floor or elsewhere in my support of public schools. I have as high an opinion of the great work of the public schools as any person can possibly have. I am anxious to extend to all parts of the country financial aid if it be necessary, and I am also anxious to go beyond that, to create in the minds of the people a desire to keep up public schools and an attachment for the public-school system.

I ventured the other day when this bill was before the Senate to criticize its terms. I regret to say that this appeared to meet disapprobation on the part of some of the friends of the bill, and there was at least the intimation, if nothing further, that the opposition to the bill was not in good faith but was made for the purpose of defeating the appropriation. So far as I am personally concerned I have no constitutional objections to the bill. I have no constitutional difficulties in dealing with this subject. Long ago, on this floor and elsewhere, I have committed myself unequivocally, unhesitatingly, unrestrictedly, to the power of the General Government to contribute out of its great abundance to the support of public schools anywhere within its jurisdiction. I have no difficulty in following such appropriations by Federal control. I have no doubt of the proposition that when the General Government has contributed the money the General Government may also direct where it shall go and how it shall be expended.

I do not see myself how any man on either side of the Chamber can maintain that the right exists in the General Government to appropriate the money, and yet that the General Government has not the power to direct its expenditure. It does not follow because the power exists in the General Government to follow an appropriation, that it necessarily should do so. In all of my utterances upon this question, I have assumed that the purpose of the appropriation was first to meet a present emergency, to meet an emergency that ought to have been met many years ago, secondly to stimulate the States to build up within their borders a school system to which the people should become so thoroughly and certainly attached that under all circumstances it would be maintained. Because my views have been in that direction I have been willing to a great extent to trust the States. I have been willing to vote for appropriations that should give to the States the money, and then trust to their honesty and their zeal in the cause of public education for a proper application of the money so appropriated. But I should not be willing to vote a dollar of public money to any State if it was not with the understanding that if the State did not properly apply the money, the General Government might withdraw the appropriation, or in case of great emergency might interfere and establish schools within the borders of the State.

I do not think the beneficiaries of this bill—and when I speak now of the beneficiaries I mean the people who are to receive the great share of this money—ought to complain of a moderate restriction or of a moderate direction as to the appropriation of the money. I would not myself be in favor of establishing side by side with the State schools, as long as the States were making an effort to maintain public schools at all, national schools. I would not be in favor of interfering with the State schools. Neither do I understand that any amendment which has so far been offered to this bill, including even the amendment offered by the Senator from Iowa, in any wise interferes with the State schools or can in any wise impair their usefulness or their efficiency.

It has been said all through this discussion which has now lasted in

this body for nearly five years, and it has been said over and over again, that the States who are to receive the greatest proportion of this money were too poor to furnish to the children of those States proper and suitable educational facilities. Mr. President, I have never myself agreed to that proposition. I do not believe to-day that there is a State or a Territory within the jurisdiction of the United States that is not abundantly able to maintain a reasonable common-school system for the education of all the children of the State or Territory; but I realize the fact that in some of the States the people have been unwilling, have been reluctant to pay the necessary expenses for the maintenance of public schools.

I have taken some pains to look over the census returns and ascertain the comparative wealth of the States which or whose people are thus complaining. I do not say the complaint comes altogether from the regions of country where school facilities have not been furnished, for the complaint comes with equal volume from people of our own section of the country who insist that the South is unable to maintain public schools. According to the census of 1880, the State of Alabama was estimated to have \$338,000,000 of assessable property, and I find that in that year the State of Alabama paid \$448,498 for public instruction, for school facilities to the great number of children within its borders. I find that Arkansas was estimated to have \$246,000,000 of assessable property and paid \$479,471 for school purposes. Delaware had \$138,000,000 of assessable property and paid \$207,000 for public schools. Florida had \$95,000,000 of assessable property and paid \$133,000 for schools. Georgia, with \$554,000,000 of assessable property, paid \$613,260 for public schools. Mississippi, with \$324,000,000 of assessable property, paid \$803,000 for public schools. North Carolina, with \$446,000,000 of assessable property, paid \$582,000 for school purposes. South Carolina, with \$296,000,000 of assessable property, paid \$341,176 for school purposes. West Virginia, with \$307,000,000 of assessable property, paid \$553,000 for school purposes. Tennessee, with \$666,000,000 of assessable property, paid \$795,000. Colorado, the youngest of the States, had \$149,000,000 of assessable property and paid \$752,000 for the support of public schools. Nebraska, with \$290,000,000 of assessable property, paid \$1,358,346. Texas, with \$725,000,000 of assessable property, paid \$1,150,332, less than \$200,000 as much as Nebraska.

Mr. President, these figures, in my judgment, show that the people of the South and the people of the North are everywhere financially able to take care of the public-school system, a fact that I knew as well five years ago when I voted for aid to the public schools of the land as I know it to-day. I have never based any vote I have given nor any utterance I have made in defense of appropriations of Federal aid to the schools of the land upon the theory that the States were unable to support public schools, but upon the theory that they had declined or neglected to do so, and with the hope that by our giving Federal aid they might be incited to see the beauty and the advantage of the common-school system, and that they might thus do in the South what has been done in the North and what has been done in the great West. I said five years ago on this floor, educate the community and they will maintain schools no matter how poor they may be. I have seen it illustrated and exemplified in my acquaintance with the Western country. Let me speak of my own State, and I speak of it with the utmost pride, and I think I may speak of it as an illustration of what I have said before, that the people who have been educated in the public schools, who have seen the advantages of the system, love it as they love no other institution in the land, and they place it a little even above the church of their fathers.

In 1859 the great wave of emigration departed from the settled States across the arid regions of the West and lodged at the foot of the Rocky Mountains; thousands of men went out there, staid a few days, and returned; but many remained, and more came. In 1861 the Government of the United States gave to those people a Territorial organization with exactly the boundaries that the State of Colorado has to-day. In September, 1861, in the midst of war, in the midst of tumult, in the midst of excitement, the people of that Territory organized their first government. The Legislature met the last of September, and on the 7th day of November following the people of that Territory through their Legislature adopted a complete and perfect free-school system. They not only adopted a free-school system to give every child within the borders of Colorado a common-school education, but they established a university, and they attached to the common schools a high-school system that has been efficient and valuable to the people of Colorado so that to-day in all the towns and cities of any considerable importance in the State the high schools send out boys fully qualified to enter Yale, Harvard, or Princeton or any other of the great institutions of the land.

Mr. President, when the people of Colorado adopted that system there had never been a surveyor in the Territory, there was not an acre of land except a few grants on the southern border that was not owned by the General Government. The first school-houses we built were built upon the public lands before we could get control of the title from the General Government. We have followed it from that day to this. We have to-day the most efficient school system of any State in the Union, I think, and last year we paid beyond Federal aid, for the

purpose of maintaining our public schools, \$21.43 for every child in the State between the age of six and sixteen years, and taking that as the basis we have put 90 per cent. of our children in the public schools. We have maintained in addition three institutions of high character, one for the education of people in practical metallurgy and mining, another for giving them the highest education that can be given in a university; and we have maintained also an agricultural college built long before we ever received a dollar from the Government of the United States in support of our schools.

I know that when we speak of the school system in the West Senators say: "You have received magnificent donations of public land." Why, Mr. President, when I speak of the expenditure of money I speak of an expenditure over and above and beyond anything that the Government has given to us. Last year the total receipts from the Government aid that we received and passed into our school fund were less than a dollar per capita for the children enrolled in our schools. I had hoped that by an appropriation of this character we could stimulate in all sections of the country some of the spirit that has pervaded the people of Colorado and of Nebraska and other Western States, who in their very beginning, in their poverty, were ready to part with their money for the purpose of establishing and maintaining a free-school system. If this bill can be properly amended, if it can be put in proper shape, I believe that that will be the result; and I am anxious myself to vote for a measure which will accomplish that, even if no very great deal of immediate result follows from the appropriation of this money. If we could put into the hearts and minds of the people of Louisiana and of Mississippi and of Georgia the sentiment of attachment to schools and the school system that pervades in some other sections of the country they would find means to maintain schools for all the people within their borders.

I know it was said by the Senator from Mississippi on the other side that we have a virgin soil and that we have natural advantages. Mr. President, when we went to Colorado we went 600 miles beyond the line of a railroad. When the first school-house was built in Colorado there was not a mile of railroad within 600 miles. There was scarcely a break in that great arid region; but little had been done. Those people were there in a new country, with undeveloped riches, it is true, but requiring great labor to make them available. They had yet to tear down the mountains and fill up the valleys to make an entrance into the mountains where the riches were in existence. All of these things they did, but they did not while doing them neglect the school system.

Since we adopted a State government we have had a constitution which provides that the State shall not run in debt, the State shall contract no debt that exceeds \$50,000; and yet we allow our school districts to run in debt whenever it is necessary for the protection of the interest of the children of the State. We have no State debt; we do not allow the municipal authorities to run in debt beyond a limited sum, and yet the school districts of Colorado have borrowed a million of money to put in school-houses in that new State. We do not ask a dollar of Federal aid, and I do not believe there is a man in Colorado who would accept a million of money from the Government of the United States if it would interfere with our cherished State system of public schools, and I am as clear from wanting to interfere in the system of public schools in the South as I am to have the Government interfere with the system in my own State. I believe, however, that it is but fair and proper and prudent that the Government of the United States when appropriating this money should have at least a discretionary control over it, so as to see that it goes to the class of people who are particularly needing the education that, under the unfortunate circumstances which have surrounded them, they have been unable to acquire.

I do not see myself why any Senator on the other side should be sensitive when it is proposed to say that if there are three times as many black children assembled in black schools as there are white children in white schools there shall be three-fourths of the money appropriated to those black schools. If they were all assembled in one school then I could see that there would be no propriety in saying that it should be divided according to the illiteracy of the races; but they are not unlike some other sections of the country, and not unnaturally—I do not wonder at it myself—they do not propose to commingle the whites and the blacks together. I believe it is better in the South that the two races should be kept in separate schools. But if there are three schools required to educate the black children in a State and only one required for the white children it does not strike me that it can be objectionable to the friends of this bill if it should be said by the giving power, "We give to you three for one class and one for the other;" \$3 for the three schools and \$1 for the one school, and in that proportion.

If this bill can be put in such a shape that it will carry out the two great purposes for which I have contended, I shall cheerfully vote for it. If it does not, I think we had better wait another year. We have waited for twenty years. If it is a duty that the Government owes now to appropriate this money, it is a duty that it owed twenty years ago; and, I am free to say, it is a complaint I have made more than once; it was a duty twenty years ago, but it was a duty which the Govern-

ment failed to perform. I want to perform it in such a manner that it shall accomplish the two great purposes—first, that it shall educate the uneducated, and, second, that it shall be received by the people in such a spirit and in such a manner as to attach them to the system, and not create an antagonism and an opposition to the public-school system at the South.

Mr. MILLER, of New York. Mr. President, although a member of the committee which reported this bill, I have thus far refrained from taking part in the discussion, because I hoped that the debate had upon this bill in the last Congress would be considered sufficient, and that upon that debate then had this bill might have passed without a prolonged discussion, such as we have now had. While debate has been had upon the constitutional power of the Government to make this appropriation, I have taken little or no interest in it, believing that the Senators upon this side, from their political training and political beliefs, would hold steadily and unanimously to the ground that there is sufficient constitutional warrant for it; believing also that the Senators on the other side of the Chamber, or a majority of them, while they may have been taught in a school holding to a stricter and more limited interpretation of our fundamental law, would yet, recognizing the voice coming up from all the South asking for more and better schools, decide finally this question in favor of the broad construction of the Constitution and that their votes would also be given for the bill. I believe that substantially the Senators upon this side do hold to the constitutional power of the Government to make this appropriation, and I have no doubt that a majority of the Senators on the other side will at least take that view and emphasize it by their votes.

But for the last week or more an opposition has sprung up in this Chamber against this bill which I am unable to comprehend. While it does not attack the power of the Government to make the appropriation, it has fought the bill at every step; it has embarrassed it by amendments which, if carried out, would entirely destroy the principle upon which the bill is founded. Many amendments have been proposed for which I can find no other reason than a desire on the part of some of the Senators to substantially break down this bill. I regret this exceedingly. I hold this bill, or at all events the subject of which this bill treats, to be by far the most important question before the American people.

I shall not detain the Senate at this time in going into any extensive discussion of the necessities for this measure. They are admitted by all. The bill proposes to meet the great danger which threatens our institutions from a vast mass of illiteracy found chiefly in one portion of our country. It undertakes to appropriate this large sum of money in such a way that the bulk of it shall be distributed where the bulk of the evil is found. It undertakes to appropriate the money upon the basis of illiteracy.

It may be urged against that that it does not lead to a just and equitable distribution of this fund between the States; but it is believed that it meets all the equities of the case and the necessities of the case, for it is undoubtedly true that in proportion as any State is illiterate just in that proportion is it unable to meet the demands which come upon it for education, because illiteracy is but another name for poverty. If the laboring population of any section of our country are illiterate they are at the same time poor, and at the same time they are inefficient workmen. Increase the education of the laboring classes and you increase in exact proportion the power of the laboring classes to care for themselves and to care for the Government of which they are a part. Therefore if it shall be found under this distribution, to be made under the census of 1880, that there is a large amount of illiteracy in any particular State of this Union, it will also be found that the assessable property of that State has also been diminished by that illiteracy, and that for that reason it is unable to bear the extra burden which comes upon it. I believe that if it be looked at in that light the ground-plan of this bill for the distribution of this money to the States on the basis of the illiteracy of the people will be seen to be as near right as possible.

After the money has been distributed to each individual State and Territory, we then come to another important question, and that is, how the money given to the State shall be distributed within the borders of the State to the various schools and to the children therein taught. This bill, after having taken account of the whole illiteracy of a State in the distribution of the money to the State, when it comes to the distribution of the money in the State itself undertakes to deal only with the children of school age in that State. It can go no farther than this. It can not attempt to educate the citizens of any State who have passed the school age. And, therefore, it is that the amendment of the Senator from Iowa, if it be enacted, would entirely change the plan of the distribution as proposed in this bill. Is it wise to do so? I think not.

What are the provisions of this bill? In section 3 it is provided that—

No money shall be paid out under this act to any State or Territory that shall not have provided by law a system of free common schools for all of its children of school age, without distinction of race or color, either in the raising or distributing of school revenues or in the school facilities afforded.

Before any State can avail itself of any portion of this appropriation it must have complied with those provisions. By that section we require

of each individual State that it shall distribute its public moneys for school purposes in exact proportion to the number of children of school age of either race, white or black. If it fails to provide by law for doing that, then it can avail itself of none of the benefits of this act. While we do not undertake to impose laws or regulations on the State, yet we have provided in this bill that their school laws shall be equal and exact and that the money shall be distributed to the children of both races in equal proportions as they shall bear to the whole number of children of the school age.

Then in section 10 we have further provided:

That the moneys distributed under the provisions of this act shall be used only for common schools, not sectarian in character, in the school districts of the several States and Territories, in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child, without distinction of race or color, an equal opportunity for education.

Thus, Mr. President, this bill undertakes to say to the States that if they take this money they must first provide by their laws for an equal distribution of their own school fund which they raise by direct taxation; secondly, it undertakes to say that if a State receives this public money it shall distribute it in like manner to all the children of school age, white or black. What can be more just than that? What other plan can be devised which will so carefully guard the school system of any State than a provision of law that the public moneys shall be distributed throughout the State to the various schools and school districts in exact proportion to the number of children of school age?

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

Mr. MILLER, of New York. Certainly.

Mr. RIDDLEBERGER. I wish to suggest to the Senator from New Hampshire that that phrase "of school age" occurs several times with reference to the State laws, and at other times with reference to the ten and twenty-one years that we find in this bill. I suggest, while I think of it, to the Senator from New Hampshire to look at that and see whether he had not better fix it from ten to twenty-one, or say what he means exactly by "school age," so that there will be no doubt about it.

Mr. BLAIR. There is only one school age spoken of, that is the school age fixed by the State.

Mr. RIDDLEBERGER. I do not propose an amendment; I only make the suggestion for the Senator's consideration.

Mr. BLAIR. I understand.

Mr. MILLER, of New York. Mr. President, I was about to say that the plan laid down in this bill for the distribution of this money is substantially the plan followed to-day in every Northern State, at least, of this Union in the distribution of its public moneys for school purposes. The State of New York raises by direct taxation for its schools a little more than \$3,000,000, and by local taxation in the various school districts and cities, in round numbers, about \$10,000,000 per annum. The \$3,000,000 of the public money raised by public taxation upon all the property of the State is divided among the various schools of the State, chiefly upon the basis of the number of school children that are found within each several school district. Some of it is appropriated in proportion to the number of teachers employed and some other minor considerations, but the chief consideration in the distribution of the public money, I say of every State in this Union, is the number of children of the school age. Now, if we attempt to lay down any other plan in the distribution of this money, we shall bring into confusion the school systems of all the States of this Union, North and South, for I do not believe that if this bill shall pass there is a single State in the Union that will refuse to receive its quota or that will fail to bring itself under the law. Although we may not need it in the North, although we may be able to carry on our schools without Federal aid, yet the State of New York has never refused any aid coming from any source for the support of its schools, and I have no doubt that whatever proportion of public money under this bill may come to that State will be received and properly distributed. But to-day it distributes its public money under the plan which I have mentioned. If another plan shall be laid down in this bill, then certainly great changes will be necessary in the school laws of nearly all, if not all, the States of this Union.

The vast amount of illiteracy in the South, and particularly among the colored race, has led many of the humanitarians of our country to study this question long and carefully and to devise and propose many remedies for the cure of the evil. Soon after the war it was proposed that special aid should be asked from the Federal Government for the education of the colored people alone; and through the Freedmen's Bureau for awhile the Federal Government undertook to do something in that direction, but thus dealing with one race alone it was found a failure and was abandoned. Private individuals have given a portion of their wealth for this cause, and the Christian churches of the North have raised vast sums of money and have expended them for the education of the colored race in the South. Against that I have no word to say; I have approved of it all. But when the Federal Government comes to act, the Government which acts for all the people alike, certainly it seems to me that it ought to be our endeavor here to rather

abolish and obliterate all distinctions of race and color and to seek to mold into one homogeneous mass all our people, North and South.

If the amendment of the Senator from Iowa [Mr. ALLISON] should prevail what would be the condition of affairs in the South? This amendment reads—

And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

The Senator made an efficient argument in support of this amendment. I have no doubt he is sincere in believing it to be wise and just; but before we adopt the amendment we had better pause in the consideration of this bill and abandon it all, for if the amendment shall prevail I believe it will be the beginning of a war of races which neither you nor I nor any of us will see the end of. Under the laws of the Southern States to-day their public moneys are to be distributed equally between the children of the two races in exact proportion to their numbers. If it has happened thus far that the white race has been better educated in the South than the colored race, and if that still be true, it comes not because of any fault of the law; it may come because of a failure to properly execute it; but I would suggest to my friends on this side that it may come largely from the same reasons which, prevailing in the North, always lead to this condition of affairs—that the children of poor parents in the North are, as a rule, more illiterate than the children of the rich people; that the children of the poor people in the North, although there is an abundance of free schools in their neighborhood, sometimes find it necessary to labor for the support of their parents, and thus are deprived of the advantages of the schools which are in their immediate vicinity. Undoubtedly in the Southern country the colored children, who are scattered over the whole vast territory upon plantations and farms, and who are early put to work, do not find it possible to avail themselves of the advantages of education which come to the children of the owners of the soil, which come to the children of the white people who largely live in the cities and towns and thereby have better means of education.

I hope and believe that the difference which is found in the South between the illiteracy of colored children and of white children is due to the circumstances that I have mentioned, rather than to any disposition upon the part of the governing classes of the South, for the governments of all the Southern States are now absolutely in the hands of the white people—I say I hope and believe that is due rather to these circumstances than to any indisposition upon the part of the whites of the South to afford equal educational privileges to the children of the colored race.

But if there shall be found anywhere in the South a disposition upon the part of some of its people to deprive the colored children of their fair share of the public moneys, if it has been so in the past, I believe that this measure and the interest which this measure will create in every county, in every parish, and in every school district in the South will do very much to remove that trouble, and will do very much to improve the education of the colored children.

However, if we shall say by this measure that the money shall be distributed not in proportion to the number of school children of each race, but in proportion to the illiteracy of all the children of each race, then it will undoubtedly result in giving in round numbers about \$3 of this fund to every colored child of the South to \$1 to every white child of the South, and it will undoubtedly bring about a condition of feeling upon the part of the people of that section which will be anything in my judgment but conducive to the welfare of the country or to the education of all the people.

We might as well, I say, entirely abandon this bill and make a direct appropriation of so much money to be distributed absolutely to colored schools and none others, for if the principle of the amendment as I have stated it be correct, or approaches correctness, then it would certainly be better and wiser to distribute none of this fund whatever among the white schools, but to give it all to the colored schools. For one I trust that that will not be done. As the provisions of the bill now stand, the plan upon which it is based is in my judgment the only correct plan upon which we can distribute the public fund for this purpose; and rather than see this amendment prevail, bringing this degree of uncertainty into the operations of all our school laws in each State, fearing also that it would bring about a race hatred and a race war in the South, I would prefer to see the measure fail entirely. I have confidence enough in the American citizen of all portions of our country to believe that the measure will be substantially executed not only in accordance with its letter but with its spirit, and that our fellow-citizens of the South will see to it, so far as they are able, that equal school privileges shall be given to all their children of school age, without distinction of race or color.

If I did not believe that I would not be willing to vote a single dollar for this purpose. Believing it, I am willing to vote enough of the public money to make such a beginning in this matter that the Southern States shall be so lifted out of their darkness and illiteracy that when this \$77,000,000 shall have been distributed such a public spirit

will have been created in the South that from that time on they will be able to go on with their common-school system perfected, and carry it to complete perfection, as we have done at the North.

I trust, then, that the friends of this bill will not attempt to destroy it by changing its plan; but if it can be made more certain in its operations, if anything can be added to it in the line in which I have spoken, in the distribution of the fund, I shall for one gladly welcome such amendments. Thus far I have seen none which in any way add to the bill, but all of them now pending will substantially, I believe, if adopted, do very much to destroy the efficiency of the bill and take away very much from the benefits which are expected to accrue.

Mr. HALE. There are several Senators who, I believe, desire to speak upon the pending amendment, and if any Senator at this late hour desires to take the floor I shall not make the motion which I rose to make.

Mr. RIDDLEBERGER. Mr. President, I have a peculiar interest in this educational bill, and I shall not detain the Senate three minutes in expressing my opposition to the amendment of the Senator from Iowa.

If I had but one appeal to make to those who pretend to be friends of the colored people of the South, leaving out the white people entirely, I would simply say, never endeavor to make a race distinction in the matter of education.

I have considered this amendment in connection with the bill; I have asked the judgment of gentlemen in whom I have confidence, and I do find, according to all the judgment that I have obtained, according to the best opinion that I can make up, that it discriminates between the white people and the colored people of the South. It discriminates in favor of the colored people; and the moment that the Federal Government undertakes to do that it will justify what States may do, and what some have done.

These are the only remarks, sir, that I wish to make. I hope there will be no discrimination in the bill. Let this fund go to the States, and let it be distributed not according to color, but as the bill itself now provides, according to the illiteracy found in the States.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

Mr. BLAIR. I hope that motion will not be pressed at this time, and that it will not prevail if it is pressed, because it is very necessary that we should get on with the bill to-morrow.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is agreeing to the motion of the Senator from Maine, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BUTLER (by request) introduced a bill (S. 1649) for the relief of William M. Bryant, of Washington city, D. C.; which was read twice by its title, and referred to the Committee on Patents.

Mr. DOLPH introduced a bill (S. 1650) to provide for the establishment of a port of entry at Semiahmoo, in the Territory of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McPHERSON introduced a bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of New York, introduced a bill (S. 1652) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Executive nominations received the 26th day of February, 1886.

ASSISTANT UNITED STATES TREASURER.

William Wayland Sutton, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio, to correct error in name.

JUSTICE OF THE PEACE.

Luke C. Strider, of the District of Columbia, to be a justice of the peace within and for the said District, *vice* Hillman A. Hall, resigned.

POSTMASTERS.

Chester Johnson, at Thompsonville, Hartford County, Connecticut, *vice* Agnes Stewart, commission expired.

Gustavus Schuasse, at Rapid City, Pennington County, Dakota, *vice* John R. Brennan, resigned.

Edward P. King, at Hawkinsville, Pulaski County, Georgia, *vice* H. H. Whitfield, deceased.

Frank Chapman, at Fenton, Genesee County, Michigan, *vice* Dexter Horton, commission expired.

Mary Houston Gillespie, at Aberdeen, Monroe County, Mississippi, *vice* James W. Lee, resigned.

Thomas W. Poindexter, at Dillon, Beaver Head County, Montana, *vice* John T. Yoe, resigned.

Frank Kneidler, at Phillipsburgh, Warren County, New Jersey, *vice* John J. B. Reiley, whose commission expired February 6, 1886.

James P. Lowell, at Waynesborough, Franklin County, Pennsylvania, *vice* George Middom, commission expired.

Edward H. Lucas, at Florence, Darlington County, South Carolina, *vice* Joshua E. Wilson, resigned.

Thomas E. Haynes, at Franklin Williamson County, Tennessee, *vice* Charles S. Moss, commission expired.

George R. Guernsey, at Windsor, Windsor County, Vermont, *vice* Uriel L. Comings, commission expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 23, 1886.

NAVAL OFFICER OF CUSTOMS.

Henry P. Kernochan, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana.

SURVEYORS-GENERAL.

Richard P. Hammond, jr., of San Francisco, Cal., to be surveyor-general of California.

Benjamin H. Greene, of New Orleans, La., to be surveyor-general of Montana.

RECEIVER OF PUBLIC MONEYS.

Henri W. Young, of Independence, Kans., to be receiver of public moneys at Independence, Kans.

POSTMASTERS.

William G. McCarty, to be postmaster at Jefferson City, county of Cole, Missouri.

W. F. Dyer, at Austin, Lander County, Nevada.

William Perkins, at Winnemucca, Humboldt County, Nevada.

Executive nomination confirmed by the Senate, February 26, 1886.

ASSISTANT TREASURER OF THE UNITED STATES.

William Wayland Sutton, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 26, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. Milburn, D. D.

The Journal of the proceedings of yesterday was read and approved.

PRINTING AND BINDING FOR DEPARTMENT OF STATE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State of an appropriation for printing and binding for the Department of State for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CLERICAL FORCE, INDIAN OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an amended estimate from the Secretary of the Interior of an appropriation for clerical force in the Indian Office for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

HUMBOLDT HARBOR, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board recommending an appropriation for the removal of the light-house at the entrance to Humboldt Harbor, California, and for the purchase of a new site; which was referred to the Committee on Commerce, and ordered to be printed.

APPROPRIATION FOR UNITED STATES MINT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Director of the Mint recommending an increase in the estimate of an appropriation for workmen for the next fiscal year from \$150,000 to \$170,000; which was referred to the Committee on Appropriations, and ordered to be printed.

WATER-TANK, FREEDMAN'S HOSPITAL, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary