Also, petition of R. D. Wallace and 60 others, of Mississippi, against same measure—to the Committee on Agriculture.

Also, petition of Thomas Block and 45 others, of Mississippi, against same measure—to the Committee on Agriculture.

By Mr. NIEDRINGHAUS: Protest of 257 employés of Samuel Cuffles Wooden-Ware Company, of St. Louis, Mo., against taxing compound lard as contemplated in the Conger bill—to the Committee on Agriculture.

Also, protest of 47 employés of Haydock Carriage Manufacturing Company, of St. Louis, Mo., against same measure—to the Committee on Agriculture.

Also, protest of 31 employés of Deidrick Furniture Company, of St. Louis, Mo., against same measure—to the Committee on Agriculture.

Also, protest of 74 employés of James Hafner Manufacturing Company, of St. Louis, Mo., against same measure—to the Committee on Agriculture.

Also, protest of 60 employés of Faltman & Miller's planing mill, against same measure—to the Committee on Agriculture.

By Mr. PERKINS: Petition of E. L. Browne and 48 others, residents of Socorro, N. Mex., asking for the passage of the Perkins bill providing for a free-school system in New Mexico—to the Committee on the Territories.

By Mr. TAYLOR, of Illinois: Memorials, petitions, indorsements, and reports from the Chamber of Commerce of Chicago and other leading Western and Southern cities, for the establishment of a first-class steam-ship mail service from Tampa., Fla., to Aspinwall, Central America—to the Committee on the Post-Office and Post-Roads.

By Mr. TURNER, of Georgia: Petition of F. E. Young, president, and 43 others, citizens of Brooks County, Georgia, for the passage of House bill 8645 or some similar measure—to the Committee on Agriculture.

Also, petition of R. T. Kendrick, president, and 10 others, members of Allapaha Alliance, of Berrien County, Georgia, for same measure—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *August* 6, 1890.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of the Young Men's Democratic Club of Cincinnati, Ohio, remonstrating against the passage of the Lodge election bill; which was referred to the Committee on Privileges and Elections.

Mr. BLAIR presented a petition of the Mountain Lake Park Woman's Christian Temperance Union Interstate Conference, of Jolly, Ohio, praying that the world's fair be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. ALLEN presented a petition of the Bankers' Association, of Spokane Falls, Wash., praying for the enactment of laws by Congress calculated to strengthen and perpetuate the national-banking system; which was referred to the Committee on Finance.

Mr. COCKRELL presented the memorial of Henry S. Chase, of St. Louis, Mo., remonstrating against the passage of what is known as the lottery bill; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 2431) granting a pension to Mary H. Curtis; and

A bill (S. 4209) granting a pension to Henry W. Haley.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 1906) granting a pension to Levi H. Naron, reported it without amendment, and submitted a report thereon.

Mr. MCMILLAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3941) granting leaves of absence to clerks and employés in first and second class post-offices, reported it with amendments, and submitted a report thereon.

LAND OFFICES IN MONTANA.

Mr. PLUMB. In a bill which has become a law, establishing a land district in Montana, the name of the place at which one of the offices was established was misspelled, and in the construction put upon the law by the Secretary of the Interior, the office can not be opened for the transaction of public business until after the matter is corrected. The House of Representatives passed a joint resolution for that purpose which yesterday was referred to the Committee on Public Lands. I rise now to ask unanimous consent that that committee be discharged from its further consideration, and that the joint resolution be now passed.

The PRESIDENT *pro tempore*. The joint resolution will be reported by title.

The SECRETARY. A joint resolution (H. Res. 209) to amend the "act to establish two additional land offices in the State of Montana," approved April 1, 1890.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the Committee on Public Lands may be discharged from the further consideration of this resolution. Is there objection? The Chair hears none. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which proposes to change the spelling of a name in the act of April 1, 1890, from "Lewiston" to "Lewistown."

The joint resolution was reported to the Senate without amendment, and ordered to a third reading.

Mr. COCKRELL. I should like to have the Senator in charge of the joint resolution explain exactly what the condition is.

Mr. PLUMB. The original bill was a House bill, and the error occurred in the House. The Senate had no knowledge that the name was not spelt correctly, and could not have, in the ordinary course.

Mr. COCKRELL. The Senate passed the bill as it came from the House?

Mr. PLUMB. Precisely.

Mr. COCKRELL. That shows the deliberation there!

The joint resolution was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1741) granting increase of pension to James H. Showalter.

The message also announced that the House had passed the joint resolution (S. R. 111) to permit the Secretary of the Treasury to sign consent for a cable railway in front of the New York post-office and army building.

The message further announced that the House had passed a bill (H. R. 11491) for the relief of the estate of Charles F. Bowers; in which it requested the concurrence of the Senate.

BILLS INTRODUCED.

Mr. GIBSON introduced a bill (S. 4312) to provide American registers for the steamers Stroma and Marco Aurelia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 4313) granting an increase of pension to Stephen D. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 4314) granting a pension to Elizabeth Maurer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4315) granting a pension to Ellen M. Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BATE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PIERCE and Mr. FRYE submitted amendments intended to be proposed by them, respectively, to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PENSIONS OF RETIRED OFFICERS.

Mr. COCKRELL. I ask for the present consideration of the resolution which I send to the desk, requesting some information which I think of importance.

The PRESIDING OFFICER (Mr. BERRY in the chair). The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior is hereby directed to furnish to the Senate, at earliest date possible, a statement showing the names of all officers of the Army, Navy, and Marine Corps who are on the retired-list and are now drawing pensions, with the dates of allowance, the rate per month, and the law under which granted.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. COCKRELL. The resolution simply calls for a list of the names of officers of the Army and Navy and Marine Corps who are, in addition to their retired pay, drawing pensions. I have just got information by a circular of a claim agent sent out that there is a large number of such persons, and I should like to know the facts.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE REVENUE BILL.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. ALDRICH. I move that the Senate proceed to the consideration of House bill 9416.

The PRESIDENT *pro tempore*. If there be no further morning business that order is closed. The Calendar under Rule VIII being in order, the Senator from Rhode Island moves that the Senate proceed to the consideration of the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending amendment, moved by the Senator from Alabama [Mr. MORGAN], will be stated as modified.

The CHIEF CLERK. On page 24, paragraph 127, line 12, after the word "ore," insert "containing more than five one-hundredths of 1 per cent. of phosphorus or phosphoric acid, and;" so as to read:

127. Iron ore, containing more than five-one-hundredths of 1 per cent. of phosphorus or phosphoric acid, and including manganiferous iron ore, also the dross or residuum from burnt pyrites, 75 cents per ton.

Mr. GORMAN. Mr. President, the consideration of this item of iron ore is practically the key to the whole metal schedule. The rate of duty that is to be levied upon this article controls to a very large extent the cost of the production of all iron and steel. Therefore, it is proper that it should have very full consideration.

Mr. SPOONER. If the Senator will allow me to interrupt him for a moment, I desire to call his attention to the fact that we can not hear him.

Mr. GORMAN. I shall endeavor to speak louder.

Mr. SPOONER. I do not impute it entirely to the Senator by any means, but somewhat to the confusion in the Chamber. For one, I should be glad to hear what the Senator says on this subject.

Mr. GORMAN. I was saying that this is probably the most important schedule in the bill, and this one item that we are now considering, of iron ore, is the key to the entire schedule. So far as a large portion of the country is concerned, I mean that portion east of the Alleghanies, the price of all metals will be largely determined by the rate of duty that is imposed upon iron ore. Therefore it ought to have the most thorough and complete consideration of the Senate, and I do trust (although I fear it will not be so) that in the determination of the rate of duty to be placed upon this article it may be considered and determined by the facts in the case, and not because of party lines.

Mr. President, I was proceeding yesterday when the Senate adjourned to give the testimony of a gentleman who is thoroughly familiar with the trade, whose statements have been made public. Ample opportunity has been given to refute his statements, but it is impossible for any one to deny their accuracy or break the force of what he has said. The testimony that I refer to is from Maj. L. S. Bent, who is now president and for many years has been the manager and controlling spirit of the Pennsylvania Steel Company at Steelton, Pa.

The product of that great establishment at Steelton in Pennsylvania in 1868 was 1,005 gross tons of steel. In 1878 it produced the first rails, aggregating 2,221 tons. That company, over which Major Bent presides, was organized in 1865 with a capital of only $200,000. It has increased now to $3,000,000, and its present plant is worth $4,500,000. Its product now reaches 250,000 tons per annum.

I give these figures to show that Major Bent has had large experience and is one of the most successful manufacturers in the United States. As I said yesterday, he is a protectionist. He desires fair and moderate protection, and he presides over works of the magnitude which I have just described. In addition to that, they are doubling the plant, as I yesterday stated, in the harbor of Baltimore. Major Bent goes on to say in this statement:

"Yes, sir," he continued, "I mean exactly what I say."

Referring to the statement he had previously made which I read yesterday:

Give me free ore and I will sell pig-iron in Liverpool and send steel rails to London.

THE IRON TRADE NEEDS FREE ORE.

"Yes, sir," continued Major Bent, "I mean exactly what I say. In our business, for which it is supposed a protective tariff is most especially devised, the demand for free raw material must be met, and we are quite prepared for all the reduction in tariff duties on manufactured products that an accession to this demand logically carries with it. For the first time within the experience of those now engaged in the iron and steel business this country is thrown entirely upon its own resources of production to supply the demand for these articles. This new and entirely unexpected condition of affairs has been suddenly thrust upon the country after a long depression of these industries. One of the principal causes which has brought about this condition of affairs is the state of the business in Europe. Not only have prices of iron and steel there advanced to a point where exportation to this country is prohibited, but they have come up abreast, and in some specialties have advanced beyond those ruling on this side of the water. To show that these prices are not speculative, here is a late market report from London:

"'Steel rails—No further change in prices, but demand active and market strong. Heavy sections quoted at £6 10s., equal to $35 free on board, shipping points. Bessemer pig—large business done. Prices still further advanced and strong at 77s., equal to $10.25 free on board. These are American prices.' This is an anomalous condition of affairs, and though it presumably can not long continue, that it has actually occurred is one of the striking events of the time. The causes which have contributed to these rapid advances, if we may except a limited factor of speculation, in my opinion, are there to stay. They are, first, the scarcity of material, such as fuel and ore; these are approaching exhaustion in England, and there is a continued increase in the cost of mining. Secondly, manufacturers abroad have to meet the labor problem. Wages there are at no distant day destined to equal wages here."

"What would be the result of equalizing the wages?"

"I believe that we would have an advantage, because of the greater productive power of American labor. There can be no doubt that this exists. There is a radical difference between the character of the American and of the foreign workingman. A 10 per cent. advance in wages in our industrial establishments means, as a rule, 10 per cent. of saving, which is made in itself productive by the employé, and an increased effort on his part to get in more hours and produce more tons, thereby increasing the net saving to himself as well as to his employer. On the other side the rule is quite different. Neither the condition, the habits, nor the prospects of the workingman make the saving of money an objective point to the English laborer. Ten per cent. advance in wages means to him 10 per cent. more leisure, or a corresponding reduction of work.

PRESENT PRICES ARE NOT SPECULATIVE.

"Is not the present upward movement the result of speculation?"

"On the contrary, there is an entire absence of speculation in iron and steel, for the simple reason that there is nothing in sight to speculate on. Everything indicates, to my mind, that the present stiff prices abroad will continue to give American manufacturers their present advantages, and in that way they might now be in a position to compete for the markets of the world if they were freed from the disadvantages laid upon them by the tariff on raw materials."

"Why do you think the present high prices are likely to continue?"

"If you ask a manufacturer for his product for future delivery, while he will name a price quite within the limit, he will likely add that he has none to sell. The person who is now in most demand is the one who has something to sell, and this is at the very beginning of the upward movement. The surplus resources which were hanging heavily on our hands three months ago are already nearly consumed. The unlimited supply of raw materials, of which we never tire boasting, is in the hills and mountains.

"The furnaces that are to put it into merchantable shape are unbuilt. The transportation lines of the country are completely overwhelmed with business. There is scarcely sufficient motive power and transportation facilities to take care of the present business. There are thousands of tons of fuel for manufacturers lying at the mines and ovens for the want of cars to take them to idle furnaces. True it is that some small and badly located establishments have gone out; but they have gone out forever because of changed conditions and because of the irreversible tendency toward the consolidation of manufacturing industries in large establishments. The advance of to-day has not been so marked or rapid and the prices have not gone so high as in 1879; but in that year the rise of prices began in the United States and was followed somewhat later by an advance abroad, based entirely on the American markets.

"Our market held prices up, and when it broke the whole came down with a crash; but now the conditions are reversed. This country can not be flooded with foreign manufactures. Importations have been growing rapidly less; Europe has deserted the markets of South America and the tropics, as well as the provinces, so that not only are we freed from the rivalry of importations, but new markets have been opened which are looking, and will continue to look, to this country for their supplies. With this prospect for a large business opening to our furnaces and mines, with advancing prices reaching far into the future, it is the manifest duty of Congress to really 'protect' American industries by relieving its raw material of the burdens now laid upon it."

IT IS A CONDITION, NOT A THEORY.

"How would you apply this to your own business?"

"I do not want to be understood as speaking from a purely selfish standpoint. Whether or not a protective tariff has built up such industries as ours is not so much of a practical question as what is the proper policy to be pursued in the present and for the future. It is literally 'a condition, not a theory, that confronts us.' When the great works at Sparrow Point shall be in full operation the Pennsylvania Steel Company must import 1,000,000 tons of Bessemer ore per annum. To restrict us to the home supply is utterly impracticable; there are no ores to be had at home such as are needed for our purposes. We would have to go thousands of miles into the interior for them. To raise the duties on this ore to such a point as to 'protect' the American mines and miners from Cuba and Mediterranean Bessemer ores would simply be to close all our works, put out our furnaces, throw tens of thousands of workingmen out of employment, and render unproductive tens of millions of capital.

"Even at the present rate of duty we have to pay $750,000 per year tariff tax. This must either come off the wages of American workingmen or off the profits of American manufacturers. This means $1.50 impost on every ton of our product, and a handicap of that amount upon us in our competition with foreign manufacturers for whatever distance that $1.50 would carry our products into the world's markets farther than they now go. Two-thirds of our product is shipped to seaboard points to be distributed either to foreign countries or along the coast from Boston to New Orleans. All the leading railroads have seaboard terminals. With a view to that consideration we planted our new works on the water, and we believe the best way to restore American commerce is to build up such establishments by the seaboard. The whole tendency in the past is to drive the business of iron and steel manufacture from the seaboard toward the West, making the charges of transportation, even when exportation becomes practicable, so heavy as to put the American manufacturer at a great disadvantage. Even the ships that we build have to be brought to the seaboard—that is, the materials for them—from far inland. My theory is that if the Government should remove the present duty on ore it would be vastly conducive to the building up of industrial establishments on the seaboard. The iron manufacturers of the West can find their market in the West. They will have, as they ought to have, the advantage of home ores at their own door; and these will always have the advantage of railroad transportation over foreign ores admitted free of duty."

Mr. President, that is a very remarkable and strong statement, as I said, from one of the most active and ingenious men in this country.

Mr. PLATT. If it does not interrupt the Senator, I should like to ask a question in order to get information. I could not hear exactly all that he read. Do I understand that Mr. Bent says that they can pay the tariff duty on the imported ore and make the pig-iron so that they can sell it for the same price that it is sold for in England?

Mr. GORMAN. I say they can get the Bessemer ores from the Mediterranean and from Cuba, and that will enable the people engaged in this great work in Baltimore to sell rails in London. I will give Mr. Bent's exact language:

Give me free ore and I will sell pig-iron in Liverpool and steel rails in London.

Mr. PLATT. And he says that now, paying the duty on the ore, he can sell the iron in this country at English prices, as I understand.

Mr. GORMAN. Yes, sir; that is to say, the value of steel rails free on board in England is precisely the same as our manufacturers sell steel rails for to the railroads of this country. There is not to-day a manufacturer of steel rails in the country who would not agree to de-

liver them to any railroad company at the same price that they can buy the English rails free on board at Liverpool.

Mr. ALDRICH. Is the Senator now speaking in regard to present prices?

Mr. GORMAN. I am speaking of the prices within a very short time.

Mr. ALDRICH. I think the Senator will be obliged to revise his figures and quotations on English rails to-day.

Mr. GORMAN. I do not know what the prices are to-day, but they have been as I have stated within a short time to my certain knowledge.

Mr. ALDRICH. I will get the present quotations. There has been, I think, a decline of about $11 a ton.

Mr. GORMAN. It is possible—that is to say, I have not looked at it since last November——

Mr. ALDRICH. There has been a very great change in the prices since then. I think the English price is now about $1 a ton.

Mr. GORMAN. It is very possible, in view of the legislation now pending, that there has been an advance all along the line.

Mr. ALDRICH. There has been no advance here, but there has been a decline upon the other side of about $12 per ton. I am merely stating from memory.

Mr. PLUMB. Since when has that decline occurred?

Mr. ALDRICH. Since last November or December.

Mr. PLUMB. I think the last quotations I saw on English rails were certainly not over $27. I will take the opportunity to observe that a decline of $12 on rails would be one of the most remarkable things known in the history of any country.

Mr. ALDRICH. I am not speaking of prices here.

Mr. PLUMB. They have been selling in England within the last year, certainly up to within the last two or three months, if I have not misobserved the quotations, at about the American price, and the American price has fluctuated from $28 to $30 a ton and the English price has been about $27 or $28 a ton, as I understand, all along there. Certainly the difference has not been enough to pay the freight across the Atlantic.

Mr. GORMAN. My friend from Missouri [Mr. VEST] has kindly called my attention to a statement which will be found on page 1148 of the hearings before the Committee on Ways and Means of the present Congress, in which the prices are given from 1867 down to February, 1890, and from that it appears that the average price in currency in the United States of steel rails was $25.

Mr. PLUMB. During what period?

Mr. GORMAN. February, 1890. In February, 1890, the price in gold—and it is practically the same, for our currency is equal to gold—free on board at British ports, was $35 a ton.

Mr. CULLOM. As I understand it, along there from November, during the winter, the price of rails went up in England and in this country also; they were practically at the same price for a number of months.

Mr. PLUMB. They have varied. They have been along within two or three dollars of each other within a year, and sometimes no doubt come in together. It is a notorious fact that the cost of iron-making in England has increased, and that as far as anything in the future can be foretold that increase is bound to continue as the mines of coal and iron become deeper and consequently more expensive to work.

Mr. ALDRICH. I have the American and English quotations here now.

Mr. GORMAN. What are they?

Mr. ALDRICH. On the 23d of July, which is the last date I have, the English price was £5, and the price of American rails was $31.50 to $32.

Mr. GORMAN. What is the English price?

Mr. ALDRICH. Five pounds.

Mr. GORMAN. I understand the Senator to say that this was in July?

Mr. ALDRICH. July 23d. I think the prices have declined somewhat since this quotation.

Mr. GORMAN. During the absence of the Senator from Rhode Island I read from page 1148 of the hearings before the Ways and Means Committee, where it was stated that in February, 1890, the price in this country was $35 a ton, and free on board at British ports $35 a ton, so that they were exactly the same. Now they vary a little, but a few dollars makes but a slight difference. If we had five, six, seven, eight, or ten dollars a ton tax upon the foreign product, it would cover the discrepancy at any time. Now I give the figures.

In 1883 the production in gross tons in the United States was 1,148,709. The average price in currency during that year was $37.75 per ton. During the same year the price free on board in gold at British ports was $22.72. In 1885 the production in gross tons in this country of steel rails was only 959,471 tons, and the price had decreased to $28.50 a ton. The British price free on shipboard during the same year was $23.11 a ton. In 1886 the British price had run down to $18.70 a ton and the American price had run up to $34.50 a ton. In 1888 the American price was $29.83 and the British price $24.57 a ton. So it varies from year to year; but never since 1883 has there been an hour that $10 a ton would not have been ample protection to the American industry.

Mr. JONES, of Arkansas. In this connection, if the Senator from Maryland will permit me, I wish to call attention to the report made by the Commissioner of Labor and to the actual cost of steel rails in British mills, in mills in continental Europe, and in the United States. There are only two mills in the United States reported, in continental Europe there are six, and in Great Britain there are two. The total cost in the American mills, including everything paid by the manufacturers of steel rails for their material and the labor—the total cost to them, not taking into consideration the market price and what they ask for their production, was $24.79 in one American mill and $27.68 in the other. It was $19.57 in the first European mill, $22.18 in the next, $25.65 in the next, $23.12 in the next, $23.19 in the next, $23.74 in the next, and $27.02 in the next, while in Great Britain the cost was $21.90 in the first mill and $18.58 in the other.

Now, here is the actual cost given by the steel-rail producers in continental Europe, Great Britain, and the United States, and what it costs these people to turn these rails out, and this includes everything, and confirms strongly the position taken by the Senator from Maryland.

Mr. GORMAN. I have no doubt the statement can not be successfully contradicted. As I understand, the average there shows a difference of only about $5 in the actual cost.

Mr. JONES, of Arkansas. It is not $5 in any case.

Mr. GORMAN. Not $5?

Mr. JONES, of Arkansas. Not $5 in any case. Twenty-four dollars and seventy-nine cents is the lowest in any American mill, and the very lowest in any European mill is $19.57, while in Great Britain the lowest is $18.58. On the continent of Europe the cost is about $23.75, a difference of about $2.50 a ton.

Mr. GORMAN. I am indebted to the Senator from Arkansas for the statement he has made.

Major Bent made another statement practically in the same line and to the same point, but expressed a little differently, and I shall read that.

Mr. GIBSON. I should like the Senator from Maryland to yield to me that I may quote further from the preliminary report on the "cost of production" as to the cost of material and labor of producing steel rails between the manufacturers in this country and the manufacturers in Europe. The cost of material for the manufacture in the United States was $21.10 and $25.11; on the continent of Europe, $17.67, $18.06, $18.06, $18.23, $18.10, $18.66, $23.42; and in Great Britain, $18.05 and $16.39. The cost of labor in the United States is given at $1.54 and $1.38; on the continent of Europe, $1.04, $2.51, $4.64, $2.58, $2.68, $2.97, $2.01; and in Great Britain, $2.54 and $1.36.

Mr. FRYE. It would be valuable to know which one of those statisticians is right. They vary from three to five dollars a ton.

Mr. GIBSON. We were quoting from the same statistician, Mr. Carroll D. Wright's preliminary report in respect of the cost of these productions on the Continent, in Great Britain, and in the United States.

Mr. JONES, of Arkansas. The Senator from Louisiana was giving the cost of material and labor and I was giving the cost of the rails.

Mr. GIBSON. I have given the cost of material and the cost of labor, and those added together give the total cost.

Mr. FRYE. Here is a very singular thing if these statistics be coraect. They make the cost in continental Europe considerably greater than the cost in England, and yet continental Europe to-day is seizing the English market. Belgium and Germany are both seizing the English market, and yet by these statistics the cost of steel rails in continental Europe is considerably larger than in England.

Mr. JONES, of Arkansas. On what does the Senator make that statement? There is nothing certainly in the table to justify it.

Mr. FRYE. To justify what?

Mr. JONES, of Arkansas. That statement that the cost of material is greater in continental Europe than in the United States.

Mr. FRYE. I did not say anything about the United States. I say the statistics given by the two Senators show that the cost of making steel rails on the continent of Europe is higher than the cost in England, and yet the fact is that continental Europe is to-day seizing the English market on steel rails.

Mr. JONES, of Arkansas. Mr. Wright makes no statement about the seizing of that market. I know nothing about that.

Mr. GIBSON. The Senator from Maine has furnished no statistics himself to show that the continent of Europe is furnishing steel rails in the markets of Great Britain.

Mr. FRYE. I can not furnish the statistics, because I was not expecting anything of the kind to come up; but I know as a matter of fact that the English complain that the English iron market is being seized by manufacturers on the continent.

Mr. GIBSON. That is the complaint in regard to everything not produced in England.

Mr. FRYE. The statement is made that the continent of Europe is supplying the English market with steel rails

Mr. GIBSON. These figures are taken from the Preliminary Report on the Cost of Production, which was sent to the Senate the other day by Carroll D. Wright, the national Commissioner of Labor, showing the cost of material and labor and the total cost of steel rails in Great Britain, in the continent of Europe, and in the United States.

Mr. GORMAN. Mr. President, aside from this controversy as to the condition of affairs of the other side, I am treating this case and hope to have it considered purely upon the facts in view of the interests of my own country. There can not be any question that until within the last few days, owing to the consideration of this bill probably, the markets all over the world have been disturbed because of the extraordinary features of this bill we are now considering, which are more radical than were ever known by civilized man. And I have no doubt it has disturbed values and business everywhere. I have no doubt the statement read by the Senator from Rhode Island is true; that there has been a decrease in prices elsewhere from that cause, and possibly from other causes, for I desire to be entirely fair; and the condition of labor enters into all these things and causes a fluctuation in the price.

Mr. ALDRICH. I suppose the Senator from Maryland is as well aware as any member of the Senate that the price of steel rails in Great Britain which he quoted a few moments ago was an abnormal and exceptional price, that the great boom which took place in the iron business in Great Britain last year was entirely speculative and prices were forced up far beyond their natural level; but they are very fast receding to that point.

Mr. GORMAN. I do not admit and I do not think that the statistics will confirm the Senator in that statement. There have been fluctuations there as in the iron trade all over the world; that is but the history of the trade; but taking the average from 1883 until now there can not be any question that the increase of cost in England of the production of steel rails and of iron and all of its manufactures is constantly going on. There are sound reasons why that should be so. They are diving into the earth hundreds and thousands of feet below where they were compelled to go heretofore in order to raise the coal, and the cost of obtaining coal in England has immensely increased. The Senator from Pennsylvania [Mr. CAMERON] says to me, which is true, that they are getting their ores from Spain and Cuba and that they are getting free ore without duty charge. They find it absolutely necessary to do that to continue the manufacture of steel in competition with this country.

Now I will read an authority which I know my friends on the other side will not question, the foremost manufacturer in the country and a member of the Republican party. I refer to Mr. Carnegie. He is good authority. In December last, at Boston, he spoke to those good people over there who are interested in manufacturing industries. In that speech he said:

> In 1887 America manufactured 3,339,000 tons of steel, as against Great Britain's 3,170,000 tons. In iron, Great Britain manufactured only 1,711,000 tons, while in the Republic the product was 2,308,000 tons. But the most extraordinary development has been in steel rails. We make about 2 tons for every ton made in England.
>
> "The progress of steel-rail manufacture seems to have been wonderfully rapid?"
>
> Nothing like it in the world. Eighteen hundred and seventy-two was the first year in which America made 100,000 tons of steel; fifteen years later, in 1887, she made more than thirty times that amount. This is not an isolated illustration of our progress. In 1867 only 2,550 tons of steel rails were made in America; in 1887—twenty years later—we made 2,354,000 tons.
>
> "Are our steel rails cheaper than the English product?"
>
> The price of steel rails to-day is fully as great in London as in New York. Not a cent of duty on steel rails is paid by the American consumer.

He was bound to add that. But the fact was that the prices here and abroad were identical as late as February. Now, if the market has been disturbed it comes from the various causes which enter into the manufacture of iron from the very beginning. These waves sweep over every market.

Mr. PLUMB. Diamonds, in order to show to advantage, ought to be strung together. I will ask the Senator if he has any objection to my reading another statement of Mr. Carnegie which relates to this general subject, published over his own signature in the North American Review for June, 1889?

Mr. GORMAN. I yield to the Senator with pleasure.

Mr. PLUMB. The article is entitled "Wealth"—too long to read in full, but this paragraph occurs in it:

> If we consider what results flow from the Cooper Institute, for instance, to the best portion of the race in New York not possessed of means, and compare these with those which would have arisen for the good of the masses from an equal sum distributed by Mr. Cooper in his lifetime in the form of wages, which is the highest form of distribution, being for work done and not for charity, we can form some estimate of the possibilities for the improvement of the race which lie imbedded in the present law of the accumulation of wealth. Much of this sum, if distributed in small quantities among the people, would have been wasted in the indulgence of appetite, some of it in excess, and it may be doubted whether even the part put to the best use, that of adding to the comforts of the home, would have yielded results for the race, as a race, at all comparable to those which are flowing and are to flow from the Cooper Institute from generation to generation.

The view that Mr. Carnegie takes of his function as an employer of labor and the propriety of giving to the laborer the full amount which he earns is not, I am sorry to say, one which is held by him alone. He thinks that he and not his employés is the proper custodian of the money due them for service rendered. This may impeach Mr. Carnegie as authority on the other subject concerning which the Senator from Maryland has quoted him.

I observed the other day, in the same line, something which rather indicates that some of the people whom Mr. Conkling used to describe as being in the "upper air and solar walk of things"—one of these gentlemen preached a lay sermon a few Sundays ago in Philadelphia, in which he exhorted the brethren to remember that it was ordained from the beginning of things that some people (of whom he was one) should live in fine houses and that some others should live in plain houses; that was the divine order of things, which he commended to the people whom he addressed, and who, I presume, were living in houses not so fine.

Mr. CAMERON. Who was that?

Mr. BUTLER. A gentleman who preaches lay sermons. I think that covers the point.

Mr. GORMAN. Mr. President, I quoted Mr. Carnegie to show that I was not mistaken in the statement I made as regards the price of steel rails here and abroad.

Mr. ALDRICH. Will the Senator allow me at this point to put in the RECORD a statement showing the relative prices in the United States and in Great Britain for a period of years of steel rails, or would he prefer that I should put it in later?

Mr. GORMAN. I prefer that the Senator should put it in later, but I should be very glad to have it put in the RECORD. I will ask that permission myself. However, in discussing this matter, which is a matter of vital importance, I will say, on reflection, that I have not the slightest objection to the insertion being made here, because this is a matter we want to discuss in a business point of view, and I shall be glad to have the Senator insert it here. I want to dispose of this question in the best interests of the country; that is all I desire. Let me ask the Senator by whom the statement was prepared?

Mr. ALDRICH. The secretary of the American Iron and Steel Association, and he gives his authority in each case. The prices of British steel rails at British ports from 1867 to 1878, inclusive, are taken from a statement presented by Mr. H. V. Poor, of Poor's Railway Manual, to the Ways and Means Committee of the House of Representatives in February, 1880; for 1879 the price is an average from Fossick's Chart, an English statistical publication of high standing; and from 1880 to 1890, inclusive, the prices have been averaged from weekly English quotations in the New York Iron Age. As I have stated, the authorities are given in each case and I have never seen any statement anywhere to impeach the correctness of the figure 5 given.

The table referred to is as follows:

Calendar years.	United States.					Great Britain.	
	Production, gross tons.	Imported, gross tons.	Duty.	Average price of gold.	Average price of rails in currency.	Price in gold, f. o. b., British ports.	Cost in currency at American ports.
1867	2,277	145,579	45 per cent. ad valorem.	138	$166.00	$65.70	$135.60
1868	6,451	223,287		140	158.50	61.32	128.68
1869	8,616	279,610		136	132.25	54.99	112.52
1870	30,357	356,387		115	106.75	50.37	87.44
1871	34,152	505,538	$28 per ton from Jan. 1, 1871, to Aug. 1, 1872; $25.20 to Mar. 3, 1875; $28 from that date to July 1, 1883.	112	102.50	54.99	96.31
1872	83,991	133,738		112	112.00	67.64	110.48
1873	115,192	142,474		113	120.50	80.05	122.32
1874	129,414	89,746		112	94.25	68.75	108.58
1875	259,699	16,316		114	68.75	44.28	85.82
1876	368,269	None.		110	59.25	32.12	69.43
1877	385,865	31		105	45.50	29.20	63.21
1878	491,427	9		102	42.25	25.55	57.68
1879	610,682	22,372		100	48.25	26.88	57.88
1880	852,196	141,277		100	67.50	34.42	65.42
1881	1,187,770	222,596		100	61.13	30.41	61.41
1882	1,284,067	162,621		100	48.50	26.27	57.27
1883	1,148,709	34,125		100	37.75	22.72	53.72
1884	996,983	2,745		100	30.75	23.19	43.19
1885	959,471	2,138		100	28.50	23.11	43.11
1886	1,574,703	41,581	$17 per ton from July 1, 1883.	100	34.50	18.70	38.70
1887	2,101,904	137,588		100	37.08	19.79	39.70
1888	1,386,277	63,016		100	29.83	19.15	39.15
1889	1,510,057	6,202		100	29.25	24.57	44.57
1890*	.....	.....		100	31.50	23.10	43.10

*Price in June.

Mr. GORMAN. I shall be glad to have it go in the RECORD, because, as I say—and I doubt not the Senator from Rhode Island, before we get through with this matter, will agree with me—we ought to lay aside all partisan feeling and act with no determination to pass the bill through on party lines; we should consider it in a business point of view, upon this great point at least.

Mr. BLAIR. I coincide with the Senator. I should like to see these two parties fight it out.

Mr. GORMAN. I hope the Senator from New Hampshire, before we get through, will agree to join us in doing justice to a large section of country, and not remain here as a high protectionist and a pro-

hibitionist on all articles that are made in New England and a free-trader in all he wants to get from the other side.

Mr. FRYE. If the Senator will allow me, he is himself stating one of the most remarkable illustrations of the value of a high protective tariff. We have under a high protective tariff, which some of his side would call a robber tariff, arrived at this extraordinary result, of rails almost as cheap as those in England.

Mr. GORMAN. Mr. President, I do not intend to be led off into that wide sea.

Mr. SPOONER. Is it the proposition to put these Bessemer ores upon the free-list?

Mr. GORMAN. So far as I am concerned, I say no.

Mr. SPOONER. Is not that the pending amendment?

Mr. MORGAN. Oh, no; that is another question.

Mr. GORMAN. That is entirely another question.

I have read that Major Bent, a manufacturer and a protectionist, says, that with the present condition of affairs it can be accomplished if you give him free ore; but he discusses various schedules. In the matter as in all others others in the tariff, whether the rule has been right or wrong in this by which you have levied these duties, I do not intend to be led into that question. I would not in disposing of this bill do anything that was radical. I would not vote for a proposition that I believed would destroy these industries or impair their usefulness. That is not the position, as I understand it, of the party to which I belong, or of anybody so far as I know. I believe that the time has arrived and that this is a pointed illustration of it when, in the business interests of the country, without affecting injuriously the manufacturing establishments, we can reduce the duty upon articles and increase our manufacturing industries within the United States and increase our foreign trade with other nations.

Now, I do not propose in any vote that I give knowingly to go one step beyond that, nor does the party to which I belong. We may be mistaken about details. There may be mistakes upon single items. It would be wonderful if there were not mistakes made by gentlemen who have not had the opportunity to consider the details of such a bill, for it requires experts, and the ablest experts, to go through with it. So some amendments may be offered in which that rule is not absolutely applied, but so far as I am concerned and so far as my vote goes, that is all I propose to do.

I come now to the majority party of the Senate, and I address you, gentlemen of New England, my friend from New Hampshire and my friend from Maine. I do not speak of you in a sectional sense, but there are divisions in these great industries between New England, and the Middle States, and the Western States, and the Southern States, and I only speak of it as the line is drawn commercially. I say that from Maine to South Carolina on the Atlantic coast the operations of the tariff of 75 cents a ton upon the ore for Bessemer steel impairs the efficiency of the industry, and makes it impossible to have the great development which ought to be upon the coast. Now, our proposition is that you admit these Bessemer ores at a reduced rate without affecting the American interest in any particular.

Mr. BUTLER. Just in that connection, will the Senator from Maryland allow me to read some facts given by a gentleman last fall in regard to the iron industries of New England, which my friend from Massachusetts [Mr. DAWES] said the other day were in such flourishing condition?

Mr. GORMAN. Certainly.

Mr. BUTLER. He says in his statement——

Mr. DAWES. What does the Senator read from?

Mr. BUTLER. I read from part first of the printed testimony, page 615.

Mr. FRYE. Whose testimony?

Mr. BUTLER. Of the testimony taken by the Select Committee on our Relations with Canada.

Mr. DAWES. Who is the man who testified?

Mr. BUTLER. Mr. Tobey—Horace B. Tobey.

Mr. FRYE. Oh!

Mr. BUTLER. The Senator from Maine exclaims "Oh!" as if it takes his breath.

Mr. FRYE. I recognized him at once.

Mr. BUTLER. It took the breath of the Senator from Vermont and the Senator from Massachusetts the other day, and I think it will take the breath of some other Senators before we get through with Mr. Tobey's testimony and some other testimony. He says:

> Since 1879 there have died out, of the rolling-mills in Maine, 50 per cent.; of those in Vermont, 100 per cent.; of those in Massachusetts, 36 per cent.; of those in Connecticut, 20 per cent.; of those in Rhode Island, 50 per cent. Or, to show the same facts in another form, in 1880 the New England mills produced 170,877 tons of rolled iron and steel; in 1887 they produced 102,711 tons. In these years, therefore, the annual production of rolled iron and steel in New England has dwindled 40 per cent.

This is right in the line of the statement being made by the Senator from Maryland, that the cause of it is that they have to pay such a toll for iron ores and pig-iron that they get in New England to convert into manufactured iron.

Mr. DAWES. I suppose the Senator from Maryland will allow me to go along with my honorable friend from South Carolina.

Mr. BUTLER. As far as I am concerned I am always——

Mr. DAWES. I want to call the attention of the Senator from South Carolina——

Mr. BUTLER. My friend from Alabama [Mr. MORGAN] suggests that there is room enough for Tobey and the fly both, not meaning to say that the Senator from Massachusetts is fly by any means.

Mr. FRYE. They would rather have the fly than Tobey.

Mr. BUTLER. Possibly.

Mr. DAWES. There is this about it: If I undertake to read testimony in print I do not leave out all that goes against me, as my friend from South Carolina did the other day. I ask him to let me read in this connection what his own witness stated about the effect of the tariff upon this matter.

Mr. BUTLER. The Senator from Massachusetts will have to apply to the Senator from Rhode Island for permission to read anything. I am always delighted to hear him read, however.

Mr. DAWES. I am trying to arrest the attention of my friend from South Carolina.

Mr. BUTLER. Mr. President, my attention is concentrated upon the Senator.

Mr. DAWES. He brought out the testimony of a Mr. March, from Massachusetts, to show that this tariff business had upset the glass manufacture, just as Mr. Tobey thought it had upset the iron business in Massachusetts, and he read a little to that effect, but he left out this——

Mr. BUTLER. What does the Senator read from now?

Mr. DAWES. I am reading from that same interesting book.

Mr. BUTLER. What page?

Mr. DAWES. On page 712.

Mr. BUTLER. What testimony?

Mr. DAWES. The testimony of Mr. Frank H. March, and I begin exactly where the Senator from South Carolina left off.

Mr. BUTLER. All right. I shall be delighted to hear the Senator.

Mr. DAWES. It shows why those particular industries have declined in Massachusetts.

Mr. BUTLER. We are talking about iron now, though.

Mr. DAWES. But it is the same thing, and I am only asking my friend not to fall into the error again. When he brings forward and champions the interest of my constituents so ably, as he did the other day, I hope he will deal fairly with them.

Mr. BUTLER. I shall try to do so.

Mr. DAWES. I have no doubt he intends to do so. The chairman, after the Senator from South Carolina left off with this man, put questions to him which I shall read with his answers:

> Q. Your point, then, I understand, is in substance that you want the addition of the Canadian market without duty for your glass?
>
> A. Yes; not for glass, for general merchandise. I think the manufacture of glass has gone from here. That is what I say.
>
> Q. Do you think that the removal of the duty on Canadian coal would enable the Massachusetts glass manufacturers to continue their business in competition with Pennsylvania or Ohio with their natural gas?
>
> A. No, sir; no more than it will enable Mr. Tobey to continue his business.
>
> Q. You do not attribute the decaying of Massachusetts glass manufacture to the tariff?
>
> A. Not a bit. I attribute it to natural causes.
>
> By Senator DOLPH:
>
> Q. The manufacture of glass has to go where the fuel is?
>
> A. Yes, sir; we had a manufactory established in the most prosperous times at Cambridge, costing thousands of dollars. What do they do in Ohio or Pennsylvania? They erect a chimney out there, and shovel coal out of a hillside into the furnace, and next morning the goods come out of the ovens all ready for sale. What can we do? We can not do anything against such competition as that.
>
> Q. Could you furnish to the committee, now or at any time, the statistics of the saving and advantage given in glass manufacture by reason of the reduction in the price of fuel?
>
> A. No, sir; I could not. I had it stated to me last year by a manufacturer from Pennsylvania, when I expressed great surprise at the fact that goods that used to sell for $75 a ton are now selling for $18. I asked him how in the world he could accomplish that result, and he said that in 1886 his fuel bill for a big factory employing 350 operatives was $5,000, and by natural gas the year before his fuel bill was only $500.

This gentleman, who was brought out here as a witness against the operations of the tariff, and charging the decline in these industries in Massachusetts to the tariff, had stated right before the Senator from South Carolina the real reason for it, and stated himself that the tariff had not anything to do with it.

Mr. BUTLER. The Senator does me great injustice.

Mr. DAWES. I know the Senator did not do it designedly.

Mr. BUTLER. I not only did not do it designedly, but I did not do it at all. There is the point that I make.

Mr. DAWES. What I complain of is, that the Senator did not state it.

Mr. BUTLER. What I stated was that the glass manufacture had disappeared from Massachusetts. That was the point I made. I did not attempt to assign any reason for it. The Senator from Massachusetts denied it, and said that it was not true.

Mr. DAWES. No.

Mr. BUTLER. Why, practically the Senator did, and he denied that the iron industries were being impaired or crippled from any cause. I did not attempt to assign any reason for it; but this gentleman says the operation of the tariff law did not drive the glass manufacture out

of New England, and yet almost in the same breath he is urging reciprocity with Canada for the purpose of getting in coal and other material for glass manufacture free. He contradicts himself. He says natural causes have driven the glass industry out of New England, but he very promptly and readily suggests a remedy by which the glass manufacture might be restored, and that was by a reciprocity treaty with Canada in order to enable them to get their fuel free.

Mr. DAWES. The Senator from South Carolina is just as unfortunate to-day as he was the other day in stating the testimony of that man. That man stated distinctly, right there, that it would not do them any good, that they could not do it, to have the coal free.

Mr. BUTLER. I do not so understand the man. My point really in introducing his testimony when I read it the other day was to sustain the statement I had made to the effect that the glass industry had been driven out of New England.

Mr. DAWES. Now let me read what he said. The Senator says he was for free coal in order to revive the industry. This question was put to him by the chairman of the committee:

Q. Do you think that the removal of the duty on Canadian coal would enable the Massachusetts glass manufacturers to continue their business in competition with Pennsylvania or Ohio with their natural gas?
A. No, sir; no more than it will enable Mr. Tobey to continue his business.

Mr. BUTLER. Now, hold on; let us see. I will read here what I read from this gentleman the other day. I shall fatigue the Senate a little more by repeating it:

BOSTON, MASS., *September* 14, 1889.

Frank H. March, sworn and examined.
The WITNESS. I, sir, for years, since 1869, up to within a few years, have been a manufacturer of glass and glassware. Our first company was established here in the neighborhood of Boston more than one hundred years ago. We imported the first glass-workers from England. That factory has run continuously under one company, with very profitable dividends, up to within six years. Since that it has been run in a small way by a private corporation. We have had invested millions of dollars in Massachusetts in the manufacture of glassware; have employed hundreds of workmen, turning out a large product, and supplying this whole country and largely Canada. To-day what is the result? We have had to accept exactly the same as the iron manufacturers, the invitation of the honorable gentleman from Alabama [Senator PUGH]; we have had to go to the fountain-head of manufacture. To-day we have in Massachusetts two little concerns, one of which has not paid a dividend, I believe, for years—not being an original stockholder, and being long ago counted out, so I do not know absolutely—and one concern in the neighborhood of Boston that manufactures a little for local trade.

See what this gentleman says:

Now, sir, I look upon that as the result of the tariff.

That is what I said he stated.

I look upon that as the result of natural causes.

Mr. DAWES. Is the tariff a natural cause?

Mr. BUTLER. The Senator must settle that for himself with the witness. I do not undertake to construe the meaning of the man. I simply give what he states. He says he looks upon that as the result of the tariff, and he was probably an intelligent man, and I take it for granted he thought it was the tariff and natural causes combined. That would be the sensible conclusion for anybody to draw.

Mr. FRYE. He probably intended to say "not the result of the tariff, but the result of natural causes."

Mr. BUTLER. He said:

Now, sir, I look upon that as the result of the tariff.

That is what he said.

Mr. PLATT. What else did he say next?

Mr. BUTLER. He then said:

I look upon that as the result of natural causes.

Mr. PLATT. The two statements are inconsistent.

Mr. BUTLER. He continued:

They have had to go to the fountain-head.

Senators can construe that for themselves. That is what I read and all I read. The Senator said that I did not intend to be fair. I did not pretend to read all the man said, but I have not the slightest objection to its going into the RECORD.

Mr. DAWES. I know the Senator meant to be fair. He was fair as far as he went, but as soon as he came to where the man explained it, then the Senator lost all interest in it.

Mr. BUTLER. Not at all. His examination was continued by the chairman, who asked:

What fountain-head?

The witness replied:

Coal.
Q. Fuel?
A. Fuel.

I did not care about reading the whole of this.

Mr. DAWES. Just as soon as he spoke about fuel in Pennsylvania the Senator lost all interest.

Mr. BUTLER. The point I made was that the glass manufacture had been driven out of New England. I did not attempt to account for it. The Senator denied it. He denied that the iron industries were being driven out of New England. I simply produced this testimony to prove that my statement was correct if this man was to be believed. I have my theory about it and the Senator has his. I think the tariff has a great deal to do with driving out the manufacture, and the very argument being made here to-day by the Senator from Maryland proves it.

Mr. DAWES. I do not complain that the Senator has his theory about it. He has a right to it, and he accords very generously to me my right; but when he brings out a Massachusetts man to show that the tariff did it, when that Massachusetts man said it did not do it, I complain.

Mr. BUTLER. The Massachusetts man said nothing of the kind. The Massachusetts man said the tariff did it.

Mr. PLATT. Mr. President——

Mr. FRYE. Has the Senator from Maryland yielded the floor?

Mr. GORMAN. Not permanently.

Mr. FRYE. This might be a good opportunity for me to make a speech, if he has done so.

Mr. BUTLER. I shall be delighted to hear the Senator.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. GORMAN. Certainly.

Mr. PLATT. I wish to say just a word as to what this witness did mean. If the Senator from South Carolina will turn over to page 712 he will find the question was asked of the witness directly, and he answered:

Q. You do not attribute the decaying of Massachusetts glass manufacture to the tariff?
A. Not a bit. I attribute it to natural causes.

Mr. BUTLER. That is exactly what the Senator from Massachusetts read, and I think perhaps the Senator had better do as the Senator from Massachusetts did the other day when—if he will pardon me for using the expression—I cornered him with the testimony of Mr. Tobey as to the degradation of American labor.

Mr. FRYE. Cornered the Senator from Massachusetts?

Mr. BUTLER. I did, and he admitted it like a man.

Mr. FRYE. He has never been cornered yet.

Mr. DAWES. I am waiting with great anxiety for that evidence about Governor Ames.

Mr. BUTLER. If the Senator from Maryland will pardon me I will furnish it to the Senator from Massachusetts.

Mr. GORMAN. I yield for that purpose.

Mr. DAWES. Governor Ames is anxious to get it, too.

Mr. BUTLER. The Senator challenged me to produce any statement from Governor Ames to the effect that the iron industries in New England had been maintained by the degradation of American labor. I will furnish the proof to the Senator with a great deal of pleasure if he will just give me a little time.

Mr. BLAIR. The Senator from Maryland is the man to give the time.

Mr. BUTLER. I find in the testimony of Mr. Tobey, and it is a very rich document, and I commend it to my friend from Maine; it will do him good——

Mr. GIBSON. What page?

Mr. BUTLER. The point I want to read from is part second, page 623; and then if the Senator from Louisiana will turn to page 624 he will find some additional testimony. In the summary of that statement made by Mr. Tobey, he says:

These obstacles have caused a degradation of American labor in New England.

Mr. DAWES. Who says that?

Mr. BUTLER. Mr. Tobey.

Mr. DAWES. That you read.

Mr. BUTLER. I read that. Then he says:

Now, gentlemen, I should be sorry to leave this subject without having you understand that this argument which I have read is not a partisan document originating in the minds of any fanatics or extremists. It is a deliberate statement of the wants and desires of the iron manufacturers of this district; and in proof of that I wish to call your attention to the annexed petition.

Then he gives a petition, to which the Senator refers. I find among the signatures to the petition accompanying that statement, the name of Arthur Ames, governor of the Commonwealth of Massachusetts, one of the owners of the Ames Shovel Factory.

Mr. DAWES. If it is Arthur Ames you have got the wrong man.

Mr. BUTLER. I do not know anything about it. It is Arthur Ames, governor of the Commonwealth of Massachusetts.

Mr. DAWES. I gave the Senator the benefit of the fact that I understand Governor Ames signed that petition, but his name is Oliver Ames. I understand he signed that petition.

Mr. BUTLER. He signed that petition and signed that statement——

Mr. DAWES. Where is there anything in that about the degradation of labor?

Mr. BUTLER. There it is in No. 6:

These obstacles have caused a degradation of American labor in New England.

Mr. DAWES. That is not in the petition as it is quoted here on that page.

Mr. FRYE. That is the testimony of the other witness.

Mr. DAWES. That is the testimony of the other man. That is not what he signed.

Mr. BUTLER. No, sir; but the gentleman goes on to state:

Now, gentlemen, I should be sorry to leave this subject without having you understand that this argument which I have read is not a partisan document originating in the minds of any fanatics or extremists. It is a deliberate statement of the wants and desires of the iron manufacturers of this district; and in proof of that I wish to call your attention to the annexed petition.

It is annexed to that statement and a part of it.

Mr. DAWES. No.

Mr. BUTLER. Why?

Mr. DAWES. Annexed to this statement of his.

Mr. BUTLER. I only give the testimony of the witness, and among others he gives the name of Governor Ames. He says:

Every name is the name of a Republican prominent in New England circles. Mr. John Sylvester, of the Sylvester Works; Thomas Cunningham, of the Cunningham Iron Works; Mr. Dart, treasurer of the Rhode Island Tool Company; Peleg McFarland, a Republican senator in the State Legislature.

Mr. DAWES. Why do you want to make out that Oliver Ames signed something else than what he did sign?

Mr. BUTLER. He signed this petition which was annexed to that statement.

Mr. DAWES. No; he did not annex it to that statement. There is not anything here that——

The PRESIDENT *pro tempore* rapped with his gavel.

Mr. DAWES. I beg pardon of the Chair for unintentionally transgressing the rules.

The PRESIDENT *pro tempore*. The Chair will remark that these colloquial proceedings frequently degenerate into disorder, and he begs Senators to observe the rule.

Mr. DAWES. Mr. President, I wish to say that the Senator from South Carolina has fallen into an error of statement when he says that Mr. Ames either signed that summary, which is divided into thirteen parts, in one of which he finds the term "degradation of labor," or that he annexed to it a petition which is furnished here on pages 623 and 624, which he did sign. The petition which he did sign contains no such statement. I do not mean to say or intimate that the Senator from South Carolina designs to state a thing differently from what he supposes it is.

Mr. BUTLER. Why, Mr. President——

Mr. DAWES. And in my zeal I did not mean to go beyond that. The Senator knows that I would not indulge in any statement which would reflect upon his intent to tell the truth; but I was a little provoked at that statement when the matter is so plain on the face of it.

Mr. BUTLER. I have read the statement of the witness, Mr. President, and the Senate can determine for itself. He says distinctly, "the annexed petition." I will not state it with absolute positiveness, but my recollection is, that at the time when this gentleman appeared before that select committee, he had that statement, the statement that he made in pamphlet form to which this petition was annexed, with the signatures of these very gentlemen in the original before that committee; and I am very much mistaken if I can not produce the statement made by Governor Ames to that effect.

I am not doing this for the purpose of casting any reflection upon New England or upon Governor Ames or anybody else, but I am simply making the statement of a fact to sustain the proposition which I had submitted, and which, in my judgment, sustains the position taken by the Senator from Maryland.

Mr. GORMAN. Mr. President, I do not think there can be any question about the fact that unless some relief is given the manufacturers of steel on the Atlantic coast north of Cape Hatteras and Cape Charles, it will be impossible for them to go on and develop their great enterprises.

Mr. MORGAN. The Senator from Maryland very kindly yields to me for a few moments that I may bring to the attention of the Senate a letter from Mr. McFarland, which I find in the reported testimony taken by the Select Committee on our Relations with Canada, which I think reflects very considerable light upon this subject. His name has just been mentioned by the Senator from South Carolina as one of the signers of the petition to which he referred. Mr. McFarland was invited by the chairman of the committee, the Senator from Massachusetts [Mr. HOAR], to submit his views upon these questions to that committee, and they were there making their investigation. The chairman in making his report says:

I have here a communication from Mr. Peleg McFarland, a very well known and intelligent iron manufacturer at South Carver, Mass., which I will put in evidence without reading.

I find in the evidence which was put thus in the possession of the committee the following part of Mr. McFarland's letter, which consists of many different papers, and consists also of a controversy through the Boston Journal between him and Mr. David Hall Rice. On page 1193, part 2, Mr. McFarland says:

I now turn, with sincere pleasure, to that "Seeker for Information" from Plymouth, who, in The Journal of the 4th instant, addressed certain cogent and courteous questions to me, which deserve careful consideration. I esteem it a privilege to exchange views with a veteran whose opinions are illumined by the lamp of experience, and I hail it as a cheering omen that these inquiries into the condition of our New England iron industries have become so general. Nor am I insensible to the tribute which my friend pays to the ironmasters of the old school. They laid the deep foundations of an industry which we are seeking to perpetuate, and they are entitled to the highest encomiums and to every token of veneration and respect for their splendid achievements, even though, as my friend suggests, some of them may have been too closely absorbed in the practical affairs of life to acquire those graces of scholarship which are more common to-day, but which, to my view, are not an indispensable prerequisite to an intelligent understanding of the tariff question.

But had our fathers found themselves confronted with a duty of 70 per cent. on their raw material, and with a duty on their pig-iron of 60 per cent., I fancy that, with all their sagacity and "horse sense," they must have been compelled to offer the same protest against the injustice which their sons are voicing to-day. The iron manufacturers of New England are asking that the duty on pig-iron be reduced to 24 per cent., and I must remind my friend that the duty on pig-iron was exactly 24 per cent. "in the palmiest days of the New England iron business," to which he alludes. Give us the same tariff rates which were in vogue when our fathers were on the stage of action, and we will see what we can do in the way of preserving these industries which they committed to our keeping. When my Plymouthian friend tells me how hard he has been "hit" by the decline of the iron industry my heart warms to him, for I believe we shall continue to get "hit" so long as we are compelled to pay a tribute to Pennsylvania of about $5 on every ton of iron which crosses our national boundaries.

May it not be that my friend has fallen somewhat into a common error in failing to discriminate between an excessive and unjust tariff and a reasonable and equitable one? He says he "believes in the principle of protection." So do I. But, when I consider that this country can to-day produce iron about as cheaply as any foreign country without disturbing labor, and that we are, nevertheless, paying nearly $7 per ton duty on pig-iron, I am forced to conclude that a radical reduction is in order. No other great and leading industry in this country is compelled to carry an impost burden on its crude materials in any sense comparable to that now laid upon iron. Why, then, is it not exactly in line with the true protective principle to ask for an equitable adjustment of this excessive duty?

Something more than ten years ago Mr. Garfield was harassed by a running fire of criticism, because, in discussing the tariff, he maintained that "stable equilibrium" for which I am contending to-day. I will quote his words: "I believe we ought to seek that point of stable equilibrium somewhere between a prohibitory tariff on the one hand and a tariff that gives no protection on the other hand. What is that point of stable equilibrium? In my judgment it is this: A rate so high that foreign producers can not flood our market and break down our home manufactures, but not so high as to keep them out altogether, enabling our manufacturers to combine and raise the price, nor so high as to stimulate an unnatural and unhealthy growth of manufactures."

Again, Mr. Garfield says: "I stood on the equator, and there insisted that the true doctrine was the point of stable equilibrium where we could hold a tariff that would not be knocked down every time the free-traders got into power and boosted up every time the protectionists got into power. I have held that equitable ground throughout and held it against the assaults now from one side and now from the other, and I estimate it one of the greatest of my achievements in public life to have held that equipoise." Let me now reply according to such light as I possess, to my friend's questions, in regular order.

"First. Isn't there coal and iron enough in this country to supply the present and future wants of the nation?"

There are undoubtedly iron and coal deposits in this country sufficient to meet all demands, present and prospective, if they were uniformly distributed. But the cost of transportation is so great to certain sections that it would be manifestly unjust to compel all to depend on native products. New England, for instance, in view of her geographical position, might find it more profitable to import iron and coal. Were all our iron and coal deposits located in the distant Territory of Alaska, would you still insist that there should be no importation?

"Second. Are not the mines furnished with the best machinery, in fact with every appliance known in this country or Europe, to handle the product?"

I presume it is safe to answer this query in the affirmative.

"Third. Can the coal and iron be transported from the mines in Pennsylvania and vicinity to New England as cheap as from the provinces?"

It is my candid opinion that the advantages in favor of the provinces are very great. Mr. Charles F. Mayer, president of the Consolidated Coal Company of Maryland, in his testimony before the Ways and Means Committee in Washington last week, stated that it cost $1.60 per ton to transport coal from the mines of the interior of the United States to the tide-water. Now, the cost to President Mayer of shipping coal to New England after he has reached tide-water, and the cost of shipping from the Nova Scotia ports to New England are very nearly the same; and, as the Nova Scotia mines are directly on the coast, it is obvious that the provinces have a natural advantage of at least $1.60 per ton.

"Fourth. If labor was as cheap in this country as it is in the old, could coal and iron be produced as cheap here as there?"

The manufacturers of Alabama boast that they are to-day producing pig-iron more cheaply than any foreign country can ever produce it, and without reducing their labor one mill. Mr. Carnegie, the iron king of Pennsylvania, has recently declared, substantially, that the Old World could no longer deliver iron to the injury of the markets of our interior States at the present price of labor in this country, even if the duty were entirely removed from iron.

"Fifth. If coal and iron can be mined as cheap in this country as in Europe by reducing our labor to their level, will our mine-owners be undersold in our markets?"

The owners of coal mines and iron mines in this country are no longer in serious danger from foreign competition, even at the present price of labor, excepting as regards the modicum of patronage which they now enjoy from New England. On this New England trade they have no just claim. Our location geographically entitles us to purchase in other markets. The same course of reasoning which would compel us to purchase iron and coal of Pennsylvania would logically compel us to purchase of Alaska, if there were no nearer iron and coal supplies in this country.

"Sixth. If we take the duty off coal and iron and let those articles into New England cheaper than we now do, would not the mine-owners of this country reduce their labor to the level of the Old World and produce those articles as cheap or cheaper than the imported product and still have the same advantage over New England which they now have—all the natural advantages besides cheap coal, cheap iron, and cheap labor? With all these points in their favor, why can not they manufacture iron and send it to our market, underselling us every time?"

Here again you overlook transportation. While the regions west and south of New England have little to fear from foreign competition, we, owing to our location on this easterly coast, must depend somewhat upon foreign countries for our crude materials. It can not be counted strange that in a country with such a vast area there should be found a region lying on its seaboard boundary where certain foreign products are nearer, in terms of cost, than our native products which lie in the distant interior. Such are the conditions to-day with some of our Atlantic States. These are immutable conditions, which can not be ignored; for no Congress can repeal or successfully amend the fixed laws of God. And, should the West or the South ever become so given over to greed or so lacking in common patriotism as to seek to hold this New England market through the degradation of labor, there is a healthy public sentiment in

this country which would thwart such an unhallowed enterprise in its very incipiency!

Mr. BUTLER. On what page is that?

Mr. MORGAN. It is on pages 1193 and 1194 of this testimony. I will not, of course, detain the Senator from Maryland by any comments at this point, but I should like to say just a word, and that is that I took the ground yesterday, and I have held it all the time, that we must consult geography and transportation in arranging our tariffs, upon iron particularly; I might mention other things, pottery, timber, lumber, and the like. We are bound to consult geography if we do justice to the people of the whole country; and I can easily see how the seaboard States, commencing with Texas and running around up to Massachusetts and to Maine, are subjected to very high and unnecessary imposts of duty upon material that everybody is obliged to use, merely from the fact of their geographical situation. That is one of the reasons, and it is the strongest reason that operates upon my mind, for desiring to give the Atlantic seaboard access to the mines of Bessemer ore in Cuba, so that they can bring it here and help to manufacture a part of what this country needs.

Mr. GORMAN. Mr. President, I beg now to go on with what I have to say about this matter. I will repeat the statement I made a few moments since, that it can be shown that a reduction in the tariff on iron ore will unquestionably aid in building up the great enterprises east of the Alleghany Mountains and enable those establishments not only to increase their output but to decrease the cost of all the manufactured articles, and that decrease of cost will enable us to extend our commerce with the countries south of us and practically control that trade so far as the manufactures into which iron and steel enter as a part are concerned. If that can be done without reducing the profits of the owners of iron-ore mines in this country, there ought to be no hesitation on the part of the Senate in granting the request.

As to the first proposition, I do not believe that the Senator from Rhode Island or any other Senator on this floor will question the accuracy of the statement that if you give them a reduction in the duty on ore, our great establishments will be able to produce the finished material at a less cost. The statement of Major Bent as to the exact result, which I have read, has not been questioned by any manufacturer in the country. That it would increase our commerce with foreign countries there can be no doubt.

Right at that point, as an illustration of what has been done by one single establishment at Baltimore in five years, paying a duty as they have done of 75 cents a ton, amounting to $750,000, as Major Bent states, they have brought from the Island of Cuba during the five years prior to July 26, 1890, iron ores of the money value of $1,800,000. That is the money value on board the vessels at Cuba, the cost being about $1.80 per ton. That trade has enabled them during those five years to ship from the ports of Baltimore and Philadelphia articles manufactured in this country to the money value on shipboard at Philadelphia and Baltimore of $1,002,000. So the purchase of the ore which we must have has increased our exportations to the extent I have stated; and, as he says further on in his letter, probably but for the importation of the ores not a dollar's worth of the manufactured articles—railroad materials, engines, rails, cars, etc.—I have not a full statement of the manufactured articles shipped from the United States—would have been shipped abroad. If the tax was reduced upon the ores, that trade, increased to the extent of the capacity of these works, would extend our commerce on the theory, in a modified form, of the suggestion which has been made by a distinguished Republican of opening up that trade by reciprocity.

The other proposition, which is the serious one for us to consider, is whether the iron-ore industry of the United States could be affected by the reduction of the duty on ore, or by placing ore upon the free-list, which I do not ask at this time, for the reason that I think in all these schedules it is proper to go along moderately and to feel our way, and not to do anything that is extreme either up or down so as to disturb these business interests. Would it affect any other iron-ore producers in the United States? The only iron ore of this country that can be used in any quantities, so far as known to-day, in the making of Bessemer steel is the iron ore upon Lake Superior.

There may be a small detachment here and there, but it amounts to nothing practically commercially; it would not affect the ores of the State of my friend from Virginia, or of Maryland or New Jersey. Those ores can only be used in large quantities for the manufacture of steel. They can not be so used unless they have the opportunity to mix with them the Bessemer ores from the Mediterranean or from Cuba. So if we reduce the duty upon these ores that are absolutely necessary in the making of steel, the result will be to increase the consumption of the ores found here upon the Atlantic coast.

If that be so, will it interfere with the ores from Lake Superior? There you have a great production of six or eight million tons. The cheapness of those ores at Chicago, as I said yesterday, makes that the point at which the raw material can be assembled west of the Alleghanies cheaper than at any other place. Chicago practically has no competitor for this class of work, for the product of these great furnaces and forges, anywhere in the United States, except in the vicinity of Pittsburgh, and that would not be the case were it not for the fact that Pennsylvania with its great iron industry, when its forests of wood disappeared and it was no longer possible to make charcoal iron, developed the use of coal, and then of coke, and when the interest west of it at Chicago began to develop they tapped the bowels of the earth and found natural gas. But for that discovery Chicago would have absolutely monopolized all the steel and iron trade west of the Alleghanies.

Mr. SHERMAN. I should like to ask the Senator, for information, what is the market price of Bessemer ore delivered at Baltimore or Philadelphia from Cuba.

Mr. GORMAN. The market price delivered at Baltimore varies, as does the market price of the ores from the Mediterranean vary. The cost of this Cuban ore, free on board, in Cuba, is about $1.70 or $1.80 a ton. The freight and insurance have to be added. The English tramp steamers which bring that ore here both from the Mediterranean and from Cuba come in and are chartered at Baltimore or Philadelphia and loaded with grain or what not to be taken hence; and they will bring in these ores practically for whatever they can get. I have known a case from the Mediterranean where a cargo of ore was delivered for 75 cents a ton freight from the Mediterranean to Baltimore and carried thence to Mr. Carnegie's works in Pennsylvania.

Mr. SHERMAN. What I want to get at is whether to-day, even with a duty of 75 cents, the manufacturers at Baltimore and at Philadelphia can get Bessemer ore cheaper from Cuba than the manufacturers at Cleveland can get the same article from Lake Superior.

Mr. GORMAN. I do not hear the Senator's statement. Will he please repeat it?

Mr. SHERMAN. The price of Bessemer ore per ton, 2,240 pounds, at Cleveland, is about $6 delivered from Lake Superior, and the price of the Cuban ore at Baltimore is considerably less with the duty added. I do not see what complaint Baltimore can have in the contest with Cleveland except, perhaps, because we have cheaper fuel. That is a natural advantage which our position gives us. So far as the duty is concerned, the foreign ore can be delivered at Baltimore or Philadelphia cheaper to-day, I understand; and that is the reason why I ask the Senator what is the price of this ore delivered at those ports. The net cost of the ore delivered at Cleveland has ranged from $5.50 to $6.50 in 1890.

Mr. GORMAN. At what point?

Mr. SHERMAN. At Cleveland, from the Lake Superior mines.

Mr. BLAIR. Can the Senator give the fuel advantage at Cleveland, so as to compare the two places?

Mr. SHERMAN. My impression is that Cleveland has a decided advantage in fuel. They have no natural gas at Cleveland, but they have coke.

Mr. BLAIR. Combining the duty upon the ore of 75 cents with the advantage to Cleveland in fuel, as between the two places, which has the advantage on the whole in the manufacture of iron?

Mr. SHERMAN. That is precisely what I wish to ascertain from the Senator from Maryland. I wish to know what it costs in Baltimore.

Mr. BLAIR. Leaving the duty as it now is at 75 cents a ton?

Mr. SHERMAN. Yes.

Mr. GORMAN. Both the Senator from Ohio and myself want to be entirely frank about this matter. Nobody better understands than he does that all the conditions which enter into the assembling of this material and its manufacture must be taken into account in determining this question. At Cleveland you have the advantage of fuel; you have the advantage of water transportation within our own lines; you have a very short haul; indeed no haul from the lakes to your furnaces. You have all those great advantages, and you ought to have them, and I am glad that you have them.

With ores from Lake Superior delivered to you, as they will be, at a fair paying price to their owners for all the material, for rails and building purposes, and every article that goes into general consumption, you in that region and for the population west of you will have no competitor in the world. Nobody can compete with you. You ought to have that trade; your location and your facilities entitle you to it. But since 1883 you have so arranged this tariff as to put a burden upon the manufacturers east of the Alleghanies which, according to the changed condition of transportation and the changed condition in the use of fuel and the improvement of methods in the manufacture of steel, is an injustice to that section of the country. It is not required to promote your own interest.

Granting that you have all those advantages that that section of the country which Senators represent west of the Alleghanies has, and all of that trade, does not the Senator think that it is a great crime commercially and in political economy to continue a tariff which drives the Government of the United States and private builders to go to Chicago for the beams and keels of the vessels that are to be built upon the Delaware and at the harbor of Baltimore and in the harbor of New York?

Mr. SHERMAN. I will answer the Senator that in my judgment, taking this whole iron schedule, which is very important, and I like to see it discussed in a business way, we ran it all over very carefully, and from the best information I can get, and I think perhaps my colleague will concur in it, as he is more familiar with the details of

the iron industry than I am, to-day Baltimore is better situated for the purpose of manufacturing rails than Cleveland. The reason is the cost of transportation on the lakes from the Lake Superior mines, including a very important item, the importation of spiegel, which has to be made through New York to Cleveland, and that is an indispensable requisite for the manufacture of Bessemer steel, and is delivered much cheaper at Baltimore. I will give the Senator this sum to compute, and I should like to have him in his careful way go over the details of it, and I think he will find that to-day, with the duty of 75 cents a ton added, Bessemer steel ore ready for the furnace can be delivered at Baltimore cheaper than it can be delivered at Cleveland.

Mr. GORMAN. No.

Mr. SHERMAN. Here are the figures. I can give them to the Senator now. Here we have the official statement in what is called "The Statistics of the American and Foreign Iron Trades," etc.

Mr. GORMAN. What date is that?

Mr. SHERMAN. It is of very late date. It is up to May 1, 1890, and this gives it for a period of years. It shows the exact cost of the different grades of Bessemer steel at Cleveland and also at Chicago and other places. Here is a table of Lake Superior iron ore delivered at Cleveland. The prices given are per gross ton:

Districts.	1884.	1885.	1886.	1887.	1888.	1889.	1890.
Republic and Champion No. 1	$6.00	$5.75	$6.25	$7.00	$5.75	$5.50	$6.50
Barnum, Cleveland, and Lake Superior specular No. 1	5.75	5.00	5.50	6.50	5.25	5.00	6.00
Chapin and Menominee No. 1	5.25	4.75	5.25	6.00	4.75	4.50	5.50
Vermilion district No. 1, Bessemer	4.75	5.00	5.75	6.75	5.75	5.50	6.50
Gogebic district, first quality Bessemer		5.00	5.00	6.00	4.75	5.00	6.00
Hematites No. 1, non-Bessemer	4.50	4.00	4.50	5.00	4.00	3.75	4.50

I admit that when you come to take the iron ore and convert it into other forms of iron, probably Cleveland would have the advantage in fuel, but I think even with this advantage, which is a natural one, given by the Almighty, and therefore not to be taken from us, there is no discrimination made now between Cleveland and Baltimore. Pittsburgh has some advantages still greater, but it has some disadvantages. There is this difference that Senators must always remember, that Pittsburgh must get its Lake Superior ore to make iron rails, and therefore the cost of transportation from some point on the lake to Pittsburgh must be added. But at Pittsburgh they have the benefit of natural gas.

So all these things nature seems to have distributed in such a way that there is no reason why, in the production of iron, all parts of the United States of America are not in equal and fair competition to-day. This duty has stood now since 1883 at 75 cents a ton. It is a very moderate rate of duty. It is less than 33 per cent. ad valorem, and is a moderate rate which has been held in all the propositions to change that have been made.

Mr. McPHERSON. Will the Senator from Maryland permit me to ask the Senator from Ohio a question?

Mr. GORMAN. Certainly.

Mr. McPHERSON. I should like to ask the Senator from Ohio if they use natural gas in Cleveland in the manufacture of iron.

Mr. SHERMAN. They do not.

Mr. McPHERSON. They do not?

Mr. SHERMAN. No, sir; natural gas can not be transported. It being a very light substance it goes upwards, and it can not be transported any great distance without great cost.

Mr. McPHERSON. Where do you get your coke from?

Mr. SHERMAN. The coke is brought from Pennsylvania; it is Connellsville coke. As a matter of course they use some of the Ohio coal, but when coke is required they must bring it from Pennsylvania.

Mr. McPHERSON. I was trying to get at the comparative difference, if any, between the two places. Certainly Baltimore would be as near the coke-producing region.

Mr. SHERMAN. I think it costs no more to transport coke from Connellsville to Baltimore than from Connellsville to Cleveland.

Mr. McPHERSON. I wish to ask one other question, if the Senator pleases. I have been making a little computation here upon the statements made by the Senator from Ohio and the Senator from Maryland. I understand the Senator from Ohio to say that the ruling price of the Bessemer ore, the Michigan and Wisconsin ore, in Cleveland during the past year has been $6.50 per ton, and covering a period of years but little short of that. Am I right?

Mr. SHERMAN. It varies but little from $6.50 to $5.50. One shipment of Chapin and Menominee was only $5.50, but it ranges to $6.50, and it does not appear to have been much below that in the last five years.

Mr. McPHERSON. Take, then, the statement the Senator from Maryland made respecting the cost of ore from Cuba; if I understood him correctly, it would amount to $1.80 per ton, free on board at Cuba. The freight would be scarcely more than $1, which would be $2.80 per ton. Adding to that the duty of 75 cents per ton it would make $3.55. Add, if you please, $2 per ton for transportation to Cleveland, and the Cuban ore, with these very liberal estimates, can be delivered in Cleveland at a cheaper rate than the Bessemer ore from Michigan is now delivered.

Mr. SHERMAN. The best evidence upon that point is the fact that as shrewd business men as exist in the United States at Cleveland have purchased a mine and own it now in Cuba and really design to develop that industry in Cuba; and they expect to pay the present rate of duty and transport the ore to Cleveland. They own the mine at this moment.

Mr. BLAIR. I should like to suggest to the Senator from Maryland that the disadvantage by reason of the imposition of duty upon Bessemer ore would be relieved by removing the duty on coal. It is about the same amount. That is a pressure that we have felt in New England. There we catch the operation of this burden in both directions. We suffer from the duty upon the ore, and we also suffer from the duty upon the coal, as we produce neither, while the Senator from Maryland is not so much burdened by the duty upon coal he suffers from that upon the ore. Now, I suggest that we remove the duty upon coal and let in the Nova Scotia coal, the transportation of which will cost scarcely anything more from Nova Scotia—it is brought all the way by water to New England—and he can obviate this burden which is imposed by the duty upon ore, and be placed upon an equality with his competitors in the West.

Mr. GORMAN. Now, the Senator from New Hampshire has made a liberal proposition to me! He has a seat here on the Democratic side of the Chamber, and that necessarily leads him to make a more liberal suggestion in the interest of the business of the country! His contact here, even for a short time during the session, has rather broadened out the Senator.

Mr. BLAIR. It does improve me, I think. [Laughter.]

Mr. GORMAN. I will make this suggestion to the Senator, that if he will accept it so that we shall be certain that he will join us, I will agree to vote to take off 20 per cent. of the duty on iron ore and on coal, and on all the manufactures that are produced in Maryland, if he will vote to take 10 per cent. off the manufactures of New England.

Mr. BLAIR. I will take that proposition into consideration, and later on I will give the Senator my answer.

Mr. GORMAN. The Senator will give me the answer which is usually understood comes from his section of the country, and which they are noted for making by asking another question. That is the only answer I shall ever get from him.

Mr. BLAIR. I will say to the Senator that I was not the one who was trying to get out of the difficulty, and he is. I was not complaining of the tariff, and the Senator is.

Mr. GORMAN. Mr. President, the Senator is not only complaining of the tariff, but he stands here to make a prohibitory tariff. He not only complains of the tarift of 1883, made by his own party, but he votes to increase it every day that such a vote is called in the Senate. There is not a proposition too extreme for him; he votes for them all; and he will vote to prevent our trade from being increased. He will vote for every proposition that imposes the highest rate of duty upon the American people, and yet, representing fairly, as he does, his constituents, he represents them and their interests by being the strongest advocate for the free use, in competition with American interests, of British capital, British cars, British engines, British rails, which come in competition with the rails made in Maryland and in the West. He is a high protectionist on everything that belongs in his section; he is for the freest trade, the freest use of British money, if it will only add to the coffers of his section.

Now I ask him to come down as an American Senator and treat the Maryland interests and the other interests in the country with consideration and fairness. I ask nothing more. I do not desire to embarrass a single manufacturing establishment in the United States. I would not vote with anybody who did, and there is nobody who desires to do that.

Mr. BLAIR. Mr. President——

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

Mr. GORMAN. Of course.

Mr. BLAIR. The Senator has given me a character as a high protectionist of American and of British interests both; that is hardly consistent with itself. I do not know what the Senator means, but this I will say, that I am a high protectionist to the extent of giving absolute protection to American labor for the development of any industry whatever that can be carried on successfully upon American soil. The section of country in which I live feels the hardship of a tariff as well as its benefits. This high protective tariff to-day is a public measure in which the West and the South and the Atlantic seaboard south of New England have a greater interest than has New England. New England is able to sell her manufactures abroad to-day, many of them, not by degrading her labor or reducing its wages, but by increasing its skill——

Mr. GORMAN. Mr. President, the Senator——

Mr. BLAIR. And the machinery wherewith——

Mr. GORMAN. Mr. President——

Mr. BLAIR. The Senator made a somewhat belligerent attack upon me, and I hope he will allow me to proceed.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Maryland desires to resume the floor.

Mr. GORMAN. I, of course, desire to treat the Senator with great consideration and courtesy, but I beg him not to make a speech now. I have been yielding for about an hour and a half, and I think I have only talked half an hour myself.

Mr. BLAIR. I do not propose to speak very long, but the Senator traveled away out of the record in what came very near being a personal assault, and I wish to say to the Senator that——

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

Mr. GORMAN. Yes, sir, on a personal matter, of course.

Mr. BLAIR. This industry of iron-making, or the manufacture of implements of iron for human use, was once flourishing in New England, and it has been very largely injured and almost practically destroyed. I think the Senator is right in his contention that this result is very largely due to the operations of the tariff. It is not so much the result of the operation of natural causes, as has been suggested, but it is largely the effect of the tariff which has developed other portions of our country so that New England has suffered.

Other parts of the country have been able by reason of that tariff to take advantage of their natural resources, and when the completed article has been brought in competition with the same article made previously in New England, ours has gone to the wall and our industry has suffered. I believe that it might be temporarily revived, I do not know but permanently revived by the removal of the tariff upon coal and upon iron, and if I were to vote to-day for the interests of the people of New England under this schedule, I should vote to make ore free, simply and solely with reference to that one industry; I should vote to make coal free also.

I do not know but that in view of the assaults made upon this protective system from the West it is my duty to vote to make coal and iron free, and I do not know but that it is my duty to vote more largely still in the direction of free trade. But if I cast my ballot in the end to keep the tariff as it is upon these articles, I will do so in the interest of the development of the communities at the West who can create this Bessemer ore, which, being built up largely by that industry, will be fed by the farmers of the West, and thus Spain will be on Lake Superior, thus Cuba will lie in the West, instead of in the Atlantic, and under foreign political jurisdiction. I say, Mr. President, it is in that view, and that alone, for the general development of the whole country, that a New Englander can vote for the existing tariff even upon coal and iron.

Mr. GORMAN. Mr. President, I shall be very glad to pay some attention to the remarks of the Senator from New Hampshire before I get through, but I prefer to go on for a moment in the line I was pursuing.

As to the matter suggested by the Senator from Ohio relating to the cost of ores at points both east and west of the Alleghanies, whether in view of the present commercial conditions, the cost of transportation, and everything that enters into the manufacture, it would affect in the slightest degree the ore industry on the Lakes, I am free to say that if it could be shown that a fair reduction in this tariff would destroy or impair that great American interest I should not be in favor of doing it. That we should have within our own borders the development of mines and of factories and the skilled men to fashion from the ore everything that can be made in the shape of steel is the first interest of the country. No patriotic man doubts that.

Mr. SPOONER. Will the Senator allow me to interrupt him, not for a speech, but only to ask a question?

Mr. GORMAN. Certainly.

Mr. SPOONER. As I understand it, the Cuban mines are owned by American companies—those to which the Senator refers?

Mr. GORMAN. They are.

Mr. SPOONER. They therefore pay no royalty per ton for taking out the ore. Does the Senator know anything of the price paid for those mines?

Mr. GORMAN. No; I can not answer the Senator from Wisconsin as to the cost of the mines. It is likely, however, that there as on the Lakes the first cost is insignificant; but the great cost is the development of the mines, the construction of roads, railroads, and what not.

Mr. SPOONER. They are very near the coast?

Mr. GORMAN. Some 18 miles distant; but the development alone costs two or three million dollars. So the royalty, as I understand it, to the original owners and the first purchasers of it, the promoters of the enterprise, so to speak, is, I suppose, like the royalty in the Lake region, about 50 cents a ton.

Mr. SPOONER. Can the Senator give me any idea of the cost in the way of wages per ton in mining there?

Mr. GORMAN. It is cheaper than in this country; there is no question of that.

Mr. SPOONER. How much cheaper?

Mr. GORMAN. I do not know the rate per ton, but the cost of the ore free on shipboard is $1.80 a ton, and to the manufacturer here it is 40 or 50 cents, probably, less than it is on board a vessel on the Lakes.

Mr. SPOONER. A railroad, I understand, has been constructed from the mines to the coast by the gentlemen owning the mines?

Mr. GORMAN. Yes, by the men owning the mines.

Mr. SPOONER. So that is the property of the mining company?

Mr. GORMAN. It is part of the property of the mining company.

Now, Mr. President, as we are to-day and during the last year, the whole output of our American mines has been consumed practically west of the Alleghanies, in the manufacture of steel, and there has been an increased cost in the manufacture of the article both here and abroad within the past two years. The increased demand for the article has been such that the price of ores at Cleveland and Chicago, and all through the western country, has increased. The mine-owners of the Lake region have simply derived their fair share of the increased profit that comes from the increased price of the manufactured article.

Mr. SPOONER. If the Senator will allow me to interrupt him again, I wish to say that in a considerable number of instances there has been within the last two years a large reduction by the owners of the fee to the mining companies in the way of royalty.

Mr. GORMAN. I am aware of this great development, as I said a moment ago, in all its stages from the ground to the finished product. There are constant changes in the iron business; it is up and down. The conditions change so much that in the locality the Senator refers to it depends altogether upon the conditions in moving the ore to market. There may be a difference in the value of the ore itself, the percentage of iron in it, which would make it necessary to get it into general use that it should have a decreased cost. Before taking the average condition of the trade, all that can be produced in the lake region has been used probably west of the Alleghanies for the manufacture of steel.

My friend, the Senator from Ohio, on my right [Mr. PAYNE], stated to us that only about four thousand tons of that ore came east of the Alleghanies to be used in the manufacture of steel. There is a small portion of it that can be brought down the lakes and down the Erie Canal, and thus reach points in the East. There are a few isolated factories or foundries in Pennsylvania that, when they could not get the foreign ore, brought this ore in at a higher price. It is only a very small quantity of the output of the lake ores that can ever come east of the Alleghanies to be used for the manufacture of steel, as I understand the conditions of transportation now.

Mr. SPOONER. Why is that so?

Mr. GORMAN. The cost of transportation of ore, of coal, and of all the heavy commodities has now reached a point which is phenomenal and which probably can not be reduced—about 4 mills per ton a mile. If the statement had been made twenty-five years ago that such a thing could possibly be done, the man who made the statement would have been considered a fit subject for a mad-house.

Mr. PAYNE. The mills in Scranton, Pa., were supplied with ore from Lake Superior, and the works near Harrisburg were also supplied with ore from Lake Superior. Did the Senator say east or west? I did not understand.

Mr. GORMAN. West.

Mr. PAYNE. What I wish to mention especially to the Senator is that large quantities of what is known as Bessemer pig are largely transported over the Alleghany Mountains. Most of these are produced in the Mahoning and Sharon Valleys.

Mr. GORMAN. Of course the product of these great foundries in the West is brought East, to a certain extent.

Mr. SHERMAN. I have here now the testimony in regard to the Cuban matter that I did not have before. It is the testimony of George H. Ely, of Cleveland, Ohio, president of the Western Iron-Ore Association.

Mr. GORMAN. What page does the Senator read from?

Mr. SHERMAN. He was the first witness examined before the committee which framed this bill. His name is George H. Ely, a very prominent citizen of the State of Ohio, and he is interested not only very largely in the Lake Superior ores, but he is interested also in Cuba and interested in manufactures at Cleveland. He says:

> In foreign ores we do not know what we can ever do six months ahead. We can not buy ahead because we do not know what the ocean freights will be. There is a large deposit of ore on the Island of Cuba. It is a good and rich ore, a Bessemer ore, and it will be a grand resource; but they can produce ore, put it on board at Cuban ports, pay the duty, and then run all around the producers of ore on Lake Superior or anywhere else in the United States.
>
> If there is any concern on the Atlantic slope that thinks it is wise to reduce the duty or have no duty at all—I have seen such a statement in a paper—if there is any such concern as that I want to say this: That they could certainly make a handsomer profit than Lake Superior iron men can on their ore, and pay the duty on Cuban ores. I do not think anybody should grumble at paying that duty. I have got some little interest in a Cuban mine as well as in Lake Superior, and I believe in the protection of American interests.

Then he goes on in great detail to show the very point I mentioned awhile ago, with fuller information, that this ore can be delivered at Baltimore or any place along the seacoast at less cost than the ore in Cleveland, and besides that he says at Baltimore they are at the terminus of two great lines of railroad which furnish not only anthracite coal, but bituminous coal probably as cheap as in Cleveland. I supposed Cleveland had the advantage, but I see that Cleveland has not.

Mr. GORMAN. Mr. President, as to the witness whom the Senator from Ohio has quoted, of course I do not know his relation to this entire question, and I do not know whether his judgment is warped or not,

but all of us probably are more or less influenced when our interests are in one direction. But this I do know, that since 1883 we have had a tariff of 75 cents a ton on iron ore and with the Mediterranean ores and the Cuban ores ready to be delivered and the British tramp steamers on the ocean anxious to have return freights, we take iron ore from a vessel, I have been informed, at a dollar a ton and from the Mediterranean ports to the city of Baltimore at 75 cents in one case and bring it in only as ballast and glad to get it at that rate, and with the 75 cents duty and the ore purchased in the cheapest markets, as it is said, in the world, the railroad transportation from the seaboard to the inland factory has never permitted, except for experimental purposes, even a small fraction to go beyond Johnstown to the West.

In the face of that condition of affairs, which is most extraordinary, and with the further fact that I again put to the Senator from Ohio, that if the statement of the gentleman he has referred to be accurate or if the impressions of the Senator himself are well founded, I ask him to explain to me why it is with these great forges on the Atlantic coast that the Government itself has been compelled to go to Chicago and other Western points for the keels of the great steel vessels we are building for the Navy.

Mr. SHERMAN. So far as the Western consumption of iron ore is concerned, the day will never come when these sources can supply the West with iron, because all along the Alleghany range, from one end to the other, it would be a very grave error to transport iron from Cuba and Africa to the Western country. I hope that day will never come.

Mr. GORMAN. I do not desire that.

Mr. SHERMAN. And I will say that the advantage the East already possesses in cheap transportation by "tramps" and by other vessels seeking this transportatation, with the small duty that is levied upon the ore, makes it a very small item of the expense. Seventy-five cents a ton upon iron ore is less than 3 mills a pound, which is a very small rate indeed, and with that advantage and the advantage of cheap transportation from Cuba and from Africa it seems to me that Baltimore, Philadelphia, Boston, indeed every point in the East, is now placed on an equal footing, and, indeed, on a more favorable footing than any city of the West.

It strikes me, therefore, when we are trying to disseminate and distribute the benefits of the tariff as we think they should be in order to develop the industries of the country, that it does not come with very good grace from gentlemen of the East to complain that this little duty of 75 cents a ton on iron ore operates greatly to their disadvantage. The truth is that on account of their location on the seacoast they are in a very favorable position for this great trade. I do not think it would be a misfortune if all the iron used in our country should be produced in the United States; but as they have this advantage of being on the seacoast they have the iron ore within very cheap reach of them, and they ought to be willing to give a duty of 75 cents or even a dollar a ton for the protection of American industry.

Mr. GORMAN. Mr. President, I do not criticise the Senator from Ohio, but I must insist that he has not been as frank as usual in replying to the question which I put to him and which I do not think he has answered at all. He has simply set up a man of straw to knock him down again.

Mr. SHERMAN. If the Senator will repeat his question, I shall try to answer it.

Mr. GORMAN. I will with great pleasure, for I am really seeking information on this matter, and it is a matter, as I said in the beginning, which ought not to be controlled by any sectional feeling or by any reason in the world except the facts which surround it. I do not want to consider it in any other way.

Mr. SHERMAN. What is the question?

Mr. GORMAN. The Senator from Ohio combats the suggestion that we should make iron and steel in the East and ship it West, and he makes the statement that that would be a condition to be regretted; that you have facilities and conditions in the West to make your own iron and your own steel. I said ten or fifteen minutes ago that I did not want to interfere with the Western production. I have not the slightest disposition to retard the progress of the West in any respect. I want to see it developed.

I believe on the whole continent there is nothing in a commercial sense to compete with it, but I ask the Senator from Ohio this question: With the conditions which the law has imposed on us, with all the advantages which he has described in the West as to the bringing of these foreign ores here, as to the cost, etc., the fact is that in the construction of great steel ships for the American Navy and vessels which are built for private enterprise, a large portion of the material has to be brought from west of the Alleghanies, from Chicago. Now I ask the Senator whether he does not believe that there is something radically wrong in the conditions imposed by the law to make us bring the pieces of a vesel from Chicago to Baltimore or to the Delaware, and put them together so that it may float, in competition with foreign ships? Is not that a condition which ought to be remedied?

Mr. SHERMAN. My answer to that question is, that if that thing has occurred it must have occurred only in a few instances; and if it has occurred it is because of the failure of the Eastern iron manufacturers to do their duty by developing their industry and furnishing these particular pieces of the vessel which were necessary to its construction. The truth is they can, with their advantages, make every form of structural iron, and they do it. They can and ought to make it, and if they do not do it it is because our people in the West are a little more enterprising on the whole. We are a race of Yankees there, improved a little beyond the old race, and we can beat the people of Baltimore on equal conditions.

Mr. CULLOM. It is another evidence of the extraordinary energy and skill of the people of Chicago.

Mr. SHERMAN. And as my friend from Illinois says, it is another evidence of the extraordinary skill and energy—and I may say of the grabitiveness—of the people of Chicago. They want to do everything, and they do do a great many things.

Mr. GORMAN. I do not want to be unfair in any statement I make about this matter, but I feel bound to say that there is in the trade among Republicans and Democrats alike no party about this matter.

Mr. SHERMAN. There are no party interests in it.

Mr. GORMAN. There is no party—I mean about the gentleman who makes the statement which I am about to repeat, that the reason and the only reason why they can not compete is because of the unjust operation of the law.

Mr. SHERMAN. With 75 per cent. duty?

Mr. GORMAN. Now let me say to my friend from Ohio that in the section of country where these great industries are, other men began the enterprise, who for skill are equal to any in the world, and their courage to invest their money in these enterprises is equal to that of any. They began this industry. They have taught your sons. Not one of them wishes to-day to take from you a single natural advantage. They rejoice at the development in your section, and it is necessary for the whole country that it should go on.

I want to see, and I believe I shall see in my time, that you will so develop the enterprise that you can throw the doors of the custom-houses wide open on every article that is fashioned by man, and taking alone into account the cost of transportation by steamer from abroad and the railroad transportation here, 175 miles from the coast on either side, you will be able to furnish everything duty free. That does not apply to the coast, but that is a possible thing for you. You are moving along to do it with a rapidity which is gratifying to every lover of his country. But what I ask is that these older States which gave you your territory, which led in this enterprise, which have invested their all, shall not be discriminated against by your unjust laws.

Mr. SPOONER. The Senator will allow me to say that he ought not to forget that for a great many years before these mines were discovered and opened, and before our people in the West engaged in this industry, we came East for everything of that kind we needed. The Senator ought not to complain if occasionally Eastern people have to go West, including the Government, for some iron products.

Mr. GORMAN. Yes, Mr. President, that is true, and the East has treated you handsomely. They started you on your way, encouraged you in the enterprise, and now that you have grown strong, and great, and powerful, and controlling, we ask of you, of the liberal and progressive West, not to combine with the eastern end of the country and discriminate, as we think you have in this case, against the section south of New York. That is all.

Mr. President, look at our condition. Take the Atlantic coast. Twenty-five years ago there was great prosperity in the agricultural interests. In Delaware, in Maryland, in Virginia, in North Carolina, in South Carolina, in New Jersey, the farmers were prosperous. Pennsylvania was one of the great agricultural States of the Union.

By the development of the country which you gentlemen represent, through the facilities given you by the Government, through free land for your settlers, railroad transportation over roads subsidized and aided by the Government, distance has been annihilated and time is no more a consideration in transportation, and the cost is away below that ever dreamed of in the past.

What is the result? I think the present census will show that as you have opened the fertile fields of the West and brought your farmers in Nebraska and Wisconsin within a hundred miles in cost to the ports of Baltimore and Philadelphia, you have absolutely destroyed the agricultural interests of the great States of the East. No wonder that in Massachusetts the statistics show that farms are being abandoned. That fact does not apply alone to cold and sterile New England, but it is true of Maryland.

This census will show that the purely agricultural portion of the country, at least that south of this Capital, has lost in population if we can rely upon the figures, and the products have decreased and the value gone down until that interest has been practically destroyed. It is so in Delaware, it is so in Pennsylvania, it is so in Virginia.

Mr. TELLER. I wish to ask the Senator a question in order that I may see whether I understand him. Does the Senator mean to say that in any portion of the Southern country the farm products are less now than they were heretofore? I speak now of the amounts of production, not of their value.

Mr. GORMAN. The output is greater, but the value has been decreased. The prices have decreased until, with the cost of labor, notwithstanding all the facilities of machinery, the result to the farmer and the laborer is less than it was twenty-five years ago.

Mr. TELLER. Very likely. Then I should like to ask the Senator if that is not true of agricultural industry all over the world.

Mr. GORMAN. To some extent it is true, and especially is it true of the section of which I speak, because you have practically annihilated distance, and it costs no more on one of these great railroads to bring a barrel of flour from Minneapolis to the city of Baltimore than it does from the upper portion of my State, with a haul of 150 miles by road, to the same city, so that our farm lands which have been used for two hundred years have to compete with the rich lands of the West.

I only refer to this matter for the purpose of asking you to do us justice on the subject which is now under consideration. The farmers in the section of which I speak can not be helped in anything you can do by putting a tariff upon their products. Therefore we have had to turn our attention necessarily to other industries. We have been compelled to go to manufacturing. There is no help for our people and no prosperity for them except by changing their condition. The lower part of Virginia and Maryland and Delaware and New Jersey must become market gardens and resort to manufacturing.

We have begun to develop the great industry of fruits, the canning of berries and oysters and everything which is necessary in the way of vegetables to sustain human life; but you have, by means of the tariff in this bill, put a tax upon the only material, tin, which is necessary for that business and its development, which absolutely destroys all of these little industries that are being built up in these four or five great States.

Then you come to the manufacturing establishments which began with the Government, those foundries which were constructed to make cannon with which to fight the battles of the Revolutionary war, which were the germ of this great industry; and we tell you that with all these changed conditions we can not live, we can not compete, and we ask you to make a moderate change which can not affect those which lie upon the lakes. Is this unreasonable, Mr. President? Can not simple justice be done in the discussions of this matter?

You ask me whether under the present conditions we have been at all prosperous. Yes, we have been prosperous to some extent. These great establishments which are going on in Baltimore and one of the greatest, it is believed, in the world, have prospered with Northern capital. But how have they prospered in competition with the Western States under this unjust tax? They have only prospered in Maryland because our self-sacrificing and far-seeing, and enterprising men have, by local legislation, given them bounties to put up their works and exempted their plants from taxation, so that they might live and that our people who are being driven from agriculture by this changed condition of affairs might engage in other industries and find employment.

Now, we come to you and say to you simply do us justice; we ask you to do nothing that interferes with any other interest in the country, but simply to reduce this rate of duty from 75 to 50 cents a ton, and we will compete with the world outside of you. We will not be in competition on the finished article with your factories in the West, but we can develop a trade upon the Atlantic. We can take possession of the trade with the countries south of us. Says the great head of this firm, "If you give us free ores we will give you free ships;" that is to say, "we will build ships equal to any that are built on the Clyde at a cost not to exceed the cost there."

Now, there is an opportunity to do that which you have proclaimed is the policy of your party, to take possession of the transportation interest upon the ocean. We have freely submitted to great taxation to give you free railroads in the West. All we ask is to put us on an equality and strike off these shackles. It will not be safe for us to take so radical a step in any item of the tariff, but we ought to reduce it fairly, and then we can live and prosper.

Mr. President, everything that this section of the country gets in the way of articles for consumption is subjected to a tariff tax. On the other hand, you gentlemen still insist upon imposing on us this burden which is destroying us for the advantage of your locality. You have the advantages which come from the materials all being near together. You have these great inland seas on which you can move your heavy articles at the least cost, as cheaply as we can move them upon the Atlantic Ocean. Surrounding those lakes will be untold millions of people, and I think there will be the center of trade and population on this continent. Your future is assured. You are prosperous to-day. You have in addition to all this an advantage by the use of hundreds of millions of dollars of Canadian and British money in your transportation.

In our transportation upon the Atlantic the navigation laws confine us to American vessels. I wish to say frankly that I would not have in that trade anything but an American vessel. On the lakes is a great fleet of the finest steamers that float upon any waters, and they are ours. A little higher rate of freight we have had to pay, it is true, but they are still American. You on the other side insist also on imposing those conditions on us when it comes to the development of your trade, when it comes to getting your product out at a lower rate of cost, when my friend from Massachusetts wants cheap corn and cheap flour and cheap iron on the one side, and tells us he wants an American vessel to carry them in; and when it strikes a Northwestern interest and your New England interest you receive with open arms all the vessels that the English and Canadians furnish you, and you permit them to come into that coastwise trade and take the flour from Minnesota, the iron from Wisconsin, the products of Ohio, the products of the great mills at Chicago, and carry them through our territory into Canada and back to Massachusetts and all the New England States.

My friend from New Hampshire said that he believed it was in the interest of his people to be for free trading vessels that belong to the British and the Canadians. When it comes to us you confine us to vessels which are owned in Maine or along the coast. I do not complain of it, but I want an equal rule. I want Delaware, and Maryland, and Pennsylvania, and Virginia, and New Jersey, and North and South Carolina, and all this country only to have the same advantage which you insist upon having for yourselves.

Mr. President, I know all this is but a matter of adjustment, and it ought to be adjusted fairly, and party lines upon a question of this sort should never be referred to; and my friends from Massachusetts and Colorado and Wisconsin ought to be prepared and ready to take up such a question and determine it without regard to their party caucus and their party demands. You can do it within your lines. Let us treat it as a fair business proposition. This one item is of more account than all the rest of this schedule. With it goes the rest. Let us fashion it and determine it as the interests of this whole country require.

Only a few words more and I shall have finished what I desire to say on this matter. I have referred to the fact that my friends from New England insisted on imposing these conditions which I have attempted to enumerate, and yet they claim and do enjoy perfect freedom of trade over the lines of transportation built by the British Government for military and political purposes in competition with American railroads and with American industries.

Now, that that great section of the country should want cheap transportation and cheap commodities is natural and not to be complained of, and that their people ought to have them at the least possible cost I do not object to, provided you give to the American interests which come in competition with them a fair amount of protection or place them upon an equality. Your necessities require it. I would not take from you any one thing, so far as I know, which would retard your development.

I have before me a statement made by Mr. Alden Speare, president of the chamber of commerce and of various other associations of Boston, who appeared before the committee of which my distinguished friend from Illinois [Mr. CULLOM] is chairman, the Committee on Interstate Commerce, when that committee last summer was trying to ascertain how far this English or foreign interest had come in to interfere with our transportation interests, and how, if at all, they were jeopardizing American interests; to what extent our friends in New England and the West were utilizing foreign vessels—because a car is but a vessel on wheels—freely, without tax, without prohibition, and in competition with the American vessel which is moved by land. To my utter amazement I found more free-trade sentiments in Boston among the New England people than I ever supposed existed in our common land. I do not overstate it when I say that this gentleman, an intelligent, capable, upright man of affairs, Mr. Alden Speare——

Mr. DAWES. A very fine gentleman.

Mr. GORMAN. Mr. Speare deemed it to be his duty to facilitate the movements of the committee of which my honorable friend from Illinois is the chairman, by bringing before us and requesting to meet us all the principal business men who were in the city and State at the time. To him we are under great obligations, and I am glad publicly to say so. But I found a concurrence of sentiment among those business men of Boston and of New England which to me was a revelation, that no matter how they differed in politics or in any other affairs in this world when they came to look after the moneyed interests of their section they were found in solid column and having but one opinion.

The reason that Mr. Speare assigned for wanting a different rule on the ocean than on the land, why he wanted only American ships upon the Atlantic side of Boston, and was ready to admit the Canadian cars and English cars of transportation in every factory of New England, was because they could get all which was necessary for the sustenance of New England cheaper through the English channel than they could through the American channel. It is a bad rule that does not work both ways. They say to us, "You must be confined exclusively to your American interests and American vessels south of us, but we in this section must have Canadian and British enterprise and money and rates that we may bring from the West our products." I read from page 367 of Report No. 847 of the present session of Congress, made by the Senator from Illinois [Mr. CULLOM]. Mr. Speare said:

New England has 8 per cent. of the population of the United States, and grows one-fourth of 1 per cent. of the wheat crop and one-half of 1 per cent. of the corn crop to feed 8 per cent. of the inhabitants of the United States—

Not a very prosperous farming community—

not enough to supply the inhabitants of Rhode Island alone, and we have to buy annually of and bring from other sections 550,000 tons of grain, 525,000 tons of flour, and $50,000,000 worth of meat for our consumption. We grow but 4 per cent. of the wool crop of the country, but consume 50 per cent. of the entire clip and 55 per cent. of all consumed in the country. We grow not a pound of

cotton, but consume annually 23 per cent. of the whole crop and 75 per cent. of all consumed in this country.

While New England has 31 per cent. of the water-power employed in industrial work, we also have 15 per cent. of steam-power, and consume 5,250,000 tons of anthracite and 4,000,000 tons of bituminous coal, and we do not produce a pound of either, and, of course, buy of and transport from other sections.

The estimated value of American goods consumed in New England in 1888 was $310,000,000.

Mr. HAWLEY. Why does not the author of that report say "manufactured" instead of "consumed?"

Mr. GORMAN. I am reading from the testimony of Mr. Speare. I think the Senator from Connecticut will admit that the grain, flour, etc., are not all consumed in New England.

Mr. HAWLEY. A great deal of that amount of $310,000,000 is manufactured.

Mr. GORMAN. The inquiry here was whether it was fair to American interests to permit the Canadian roads, built by the Canadian or British Government as a political or war enterprise, to be used in times of peace in the mean time for commercial purposes.

Mr. DAWES. While the Senator was in New England and was so amazed at what seemed to be the change of sentiment there, did he ascertain about what date that change took its rise?

Mr. GORMAN. About what?

Mr. DAWES. About what date this change of sentiment in New England, which the Senator has so graphically described—as to their desire to obtain their freights by Canadian transportation—when that took its rise?

Mr. GORMAN. As nearly as I can ascertain, it took its rise from the very moment when the astute and long-headed Americans who reside in New England discovered that the English Government, for political and war purposes, were about to construct those roads. They saw the opportunity to take advantage of them and make money before the roads were fairly completed.

Mr. DAWES. That does not quite define the date. Perhaps I can aid the Senator.

Mr. GORMAN. I should be glad to have the Senator do so.

Mr. DAWES. Two things were coincident. The cause arose when the Congress of the United States enacted a law which would not permit New England to make such terms for transportation of her iron ore by the established lines in our own country as it could make upon established lines outside of our country. In other words, when all the lines from the West were willing to make equal terms with New England, New York, Philadelphia, Baltimore—the seacoast all along—in their transportation, about that time the United States stepped in and said, "That shall not be done." Then New England found that she could make better terms outside of the United States than inside.

Mr. GORMAN. Mr. President, the Senator from Massachusetts knows my great respect and fondness for him. I do not intend that anything I shall say shall reflect upon any section of the country. I am stating facts as I get them, whether they affect New England or the West, or my own particular section. This is not an allusion to sections. The Senator from Massachusetts must not understand me in this discussion in that sense.

Mr. DAWES. Oh, certainly not.

Mr. GORMAN. The Senator is entirely mistaken. I have had the honor to serve upon the Committee on Interstate Commerce, from its creation until now, with my distinguished friend from Illinois [Mr. CULLOM], even prior to the adoption of the law.

Although I have no personal interest in any railroad and no transportation interest, yet my life, for ten or fifteen years before occupying a seat in this body, was spent in representing a public interest in my own State, and that led me into close connection and co-operation with the transportation interests, looking only to the welfare of my State. I therefore came to that investigation perfectly free and unbiased, and the first thing that impressed itself upon every member of the committee was the fact that when, in 1855, the Grand Trunk road was first built and the bridge constructed across Niagara River, from that moment began the aggressive strife between neighboring transportation lines.

Goods were permitted to be shipped across into Canada and then into New England without law. No authority for it can be found, so far as I know, upon the statute-books. But when they once got a foothold then the temptation was offered to the people at both ends of the line, in New England and in the West, and then began to grow this sentiment at both ends of the line, to add to their force, increase their facilities.

When the committee was appointed of which my friend from Illinois is chairman—and in former days my friend from Texas [Mr. REAGAN], I have no doubt, took up the question in another place—that condition of things was found to be existing, with the most active competition by the Canadian roads with the American roads, prior to the passage of any interstate-commerce law and prior to the amendment which put on the long and short haul prohibition.

The subject of inquiry for my friend from Illinois and his committee was whether in view of the active competition between the American interests on the one hand and the British interests on the other, with their lines of steamers from Halifax to England, at the rate of $250,000 per annum, and a line from Puget Sound to China and Japan also subsidized, coming in, as it does, with a branch or spur at any point where they can reach our country; whether it was not a proper thing to say that while permitting them to enjoy that trade, yet we should put them on an exact equality with the American roads, making the same conditions apply to the Canadian roads which we have imposed, in the interest of both West and East, on our roads, for the purpose of preventing discrimination against localities and individuals.

I asked Mr. Speare in this very connection, on page 372 of the report, this question——

Mr. DAWES. What was the date of the examination?

Mr. GORMAN. The Senator from Illinois will probably remember the date. It was nearly two years ago, as I remember.

Mr. CULLOM. A little over a year ago; about the 1st of July of last year.

Mr. DAWES. My colleague and myself pointed out very clearly when the bill was before the Senate and predicted that it would draw New England into the patronage of foreign transportation, but we were forced to submit to a rule of law which aggravated the tendency that it is true did then exist, and which brought to our minds more clearly than could have been done otherwise the injustice of that long and short haul clause. We have had the benefit of the long and short haul clause long enough to demonstrate that.

Now, I say—if I do not interrupt the Senator from Maryland too much—that nobody recognizes more than I do the change of sentiment in New England in the direction to which the Senator has alluded. No one who believes, as I do, that the protective principle is capable of a just adaptation to all the interests of the country, feels more sensibly than I do the inequalities and the injustice of features of this, as of any other tariff bill, and the difficulty in so adjusting it to all interests that it shall not come out a compact of antagonisms.

I state here distinctly that I will vote for the Senator's proposition to reduce the duty on iron ore to 50 cents provided he will show to me that that reduction will not work an injurious competition of foreign ores with the ores of our own country. If from location, if from transportation, or from any other cause, the seaboard wants ores at 50 cents, or free, and can have that benefit without working a serious injury to the greatinterests of our own country, I am with him.

But, however much it may be for the interests of my own constituents to have iron ore free, if it is to work an injury not compensated by an advantage to my section, I should be false to the principles of protection, which I have advocated all my life, as capable of adjustment to all industries of this country, if I voted for it. The only thing I am listening to on the part of the Senator from Maryland—if he will allow me to say so—is to ask him to demonstrate that this can be done without any such damage to the product of the mines of this country east of the mountains as will not more than compensate for the advantage.

Mr. GRAY. I should like, Mr. President, to ask the Senator from Massachusetts if he would not be willing to put the proposition the other way, and say that he would not vote for a duty of 75 cents a ton on iron ore unless it could be demonstrated that that duty placed upon the ore from the mines in the Lake Superior region would not work an injury to the old iron industries on the seacoast, which could not and would not be compensated for.

Mr. DAWES. Mr. President, it matters very little which way you put it. The thing must be taken as a whole.

Mr. GRAY. The burden of proof is in that direction.

Mr. DAWES. We must adjust it as a whole, and come to such a conclusion as the best lights we have shall lead us to.

The iron-ore interests west of the mountains have no right to ask such an adjustment of duties as shall promote their interests regardless of those east of the mountains, nor are those east of the mountains entitled to any such exemption as shall work an injury to the iron-ore interests west of the mountains. The difficulty is in determining where to draw the line, and I can listen to no man with more interest and with more instruction than to the Senator from Maryland on that very subject. I know that I should be glad to vote free ore and free coal, and I shall stand ready to vote for free ore and free coal as soon as I see that that can be done and not work an injury to the greater interests of this country which can not be compensated by the advantage that will be enjoyed by my own section.

Mr. GORMAN. Mr. President, I was going on to speak of the interest in that section and the few reasons which they have given—good ones, no doubt—about the freest sort of trade by these Canadian lines. Admit their cars, engines, and all their paraphernalia free of duty, permit them to come and go, and still they are the absolute subjects of combinations such as can not be applied to vessels on the water.

Mr. BLAIR. Will the Senator allow me a suggestion?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New Hampshire?

Mr. GORMAN. Yes, sir. The respect I have for the Senator as a representative of his section causes me to yield the floor to him with pleasure, and that is also the reason I have referred to him so often.

Mr. BLAIR. I appreciate the motive, and can assure the Senator that it it well founded. [Laughter.]

The Senator seems to think that there is some flaw in the logic of New

England in advocating the use of American ships in the coast-line trade, at the same time that she avails herself of the use of the Canadian railroads in the matter of transportation—that there is some inconsistency or fault in the operation of the New England mind in doing that.

I do not know that the Senator recalls the evidence that was taken before us at Boston and other points, but it he does he will remember that New England as a community has found herself cut off from the general advantages of this country by the monopolies which concentrate their eastern terminus in New York City, Philadelphia, and Baltimore, and that in the effort to get communication with the West and Southwest the New England people have found themselves subjected to an increased transportation rate of 25 per cent. in some instances by the exactions of the monopolistic combinations of American transportation lines, finding, as I said before, their eastern terminus in New York, Philadelphia, and Baltimore; and as New England has furnished a great amount of money that has developed the West and Southwest, and as she has done something in the way of furnishing the intellectual acumen, which is after all the creator of wealth, they felt that it was right that they should be allowed to avail themselves of these established lines—the Grand Trunk and the Canadian Pacific Railway—to place themselves in communication upon equal terms with other parts of their own country.

When an effort is made to isolate New England and place her substantially out of the country, to expel her from the United States, by imposing this tremendous burden upon her transportation, she has naturally, with her own capital and by those relations which are common to all parts of the country, availed herself of this great natural advantage, as it might well be called, which has come by the construction of these other lines of communication and which are found to be just as important to the other extremity of the country with which she communicates as to herself.

There is a great difference between an operation which breaks up a great monopoly in transportation and an operation which concentrates the ownership of coast-line shipping under our own flag; and I should think the Senator would see that there is a very substantial difference. No two ships can form a monopolistic combination. They do not. The great general distinction between land and water transportation is that land transportation is capable of combination, but that by water is not; and although there may be some fault in the entire application of the system, nevertheless that is the general distinction and it is the distinction which applies to this case.

Mr. GORMAN. Mr. President, I know that was the theory, but the fact is just the reverse of it. There is not a canal, not even excepting the Erie, that is free. There is not a line of steamers running from Boston, New York, or Baltimore to Charleston and Galveston, all along the coast, that does not make combinations stronger than those of the trunk lines East and West; and, what is more, we prohibit by law any pooling or combinations or division of freights; whereas in the coastwise trade the lines are absolutely open and free to do precisely as they please.

However, I want to say to my friend from New Hampshire—and he knows it pretty well without my saying it, as probably appears from what he has said—that I do not bring up the matter here for the purpose of saying anything in derogation of his great section. It is wonderfully developed. No man can go among those New England people without being impressed with that fact. But I do say that you have no right, in justice and fairness, to use the British money and capital that have constructed these lines of transportion, in order to compete with American transportation lines, and yet hold that iron, rigid rule on us in everything.

Mr. BLAIR. What does the Senator refer to by that "iron, rigid rule?"

Mr. GORMAN. I refer to this very article I am now discussing.

Mr. BLAIR. Iron ore?

Mr. GORMAN. Iron ore.

Mr. BLAIR. I made the proposition substantially to the Senator to relieve the iron ore and also to relieve coal of duty, but the Senator did not seem to be willing to accept it.

Mr. GORMAN. Oh, yes; and I went away beyond it and even offered to take off 2 per cent. while you take off 1 from every manufacturing interest in New England. I went away beyond you and would have been delighted to see the offer accepted.

Mr. BLAIR. I am afraid the votes of the Senator and his words do not correspond. His acts and his words ought to correspond.

Mr. GORMAN. The Senator from New Hampshire and I will never agree on this matter in the world; I have no hope of our reaching an agreement.

But, Mr. President, I disclaim any intention whatever to reflect upon any one of these sections. That is not my object. I repeat, that what I say is solely for the purpose of getting at the fact and to appeal for justice to some of the other great sections of this country; and in arranging the details of this tariff bill within the principles announced on the other side, as Republicans they can afford to do it.

Mr. SPOONER. Will the Senator allow me a word?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Wisconsin?

Mr. GORMAN. Certainly.

Mr. SPOONER. The object of the Senator seems to be to obtain for the section which he represents free Bessemer ores, or ores substantially free, without much regard to the effect it may have on the Bessemer mines in Michigan, Wisconsin, and Minnesota.

Mr. GORMAN. I have not in fact been talking a very great while to-day, although I have had possession of the floor a considerable time. But I am very glad to have the information I have obtained of the Senators who have interrupted me, because I think this is a matter where interruptions are necessary. I have, however, been most unfortunate in having failed to convey my ideas to my distinguished friend from Wisconsin. I have looked at him and tried to impress them upon him as far as I could. I should like him to understand that I am just as far removed from any attempt to injure the development of that industry on the lakes as it is possible for any mortal man to be.

Mr. SPOONER. Mr. President, let me say——

Mr. GORMAN. If the Senator will allow me to finish this remark, I desire to say that I would not ask for a reduction of a penny on ore if I believed that the effect would be to retard your great development or to destroy any of the great American industries which we regard as the most important in the whole confines of the Union. But I have furnished the testimony of practical men; I have given to you the figures as best I can, from the great transportation interests, and the reasons why you can not ship your ores east of the Alleghanies at a profit; that if you remove the whole duty of 75 cents a ton it would only enable you to send your ores 150 miles farther east than you can now; that the point is the backbone of the Alleghanies, where, under the natural conditions, with the present known means of transportation, you stop and the other interest begins.

If that be true, why do you embarrass us; why do you retard us; why do you prevent us from using what nature has provided to enable us to build, as this Government says it can, in Baltimore vessels equal to those that are built on the Clyde, at the same cost, manned by Americans, built by Americans, run by Americans, to take your grain from Baltimore to Liverpool and compete with the products of India; to enable us to put on these American ships and take the products that you make in your factories from your own ore and carry them to the great market which awaits us in South America?

Our proposition is not only to develop our section, but to develop your interests, and I ask the Senator from Wisconsin why it is that he will not grant so fair a proposition; I ask him now why he makes the intimation that a reduction would interfere with his interests? I pause for a reply.

Mr. SPOONER. Mr. President, I will say that I have not been ablo to learn from the Senator from Maryland that he is possessed of information sufficiently accurate as to the difference in cost, difference of conditions, between Bessemer ore free at Baltimore and the condition on Lake Superior, to enable him or any other man to say what he says—that such a proposition would not be detrimental to the interests (and they are tremendous) of the Bessemer mines on Lake Superior. The Senator's talk upon that subject is very general.

I have asked him, supposing he would be able to give me accurate information upon the subject, the comparative rate of wages in the iron mines of Cuba and in the Lake Superior region.

Mr. GORMAN. I gave you the cost free on board.

Mr. SPOONER. The Senator could not give it. I might have asked him the rate of wages in Spain. Perhaps he could have given that. I will attempt to give it, Mr. President, before this debate is concluded, and also the rate of wages paid to miners in the Bessemer mines of the Lake Superior region.

And while the Senator from Maryland may be, and doubtless is, sincere in his proposition that to admit Bessemer ores from Cuba free would not interfere unduly or unjustly with these great industries or interests on Lake Superior, it is only an opinion upon his part and an opinion in which he is wrong, and I, for one, would not be willing to endanger that great interest, one which has just begun in its development, on the assumption that this generalization by the Senator from Maryland will turn out to be true.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. ALDRICH. Has the Senator from Maryland yielded the floor?

Mr. GORMAN. I yielded to the Senator from Wisconsin for a moment.

Mr. ALDRICH. I wanted to find out what was the condition of affairs.

Mr. GORMAN. I would certainly like to ascertain the object of the Senator's inquiry.

Mr. ALDRICH. I desired to find out, that is all.

The PRESIDING OFFICER. The Chair recognized the Senator from Maryland as soon as the Senator from Wisconsin had concluded his remarks, assuming that the Senator from Maryland had only temporarily yielded the floor to the Senator from Wisconsin.

Mr. GORMAN. I have been surrendering the floor from time to time all day, and I will surrender it with great pleasure to my friend from Wisconsin; and I would like to inquire whether any member of the body can object to it. I was not aware that that was out of the usual order. Does the Senator from Rhode Island object to my yielding the floor to a Senator who desires to ask a question?

Mr. ALDRICH. Not in the slightest degree, but the Senator from Maryland has held the floor four hours, during which time he has, of course, given us some very interesting information. I was only desirous to assume the floor for a moment after he had concluded, and I desired to ascertain from him whether he still held the floor.

Mr. GORMAN. I shall be glad to give the Senator any information I can, because we are going on with the consideration of this bill in this place, and as I have often said it is the only place on earth where it can be considered. We are trying to let some daylight upon this bill, and not only some daylight, but electric light, in order to see what they are doing in the coal mines and factories.

And now, in reply to the Senator from Wisconsin, I desire to say that he insists that there are no data by which you can ascertain whether the reduction of this duty will affect or will not affect the West and Southwest. Of course, I hardly hope to induce that Senator to accept the conclusion I have arrived at; but I do present the fact again, that under the present condition, with the cheap ore which I frankly stated to him, as I understand it, is $1.80 per ton on board in Cuba, with the English tramp steamers to bring it at the lowest possible rates, and with all the conditions as favorable as they can be to deliver it at Baltimore at the minimum cost, with the 75 cents a ton tax, yet that ore has not come into competition with any ore from your section.

Mr. SPOONER. If the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Wisconsin?

Mr. GORMAN. Certainly.

Mr. SPOONER. The Senator's mental horizon on this subject seems to be bounded by Maryland, or at least by the Alleghany Mountains. The Senator will not forget, I trust, that it is alleged, and is probably true, that across the Northern lakes within the boundaries of Canada are great deposits of Bessemer ore similar in character to those which within the last few years have been discovered in Northern Michigan, Northern Wisconsin, and Minnesota.

The discoveries in those States are recent enough. Is the Senator in favor of the free introduction of Canadian Bessemer ore, after such a proposition as that shall have been adopted for the benefit of the owners of the capital for the development of the Canadian mines and for exploration and all that, to compete at Cleveland, Chicago, and everywhere in the West with American Bessemer ores?

Mr. GORMAN. Mr. President, I said at the opening of my statement that I am not in favor of any radical change in the main schedules of this tariff, and I would not ask for a radical change upon this article, because there are certain conditions, certain possibilities in the country north of us, both in coal and iron, that if they were placed on the free-list they might jeopardize your interests; and therefore I contend that prudence, fair business prudence, would require that we should make no radical change.

But I will say to the Senator from Wisconsin that if it should prove to be true that that same deposit of ore extends over on the Canadian side, 50 cents a ton would be ample protection for you, would more than make up the difference in the cost of labor. You have no right to ask more.

Still, I come back to the Senator with my other proposition, that with all your great deposits there you can not deliver the ore, under any known system of transportation, east of the Alleghanies so that we can use it at all. Hence your position is, if my statement be correct, that you absolutely want to drive us out of the business; and as we are on tide-water and want to construct steel ships, we can only do it by getting the ore that nature has provided.

Does the Senator from Wisconsin desire to carry his protection to his own section of the country—I do not speak of his section in any other sense than I have explained—to the extent that he wants to forbid us on the eastern coast from building ships of war and vessels of commerce at a fair rate? Why, Mr. President, not a single fact has been presented by the other side to show that this would interfere in the slightest degree with the interest in this country to which we have referred.

The Senator objects to free trade with Canada, and yet, as I was proceeding to show when he asked me the question, your people, the owners of these very mines, do not hesitate to use the Canadian lines of transportation. Like New England, you take advantage of the cheapest method of transportation that it is possible for you to have, and then complain of us simply because we want to get cheaper ores from Spain and from Cuba.

Mr. Speare, in his statement before the committee to which I have referred, was asked a question in regard to the use of Canadian lines for transporting without having them under the interstate-commerce law (see page 372 of Report 847, present session):

Do I understand you to assert the principle that you would disregard American transportation interests if you could get your transportation by a foreign enterprise for less money?

I asked that question of him; and what was the answer?

Mr. SPEARE. I am not prepared to say, sir, that if there were an existing line through Canada that would carry my goods cheaper than the American roads that I would permit myself to be taxed to send the goods over an American line.

He would send his goods over the foreign line.

Senator GORMAN. Would you apply that principle to water carriage as well as rail?

Mr. SPEARE. Yes, sir; if the conditions were equal.

Senator GORMAN. Would you apply the same rule to our coastwise trade?

Mr. SPEARE. No, sir.

Senator GORMAN. Where is the distinction between the water carriers along the Atlantic coast and the railroad carriers across the continent?

Mr. SPEARE. It is too long and too broad a question for me to go into at this time, but I am clear that the coastwise trade is very important to the American people, and that we should not give that trade to any foreign country or corporation; but the reasons are of such a broad character that I do not care to go into the question at present.

Of course not. It was too long and too broad a subject to discuss, so long as they have the exclusive right on the ocean and they are enjoying the use of foreign transportation on land.

Now, I say that, while there are strong reasons, probably as strong as stated by the Senator from New Hampshire [Mr. BLAIR], against monopolies in transportation lines on land, there was a discrimination, because the distance is greater to Boston from Chicago, which is the beginning point for the Eastern and Western trade.

Mr. BLAIR. The distance is scarcely any greater from Chicago to Boston than from Chicago to New York.

Mr. GORMAN. By the Canadian lines; but by the American lines it is greater; and they put on an additional tariff rate for the two or three hundred extra miles.

You handle cheaper products and have the advantage of British capital and British enterprise, and you have asked the American roads to give you a lower rate. That is a matter that all men would be engaged in and would do where they had the opportunity. I do not complain of it. But I turn to you now and say that while you are using British capital, British money, and British vessels and cars, you should give us an opportunity to make rails by handling the ore under a reduced taxation, so as to compete with the free rails, the British rails you use, on the British roads between New England and Western points. The discrimination now is too great against us. We appeal to you to remove it.

Mr. BLAIR. Does the Senator really mean that a reduction of 25 cents per ton on ore would make any difference to Baltimore? Would she feel the difference of 25 cents a ton, or even 75 cents? Would it be perceptible probably in the great competition as between different sections of the country? And, if so, why not give us free coal?

Mr. GORMAN. With reference to one company in Baltimore, that 75 cents a ton on iron ore, which they must pay and which does not come in competition with any American ore, is 35 per cent. on their capital. It takes off one-third. We can make your spindles for your factories in New England cheaper, and we make them nearly all now.

Mr. BLAIR. And with some of the ore, which would reach New England as cheaply as it does Baltimore, we can make our own spindles.

Mr. GORMAN. Mr. President, free trade in all these articles is out of the question.

Mr. BLAIR. But I submit that that is no reply. The Senator must stand by the one thing or the other. If he makes the point, he must stand upon his ground.

Mr. GORMAN. I stand, Mr. President, where I have always stood, on the ground that adjusting the tariff is purely a business matter; that it ought to be done with a view to revenue for a government economically and honestly administered; that in adjusting it it shall be arranged on fair business principles, with no disposition to strike at any one section or another, but to give enough protection to every interest in the land. That is all I desire.

When the Senator from New Hampshire comes to me and tells me "I do not want the privilege of using English roads laid with English rails made by pauper labor in England, and cars constructed by the Canadians at less cost than would be paid in America, for the purpose of getting transportation cheaper by that means, by using this foreign material and foreign labor," and then when you come to adjust the rest of the tariff with that advantage to the only section bordering on the lakes that has that benefit, do not twit us with being free-traders and in favor of the pauper labor of Spain and Cuba, but come to us and give us a fair opportunity to live. We know that you have a country that is good, and that you must be engaged in manufactures in order to prosper and build you up. We will give you all the advantages you need.

Mr. BLAIR. Free coal?

Mr. GORMAN. "Free coal," says the Senator. Yes, we will give you anything you wish that is right and in reason. But the Senator from New Hampshire knows that he can not stand upon that logic. Your people must have the raw material. The sentiment in favor of it is growing day by day. You can not live unless you have cheaper transportation than you have now. You can not keep your manufactories up unless you have cheaper raw material. Everything tends in that direction. In getting that we only ask you to be fair. We will give you 150 per cent. on some of your wares, but do not tax us 40 or 50 per cent. on the coarser articles. Let us have them at a moderate rate. Do justice. That is all we ask.

It will not do for our friends in that section of our common country to be constantly throwing up to this side of the Chamber, "You are for free trade." It is not so, Mr. President. We are for fair trade and a fair adjustment of these enterprises. We want the tariff adjusted as a business man would adjust it. You may enjoy it for the time being, and jeopardize the interests of all American trunk-line roads in

doing it, by this freedom of trade on the English roads. Unless relief is given, unless we permit our American roads to adjust their affairs by some other method than that now provided by law, I am afraid that the Canadian lines will so demoralize our interests that you will have a greater panic than you will from the increase in the tariff according to these various schedules.

There is scarcely a factory owner in the State represented by my friend from Rhode Island, who talks constantly and only in consideration of the protection of American interests, who has not encouraged and does not have to encourage these Canadian roads built by the British Government and with British money, to run a switch into his factory to have the products of the mills taken through Canada to Puget Sound and thence upon subsidized English steamers to China and Japan. All your business is transacted through the English who are in those countries. All that trade from New England passes over these lines free from taxes. The road is free; their engines and cars are made, as you are constantly telling us, by pauper labor.

How are we to compete with them? We have several main lines of railroad running to the commercial metropolis of my State through manufacturing centers. The first road to be conceived in the country was made practically by taxing the people of Maryland, for without the aid of that State it never could have been built. Its corner-stone was laid by Charles Carroll of Carrollton, one of the signers of the Declaration of Independence. It has struggled and grown, until to-day it is the artery for the products of ten or twelve of the great States of the West to be transported to Maryland. It is the one channel by which the people of those ten or twelve States have had cheap transportation to the seaboard, and thence to all the places of the world.

By the improvement of our harbor and by our own thrift and enterprise in Baltimore, together with the enterprise of this road run for thirty years upon purely business principles, more has been done to decrease the cost of transportation and to enhance the value of your Western property than by any other means, save probably the Pennsylvania and the great New York Central railroads. How has it bettered your condition? Because it has decreased the cost of your transportation. It has been a benefit to all the western section of the country, and indeed to the commerce of the whole country.

The agriculture of the State of Maryland has been destroyed. All of our business that produced a fair return has been wiped out. We have had to change our whole relations. Now comes this bill, filled with poison that is certain death to our enterprise, taxes us out of existence almost. We are losing by the million in the factories that have sprung up throughout the borders of this section of the country—I mean in Delaware, New Jersey, Maryland, Virginia, North Carolina, and South Carolina. All their conditions have changed. Poverty for our people is greater in certain sections of my State to-day than it was at the close of the war in 1865, because these unequal laws have deprived them of the opportunity of making a living.

With these factories there, their smoke-stacks appearing, their output would be the greatest in the world if you would only give us the advantages of perfect certainty, for we can build ships with my friend from Maine within 10 or 12 per cent. of the cost of ship-building on the Clyde. Give us this article at a lower rate of duty, that does not interfere with any deposit in the country, and we will furnish you the finest ships that float over the Atlantic as cheaply as any English firm can build them.

You in the West can afford to give us this small consideration. The cheaper the ships the better we shall be able to take your products hence. Give us this opportunity, and the desire of the great Secretary of State of your party, urging intercourse with South America somewhat in the same line, can be made certain by the introduction of these ships that we shall build upon the Atlantic. Open the door.

We have told you, and told you truthfully, that within the confines of your bill there is not a single item, there is not a line, there is not a proposition which will open the trade of this country for the agriculturist. There is nothing there that enables us to take our products to other people and bring back better returns to the farmers of the West and to the manufacturers of the East. Why not give it to us?

Mr. FRYE. Mr. President, the Secretary of State——

The PRESIDING OFFICER. Does the Senator from Maryland yield?

Mr. GORMAN. Certainly.

Mr. FRYE. The Secretary of State has been quoted several times in the Senate as asserting that the McKinley bill did not in any of its features open up markets. The Secretary of State was dealing in that letter which has been referred to entirely with foreign and not home markets. It must be clear to any Senator who has read the letter that he intended to assert, and expected to have been understood, that in the McKinley bill there was nothing to open up foreign markets.

I do not understand that in a protective tariff there is a special purpose to open up foreign markets. It is the purpose of a protective tariff to create a home market, which is worth infinitely more than any foreign market. This undoubtedly was the understanding of the Secretary of State—not any purpose to reflect upon the McKinley bill at all except so far as this, that there was nothing in it intended to open up foreign markets, and he desired that something should be put in it in the way of reciprocity by which foreign markets might be opened up.

Mr. BUTLER. Then, do I understand that the Secretary of State is in favor of opening up foreign markets to the American manufacturer?

Mr. FRYE. The Secretary of State is undoubtedly in favor of some reciprocal relations with the republics to the south of us by which the markets of the United States may be extended into those countries.

Mr. BUTLER. Then, in short, he is in favor of opening up a foreign market to the American manufacturers?

Mr. FRYE. He is in favor of resorting to some method by which the high duties of the South American Republics on products of the United States may be reduced or removed, and thus enable us to send our goods into those markets.

Mr. BUTLER. Then he is in favor of opening a foreign market to the American manufacturer, as I understand?

Mr. FRYE. He is in favor of opening foreign markets to the American producer, principally of provisions and breadstuffs, as his letter reads.

Mr. BUTLER. Not of manufactures?

Mr. FRYE. He says nothing about manufactures. It is well understood that the South American Republics can not afford to open their markets to all of our manufactured goods, because they depend, differently from some other countries, entirely upon their import and export duties for the money with which to run their governments.

Mr. GRAY. Will the Senator from Maine yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Maine yield?

Mr. FRYE. Yes, sir.

Mr. GRAY. Allow me to say that it seems to me, with all due respect to the Senator from Maine, a remarkable meaning that he has put upon the letter of the Secretary of State, and I want to call his attention to what the Secretary of State actually did say, the language that he actually used, and then to ask him whether it was not the view of the Secretary of State that a tariff bill might be so framed as to give the advantages of a foreign market to our agricultural products, or at least be so framed as not to preclude and shut out from foreign markets the products of agriculture. That somewhat celebrated letter to which the Senator from Maine has referred is dated July 11, 1890, from Bar Harbor. In it he says:

> The charge against the protective policy which has injured it most is that its benefits go wholly to the manufacturer and the capitalist and not at all to the farmer. You and I well know that this is not true, but still it is the most plausible, and therefore the most hurtful, argument made by the free-trader. Here is an opportunity where the farmer may be benefited—primarily, undeniably, richly benefited. Here is an opportunity for a Republican Congress to open the markets of forty millions of people to the products of American farms. Shall we seize the opportunity or shall we throw it away?
>
> I do not doubt that in many respects the tariff bill pending in the Senate is a just measure, and that most of its provisions are in accordance with the wise policy of protection. But there is not a section or a line in the entire bill that will open the market for another bushel of wheat or another barrel of pork.

Mr. FRYE. Open up what market?

Mr. GRAY. The foreign market.

Now, in view of this terse, epigrammatic, and remarkable statement I have just read, taken with the context, I ask the Senator from Maine, or any one who has attentively considered the subject of which he is treating in the letter, whether the distinguished Secretary of State is not putting himself in an attitude of criticism of this so-called McKinley bill, on the ground that it does not open, as he contends it should open, a foreign market to the agricultural products of our country?

He does not surely mean only to indulge in a verbal trick, to be interpreted this way to-day and that way to-morrow. He does not mean merely to utter what the Senator from Maine considers a truism (in which I agree with him), that a protective tariff bill was never intended to open up foreign markets to American products. But evidently, palpably, upon the face of the letter which he wrote, he intended to criticise the bill because it did not contain that which he, as an avowed protectionist, contended it should contain.

Mr. FRYE. Mr. President, the bill for the first time has an item making sugar free. Some of the South American Republics produce sugar and send it to this country. Some of the Spanish-American States produce sugar and send it to this country. The distinguished Secretary of State, in my judgment, simply intended to say, "If you propose to put sugar on the free-list, why do you not avail yourselves of this opportunity to make it free and at the same time have a provision that shall open up the markets of those South American countries to our farm products?" No further criticism was intended by him of the bill, and that is a criticism which I would have made myself at any time—a criticism which I did make when coffee was put upon the free-list; and my recollection is that I voted against putting it on the free-list, on the ground that it was opportunity afforded us to get a *quid pro quo*, in addition to making it free to our own people. I see no criticism of the McKinley bill beyond that, and in that criticism I confess I sympathize strongly myself.

Mr. GRAY. Now, Mr. President, with the indulgence of the Senator from Maryland, it seems to me that the Senator from Maine only admits what I have stated, that in the letter the distinguished Secretary of State makes a most destructive criticism upon the McKinley bill, upon this concrete measure of tariff taxation which we have before us.

He was not discussing the general policy of protection, the general theory of free trade, or commercial restriction. He was dealing with that concrete example of tariff taxation that was before us and is before us to-day to be commented upon; and it is with reference to this bill that he says that there is not a line or syllable in it that opens a market for a single barrel of flour or a single bushel of grain raised by the American farmer.

It is a criticism of this scheme of taxation, raising the duties upon the necessaries of life of the mass of Americans, and notably of the agriculturist himself. There is a provision to make free the largest revenue-producing commodity that comes into the country, thereby making it necessary to maintain high rates of taxation on the necessaries of life. It is in criticism of that general scheme which the distinguished Secretary of State made the assertion, unless the English language fails of expression. Let me read further:

Our foreign market for breadstuffs grows narrower. Great Britain is exerting every nerve to secure her bread supplies from India, and the rapid expansion of the wheat area in Russia gives us a powerful competitor in the markets of Europe. It becomes us, therefore, to use every opportunity for the extension of our market on both of the American continents. With nearly $100,000,000 worth of sugar seeking our market every year we shall prove ourselves most unskilled legislators if we do not secure a large field for the sale and consumption of our breadstuffs and provisions.

That thing he says the McKinley bill does not do, but, on the contrary, excludes those products of the American farmer from the foreign markets.

Mr. FRYE. I beg the Senator's pardon. He does not say that and that is not a legitimate conclusion from what he does say.

Mr. GRAY. I supposed that any one could see that I was making a comment upon the text of the distinguished Secretary of State. That was my own comment. I did not profess to be reading from the letter. If the Senator from Maine had been looking toward me he would have seen that my eyes were not directed toward the paper I had in my hand. Now I read from it:

The late conference of American republics proved the existence of a common desire for closer relations. Our Congress should take up the work where the International Conference left it. Our field of commercial development and progress lies south of us.

Mr. President, the Senator from Maine has said that it is not part and parcel of the policy of protection to open up foreign markets, and in that statement and in the truth of it I agree. It never has been the policy of the protective system to broaden the field for the sale of the products of American industry, and especially of our American farms. The cry of the protectionists has been: "This is our market, and we want no other. We will corral the great mass of consumers here so that they can not buy the necessaries of life outside the lines that we choose to prescribe. It is our market." There is the possessive pronoun "our," so dear to the comparatively small class of people engaged in the protected manufactures.

The other side of that market, the buying side of that market, which these protected manufacturers say is "ours," is without protection. Those composing it are used for tribute-bearers to the specially favored classes. "Our market," says the protectionist with an arrogance and effrontery that would be amusing if it were not so serious in the fact that it is sometimes produced as an argument to the American people, as if, to use a homely illustration, the market gardeners of this city who sell their produce here should say to the householders of Washington, "This population of 230,000 people in the District is our market, and nobody south of the Potomac shall share in it;" or, to use another favorite phrase, "We will not surrender our market to the competition of the Virginia or Maryland or Delaware truck-grower; we will confine it to ourselves."

That is the one-sided illustration which aptly portrays what is meant by this phrase "our market." These one or two million, to use the largest figures that can be justly used, including capitalists and workmen and all, turn around to sixty-five million people and say, "You are ours, and to us you shall pay tribute, and the markets of the world where all other civilized people trade to their advantage must be closed to you because it is for our profit to shut you out."

Now, it is in a single direction that the distinguished Secretary of State has seen the fallacy or the injustice, the oppression and the tyranny of all this, and he says we must burst these bonds, and we must give an outlet to the products of the American farmer; but this McKinley bill—I am not quoting his words, but in substance—this McKinley bill will go before the people branded as a measure passed in the interest of only a few, disregarding those mighty and universal interests which extend all over this country and relate to the products of the American farm and the industry of the American farmer.

Mr. FRYE. I wish to say just one word.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Maryland yield to the Senator from Maine?

Mr. GORMAN. Certainly.

Mr. FRYE. But the criticism of the bill extends only to an item, which is placing sugar on the free-list. It has nothing to do with protection.

Mr. McPHERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New Jersey?

Mr. GORMAN. Certainly.

Mr. McPHERSON. The Senator from Maine [Mr. FRYE] says that the criticism of the Secretary of State, in the letter spoken of, to the McKinley bill had reference only to sugar. It had reference to South American products, and impliedly it had reference as well to any policy that would tend to deprive us of new markets within our reach, and a fair inference as well from his letter was an argument against a policy that would deprive us of markets elsewhere for agricultural products which we now enjoy. If we purchase $28,000,000 worth of tin-plate from England we pay for it in wheat. If you make it here 1,000,000 bushels of wheat only will be the new market to supply labor employed in making it. So therefore you have a new market for 1,000,000 and a lost market for 28,000,000.

Mr. GORMAN. Mr. President——

TRANSSHIPMENT OF GOODS THROUGH CANADA.

The PRESIDING OFFICER. Before the Senator from Maryland proceeds the Chair desires to lay before the Senate a communication from the Secretary of the Treasury in response to a resolution regarding Canadian transportation in bond.

Mr. CULLOM. I hope that the communication will be read to the Senate, so that we may know what is in it, before it is printed.

The PRESIDING OFFICER. The communication will be read.

The Secretary proceeded to read the communication and was interrupted by

Mr. ALDRICH. As this is a long communication I suggest that it be printed in the RECORD without being read.

Mr. CULLOM. I have no objection to that if it goes into the RECORD so that we may see it in the morning. I think it is not very long, however.

Mr. ALDRICH. I object to the reading of it simply because it takes up time.

Mr. COCKRELL. I do not know but that the rule would require the reading. If we demand the Secretary of the Treasury to make a report to us, when the report is made it is certainly courtesy to him at least to have it read.

Mr. ALDRICH. It is not in order at this time. Whatever may be the question in regard to the rule, it is not in order to lay the communication before the Senate now.

Mr. HARRIS. I beg to suggest to the Senator from Rhode Island that when a communication from the President or the head of an Executive Department is sent to the Senate, it is in order at every moment that the Senate is in session to lay it before the Senate, except when the Senate is dividing or pending a motion to adjourn; and the uniform practice of the body has been from the organization of the Government down to-day, with one single exception, three or four days ago, that such communications have been read.

Mr. CULLOM. It will not take three minutes to read it.

Mr. HARRIS. It is not only respectful to the Department that sends it to read it, but in order that the Senate may know to what committee it should be referred it must be informed as to the contents of the communication, and I beg that the Senator from Rhode Island will withdraw his objection and let the uniform habit and custom of the Senate prevail.

Mr. ALDRICH. I withdraw the objection simply to save the time of the Senate.

Mr. CULLOM. It will take but two or three minutes to read the communication. It can be easily read.

The PRESIDING OFFICER. The objection being withdrawn, the Secretary will proceed with the reading.

The Secretary resumed and concluded the reading of the communication; which is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 5, 1890.

SIR: I have the honor to acknowledge the receipt of Senate resolution, dated the 16th ultimo, wherein I am directed to inform the Senate whether merchandise in bond, appraised or unappraised, and goods of domestic origin, are permitted to be forwarded between Atlantic and Pacific ports of the United States over the Canadian Pacific Railway, and whether said merchandise on arrival at Vancouver, British Columbia, is there transshipped to vessels or cars, as the case may be, and whether or not such transportation and transshipment on foreign territory is consistent with the safety of the revenue and the laws governing the coasting trade of the United States.

Also, to report whether merchandise other than the products of contiguous countries is permitted to enter the United States under consular seal and proceed to destination without entry or examination at the port of first arrival.

Also, whether I have official knowledge that the Grand Trunk Railway has willfully or otherwise violated any of the revenue or coasting laws of the United States in carrying merchandise in bond between places in the United States.

Also, whether the entering into the United States under consular seal, and forwarding to destination without entry or examination at the port of first arrival, of merchandise other than the products of contiguous countries is being done; and if so, whether it is permissible under our revenue laws.

Also, whether I have official knowledge of any complaints by any American producer, shipper, or consumer against the transportation in bond of any merchandise as hereinbefore set forth, and if so, that I report the same to the Senate.

I have also received copy of a resolution of the Senate of the same date, in which I am instructed to report to the Senate whether, in my judgment, loading, bonding, sealing, and manifesting cars or vehicles in Canadian territory for transit through Canadian territory in bond to American ports can be done with safety to the revenue and with a proper regard to American interests, capital, and labor, and with the proper enforcement of the interstate-commerce law, upon all transportations alike, whether partly in transit through foreign

territory or wholly within the United States, and where and to what extent such loading, bonding, sealing, and manifesting cars or vehicles in Canada is done and under what law, or statute, or treaty.

In reply I have to say that merchandise in bond, appraised and unappraised, and goods of domestic origin are forwarded between the Atlantic and Pacific ports of the United States over the Canadian Pacific Railway under bonds of American common carriers, which provide for the transportation of merchandise to destination by connecting lines of railway and vessels. On arrival of such merchandise at Vancouver, British Columbia, transshipment is made under the supervision of an officer of the United States stationed at that point, who certifies the facts upon the manifests and seals the cars or compartments of vessels into which the goods are placed. The authority under which transportation of this character is permitted is found in section 3006, Revised Statutes, which provides as follows:

"Imported merchandise in bond or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the British provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or Republic, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or Republic, be treated, in regard to the liability to or exemption from duty or tax, as if the transportation had taken place entirely within the limits of the United States."

As under the regulations of this Department only American vessels are allowed to be employed in transportation of the character referred to, I am of opinion that the laws governing the coasting trade of the United States are not violated thereby, and the chief danger to the interests of the revenue to be apprehended by reason of such transportation is the opportunity afforded for substitution of packages on foreign soil at some point on the long route traversed.

Section 3102, Revised Statutes, which is included in the chapter relating to commerce with contiguous countries, is as follows:

"To avoid the inspection at the first port of arrival the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such merchandise, baggage, effects, or other articles may apply to any officer of the United States duly authorized to act in the premises to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States; which officer shall seal or close the same accordingly; whereupon the same may proceed to their port of destination without further inspection. Every such vessel, car, or other vehicle shall proceed, without unnecessary delay, to the port of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected. Nothing contained in this section shall be construed to exempt such vessel, car, or vehicle or its contents from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this title."

This section is in substance section 2 of the act of June 27, 1864, and has been held to confer authority on consular officers of the United States, stationed in contiguous countries, to seal cars containing merchandise of such contiguous countries to be imported into the United States, and to allow such cars, if on arrival at the frontier ports of entry the consular seals were found to be intact, to proceed to destination without entry and examination of their contents.

I am informed that since the completion of the Canadian Pacific Railway, goods arriving at Vancouver, British Columbia, from Asiatic ports destined to the United States, have been placed in the cars of that company, which were then sealed by the United States consul at that port and forwarded to their destination in the United States.

I find that this practice has been acquiesced in by this Department in so far that the customs officials at the frontier ports of arrival have respected the consular seals and allowed the cars to go forward without entry and examination of their contents if the seals were found intact.

I am of the opinion that it was the intent of the law to confine the privilege of the consular seal to cars containing merchandise of the contiguous country and that such privilege does not extend to cars containing imported merchandise landed in the contiguous country for transit through it to the United States.

In this view of the law it is in contemplation to restrict the privilege to cars containing merchandise of the contiguous country.

I have no official knowledge that the Grand Trunk Railway Company has willfully or otherwise violated the revenue or coasting laws of the United States in transporting merchandise between places in the United States, nor of complaints made by any American producer, shipper, or consumer against the transportation in bond of such merchandise. I have, however, recently received a communication from gentlemen employed as counsel, concerning a practice which appears to have obtained in the customs collection district of Huron, in the State of Michigan, in the matter of allowing cars to be loaded, sealed, and manifested at Port Sarnia, Ontario. I am advised that by reason of the fact that suitable facilities were not available at Port Huron, Mich., for transacting the transportation business of the Grand Trunk Railway Company, which has a terminus at Port Sarnia, Ontario, authority was given some years ago for loading, sealing, and manifesting the cars at Port Sarnia, customs officials of the United States, being assigned to the supervion of the business.

Authority for the practice appears to be given by the regulations of March 30, 1875, governing the transportation of merchandise to and from and through the British Possessions in North America under the laws and treaty of Washington as existing at that time. Whether the abrogation of certain articles of the treaty requires a change in the regulations is a subject which is now receiving the attention of the Department. I am not prepared to state that the practice referred to operates to prevent the proper enforcement of the interstate-commerce law, or that the safety of the revenue is jeopardized thereby.

Respectfully yours,

WILLIAM WINDOM, *Secretary.*

Hon. LEVI P. MORTON,
President United States Senate.

Mr. CULLOM. I move that the communication be printed as a document and referred to the Committee on Interstate Commerce.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 3555) to increase the compensation of the assistants to the attorney of the United States for the District of Columbia, and to amend section 907 of the Revised Statutes relating to said District.

The message also announced that, in compliance with the request of the Senate, the House had returned the bill (S. 2390) to increase the pension of Evelyn W. Miles.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases.

LEAVE OF ABSENCE.

Mr. GEORGE. Mr. President, it is necessary for me to be absent from the Senate for an indefinite time, and I ask leave.

The PRESIDING OFFICER. The Senator from Mississippi asks leave of absence for an indefinite period. If there is no objection, the leave will be considered as granted.

IMPORTED LIQUORS—STATE LAWS.

Mr. WILSON, of Iowa. I desire that the message from the House in respect of Senate bill 398 be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives concurring in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases.

Mr. CULLOM. That passes the bill.

Mr. WILSON, of Iowa. I desire simply to present the report of the conferees of the Senate that it may be placed upon the files of the Senate. It requires no action.

The PRESIDENT *pro tempore*. The Chair understands that the House of Representatives recedes from its amendment.

Mr. WILSON, of Iowa. The House recedes from its amendment.

The PRESIDENT *pro tempore*. The report will be filed and entered of record, and no further action is necessary.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

Mr. GORMAN. Mr. President, I suppose I ought to apologize to to my friends from Maine for referring to the correspondence of the distinguished Secretary of State, but as the only means he had of communicating his views to Congress was through his Senators, they were published for the purpose of having a bearing upon this very question that is now under consideration; and I thought it proper to refer to them, and I am very glad we have had some discussion upon his statements. I take it for granted that there will be a great deal more heard of them as we progress with this bill and reach the special item of sugar, to which he refers. I concur, however, with my friends from Delaware and New Jersey that his communication is an attack upon the entire theory upon which this bill has been constructed. But that we shall take up hereafter.

I come back to the amendment which I shall propose, but which is not now in order.

Mr. GIBSON. Will the Senator from Maryland permit me to make a suggestion in reply to the Senator from Maine?

Mr. GORMAN. With pleasure.

Mr. GIBSON. The Senator from Maine said that Mr. Blaine's letter, which was communicated to the Senate by the President of the United States, referred only to sugar. By reference to that letter it will be observed that it referred to the products of South American states. Mr. Blaine says:

To escape the delay and uncertainty of treaties it has been suggested that a practicable and prompt mode of testing the question was to submit an amendment to the pending tariff bill, authorizing the President to declare the ports of the United States free to all the products of any nation of the American hemisphere upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports free of all national, provincial (state), municipal, and other taxes, our flour, corn, meal, and other breadstuffs, etc.

He, at the outset of this letter, gives the history of the International American Conference.

Mr. BUTLER. May I ask the Senator from Louisiana whether that general description does not include Canada?

Mr. GIBSON. No, I think not. It says "American."

Mr. BUTLER. It says "the American hemisphere."

Mr. GIBSON. It speaks "of any nation of the American hemisphere." I take it that in the proper sense of international law the Dominion of Canada is not a nation.

Mr. BUTLER. The word "nation" escaped me.

Mr. GIBSON. I take it that Cuba and Porto Rico are not nations in the proper sense, but that these seventeen republics lying around the Caribbean Sea, and constituting the states of South America, are distinct and independent nations, and that this letter of Mr. Blaine applies to the product of those states as independent states, which was proposed in the original resolution extending an invitation to those states, approved May 24, 1888, which Mr. Blaine refers to us, naming as one of the topics to be considered, "Measures toward the formation of an American customs union, under which the trade of the American nations shall so far as possible and profitable be promoted."

The committee of the conference to which this topic was referred interpreted the term "customs union" to mean an association or agreement among the several American nations for a free interchange of domestic products, a common and uniform system of tariff laws, and an equitable division of the customs dues collected under them.

Such a proposition—

Says the Secretary in his letter on this subject which was sent to us by the President—

was at once pronounced impracticable. Its adoption would require a complete revision of the tariff laws of all the eighteen nations, and most if not all our sister republics are largely, if not entirely, dependent upon the collection of customs dues for the revenue to sustain their Governments. But the conference declared that partial reciprocity between the American Republics was not only practicable, but must necessarily increase the trade and the development of the material resources of the countries adopting that system, and it would in all probability bring about as favorable results as those obtained by free trade among the different States of this Union.

The conference recommended, therefore, that the several Governments represented negotiate reciprocity treaties "upon such a basis as would be acceptable in each case, taking into consideration the special situations, conditions, and interests of each country, and with a view to promote their common welfare."

The delegates from Chili and the Argentine Republic did not concur in these recommendations, for the reason that the attitude of our Congress at that time was not such as to encourage them to expect favorable responses from the United States in return for concessions which their Government might offer. They had come here with an expectation that our Government and people desired to make whatever concessions were necessary and possible to increase the trade between the United States and the two countries named. The President of the Argentine Republic, in communicating to his congress the appointment of delegates to the International Conference, said:

"The Argentine Republic feels the liveliest interest in the subject, and hopes that its commercial relations with the United States may find some practical solution of the question of the interchange of products between the two countries, considering that this is the most efficacious way of strengthening the ties which bind this country with that grand Republic whose institutions serve us as a model."

It was, therefore, unfortunate that the Argentine delegates, shortly after their arrival in Washington, in search of reciprocal trade, should have read in the daily press that propositions were pending in our Congress to impose a heavy duty upon Argentine hides, which for many years had been upon the free-list, and to increase the duty on Argentine wool. Since the adoption of the recommendations of the conference, which I herewith inclose, hides have been restored to the free-list, but the duty upon carpet-wool remains, and, as the Argentine delegates declared, represents the only concession we have to offer them in exchange for the removal of duties upon our peculiar products.

So it appears, from a statement under the hand of the Secretary of State himself, that this proposition for a reciprocity treaty with the nations south of us did not include Cuba or Porto Rico, but that it related particularly to hides and raw wool. It must necessarily have included the ores of Chili and the sugar of Brazil.

So it will not do for gentlemen who are representing this bill to say that the Secretary of State intended to limit this reciprocity system to the bare article of sugar, and that we should revive the Mexican treaty and the Spanish treaty, which offered no markets whatever for any commodities that are produced in America, and secured for themselves a market for their sugar, the effect of which would be to give them a bounty equivalent to the entire tax placed upon American sugar from other sources, and which in return would open no markets whatever for our commodities.

The Secretary of State has committed himself, and I have no doubt if he were here to-day as a member of the Senate he would not retract one iota from a single line that can be found in this letter, and I do not believe he will authorize anybody to retract it for him. He stands committed to the broad policy of reciprocity with the American states south of us.

Mr. GORMAN. Mr. President, coming back to the proposition which I have been trying to submit to the Senate as to the reduction of duty——

Mr. GIBSON. I forgot to add a concluding sentence. I do not propose at this moment, but in a day or two I shall discuss these reciprocity propositions, but if we did open the markets of the United States to free sugar from the Spanish islands, Cuba and Porto Rico, we all know that it would not reduce the price of sugar one farthing in the American market any more than did the reciprocity treaty with the Hawaiian Islands operate to reduce the price of sugar in the American market anywhere in any portion of the country.

Mr. MITCHELL. May I ask the Senator a question?

Mr. GIBSON. Certainly.

Mr. MITCHELL. Does not the Senator think there is a very wide difference between opening simply one port to free sugar, as we did with the Hawaiian Islands, and opening all ports?

Mr. GIBSON. Of course it would make a difference if we did open all ports of the world and allow cotton or any American products, including sugar, to come in; it would cheapen sugar in the markets of the United States, but if you open them to those nations which produce two-thirds only of the consumption of the American market it would not have the effect to cheapen the price of sugar to the American consumer.

Mr. PLUMB. If the Senator from Maryland will permit me I should like to proffer my help to identify his speech in the RECORD to-morrow.

Mr. GORMAN. I am under obligations to the Senator from Kansas. I am doing so much better to-day than I did on a former occasion that I have been congratulating myself. I yielded the floor some days ago and never got it back during the entire consideration of the subject then pending. But, Mr. President, these interruptions are all proper and right in the discussion of a great question of this sort. It is the only way in which we can get light upon such questions, and I am not objecting to it. I am not attempting to make any special speech; my only object has been to try to present in a perfectly simple, plain way the facts bearing upon this great industry.

I repeat, and that is all I desire to say upon the subject, that to reduce the duty on iron ore from 75 to 50 cents a ton is a proper reduction to be made in the interest of the commerce and manufacture of the country; that from the best information I have been able to get, and it has not been controverted by a single fact, this reduction can be made without impairing in the slightest degree any other interest in the United States, and that if it is so reduced we shall be enabled to produce all the articles that are fashioned from steel at a largely reduced cost.

I have quoted the testimony and statements of Major Bent and of Mr. Carnegie, and I now come to the other side, and call the special attention of Senators on that side to a recommendation which they ought not to disregard. In 1883, when this matter was under consideration, by authority of Congress the President of the United States appointed a commissson. It was a high protective commission. Mr. Oliver, of Pittsburgh, as I remember, was a member of the commission; Mr. Porter, who is now the Superintendent of the Census, was another member. All of them were experts and interested in the highest possible rates of duty. In that year they said in their report, which will be found on page 17 of volume 1, Reports of 1882:

The commission recommends a specific rate of 50 cents per ton, instead of the present rate of 20 per cent. ad valorem. The reasons that have led to this conclusion are that there has been great difficulty in ascertaining the exact value of ores, particularly those exported from Spain and the Mediterranean.

The importation of iron ores in large quantities commenced in the last half of the year 1879. The ad valorem rate of 20 per cent. during the past three years has on the average equaled a specific rate of 54 cents per ton. The difficulty of ascertaining the foreign value of such a low-priced article; the difference in valuation for the same kind of ore, at the same period, in the main ports of importation, allowing an importer to make a profit in Philadelphia, while the appraisement in New York would result in an actual loss; the fact that there are a great many cases now in litigation between the Government and importers in regard to the appraisement of iron ores, make it, in the judgment of the commission, a necessity to adopt specific duties. The commission is also of the opinion that under a specific duty a higher grade of iron ore low in phosphorus would be brought to this country, while ad valorem rates tend to induce the importation of the lower priced ores.

So they recommended that 50 cents a ton was the proper measure of the tax. That is Republican authority. By the action of the conference committee, made up in the excitement of the moment, in the two branches of Congress, with not a single representative on it except Republicans from this branch, and from the other House, as my friend from Kentucky reminds me, that rate was increased to 75 cents a ton. It has been increased with the effect which I have attempted to point out.

It has been shown, I think, clearly that by this reduction no interests will be affected adversely; that the great results which are promised for these people will probably follow the reduction; that we shall be enabled to construct the great vessels of war the Government requires at from 8 to 10 per cent. reduction, and we shall be enabled to build merchant ships, which the whole country now demands, by Americans, to be manned by American sailors and run in the American interest. I do not think that we ask too much of our friends on the other side to loosen this iron rule which you have made and give us some freedom in this article which goes into general consumption.

My friend from Maine [Mr. FRYE], who has talked eloquently and who I think has aided in the past to remove more shackles from American commerce, by the repeal of the various old laws that were enacted during the war and prior to it, than probably any single member of this body, who to-day is interested in seeing us have a great fleet of American steamers, whose only theory has been, up to this time, to remove these exactions and charges and give them a bounty in the shape of a tonnage bounty, and the proper amount for mail service—he can render service to that great interest without the cost of a single penny to the Treasury of his country, without affecting adversely a single interest in the land, a greater service and one which will do more to bring about the result he desires, by making this reduction in iron ores, than all else he has done together.

The vessels can not be constructed in Maine, it is true, or in New Hampshire, or in Massachusetts, because the crude material for the construction of them can not be assembled there cheaply. They will be built in the harbor of New York, at the outlet of the Erie Canal, or on the Delaware, or the Patapsco, or at Norfolk, or possibly at Charleston and points south of it, but certainly at the points I have named. Now, in the interest of the commerce for which he has appealed to us so often, I beg of him to break his party shackles, and to follow the suggestions made by the great man from Maine, as we have in the last year been in the habit of calling him, the great pioneer and the great captain of his party. I beg the Senator from Maine to take the suggestions made by the Secretary of State, break through his party shackles, and do not only justice to this section of the country I have been describing but enhance and aid in building these great vessels which he so much desires shall carry the American flag upon the ocean.

Mr. ALDRICH. Mr. President, after the exhaustive discussion of this item which has just closed, I ask for a vote upon the pending proposition.

Mr. GRAY. What is the pending question?

The PRESIDING OFFICER (Mr. PASCO in the chair). The pending amendment will be reported.

The SECRETARY. In line 12, page 24, paragraph 127, after the word "ore," insert the words "containing more than five one-hundredths of 1 per cent. of phosphorus or phosphoric acid, and;" so as to read:

127. Iron ore, containing more than five one-hundredths of 1 per cent. of phosphorus or phosphoric acid, and including manganiferous iron ore, also the dross or residuum from burnt pyrites, 75 cents per ton.

Mr. MORGAN. Finding that the Senator from Maryland has a different view from what I have of this particular item, I ask leave to withdraw my amendment, so as to permit him to offer his amendment before I make any further motion in reference to my own.

The PRESIDING OFFICER. If there be no objection, the amendment will be withdrawn.

Mr. GORMAN. Now I move to strike out "seventy-five" and insert "fifty" where it occurs in line 13.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. In line 13 it is proposed to strike out "seventy-five" and insert "fifty;" so as to make the paragraph read:

127. Iron ore, including manganiferous iron ore, also the dross or residuum from burnt pyrites, 50 cents per ton, etc.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland.

Mr. GORMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Mr. President, I do not know that it is worth the while of any one to undertake to make any impression upon the vote on this question, but I think there are some suggestions in regard to it which have not as yet been considered, which it would be worth while for us to look into before the vote is taken. At all events, the country ought to be informed of the situation of this tariff and the injury that it is working upon the great body of the people of the United States.

Iron ore is classed in the present system of taxation without any discrimination at all in respect of its qualities or of the purposes for which it is used. There is as much difference between the uses of non-Bessemer and Bessemer ores since the invention of the Bessemer process as there is between whetstones and mill rocks. The people of the Northern States, notably about Johnstown, in Pennsylvania, are devoting their attention very largely to the production of steel. In order to do that they must have good Johnstown coke, they must have Bessemer ores, and they must have spiegel, ferro-manganese. At Johnstown, Pa., there is a bed of ferro-manganese or spiegel which is being worked there with very considerable success, and I suppose it must supply more than half of the consumption of the steel furnaces in Pennsylvania perhaps.

Another very valuable bed or mine from which this material is taken is found in Arkansas. It is there being manufactured in increasing quantities, and very soon will become an article of great traffic between Arkansas and the Eastern States. There are also various other localities in the United States where more or less of it is produced, particularly in my own State. There is quite a development there of these manganese beds and other descriptions of iron which are useful for the production of Bessemer and open-hearth steel, chiefly Bessemer steel.

The traffic in hematite iron, so called—by those I mean, of course, ores that are not Bessemer ores, that have too much phosphorus and sulphur to be employed in the Bessemer process—the traffic in that description of ores must necessarily pass away to the fields of the cheapest production, as every other production in the United States of this elementary character must, where the raw material is difficult of transportation on account of its weight and bulk.

It is based upon that calculation that we contend in the South that the fields of iron which have been opened in East Tennessee, North Alabama, North Georgia, and Western North Carolina, being in proximity to the fuel, almost entirely surrounding these iron beds, of great quantity and of very high quality, will necessarily absorb after awhile the cheaper iron production of the United States. Capital must seek those fields for investment just as capital will hereafter seek the Southern cotton-fields for investment in reference to the spinning of the coarser fabrics of cotton goods.

My own experience has taught me how valuable it is to have a good and cheap field of production for any industry. In the years between 1850 and 1860, in that decade the State of Texas and the States of Louisiana and Arkansas were being opened to cotton production, and were opened very rapidly. What was the result? Men from Virginia, from North and South Carolina, and Georgia, really many of them, abandoned their lands and went off to this new field of production, taking with them their slaves and their capital, their mules and wagons, etc., and carrying their families out into wildernesses where they established themselves under circumstances of great inconvenience for the growing of cotton. It was the cheap field of production that drew this capital and these men into the vast Southwest, and caused the production of cotton to go on with unexampled rapidity and prosperity.

That has been the history of every great industry dependent upon the productions of nature since our Government was organized, and long before. It has been a part of the fixed history of the United States that the movements of population and the movements of capital have had reference to these facts continually, and they will always have reference to these facts.

Take the lumber trade. It is to some extent giving out in the northern parts of the United States. It is being now very rapidly transferred to the yellow-pine belt of the South, and very many millions of money have gone there invested in lands and in machinery for cutting lumber for the home consumption and also for the foreign market; and the lumber industry of the South is now springing up into one of very great importance.

So it will be with the iron production. It has been too often stated to make it necessary at all to be repeated, that the advantages which the Southern States have are those simply of physical geography. They are not advantages of enterprise or of climate or of anything else except the proximity of the fuel and the ores and the fluxes in order to make cheap iron. These advantages are just as conspicuous in reference to England and Germany and Austria as they are in reference to these States, and they will draw in the United States and are to-day drawing away the capital and enterprise of the more northern of the former iron-producing States and transferring it down into these Southern localities.

That process will be going on, and great results will come from it, that separates the production of the ordinary hematite ores from the Bessemer steel and the open-hearth steel. The South is not a steel-producing country, and new methods will have to be found before the South can ever be rated as a country for the production of steel.

So when you put a tax upon iron ore simply, without discriminating between Bessemer and non-Bessemer, between those ores that contain a certain percentage of phosphorus and those that do not, your tax has no bearing or operation at all, except merely to exclude the Bessemer ores from the United States.

There is not a pound of non-Bessemer ores that is imported into the United States, or ever will be. You might as well talk about importing the chalk cliffs of England into the United States as to speak of importing ores from that country or from any other country where they come in competition with the vast illimitable masses of iron ore that are found in every section of the United States, except right along the Southern Atlantic coast. So the proposition to reduce the tariff from 75 to 50 cents upon iron ore simply means a reduction upon Bessemer ores and upon nothing else.

Now, I desire very much indeed that that reduction shall take place, and I desire it for the reason that it operates upon Bessemer ores; that it lowers the cost of the raw material and permits these ores to come into the United States upon such terms as that our countrymen, it makes no difference where they may be, who have the advantages of fuel within reach can proceed to make Bessemer steel and all the products that are made out of Bessemer steel.

There is one thing to be noticed, Mr. President, in all these metallurgic operations the world over, and that is that the ores always go to the fuel. It is the fuel, after all, that is the great factor in metallurgy, in the conversion of ores into metal, and also in the working of metals after they are converted into pig. The fuel is the one indispensable factor in this movement, and where that is found in excellence and in abundance, and where it is accessible by either steam over railways or by ships or boats the metals will lift themselves up out of the bosom of the earth and travel to this focus of power.

Notice what an immense amount of work Wales does in the smelting of silver and gold and other metals, and particularly of the refactory sort, where it is necessary to have a great deal of fuel, great heating power at low cost. You find that from all the quarters of the earth the metals are assembled and carried to Wales for smelting. It is that which brings the ores from the Mediterranean to Great Britain. It is that which carries the ores from Austria over into Germany. It is the fact that you have the power to create heat, which is the great factor in the reduction and purification of metal.

What is it that brings these Bessemer ores from Lake Superior to Cleveland, Ohio, and to Johnstown, in Pennsylvania, for manufacture? Nothing at all except that Pennsylvania has a very large and valuable supply of the very best of fuel. That is what causes the Michigan people to give up the profit that they would make out of the smelting their ores upon their own soil and dig them up and carry them on railways to the margin of the lake, lift them upon their ships and to carry them to Cleveland to be unloaded and there transported oftener than otherwise as far into the interior as Johnstown, and sometimes as far as Harrisburg and Steelton. It is nothing but the presence of the fuel and the excellence of the fuel that Pennsylvania is able to furnish which draws these metals to that center for manufacture or for production.

Mr. President, when we come to consider the real resources of the United States, particularly in the Northwest, it is almost to be classed as a criminal neglect on the part of those people in the vicinity of Duluth and other places upon Lake Superior that they yield up the production of iron from their ores to Cleveland, Pittsburgh, Johnstown, Harrisburg, Baltimore, and other places. What have they got around Duluth, at the northeastern extremity of Lake Superior? Almost illimitable forests for the making of charcoal. Just in the vicinity, across the Canadian line, as I was informed in this Chamber a few days ago by a member of the Canadian Parliament who is practically acquainted with the whole subject, not many miles distant from Duluth

across the border in Canada, they have anthracite coal in great abundance.

I was astonished that he should be able to make such a statement; but they have it, and we admit it free into the United States. We admit charcoal free. We do not admit wood free; I do not know why. I do not know why it is that we put 20 per cent. ad valorem duty upon wood imported into the United States and admit charcoal free. I should think if I were living in the vicinity of Duluth or representing that portion of the United States I should want to see iron establishments go up at Duluth or Superior City or some other place in that vicinity.

Mr. SPOONER. They are being built there now.

Mr. MORGAN. I have no doubt they are being built there, and will be built there, and that it will be but a very short time until the people of Michigan, who have their ores near Lake Superior, will be hauling them to Duluth for manufacture instead of bringing them to Cleveland and from there to Pittsburgh and as far east as Baltimore.

Mr. President, I should like to be instrumental in compelling those people in the Northwest to manufacture their own iron out of their own ores and fuel, for while they have not got coke or anthracite coal, perhaps, in their immediate vicinity, they have charcoal, as I have observed, in illimitable quantities, and Canada is easily able to furnish them the anthracite coal with which to reduce their metal. We could not do a better service to the people of the Northwest than to encourage them in the production of iron from these Michigan and Lake Superior ores upon their own soil. This little tax, as it is called, of 75 cents a ton upon ore, being a tax of $1.50 or $2 upon the ton of metal produced, is a matter of no consideration to them when it is compared with the advantages that they would have of embarking in the great enterprise of making the iron out of their own ores and upon their own soil.

The fact that there is no competition between the ores produced in Alabama and the Bessemer ores that I propose shall be imported from Cuba and from other parts of the earth ought to exclude me from having any either personal or political interest in this question. I do not look upon it as a question that ought to be connected with party politics at all if it could possibly be separated from it. I look upon it as a question that rises far above the magnitude of any party organization, and one that lies at the foundation of the prosperity of the people of the United States.

The Senator from Ohio to-day referred to the fact of their having large steel industries at Cleveland, and of their capacity to haul the coal from the mountains of Pennsylvania to Cleveland, Ohio, and to bring the ores from Lake Superior, the northern neck of Michigan, around through a sinuous way, and having them to meet at Cleveland where they unite in forming the steel product that Cleveland has become famous for.

Now, that is a forced condition of affairs. Any one can see that that sort of a traffic is not going to maintain itself whenever the Lake Michigan ores find that they can have access to coal at cheaper rates than they can by coming to Cleveland. Cheapness of manufacture will control any industry that you can name, and whenever it is developed, as it is now being developed at Duluth, that those ores can reach fuel in sufficient quantity and quality to justify their manufacture into steel, you will find that the course of trade will take the other direction and go towards Duluth instead of towards Cleveland. That is a forced and an unnatural state of affairs. It is entirely artificial and will not last.

Mr. SHERMAN. Perhaps the Senator from Alabama does not know the geographical fact that there is no coal in Canada from Caldero, at the base of the Rocky Mountains, fully 1,300 miles to Duluth, or eastward to Nova Scotia.

Mr. MORGAN. How far is it by water that you carry the ores before you get to Cleveland?

Mr. SHERMAN. I should think about a thousand miles by water, but the transportation is exceedingly low, because it is coal one way and iron the other that is carried.

Mr. MORGAN. The transportation would be just as low on these Western means of conveyance or railways as it is over that route, and the difference is not 200 miles, it will not be 100 miles.

Mr. SHERMAN. I will state also this fact—probably the Senator is not aware of it—that on account of the peculiar geological formation of that upper peninsula there is no coal in that region at all. The first place they can strike coal is either in Illinois at Chicago, or in Indiana or Ohio. The great body of coal now that goes to Port Arthur is from Ohio, Port Arthur being the extreme farther end of Lake Superior. I have no doubt that as a result we export more coal to Canada a good deal than we import, and we do it in that way, sending it clear up on the Canadian coast, to the extreme end of Lake Superior.

Mr. MORGAN. There are, as I am informed, great masses of anthracite coal, larger masses than are found in Pennsylvania, within 1,300 miles or a shorter distance than that from Duluth.

Mr. SHERMAN. At Caldero there are mines of immense value. I have been in them and therefore I know.

Mr. MORGAN. We let in that coal free.

Mr. SHERMAN. That is anthracite coal.

Mr. MORGAN. It will not be long before the Canadian Pacific Railway will be bringing that coal down to meet the iron at Duluth or Superior City or some other place at the western extremity of Lake Superior.

More than that, there is a country out there that is filling up with tremendous rapidity with population, and the local demand for railway iron and steel, for structural steel of every kind for bridges, for houses, and every sort of domestic consumption, will produce a vast market in that region of the world which must be supplied by the ores that are dug out of the northern neck or peninsula of Michigan, and some of them from the northern side of Lake Superior and brought down by the Mineral road to Duluth.

But it is true beyond all controversy that these great metals will seek the nearest place of reduction and they will go to that place where the reduction of them into metallic steel and iron is the cheapest and most convenient; and particularly will they do it when the point at which the reduction takes place furnishes itself a good market and is also in communication by water and by rail with all the outside world, as is the case at Duluth.

Now, the same thing is going to be repeated down South unless we take the precaution to bring the trade to the United States instead of floating out in the other direction. There, within less than 200 miles as the bird flies from Mobile, is all of this vast island of bituminous coal that makes coke just as good as that at Johnstown, and makes it very much cheaper, I think, than you can make it at Johnstown, for a number of reasons that I could state. That fuel and the Bessemer ores of Cuba will come together, and if we fence off the Cuban ores from coming to the United States, by a protective tariff, inasmuch as we can not lay an export duty upon coke or coal, our coke and coal will stream out of the country and go down and meet that material on the shores of the Island of Cuba.

The Island of Cuba, Mr. President, has become in respect of its being a producing field for Bessemer ores a most important adjunct to American enterprise and to American manufactures, and unless we occupy it with our capital, as I am very glad to find Americans are doing, and unless our Government encourages close relations with that great industry in the Island of Cuba, we shall very soon find ourselves losing our trade and losing our productive power by its being transferred from the United States to that island, because steel will be made for this American hemisphere at or near that place where it can be produced the cheapest.

There is the Island of Cuba right down in the waist of the American hemisphere, looking north and south at an almost equal distance from the two great continents, and possessed of this wonderful deposit of Bessemer ore, wanting nothing but fuel, of which she has none except that which grows upon the surface of the earth. Alabama is her nearest point to get it. Alabama can furnish it in indefinite amount; it seems to be an inexhaustible field of supply. What are we to do in the mean time? Are we to hang on to a pitiful profit or income from taxing Bessemer ores when it is doing no good to anybody and ought not to do any good to anybody, when it is merely diverting the ores from Duluth and the Northwest down to Cleveland and to Pittsburgh and to Johnstown for being smelted? Ought we to hang on to a principle or policy of tariff taxation of that kind when by repealing it we can draw these ores up to the Atlantic coast, and places like Steelton, on the Chesapeake Bay, and other places strung all along the Atlantic coast will be fostered and industries will be built up there of the most valuable possible kind?

Now, I repeat, and I will close my argument with the remark, that I think this is a question which rises very far above party consideration or politics. The Senate will bear me witness that it is not a matter of immediate concern to my own State, except perhaps at the port of Mobile, where I think it is likely enough that these steel industries would be established, to be operated by charcoal and also by coke, to be carried down the Warrior and the 'Bigbee and Alabama Rivers at a cheap rate of transportation. That might occur, but there is no ground broken, no enterprise organized, nothing started at Mobile for the purpose of manufacturing these ores. So I am free and impartial about it.

These Bessemer ores are not in competition with the ores of Alabama in any respect. It is true we have a few red hematites and brown hematites in Alabama, out of which Bessemer steel has been made and open-hearth steel has been made. Some shipments have been made to Pittsburgh and there tested. Large shipments have been made and they produce good steel, the pig metal having been produced under the manipulation of very skilled iron-masters who came from England and established in Talladega County, the county of my former residence, a couple of large furnaces, where they have turned out Bessemer steel.

The ores of Alabama are so low in phosphorus that a very slight addition, an addition of 1 ton to 4, will make 5 tons of Bessemer ore as a rule; so that we could very greatly benefit ourselves by introducing these Cuban ores and carrying them as far inland as to Birmingham. Birmingham, however, is not in competition with Bessemer ores, and there is no real competition in Alabama with Bessemer ores. It would be an advantage to the State, an advantage to all the industries there, to have these ores brought in, it is very true, but the amount that we would need would be small.

The great body of our production in Alabama would necessarily be out of the ordinary brown and red hematite. We have a field to occupy there that is broad enough to gratify the ambition or the avarice of any set of people on earth, for after all iron has its uses, and will have as long as time lasts, entirely distinguishable from steel. Steel, while it is a most valuable product, can not take the place of iron. You can not make it cheap enough, and there is another remark that is true about it, and one that ought to be borne in mind by whoever has the consideration of measures that bear in any degree upon any of these iron industries, which is that there is not perhaps a bed of iron in the United States that has not its own peculiar value.

You may take any bed of iron that you may find in the United States and for some purpose or other it is better than any other bed of iron. You find infinite combinations of the different descriptions of iron that produce the different articles of merchandise, the different articles for human use in all the great and illimitable variety of uses to which iron may be applied. So there is not, and ought not to be, any real competition between iron beds in one part of the United States and iron beds in another part of the United States. Every one of them contributes to the general prosperity of the entire industry of manufacturing iron, and each one has its particular function or office to fill.

You may take a railroad train here at the Baltimore and Ohio depot arranged for the purpose of starting out over a steel track to run to the city of Baltimore. You may go to that train and commence with the cow-catcher on the engine and go to the rear of the last Pullman car upon it, and you will find that of the metals used in that train, including the steel rails that lie beneath the track and which it covers, 70 per cent. of it is iron and not more than 30 per cent. of it steel. It is the rarest thing in any great manufacturing establishment to find more than 30 per cent. of the material used made of steel. It is made of iron, and iron for a great many purposes is entirely preferable to steel. It stands by itself. It is an industry that does not thrive upon the breaking down of the steel industry; it thrives through the assistance of the steel industry; and it is the interest of every iron producer in the world to have steel as good as he can get it, and have it as cheap as he can get it, because it is his assistant, his adjunct in the production and manufacture of iron, which, after all, constitutes the great body of the industry, and it will for ages to come, I suppose forever, constitute the great body of that industry—hematite iron, not Bessemer steel, open-hearth steel, tool steel, or any other kind of steel.

So those two metals are identical in their material. Their difference is entirely in the amount of carbon that is contained in the steel. The differences are mechanical and scientific, they are not natural differences. These two metals have a common field of operation, the one being entirely indispensable to the other, and when we give an advantage to one of these industries we must necessarily benefit the other. To that extent the people of Alabama are interested in having an abundance of steel at as low a cost as it can be fairly and profitably made by the persons who invest their money and conduct the labors of such establishments.

I hope, Mr. President, that the Senate will vote to reduce this duty at least to 50 cents on the ton. That is a very high tariff.

The PRESIDENT *pro tempore*. The pending amendment will be reported.

The SECRETARY. In line 13, paragraph 127, page 24, strike out "seventy-five" and insert "fifty;" so as to read:

Fifty cents per ton.

Mr. GRAY. In view of the argument of the Senator from Maryland upon this item of the schedule and the reasons that he has given, which seem to be very forcible, why this duty should be reduced at least as much as proposed in this amendment, it seems to me it might have gone much further. And in view of the recommendation of the Tariff Commission of 1883, read by that Senator, which was that the commission recommend a specific rate of 50 cents per ton upon iron ore such as is described in this paragraph, and because I want to vote as all other Senators here want to vote, intelligently upon a subject that affects the industries of the country, that affect opposite interests, I should like to hear from the Senator who has charge of this bill, or some other Senator upon the Finance Committee, what there is in the history of the industry of this country that makes this an unreasonable or an improper amendment to the bill.

If the industry will not be seriously injured, it seems to me that the presumption ought to be in favor of the tax-payer. Some presumption certainly ought to be in favor of the great body of the consumers of this country, and not all obtaining merely in the interest of the manufacturers.

I agree with what the Senator from Kansas [Mr. PLUMB] so forcibly said the other day, that before a tax is imposed upon any commodity or upon any class we should have it clearly demonstrated that that tax is necessary to the existence or maintenance of that particular industry, and that it will not affect disastrously the general interests of the country. Therefore, in order that I and other Senators may not, if they are in like condition with myself, vote without sufficient light, vote blindly upon this proposition, I should like to hear why it is that this is not a reasonable proposition to reduce this tax from 75 cents to 50 cents, the amount recommended by the Tariff Commission of 1883.

Mr. PLUMB. I want to move to amend the amendment of the Senator from Maryland by making the rate of duty 60 cents per ton.

The PRESIDENT *pro tempore*. The Secretary will report the amendment to the amendment.

The SECRETARY. It is proposed to strike out of the amendment "fifty" and insert "sixty;" so as to read:

Sixty cents per ton.

Mr. PLUMB. I wish to say very briefly that this is one of those questions which have got to be resolved upon the basis of some doubt as to what the precise result will be of any proposition. There is no doubt there has been very considerable advantage derived in the country by the development of various and widely scattered ore deposits in the mountain regions of the United States. They have resulted in the discovery and in putting into market of varieties of ore the combination of which has enabled our manufacturers to produce the best possible manufactured article; and that is a result which is very desirable.

On the other hand, there is this very strong and very natural and in a large measure just demand on the part of the persons living on the seacoast remote from the deposits of ore in this country that they may have this raw material, as it may be called, furnished to them at such reasonable price as will enable them to manufacture not only for their immediate localities, but for export.

I believe also that it is a good time to commence a reduction of duties, not indiscriminately, it is true, but to make a pressure which shall tend to the reduction of the price of manufactured articles to the consumer in the United States and elsewhere. I believe, as I said the other day, that this can be so managed as to be advantageous to the manufacturer. No one does his best except under pressure. The manufacturers of the United States, subject to proper competition, will, in my judgment, surpass all the manufacturers of the world in every domain which they enter, just as American intelligence and American genius and aptitude are superior to those qualities found among other peoples. I believe, therefore, that this reduction to 60 cents would fairly meet these various conditions.

In 1883 the duty was increased from 20 per cent. ad valorem, imposed by the then existing law, to 75 cents per ton, which is something over 30 per cent. I remember very well the debate in this body which resulted in that increase. It seems to me that that increase has served its purpose, and that it is time now either to reduce in whole or in part the step then taken.

I am willing, so far as I am concerned, to accept of a slighter reduction than that proposed by the Senator from Maryland, believing that a short step in the right direction is better than no step at all.

Mr. ALDRICH. I understand that in my absence from the Chamber the Senator from Delaware [Mr. GRAY] asked for some reason for the retention of this duty.

Mr. GRAY. Yes, sir.

Mr. ALDRICH. I will ask the Secretary to read the portion of the RECORD which I have marked, from an authority which, I think, the Senator from Delaware will recognize as competent to judge of this question.

Mr. GRAY. Will the Senator give the date of the RECORD?

Mr. ALDRICH. It is the RECORD of February 15, 1883, page 2682.

The Secretary read as follows:

Mr. MCPHERSON. I have an amendment to offer, in line 541, to strike out "50 cents a ton" and insert "$1 per ton."

If it be the purpose of the protectionists of this body to protect the industries of this country, then certainly we should have a higher rate of duty upon iron ore than 50 cents a ton; or if it be the purpose to afford some protection within the limit of revenue, then the same reason exists why iron should be placed at more than 50 cents a ton for revenue purposes. Mr. John F. Quarles, late United States consul at Malaga, Spain, states that—

"The importation of foreign ores has increased from a little more than 24,000 tons in 1872-'73 to nearly 800,000 tons in 1880-'81."

Showing that the increase has been very great. It is further stated by this consul that—

"The districts of Bilbao, Marbella, Almeria, Carthagena, in Spain; Benizaf, Ain Sedma, and Mohkta, in North Africa, and the Island of Elba in Italy, are capable of producing from five to six million tons annually, or nearly two-thirds of our entire consumption. A large part of this production seeks purchasers in our markets, and when freights are low will displace domestic ores. The cost of production and transportation to the seaboard on the Mediterranean is less than one-half of what it is in the United States. A careful investigation into this subject showed that in the Bilbao mines the wages of the miner ranged from 35 to 50 cents per day."

The census report of 1880 shows this fact, that the cost of the labor to put each ton of ore on board cars in New Jersey is over $2.50 per ton. It is also stated that when grain freights from America are good freights from the Mediterranean may be had at nominal prices and the freights on ores correspondingly low, and in 1880 and 1881 the freights on ores touched as low as $1.46 per ton. The ores represent a cost of $1 per ton in Bilbao, Spain, and with the addition of $1.46 per ton for freight the ores can be delivered here at $2.51 per ton.

If it be the policy to close up the iron mines of this country and get our product of ore from abroad, from the cheap labor of Spain, aided as it is by cheap return freights of ores in vessels bound from the Mediterranean carrying grain there, let us understand it in that sense. To-day the mines of New Jersey and the mines of Pennsylvania and New York are struggling to keep their miners employed. Strikes are occurring; the miners are ill paid and ill fed. Trains of ore are every day going from the seaboard through those States to the furnaces in the interior, transporting the cheap ores of Spain right past the hills containing an inexhaustible supply of ore, which the owners of the mines can not afford to employ the labor to produce in competition with foreign ores. I submit that there is an injustice in this.

We protect the manufacturer of iron and steel, and the manufacturers of iron

and steel turn around and ask the Congress of the United States to give them practically free ores from which to manufacture their product, resulting in the closing up of the mining industries of the country and supporting the mining industries of other countries.

As I said before, the miner stands alongside the railroad track and sees these immense trains of ore carried to the furnaces in the interior, and he has the poor consolation of knowing that he can not be employed, although the furnace is within sight of the mine.

It seems to me as though here is a very great inconsistency. I do not understand how the Senate can afford to place ores at 50 cents a ton to encourage that industry, and still keep up the duty as we have it on manufactured iron.

I move that the rate be made $1 per ton instead of 50 cents.

Mr. McPHERSON. Mr. President——

Mr. GRAY. I ask the Senator to yield to me.

Mr. McPHERSON. Very well.

Mr. GRAY. I called for that information, and I want to say a word in regard to the question which I asked in good faith of the Senator who has charge of this bill. I asked for some reason that would answer the very forcible statement made by the Senator from Maryland, and the argument made in the letter or statement of Mr. Bent which was read by the Senator from Maryland—I asked if the Senator from Rhode Island would say why it was unreasonable to reduce this tariff tax on iron ore to the extent proposed in the amendment.

In reply he has sent up a portion of the RECORD, to be used, I suppose, as a sort of *argumentum ad hominem*, which contained a speech of the Senator from New Jersey, made some years ago. If the Senator from Rhode Island means to adopt the reasoning of the Senator from New Jersey in 1883, as it is stated in the RECORD, and has no other answer to make to my question, so be it. But if there is any answer to the argument made by the Senator from Maryland and to the argument contained in the statement of Mr. Bent that these Bessemer ores brought from the Mediterranean and from Cuba into our ports constitute a most important constituent of the steel industry and do not at all compete with domestic ores, but perform something of the same office that foreign wools is said to perform when imported, being useful for mixing with domestic wools and thereby increasing the product and the consumption necessarily, then it seems something more must be said than was contained in the remarks made in 1883 by the Senator from New Jersey.

I should like to know whether the statements made by Mr. Bent, and the statements made by the Senator from Maryland in his argument to-day, may be controverted and are to be controverted or no, and not whether the statements made on the information obtained by the Senator from New Jersey in 1883 are the answer to the Senator from Maryland.

Mr. ALDRICH. Mr. President——

Mr. McPHERSON. Before the Senator from Rhode Island proceeds may I make a single inquiry? What has been read purports to be some observations of mine. I should like to know, in that connection, whether it was in 1796 or 1883, or when it was.

Mr. ALDRICH. On the 15th of February, 1883.

Mr. McPHERSON. Then I should like to know further of the distinguished Senator if he accepts those observations of mine as being a better speech than he can make upon the subject now.

Mr. ALDRICH. That is the remark I was about to make.

Mr. McPHERSON. Then you take what was read from the desk as your speech?

Mr. ALDRICH. I do.

Mr. McPHERSON. Now, one single observation about that. I have lived several years since that time, and if there ever was a time upon this subject when I am in the full maturity of my judgment it is just now, and I do not think I would accept that statement to-day as being exactly the proper thing for this country.

Mr. ALDRICH. My purpose in having the statement of the Senator from New Jersey read was to show to the Senate in a better manner and in more forcible terms than I could hope to employ the situation as between these imported ores and the domestic ores.

So far as I understand the subject, the ores which are imported from Spain, Africa, and Cuba do compete with ores that are produced in the United States; and as to the rates of wages which are paid in those countries, the American miner can not compete with the foreign producer of ores, notwithstanding the duty of 75 cents a ton which was imposed in 1883 and which the committee who had charge of this matter then thought was proper; notwithstanding the fact that that rate has been imposed from that time to this, the importations of foreign ores have been very largely increasing year by year, and the importation for the eleven months ending May 31, 1890, amounted to $2,252,317 in value, while the average importations for the preceding five years were only $1,396,000, showing that at this rate of duty there is a large and increasing competition with the domestic producers of ores.

This rate was fixed not alone on account of, or not largely on account of, the producers in Michigan and Wisconsin, but on account of those in Virginia, Pennsylvania, Maryland, West Virginia, and New York.

Mr. CAMERON. I hope the Senator will permit me to read a short paragraph from a Democratic paper in Pennsylvania of this date in reference to the wages paid to miners in Pennsylvania who have been brought in competition with these foreign ores.

Miners working for 80 cents a day.

Mr. MORGAN. Where is that?

Mr. CAMERON. In Pennsylvania. You will see where it is as I read on.

MINERS WORKING FOR EIGHTY CENTS A DAY.

The laborers working in the iron-ore mines of the Little Lehigh district, between Reading and Allentown, are receiving but 80 cents a day. Mining operations were suspended during hay-making and harvest, because the miners were able to earn $1.25 per day among the farmers. Now that mining has been resumed, the minimum wages are being paid. There is a brisk inquiry for iron ore and some mines are being worked that had been idle for several years. A demand is about to be made by the miners for 90 cents a day, and it is believed that they will be successful, as some of the larger operators acknowledge that the present rate of wages is entirely too small.

This iron ore is in competition with the ore which the Senator from Maryland asks to have admitted at 50 cents a ton.

Mr. ALDRICH. Mr. President, a word as to the practical operations of this amendment taken in connection with the statement made by Major Bent. The Senator from Maryland stated and repeated several times that, if this reduction of 25 cents a ton was made upon ores, the Pennsylvania Steel Company at their establishment at Baltimore would be able to build steel steamers in competition with the manufacturers upon the Clyde and would be enabled to sell steel rails in London and pig-iron in Liverpool.

Mr. GORMAN. With free ore.

Mr. ALDRICH. The reduction which is proposed to be made amounts, as I say, to 25 cents a ton. It takes 2 tons of ore to make 1 ton of pig-iron. It takes a ton and a quarter of pig-iron to make a ton of steel sheets, which are used in the making of steel vessels. A ton of steel sheets is worth to-day in the neighborhood of $50. The Senator from Maryland proposes to save to the producers of steel sheets 62 cents on a ton, valued at $50, and he said—and that is the force of his argument—that a saving of 62 cents a ton on $50 worth of steel sheets would enable the ship-builder on the Delaware to compete with the ship-builder on the Clyde. In other words a reduction in duty of 1 per cent. in the cost of material is to enable the ship-builder upon the Delaware to overcome a difference of cost of production which he has stated himself to be 10 or 12 per cent. upon the finished product. So much for the practical part of the argument made by the Senator from Maryland.

Mr. GORMAN. Will the Senator permit me to interrupt him a moment?

Mr. ALDRICH. Certainly.

Mr. GORMAN. My statement was based on what I quoted from what Mr. Gramp, the great ship-builder on the Delaware, said before the Committee on Commerce, when the shipping bill was under consideration, and what was said by Major Bent, who is the manufacturer whom I have described as being well known to the Senate. I stated the present condition with a duty of 75 cents a ton on the iron ore which is absolutely necessary to be used in the making of steel for the construction of these ships, that the present duty makes a difference of 10 or 12 per cent. between the cost of the vessel on the Delaware and on the Clyde. I believe the statements of these gentlemen. I believe that the actual cost exceeds 10 or 12 per cent., for the reason as they give it, and I have no doubt it is true, that an American-built ship is a much better built ship. Americans insist upon having finer trimming, better lines, and better workmanship put upon their vessels than are put upon the same class of vessels by the English, and there is between 10 and 12 per cent. difference to-day.

Major Bent and every one of these manufacturers of iron and steel and constructors of vessels east of the Alleghany Mountains say that if you will let up on this iron rule and give them the material free of duty they will absolutely compete with England in the manufacture of everything and sell their product to England. I do not ask that. I insist that there shall be a moderate reduction only, a reduction which we can make safely enough with the conditions which now prevail.

It is said that there exists, but that it has not been developed, on the line of the Canadian Pacific and other roads, a deposit of iron ore which is equal to the ores of the Lake Superior region, and I do not want to see that region destroyed or interfered with, and hence my proposition was only to reduce this tax from 75 to 50 cents a ton, the exact reduction that the Tariff Commission, composed of Republicans, said in 1883 was right. I do not ask for anything more. I will not even go that far, as there seems to be a doubt about the proposition, and so I shall ask the privilege of the Senate to withdraw my amendment and to accept for the time being the amendment of the Senator from Kansas [Mr. PLUMB], which places the rate of duty at 60 cents a ton, being a reduction of 15 cents per ton. This is a tender from a gentleman on the other side of the Chamber which is responsible for legislation.

Mr. CAMERON. May I ask the Senator how much he benefits the industry in Baltimore?

Mr. GORMAN. I will tell the Senator. As the industry stands to-day at Baltimore they pay, in the matter of duty upon the ores which they must use and can only get from the Mediterranean and from Cuba, 25 per cent. on their capital, and the duty is 75 cents a ton.

Mr. CAMERON. Has not all that capital been made out of the profits which they derived from the duty on steel rails?

Mr. GORMAN. Yes; I have no doubt they are good Pennsylvania people, and have been engaged in the manufacture of iron at the home of my friend from Pennsylvania. They are enterprising; they have

made an immense amount of money out of it, and I read the statement to-day—I have not the figures before me now—that they started in with a comparatively small capital of two or three hundred thousand dollars and they have got now by their enterprise to three or four million dollars.

Mr. CAMERON. All made by means of the protective tariff.

Mr. GORMAN. They have made it unquestionably under the protective system.

Mr. CAMERON. Then why not continue it?

Mr. GORMAN. As long as the expenditures of this Government are to be $500,000,000 per annum you can not have anything else but a protective system, and no sane man thinks of anything else, and it is only a question of the fair adjustment of the rates of duty charged and the distribution of the duties.

I beg pardon of the Senator from Rhode Island. I did not intend to take so much time.

Mr. ALDRICH. If the figures given by the Senator from Maryland of $1.80 a ton in Cuba for the ores and $1 freight are correct, I say to that Senator that Bessemer ores can be laid down in Baltimore with the present duty added cheaper than Bessemer ores can be taken from the mines on Lake Champlain and delivered in Albany, where the nearest steel works are found. That is, the difference in the rate of labor is so great that Bessemer ore can not be produced anywhere near the Atlantic coast, and Bessemer-ore deposits are not confined, as the Senator seems to think, entirely to Wisconsin and that region. The great deposits are there, but they have a large deposit of Bessemer ore in the northern counties of New York and in Pennsylvania, Virginia, and other Southern States.

Are you willing to destroy these industries for the sake of helping a single mammoth steel concern in the city of Baltimore? The Senate is called to enact a special provision to enable the producers of Baltimore to make steel rails or steel ships cheaper than the manufacturers at Albany, or at Bethlehem, or at Johnstown, or at Pittsburgh, or at Chicago. This is what the Senate is asked to do.

I repeat that Bessemer ores can now be imported either from Spain or Cuba and landed in Baltimore much cheaper than they can be transported from any of the American mines produced by American labor to that same city of Baltimore. The duty is 75 cents a ton. Baltimore has advantages enough in this direction, and the Congress of the United States ought not to be called upon, in the language of the Senator from New Jersey, to strike down the American mining industry, which is an important industry, simply to enable a large steel company in the city of Baltimore to increase its profits.

Mr. GRAY. Mr. President, the Senator from Rhode Island has indulged in language and phraseology which sound very strange to my ears when talking of a protective tariff and defending the subsidies that tariff is intended to give to special interests, when he speaks of a proposition to reduce the tax burden of the whole people somewhat from what it is now for the benefit of special classes, and when he calls it special legislation in favor of a certain industry. If I understand the contention on this side, we have been trying to resist, as we believed and do believe, in the interest of the great mass of the people, this attempt to further increase the tax burden of our tariff laws, and to resist in their interest this attempt to revive the tariff, not in the interest of the great body of consumers, but solely in the interest of those who heretofore and all along since the protective tariffs first were invented have been their beneficiaries.

Mr. SPOONER. Will the Senator allow me to interrupt him? What does he mean by "this attempt to further increase the tax burden?"

Mr. GRAY. I beg pardon. I do not hear the Senator.

Mr. SPOONER. What does the Senator mean in this connection by asserting that the bill under consideration is an attempt to further increase the burdens of the people?

Mr. GRAY. I was referring, if the Senator from Wisconsin will excuse me, not so much to this particular item, but I was referring to what was the attitude of our side in this debate in regard to the tariff schedules as a whole. We have been resisting in this respect, so far as the amendment shall be supported on this side, an attempt to increase that burden which we think has been unjustifiably borne by the people for many years, and to reduce the taxation to a point that is recommended as a sufficient protective rate by men who are eminent and stand high in the protective councils. That is all.

Mr. SPOONER. I thought from the language of the Senator that he was under the impression that this was a proposition to increase the duty.

Mr. GRAY. I had no such impression as that.

Mr. SPOONER. It is no increase of duty.

Mr. GRAY. I confess I had not that exact and minute information about all the complicated matters in this bill that the members of the Committee on Finance have, and which I think no other members of this body have, but still I know enough to know that an amendment reducing from 75 to 60 cents is not a proposition to increase a tax.

Mr. SPOONER. The Senator misunderstood me. He used the expression that it was an attempt to increase the burdens of the people. I thought from that that I had a right to assume that the Senator thought the action of the committee was to increase the rate of duty.

Mr. GRAY. I alluded to the phraseology used by the Senator from Rhode Island [Mr. ALDRICH] in the remarks where he spoke of this proposition to reduce taxation for the benefit of the great mass of consumers in this country as being special legislation, and so on.

Now, Mr. President, I should like to ask—because I have not yet heard whether there is any answer to be made or any issue to be taken with the categorical and exceedingly distinct assertion made by Mr. Bent, who we may presume to have competent information and to be well informed as to the subject-matter of his statement, when he said in his letter under date of December 26, 1889:

> Practically all the ore imported into this country is used for steel purposes, and therefore there is absolute absence of competition between foreign ores and the non-steel ores of this country. The whole quantity of ore suitable for Bessemer pig-iron which it will be possible to produce in this country during the year 1890 will not exceed 5,000,000 tons. This estimate includes every ton of ore of suitable quality that can be raised by hook or by crook. Three and one-half million tons of pig-iron, it is estimated, will be required to supply the wants of the steel manufacturers in this country during the year 1890. To manufacture this amount of pig-iron 6,500,000 tons of iron ore of suitable quality will be required. One and one-half million tons of Bessemer steel ore must therefore be imported into this country by our steel manufacturers, or their works will remain idle 25 per cent. of the year.

There is a statement made by a competent witness, an expert witness, that I have not heard directly controverted. If he is mistaken, then he comes before us as a man whose life has been devoted to the industries with which he is connected and who ought presumably to have information which is second to that of no one, always conceding that the man himself is honorable and honest and endeavors to tell the truth.

Mr. ALDRICH. What Major Bent meant by that statement, what he must have intended was that in order to make a profit he could only buy foreign ores for his use at Baltimore. No Senator upon this floor—neither Major Bent nor any other gentleman engaged in the production of steel—would presume to say that the ores produced in Wisconsin and Michigan are not equal in quality for the production of Bessemer steel with any ores in the world, and that the ores in Northern New York are not equal in quality and would not make as good steel as any ores upon the face of the earth. What he means to say is that it is cheaper for him in order to carry on his business profitably to use these foreign ores on account of his location.

Mr. GRAY. This is a very important matter, and those of us who are so unfortunate as not to be on the Finance Committee are not consuming time improperly when we try to get at the bottom of it. Here is a great manufacturing industry that has heretofore received the bounty of this Government in the shape of a tax that was paid by the great mass of consumers in this country, the great mass of the population. That is one side of this negotiation—if I may use the word—that is going on in this Chamber, that we may fix by statute law what is the measure of the tax burden that is to weigh down the backs of the American laborers. Let us consider, then, whether the demand on that side is just and whether the contention on the other is not one worthy of consideration.

Mr. Bent says that—

> There is absolute absence of competition between foreign ores and the non-steel ores of this country.

He goes on to say, in a later part of his letter, this:

> As I have said before, imported ore is used in supplying the requirements of furnaces situate at or near tide-water, and a removal of the whole duty of 75 cents per ton would only pay for 100 miles of inland transportation of the ore, or double that distance on the finished steel product, while Lake Superior Bessemer ore would have to be transported 450 miles by rail beyond its present eastern limit of use, to meet its foreign competitor. The effect of the removal of the duty on iron ore would be to slightly increase the importation, but not materially, as I have before stated. Another effect of the removal of the duty on iron ore would probably be that the ocean freight rate on iron ore would be increased, and if so, the outward freight on grain and cotton would be diminished accordingly.

It seems to me that this gentleman engaged in this industry, intelligent, competent, and his intelligence and competence vouched for by the fact that he has been put at the head of this great concern where millions of capital have been invested, tells us that there is absolutely no competition between these imported Bessemer ores and the Bessemer ores from Lake Superior, and he gives us a very good reason when he states that the industries upon the Atlantic coast which use these imported ores are compelled to use them even at 75 cents a ton duty because they can not get the Lake Superior Bessemer ore brought to them except at a rate of freight for transportation which would exceed that sum.

This seems like a business proposition, and if we are to go into the business of the country; if we are to understand all about it for the purpose of enacting tariff legislation; if we must make ourselves the commercial aids, not of one industy, but of all, then we can not be too minute, we can not be too exacting in getting all the light, all the information that is possible to be obtained upon the subjects about which we are called upon to legislate.

I do not believe that this body or any other body of men such as this are competent to deal under any circumstances with the great business interests of this country in such fashion that they will be better provided for and better managed than if left to the enterprise and intelligence and good sense of the people themselves. I do not believe that seventy or eighty gentlemen sitting in this Chamber know more about the business of 65,000,000 people than the people do themselves; nor

that the members of the Finance Committee, nor that the acute and learned and intelligent Senator from Rhode Island, who has given so much time and study to these rates and knows all, I have no doubt, that any man can know by study and by attention, is competent to deal wisely with the industries of a great people extending from ocean to ocean and from the Lakes to the Gulf, with 65,000,000 of population.

But such is the policy we are committed to. We are bound, it seems, by the traditions of the protective policy, in raising the revenue to support our Government, not only to consider where the revenue can be most easily raised, but how the burdens of taxation may most lightly rest upon the bowed shoulders of American labor, but must also go into all these minute calculations and discussions as to how business interests are to be affected and how capital invested here and there is to be treated and considered.

Therefore we must, as best we can, scrutinize, interrogate, and consider what are the conditions surrounding this industry, call witnesses, procure statements from those demanding protection, and listen sometimes even to those who pay for protection. And so, when we summon Mr. Bent, who represents the largest investment in this great protected interest, and he tells us that this Bessemer ore imported from the Mediterranean and imported from Cuba is absolutely necessary to the production, that they find at their own mills it is absolutely necessary to be mixed with the domestic ores, he is entitled to consideration, and he ought to receive consideration; and it seems to me such testimony as that should give us pause before we undertake in the face of his testimony and in the face of the facts which he adduces to lay this burden of taxation which confessedly is for the benefit largely and mainly of the ore-producing region near Lake Superior.

Now, then, it is certainly worthy of consideration on the principles of protective tariffs and of the protective system to inquire if this interest must be protected, and if a tax must be collected out of the pocket of every laboring man in this country in order to support that great industry, just what the amount of that tax is which is necessary to give them an equal chance with their competitors all over the world, to give them an equal chance, not only with foreign competitors, but the amazing confession is made here to-day that it is to equalize their condition with that of their own countrymen on the seaboard.

Those industries so eloquently described by the Senator from Maryland [Mr. GORMAN], which have grown up through two hundred years, east of the Alleghany Mountains, have taken from them by this high duty the natural advantages which time and circumstances and physical geography have given them, in order to lift up an industry which can not compete on natural terms otherwise with them. If for this a high duty is necessary, so be it, but let us recollect when we give them that assistance and when we give them that protection that we are taking from other American interests, we are taking from the pockets of other producing interests in this country as well as from the mass of the laboring men, in order to do it. It is, therefore, a pertinent inquiry and entitled to a better answer, I say it with all respect to the Senator from Rhode Island, than he has given us, why this tax should be kept up and this protection and subsidy should be maintained at the rate which now exists upon our statute-book.

Mr. President, I rose in all sincerity to try as one Senator, as an humble member of this body, in the performance of the duty which my position calls upon me to perform, to inquire of those whose business it has been to propound this tariff tax, what are the reasons which obtain—if any there are—for the maintenance of this high rate of taxation, and I submit to the Senator that the answer has not yet been given in view of this statement of Mr. Bent, this expert testimony, and of the argument that has been made upon this floor by the Senator from Maryland.

Mr. MORGAN. Mr. President, the element of the cost of labor in raising ores and preparing them for shipment to market and to the furnaces has not been considered very extensively in this debate. The Senator from Pennsylvania [Mr. CAMERON] introduced an extract from a newspaper——

Mr. ALDRICH. Will the Senator from Alabama let me say just a word in answer to the statement made by the Senator from Delaware [Mr. GRAY]?

Mr. MORGAN. Certainly.

Mr. ALDRICH. I had not quite finished the statement I desired to make in regard to the question propounded by the Senator from Delaware.

I certainly hope the Senator from Delaware did not understand me to object to giving all the information that is in my possession in regard to the duties upon this article. The Senator says that this duty must be maintained, because it is part of the policy of the Republican party who believe in the protective theory. Now, I will say to the Senator from Delaware that the Democratic party, of which he is a member, have had control of the House of Representatives for a good portion of the time——

Mr. GRAY. I did not say anything about the Republican party. I did not use the word "Republican." I said it was part of the protective system.

Mr. ALDRICH. The "protective system" and the "Republican party" are very much the same.

Mr. GRAY. That is the Senator's version of it. I do not object to it.

Mr. ALDRICH. The Democratic party, I repeat, have had the control of the House of Representatives a great portion of the time since the tariff act of 1883 was passed. They have prepared through their committees and presented to the House of Representatives several bills bearing upon the question of the revision of the tariff at various times. They passed one bill, known as the Mills bill, through that body. They have carefully considered this question of the duty on iron ore, and what did they do with it?

Did they suggest any reduction of this duty which the two Senators are now claiming to be excessive? Did they suggest removing this burden which the Senator from Maryland, speaking for the Pennsylvania Steel Company, suggests is placed upon the people of the United States? Not by any manner of means. One gentleman, who was chairman of the Committee on Ways and Means, did introduce a bill putting iron ore upon the free-list, but when the bill was reported back from the Committee on Ways and Means it imposed a duty of 75 cents a ton. There never has been a time when the Democratic party dared—and I have in my view the Senator from Virginia, and he knows it as well as I do—when the Democratic party dared to propose a reduction of the duty upon iron ore.

The Senator from Delaware says that Major Bent's testimony is entitled to great respect here. It is, and he is an intelligent man and a Democrat and a free-trader. I want to read the testimony of another Democrat, better known, perhaps, to the Senator from Delaware than even Major Bent.

Mr. GRAY. Allow me to interrupt the Senator from Rhode Island long enough to say that I understand Major Bent is a Democrat with reference to all this matter of tariff taxation; he has become so; but he was a Republican up to a very recent period.

Mr. ALDRICH. He is a Democrat for revenue.

Mr. GRAY. He is a Democrat for principle, I suppose.

Mr. ALDRICH. I will read the testimony to which I allude:

PLATTSBURGH, N. Y., *December* 25, 1889.

Hon. WM. MCKINLEY,
Chairman Committee on Ways and Means, Washington, D. C.:

Learn I am on committee to appear before your committee to-morrow and am unable to attend at such short notice; but wish to most respectfully but earnestly protest with other producers of iron ore in the East against any reduction of the duty on iron ore.

SMITH M. WEED.

I have no doubt this gentleman is known to the Senator from Maryland, as I think he was connected with him in the management of the first Cleveland campaign; certainly he is known to Senators upon the other side of this Chamber, and I think his testimony is as much entitled to weight here as that of Major Bent, who is directly interested in the matter.

Mr. GRAY. I do not wish to prolong the discussion, but I desire to remark that the Senator from Rhode Island pays a very high compliment to the Democratic party when he thinks, as he seems to do, that the expression of a single Democrat interested in the production of iron ore in favor of an increase of the duty is a sufficient argument to answer those made by Democrats who are contending for a reduction.

I admit that there are Democrats as well as Republicans in this country who, when the pocket nerve is affected, will find their judgments swayed likewise. But we are discussing now a matter of principle between parties to the discussion who are in no wise interested, for I take it that neither the Senator from Rhode Island nor myself have a particle of interest in this subject outside of what we believe to be the common interests of the country, and therefore I think the mere expression of Mr. Smith M. Weed, who is largely interested in the production of iron ore, in favor of an increase of that duty, while it may be a very good example of what self-interest will do, is a very poor argument to adduce against the reduction of the tax now resting upon the people.

Mr. ALDRICH. But I beg the Senator from Delaware to remember that the burden of his remarks from the beginning to the end was that Major Bent, a Democrat, interested in the reduction of this duty, and, so far as I can see, about the only person who is immediately interested in the reduction of this duty, had made certain statements which we on this side were bound to refute; and I have placed against this the statement of another Democrat.

Mr. GRAY. I read not the mere request of an interested man that the duty should be kept on for his benefit, but I read the argument of an intelligent man who presumably is versed in all the facts and circumstances of the industry he represents, and I submitted the argument for what it was worth and the facts to the consideration of the Senate. If they can be controverted, if the facts are not true, let us have the proof of it.

Mr. ALDRICH. And I submitted the statement of a gentleman equally well versed with the facts on the other side.

Mr. GRAY. The statement on the other side was a mere request that a tax which would put money in his pocket should be retained. There was no fact adduced, no argument attempted to show why it was either honest or just that that tax should be kept.

Mr. MORGAN. Mr. President——

Mr. JONES, of Arkansas. Will the Senator from Alabama yield to me a moment on this subject?

Mr. MORGAN. Certainly.

Mr. JONES, of Arkansas. I sought to get the floor when the Senator from Alabama rose a few minutes ago, to call attention simply to some statistics which it seems to me ought to be considered by the Senate.

The preliminary report on the cost of production by the Commissioner of Labor, I have looked over with an eye to the cost of this item of iron ore; and when I remembered that the Tariff Commission, appointed some years ago to investigate this question, in the bill they reported recommended 50 cents a ton as the tax on iron ore, and that we are now asked to keep up a higher rate of tax, I wanted to see what the facts were about the cost of its production. I have looked over the report of the Commissioner of Labor, beginning on page 54, where there are reported on that and the succeeding pages eighty-one iron mines, sixty-three of which are located in the United States and the remainder on the continent of Europe, and the total cost of this production is given by establishments one after another, which are numbered. The amount paid to labor, the amount paid to officials, and the amount paid for supplies and taxes, are all included in this statement, and the total cost given for the production of a single ton of iron ore in these eighty-one different mines are all set out specifically one after another.

One rises to an expense of $2.31 a ton, another to $2.51 a ton, and there are others located in the United States put down at 64 cents and some at 49 cents. In a hasty sort of way I have endeavored to get the average cost of these ores in the mines of the United States and in Europe, but coming here at 10 o'clock in the morning and sitting here until 6 o'clock in the afternoon, of course we have very little time to make careful investigation or to make any analysis of anything we have in hand. I think this militates very much against a fair discussion. It is not only absolutely necessary that a man should have time enough to discuss the matter in hand, but he ought to have the right to do it within reasonable hours. These long hours make it impossible for me to be absolutely certain of the figures I have made, but I believe they are correct.

According to this official showing of Mr. Carroll D. Wright, Commissioner of Labor, in the discharge of the duty imposed upon him by Congress, the total average cost of iron ore in the United States is $1.46 a ton, and the total cost of iron ore in continental Europe is $1.38 a ton. The total labor-cost in the American mills, as shown specifically item by item in this report, is $1.127 a ton in the United States, and 82.4 cents a ton in Europe. The difference in the average labor-cost in the American iron-ore production is 30.3 cents per ton more than it is in the European mines.

We have been assured again and again by gentlemen on the other side of the Chamber that the purpose of a protective tariff was to compensate American producers for the increased price they have to pay for labor. Here we have in the official report a statement which shows that the average increased cost of the production of a ton of iron ore in the United States over the cost in continental Europe is 30.3 cents, and we have a tax of 75 cents a ton to compensate for this increased cost of 30.3 cents per ton.

It seems to me, when the Senator from Kansas proposes to reduce this tax and pay double the amount of the difference in labor, that no reasonable man can refuse to vote for that amendment, and I can not understand how gentlemen on the other side of the Chamber are willing to stand out for this tax of 75 cents a ton, which is more than twice as great as the total cost of labor upon the production of iron ore over in Europe and in the United States, if there is any dependence to be put upon the report of Mr. Wright.

Mr. GRAY. I should like to ask the Senator from Arkansas if in the table he has or in the inquiry he has made he has information as to what the price per day of laborers is in the mines on the continent of Europe or in England.

Mr. JONES, of Arkansas. There is nothing whatever about that. This statement begins with a statement of the period over which this production is made, giving the establishments by number—not calling their names and not giving their exact location. He says they are located in the United States and on the continent of Europe. He gives the length of time in which they have been worked, the number of days which they work, the character of the ore, the amount produced, the period covered in every respect, but he does not undertake to give the amount paid per day for labor, but does give the amount of labor-cost in the production of a ton of ore in each of these mines in Europe and in the United States. For instance, mine No. 1 in the United States pays 55.8 cents for labor for a ton of ore.

Mr. ALLISON. What page does the Senator read from?

Mr. JONES, of Arkansas. Page 59. To officials and clerks, two-tenths cent; for supplies and repairs, five-tenths cent, and the amount for taxes is enumerated, and then the total cost is given upon all these items, and the difference, as I have said, is shown to be 30.3 cents between the average labor cost in the production of ore in the United States and in Europe.

It was this fact alone which I desired to call to the attention of the Senate, and as the Senator from Alabama was just proceeding I took the liberty of interrupting him to make the statement.

Mr. GRAY. What is the percentage between the labor cost in the United States and Europe as worked out in this table?

Mr. JONES, of Arkansas. It does not give that.

Mr. GRAY. What does the Senator from Arkansas make the difference between the labor cost in the United States and in Great Britain or other foreign countries?

Mr. JONES, of Arkansas. There are sixty-three mines located in the United States and the cost per ton for producing iron ores in each one of these is given on pages 59 and 60. I added them up and then divided them by sixty-three, which gave the average cost in the American mines for the production of iron ore. I ought to say that the eighteen mines located in Europe are given in the same way. In this way the average cost of a ton of ore in the United States I find to be $1.46, and the average cost in Europe to be $1.38.

The item of cost seems to be larger in proportion in the United States than it is in Europe; and for that $1.46 a ton, which the American pays on an average for the production of a ton of iron ore, there is $1.127 paid per ton of ore in Great Britain, and $1.38 per ton paid on the continent of Europe. So it seems that but 82.4 cents is paid there.

There is some question about that, but I have not a doubt that I have figured the American labor too high. I have taken the highest figures that the statement for the United States will allow, and I have figured the lowest that continental Europe will allow, and yet, giving the benefit of the doubt to the protectionists, it shows that there is but 30 cents difference between the cost of producing a ton of iron ore, so far as the labor is concerned, in the United States, while we are paying 75 cents a ton duty to compensate for the difference in labor-cost.

Mr. MORGAN. In this debate some attention ought to be given to the cost of Bessemer ores to be obtained from the mines in the United States, and also from those in foreign countries. I have in my hand an authority on this subject, being a treatise on "Bessemer Steel," the ores and the methods of handling them, by Thomas W. Fitch, who seems to be a man of very accurate and extensive information upon the subject of ores of all kinds and iron and steel.

He gives in this volume a statement of various leading mines in the United States and in some of the foreign countries, particularly in Spain, at which these ores are obtained. He says, speaking of the Lake Superior ores:

> The ore formerly cost from $2.50 to $4 per ton at the mines, and contained from 60 to 66 per cent. of metal; it now costs from $3 to $5 at the mines for hematite and $6 for best specular.

I suppose somebody would feel an interest in knowing why it is that these ores have gone up to such figures as are here stated. I can not account for it upon the proposition that more money is added to the cost of American labor or greater pay is given to the laborer. I judge that it must depend upon the fact that in the Lake Superior country there is practically a monopoly of the Bessemer ores. They have the control of the market. They have been enabled to raise their ores from $2.50 a ton to $5 a ton for hematite, and for the best specular ores to $6 a ton. That is an enormous cost and tax upon the people of the United States in the very basis or bottom work of the steel industry.

Now, there are some other statements made here, which illustrate the proposition I am trying to present to the attention of the Senate. We now come to the Lake Champlain ores:

> At Port Henry the ore is obtained partly by open and partly by close mining, the former about 250 feet square by 250 in depth, and the latter a continuation of the mineral deposit to the dip.
>
> * * * * * * *
>
> The selling price varies from $5 to $7; the yield is from 60 to 62 per cent.

He means the metallic iron, of course.

> But it contains too much phosphorus to be useful for Bessemer steel by acid process.

If used at all for making steel it must be by the basic process.

> About 85 miles in a westerly direction from Philadelphia is the deposit of ore known as the Cornwall banks. Its percentage of metal is much below that of the two districts already referred to, being only 50 or 55 per cent. It is perhaps the most cheaply worked mass of ore in the world. It lies in the form of a ridge, nearly three-quarters of a mile long, having a width of 500 feet and a height in some places of 350 feet above the surrounding plain, and a depth below it of 50 to 180 feet.
>
> The ore is so soft in texture that a man for a day's work can blast and load 10 tons into the wagons, which ascend the hill by a spiral locomotive railway cut in the ore all the way. The produce of Cornwall banks is contaminated with sulphur—possibly the most sulphureous ore of its kind in the world.

Mr. GRAY. Where is that?

Mr. MORGAN. That is at Cornwall, a place some 85 miles in a westerly direction from Philadelphia. As I have stated, the writer says:

> The ore is so soft in texture that a man for a day's work can blast and load 10 tons into the wagons, which ascend the hill by a spiral locomotive railway cut in the ore all the way.

Then we come to the Missouri system:

> At a distance of about 80 miles in a south by west direction from the city of St. Louis lies the Iron Mountain, and in its vicinity are the deposits of Pilot Knob and Shepherd Mountain.

Part of these ores are Bessemer and part are not.

> The first mentioned, and by far the most important of the three deposits, is an irregularly shaped deposit in many places of clean solid ore of various thicknesses up to 70 or 80 feet. The ore sells at St. Louis at about $8 per ton and it yields about 67 per cent. of iron.

That is a pretty large yield.

> In former times it was delivered at $6 per ton. The second quality of ore, containing from 50 to 60 per cent. of iron and which is too high in phosphorus

for the acid process, is sold for about one-half the price asked for the first-quality ore.

Now, it is beyond all question, I think, Mr. President, that these gentlemen who are operating on the Atlantic coast, on the Chesapeake Bay and elsewhere in the vicinity of the coast, can not afford to pay transportation for this metal from Lake Superior or Lake Champlain, or from St. Louis, at the price which it costs there, and the ores being in that market they can not afford to pay it and manufacture steel from these ores on the Atlantic coast, and they must necessarily resort to foreign countries for their ore. They can not patronize the American beds at these prices, and the American ore-beds are sustained by a local demand more largely than by any foreign demand, of course, in the very enormous prices which they ask for their ores.

The mineral at Pilot Knob occurs as a bed or seam about 30 feet in thickness. It is very hard, and in consequence more expensive to work than that obtained at the Iron Mountain. It is also rich in metal, being only 56 or 57 per cent., and sells at St. Louis at about $7 per ton. The second quality of this ore brings only about one-half the price of the first, and these second ores are suitable for the basic process, although unfit for the acid process.

This author goes on to speak of other mines located in the State of Missouri which seem to abound in valuable ores. Then he says:

The ores of New Jersey belong chiefly to that class known as magnetite, but the deposits are thinner than those of Michigan, Pennsylvania, and Missouri, and are more costly to get.

There the difficulty is in mining, and the price is raised in consequence of the difficulty of mining and the fact that a day's work will not produce as many pounds or tons of ore as in these other deposits.

The ore lies in veins varying in width from a foot or two to 40 feet, but in the larger masses foreign matters are interspersed. The cost, under circumstances differing so widely, varies much. From $3.75 to $4.75, including 5 per cent. for rent, is said to represent the cost price of ore at the pit's mouth. The percentage of iron is about 55—

That is rather a low percentage—

but the content of phosphorus unfits the New Jersey ore generally for the Bessemer acid process.

They can be dealt with only in the basic process. Now we come to the hematites of Virginia, and there we see the difference in price, and we see also the difference in the cost of mining.

In Virginia brown ore, yielding 50 per cent. of iron, is mined for 50 cents per ton, and delivered at the blast furnaces for about $1.50 per ton.

That is the reason why Virginia can make iron so cheap, on account of the proximity of the flux and the fuel.

Large deposits of this kind of ore are also found in the States of Alabama and Georgia, yielding from 45 to 50 per cent. of iron, and costing about $1.25 per ton delivered at the iron works, which, of course, are near to the mines. Hitherto the presence of phosphorus has prevented this ore from being employed for Bessemer-steel making, but the complete elimination of phosphorus being now an accomplished fact, this stone can be adopted for such a purpose.

The Red Mountain of Alabama is a fossil ore deposit extending over 70 miles. The vein has a working width of about 10 feet, and the ore is of good quality to probably 100 or 150 feet, when it becomes too calcareous as a rule. Many millions of tons are already proved in this ridge which is in the midst of coal fields, and being rapidly developed by the furnaces at Birmingham Its average richness in iron is about 52 per cent. Its cost at mines is about $1.25; cost to furnaces owning mines (*i. e.*, mining expenses), 85 cents.

Large deposits of red fossiliferous ore are found in the Apalachian chain, sometimes exceeding 30 feet in thickness. This ore yields in the furnace about 40 per cent. of iron, and it is extracted for about 50 cents per ton. In the north of Tennessee the same description of ore is found in considerable quantities, but the cost of working it is so much greater that it costs about $2.50 per ton at the works. Northwards this bed of fossiliferous ore gradually diminishes in thickness, etc.

Now comes the statement which the Senator from Pennsylvania read from a newspaper. We see here, Mr. President, that the different iron mines pay wages at different rates, some paying by the day's work and some by the ton. Here is this mine within 85 miles of Philadelphia, where a man can raise a load on the cars, 10 tons of iron a day, and in Alabama the average work would be 2½ tons a day, for which he would get, as this writer states it, about 85 cents a ton.

Let us contrast that to see whether the wages of iron-making in Alabama, for instance, as compared with Pennsylvania, depend upon the wages of labor or upon something else. The article which the Senator from Pennsylvania read says:

MINERS WORKING FOR 80 CENTS A DAY.

The laborers working in the iron-ore mines of the Little Lehigh district, between Reading and Allentown, are receiving but 80 cents a day.

Our negroes who mine ores and our white men, too, in Alabama get from 80 to 85 cents a ton, and they make 2½ tons a day on an average day's work.

Mining operations were suspended during hay-making and harvest, because the miners were able to earn $1.25 per day among the farmers. Now that mining has been resumed, the minimum wages are being paid. There is a brisk inquiry for iron ore, and some mines are being worked that had been idle for several years. A demand is about to be made by the miners for 90 cents a day, and it is believed that they will be successful, as some of the larger operators acknowledge that the present rate of wages is entirely too small.

When we come to consider the enormous prices of these Bessemer ores as they are sold at the mouth of the mine, ranging from $3.50 to $7 a ton, without any transportation at all, or even without their being free on board cars or ship, or boat, or whatever it is, we find that the laborers get a very small proportion of pay, and it does seem as if these men were making out of the bestowments of Providence and out of their good luck in getting hold of these mines very enormous profits, and they ought to be willing to contribute something to the similar industry located in other parts of the United States, where they are cut off from access to the mines by the cost of transportation.

Mr. SHERMAN. I should like to ask the Senator to give me any information he has. Did he say that the miners of these Lake Superior ores get from five to six dollars a day?

Mr. MORGAN. I did not say the miners get that. I quoted from the author from whom I have been reading the prices at which the ores sell per ton.

Mr. SHERMAN. The price delivered in Cleveland, as I showed a while ago, was $5.50 and $6 a ton, the ore having been first transported by rail and then by steamboat. I understood the Senator himself was giving the cost of the ore. I can give the Senator the cost.

Mr. GRAY. I should like while the Senator is giving that information if he would be so kind as to state whether he knows about what the miners make a day in his country.

Mr. SHERMAN. No, I do not. The cost of ore is put in this book at $2.25 a ton.

Mr. MORGAN. That includes the labor of raising and the royalty, I suppose.

Mr. SHERMAN. That is given as the cost.

Mr. MORGAN. With the royalty to the mine-owner and also the raising, I presume it does cost that much. I suppose, Mr. President, that there are scarcely two mines in the United States where the cost for raising a ton of ore will be exactly the same. Some of the ores are harder than others, some have to be blasted, and others are dug out merely with the pick and the shovel, and some even need washing before they can go into the furnace; and where ores are easy to raise, of course the cost of their production by mere manual labor is lower than it is in cases where they are more difficult to raise.

Mr. SHERMAN. I can give the Senator now the information about the rates of wages as stated by Mr. Ely, whose testimony was given before the committee:

The hours of labor per week were: At Bilbao, 72; in Cleveland district, England, 46; on Lake Superior, 55 to 60. Wages per day for drillers and miners at Bilbao, 60 to 72 cents; Cleveland, drillers and miners, $1.21; Lake Superior, drillers and miners, $2.25 to $2.75. Wages per day for common laborers at Bilbao, 36 to 60 cents; Cleveland, common laborers, 72 to 84 cents; Lake Superior, $1.60 to $2. Wages per day for boys or women, Bilboa, 24 to 36 cents; Cleveland, boys and women, 24 to 60 cents; Lake Superior, $1 to $1.25. Wages of miners, then, on Lake Superior are more than three and three-quarter times what they are at Bilbao, and more than double those paid in the Cleveland district.

This is the testimony of a gentleman whom I know very well, and it will be taken everywhere where he is known.

Mr. MORGAN. The rate of wages at the Lake Superior mines seems to be from $1 to $1.25 per day.

Mr. SHERMAN. The wages paid for common laborers at the Lake Superior mines are $1.60 to $2 per day; to drillers and miners, $2.25 to $2.75 a day.

Mr. MORGAN. There is little distinction between a common laborer in an iron mine and a driller or a man who sets off cartridges. Almost any ordinary hand employed, who is careful enough to do such matters, can do mining in that way with the drill and cartridge. But taking the wages at $2.25 in the Lake Superior mines, is it not an enormous profit that a man should get from $6 to $7 a ton for his ores? This author says so.

Mr. SHERMAN. He can not get $6 a ton, because it is only $6 in Cleveland.

Mr. MORGAN. This is what this author states, a man who is learned and accurate, and he has given a history of every Bessemer establishment in the United States and of a good many in Europe.

Mr. SHERMAN. I do not know anything about that author, but I have given you the official statement in the book I had before me from the Treasury Department as to the cost at Cleveland being $6 a ton.

Mr. MORGAN. Cleveland, Ohio?

Mr. SHERMAN. Yes; Cleveland, Ohio, 1,300 miles from the mines.

Mr. MORGAN. They probably have a large contract and take all the mine produces, and, as a matter of course, they would get special rates upon that as they would upon ships bringing it in. But when you come to ascertain the price of ore at the mines ready to be put on board the cars or any vehicle of transportation, I expect that author is about as reliable as any we can get hold of.

Mr. SPOONER. What does he say?

Mr. MORGAN. He says this iron was formerly $2.50 to $4 per ton at the mines, and now it costs from $3 to $5 at the mines for hematite and $6 for the best specular.

Mr. SPOONER. What do you understand that to mean, $6 on board ship?

Mr. MORGAN. No, at the mine.

Mr. SPOONER. Six dollars at the mine?

Mr. MORGAN. Yes.

Mr. SPOONER. That is obviously a mistake.

Mr. MORGAN. Then this author gives another computation of the price at St. Louis. Then he goes on to give the price of iron that comes from Spain. He says:

In view of the large amount of iron ore contained in the United States, it appears surprising that we should have imported nearly 800,000 tons last year, but that was caused by the scarcity of ores mined, suitable for the manufacture of

Bessemer pig for the acid process, for which there was a large demand, and consequently high prices were charged for the domestic ores.

It would seem, however, by the following figures, that the foreign ores cost nearly as much at the furnace as the high-priced ores of the Northern States, and that the real remedy lies in a more extensive use of the cheap ores of the Southern States for the production of steel at less cost.

I am afraid he is mistaken about the remedy lying in the direction of the more extensive use of what he calls "the cheap ores of the Southern States." That can possibly apply to the Cranberry mine, but if there is any other place in the South to which it can be applied to any large extent, I am not aware of it.

The minimum prices free on board ship are about: Common ore, 48 and 51 per cwt.; at Parman, say $1.50; common ore, 48 and 51 per cwt.; at Carthagena, say $1.75; rich pure ore, 55 and 58 per cwt.; at Bilboa, say $2; rich pure ore, 65 per cwt.; at Marbella, say $3; rich pure ore, 65 per cwt.; at Elban, say $3; rich pure ore, 52 per cwt.; at Oran, say $2.20.

To these prices must be added freight, insurance, and landing charges. Steamer freights for the year 1881, on ore per ton, averaged about $3; the duty is 20 per cent. ad valorem, so that Bilboa ore would cost on dock in this country about $5.40; and the Marbella and Elban ore, which is quite as good as Lake Superior ore, would cost $5.60 at dock. Adding the landing charges and inland freight would make the cost of these imported ores about $8.40 at Pittsburgh for Bilboa, and $9.60 for Marbella.

That statement was made by a man who understood exactly what he was talking about, a scientific man, who has given a very clear account of the different prices of manufacturing steel and the product of all the different furnaces in the United States and Europe, and he shows that if you carry this iron ore as far west as Pittsburgh from Bilbao it will cost $8.40 and it will cost $9.60 for Marbella ore.

These prices are too high for us to be permitted to charge these establishments on the Atlantic coast for the coming in of these ores. They are cut of, as the Senator from Maryland has demonstrated, by the prices of freights across the mountains from the opportunity of using these ores with any profit at all, and they are compelled to go to foreign places and get them. So by putting a tariff on foreign ores coming from Spain or Cuba or the Mediterranean or anywhere, we practically deny to these people the right to make iron on the coast.

Mr. DAWES. Has the Senator such information that he can answer this question: If the works on the Atlantic coast could get this foreign ore, could they manufacture steel in competition with Chicago and Pittsburgh?

Mr. MORGAN. Not by any means. They can not even manufacture the hematite iron, as the Senator ascertained from various reports made from his own State by iron-masters that the industry is shrinking.

Mr. DAWES. In New England we have difficulties in addition to those which they have in Philadelphia and Baltimore, but what I wish to know is whether it is possible to maintain any of these iron and steel industries on the coast, depending solely upon our ores.

Mr. MORGAN. Not if we had to depend upon our own ores.

Mr. SHERMAN. We can not hear anything on this side of the Chamber, and it must be difficult for the Reporter to hear.

Mr. MORGAN. The Senator from Massachusetts asked me if it was possible to sustain an industry for the production of steel from pig metal or from our ores on the Atlantic coast, depending entirely upon our own domestic supplies, and I say no, it is not possible to do so. These gentlemen on the Atlantic coast who wish to sustain the steel industry, making steel from the ore, or, if you please, making it from the pig, are obliged to import their ores from foreign countries, and where they happen to be convenient to supplies of fuel and supplies of limestone and other fluxes that they use they can make steel on the Atlantic coast, and they can make it to advantage by importing foreign ores, if we do not charge them too much duty, too much tariff, thus making the ores cost too much.

But when, as under the present law, you make every ton of steel cost them a dollar, or 75 cents at least, and perhaps more than that, by way of duty on the ore, you place a burden upon them that they ought not to bear.

Mr. DAWES. My question involves the point whether the ore imported by them takes the place of any ore produced in the United States.

Mr. MORGAN. Well, it could take the place of any ore in the United States if these works were dependent upon United States ore for their success, but they are not. As I remarked before to-day, it may not be necessary to import the whole mass of ore. You can make steel here if you have got a pretty good hematite iron that is pretty low in phosphorus, but not down to the Bessemer standard. You bring the non-phosphoric ores into this country and mingle them, and you will get 5 tons of the best Bessemer ore by the use of 1 ton of the Bilboa or the Cuban ore, and in that way we work in a great deal of our home domestic supply.

Mr. DAWES. That one ton does not, in the Senator's statement, take the place of a ton that would be brought over the mountains from Lake Superior.

Mr. EDMUNDS. It does.

Mr. MORGAN. No, it does not take the place of a full ton. At Johnstown and Pittsburgh they resort to the same process exactly.

Mr. EDMUNDS. It does take the place of the American ton if there were an American ton.

Mr. MORGAN. Yes.

Mr. DAWES. The Senator from Alabama will allow me to elaborate that point. If these manufactories on the coast can, by the use of low phosphoric ores, make steel with such ores as they can get from Lake Superior and carry on a business that pays, that is one thing; but if they can not maintain their works with such ores as they can get from Virginia and other places, which are of a lower quality in the ingredient of phosphorus, unless they can get ore from abroad, because going so far into the Lake Superior region after that which is necessary to make the steel deprives them of the ability to make it profitable, why, that is a condition which demands consideration.

Mr. MORGAN. I think it does, and I have said all the time that this whole question was one really of physical geography, one to which the law ought to accommodate itself, not, perhaps, upon any principle of tariff exaction, for probably there is no particular principle involved in it. But when we find that the Lake Superior ores can be hauled only a certain distance profitably, and can not be hauled any further to make any money out of them, that is no reason why people who want to use Bessemer ores for the purpose of making Bessemer steel should be prohibited from bringing their ores from some other source of supply, although it may be a foreign source of supply.

I do not believe in the doctrine of cutting off the industries of our people because they happen to be so situated that they can not get hold of the proper material. As the writer from whom I read to-day, Mr. McFarland, put the proposition, suppose we had no ore in the United States except in Alaska, and we had to bring all our ores from Alaska to the seaboard or elsewhere for the purpose of making iron, who would say in a case of that kind, if we found ores in a foreign country, within three or four or five hundred miles, we should not go there and get them; and what sort of policy would that be that would confine us to ores taken from Alaska, when, by letting this material in free, we could save the transportation of that immense distance, for it is more than anything else a question of transportation?

I do not believe in subjecting all the people on the Atlantic coast and the Gulf coast to a mere tribute for the sake of paying a high profit to gentlemen who own mines in Michigan. I do not think it is fair to do it, and especially it is not fair when Michigan is really underrating and belittling her most important industry, and that out of which she can make the greatest amount of money.

If, instead of shipping her ores, she will use the fuel that is within reach for the purpose of putting that ore into metal right at home—for it takes at least two tons of ore to make a ton of metal, and you have got to transport that by rail from Lake Superior to the place where you smelt it, whether Pittsburgh or Cleveland or Johnstown, and if you transport the metal after it is run out, being only half the weight, you could save more than half the freight, because the cargo is worth double or treble what it would be in the form of ores, it is so much more precious.

It is a mistake for us to take the ground that this country is going to remain in the shape it is to-day in regard to the production of iron and steel. These industries are going to transfer themselves to the cheapest place of production. They are going to meet iron ore and coal and limestone, and they are going to meet at those places where it will cost the least to combine them into iron or steel, and these revolutions will work themselves out in spite of all our legislation. We can not help it, neither can we facilitate it very much, and, probably, not at all.

But, inasmuch as these people are impoverished in respect of having iron ores that will produce steel, and inasmuch as we can get them from foreign countries on shipboard at a very low rate of transportation, there is no wisdom nor is there any necessity for us to put a tax upon that description of ores, so as to shut them off from the benefits of this industry. It is as much as if you should say to them, "You shall not exercise your enterprise, you shall not employ your money, you shall not make this metal here; we will give the whole monopoly of it to Pennsylvania, or Ohio, or some other country where it is produced; we will give the whole monopoly of it to that country, and you shall not produce it at all; you shall buy from them, because we will tax the ores which are coming in at such a rate that you can not afford to make your Bessemer pig out of these foreign ores."

I called attention the other day to a fact that I think ought to impress the Senate, and that was that these great cruisers which are running now, built by John Roach, were built out of Mediterranean ores that were smelted right on the bank of the Delaware River. These ores were converted into pig metal there.

There was some intermixture with ores from Pennsylvania or Maryland or somewhere in the interior of the country; they were intermixed with these ores, and then they were there smelted into pig, and then, as I said the other day, they were taken right across the street and they were put in the Bessemer converters, the Siemens and Martin converters, and turned into Bessemer steel. They were taken and put in the open hearth and refined again, and then they were carried to the rolling-mill on the same ground, almost literally under the same roof, and there they were rolled into sheets and plates and various different forms of steel used in these great cruisers.

Then they were taken upon that very ground and wrought into the ship without any additional cost of transportation. It was Mr. Roach's experience, from what he saw and did in the building of those ships, that caused him to testify before a committee of the other House that

if we would give him free ore on the banks of the Delaware River, where his works were, he would build ships as cheap as they could be built on the Clyde, and yet he said he would give to the American laborer his full quota of wages.

I have shown, in the variety of circumstances which attend the lifting of ores out of the various different mines in the United States, that you can not frame a tariff law so as to give the benefit of any part of the duty any fixed proportion to labor. You can not do it. It must depend upon the characteristics of the mine in every case. It is a peculiar sort of situation.

Well, Mr. President, I do not know why I should be here making an argument in favor of this proposition, except for just this one thing: I believe if we do not secure this great deposit of Bessemer ores that Cuba furnishes and stands ready to furnish to us, and that our people have already taken hold of, if we do not furnish it at the lowest possible cost to American industry and enterprise, you will find the capitalists of the world flocking in there and taking possession of it and taking it away from you.

I think the time is ripe at this very moment, and that is the cause of my earnestness in pressing these reductions. Here is a strong establishment on the Chesapeake Bay at Steelton, an enterprise that is not, I suppose, yet three years old—I think it is not—whose owners are stating now, and boasting, and seem to be entirely confident of their success, that they will have the largest steel establishment in the world, and yet they are importing their ores from abroad.

We ought to have some security for this. We ought to establish a current of trade between the iron mines in Cuba that will bring these ores right in and enable our people to build themselves up, so that foreign countries can not rival them. I think this is an opportunity we ought not to miss, and we ought to lay aside, if we can, for the moment, all partisan feeling about this and do it for the sake of our country and our people.

Mr. PLUMB. I merely wish to call attention to some things that occurred in 1883 on this subject. I should like to have the attention of the Senator from Rhode Island [Mr. ALDRICH], who, I think, if not in charge of the tariff bill of that year, at least was a very important factor in its discussion and passage, and also a member of the conference committee which finally put the bill into shape.

I find that on January 16, 1883, Hon. Mr. Kelley, of Pennsylvania, introduced into the House of Representatives a bill (H. R. 7313) entitled "A bill to impose duties upon foreign imports, and for other purposes." On page 26 of that bill, under the head of "Schedule C—Metals," occurs this:

Iron ore, including manganiferous iron ore, also the dross or residuum from burnt pyrites, 50 cents per ton.

That bill was introduced on the 16th day of January, 1883. On the 14th day of February the same gentleman reported the bill with some amendments from the Committee on Ways and Means of the House of Representatives, in which the duty on iron ore was left as in the bill when introduced, at 50 cents per ton.

Coming to the Senate, I find that the Senator from Ohio [Mr. SHERMAN], on the 8th day of December, 1882, proposed an amendment to House bill 5538, being "A bill to reduce internal-revenue taxation," which dealt with the entire subject of duties on imports, and on page 20 of that bill, under the head of "Schedule C—Metals," I find these words:

Iron ore, including manganiferous iron ore, also the dross or residuum from burnt pyrites, 50 cents per ton.

In the precise language of the bill introduced in the House by Mr. Kelley, and reported by him from the Ways and Means Committee.

The bill was finally passed by the Senate on the 20th day of February, 1883, and a few days later went into conference. That was 50 cents per ton as passed. Now, as the report of the conference committee shows, in that conference committee 75 cents a ton was inserted, being a rate of duty upon iron ore which had not been proposed in either House of Congress and which had not been adopted by either House. It seems to have been entirely the creation of the conference committee outside and independent of the action of either one of the legislative bodies.

That, Mr. President, is the legislative history of this rate of duty under the existing law so far as it appears of record.

Mr. MCPHERSON If the Senator will look at the paragraph relating to steel rails, he will find that the same statement applies.

Mr. PLUMB. We shall come to that later.

Mr. ALDRICH. I supposed that the history of the bill of 1883 and of the conference report of 1883 was familiar to all members of the Senate. The facts were these: It is true that the bill introduced by the Senator from Ohio in this body and the member from Pennsylvania [Mr. Kelley] in the other House, which was identical with the Tariff Commission report, contained a provision fixing a rate of duty of 50 cents a ton upon iron ore. It is also true that the bill as it passed the Senate fixed the rate of duty upon iron ore at 50 cents a ton. But the bill passed the Senate as an amendment to an internal-revenue bill which had passed the other House at a preceding session of the same Congress. It was one amendment in the nature of a substitute. In the other House the bill itself was never acted upon.

Mr. PLUMB. I am not quite certain about it, but I think the other House got further than the metal schedule. I know they got to a point where they could neither go forward nor backward and they practically abandoned the bill.

Mr. ALDRICH. They considerd the bill in Committee of the Whole in the other House and voted upon this very amendment, or passed it over, one or the other; but that bill was never acted upon. So the question that went to the committee of conference was whether the House of Representatives would agree to the one single amendment in the nature of a substitute that was sent to them by the Senate. In that parliamentary condition of affairs, and the Senator knows it as well as I do, every line and every item in that bill was open as between the two Houses.

Mr. PLUMB. Oh, yes. The Senator mistakes my point. I did not speak of it for the purpose of complaining of the action of the conference committee as being outside the rule or based upon or suggesting any impropriety. The only point I make is that after the report of the Tariff Commission, after the introduction of the bills and the debate in both bodies, after all had been said that could be said, after all the hearings and everything of that kind, when the common consensus of opinion appeared to be, and as formulated in daylight was, 50 cents per ton, the rate was changed in conference.

I do not question that the conference committee had the parliamentary right to do what it did. I only want to say that after all the debate and after the use of all the facts that were employed and could be employed we fixed the rate at 50 cents, yet in the conference committee it turned up at 75 cents, without, I suppose, any succeeding facts being brought to bear on the subject.

Mr. ALDRICH. I think I may say, without any violation of the secrets of the committee, because in a certain sense it is an open secret, that the rate was increased on account of the urgent solicitation and great array of facts which were presented to members of the conference by one of its members, the then Senator from Virginia, Mr. Mahone, who for the interest of his own people, as he believed, insisted upon it that the mineral resources of the South, that the people of the South, the laboring people of the South, deserved better treatment than they had in the bill as it then stood; and upon his suggestion the rate was increased to 75 cents a ton.

Mr. PLUMB and others. Question.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. MORGAN. The yeas and nays were ordered, I understand.

The PRESIDENT *pro tempore*. They were ordered on a previous amendment, but not on the amendment to the amendment.

Mr. GORMAN. I desire to withdraw the amendment that I offered to strike out "seventy-five" and insert "fifty."

The PRESIDENT *pro tempore*. The yeas and nays having been ordered, that can be done only by unanimous consent. Is there objection?

Mr. VANCE. I object. I want to have a vote on reducing the rate to 50 cents.

Mr. ALDRICH. What was the request of the Senator from Maryland? I did not understand it.

The PRESIDENT *pro tempore*. The Senator from Maryland asked unanimous consent to withdraw his amendment. The yeas and nays having been ordered it requires unanimous consent, and the Senator from North Carolina [Mr. VANCE] objects.

Mr. VANCE. The Senator from Maryland assures me that he will offer it again upon another occasion, and so I withdraw my objection.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The question then recurs upon the amendment of the Senator from Kansas to amend the paragraph by inserting "60 cents" in place of "75 cents." Is the Senate ready for the question?

Mr. GORMAN and Mr. PLUMB called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "yea."

Mr. DANIEL (when his name was called). I wish to say that I am paired with the Senator from Washington [Mr. SQUIRE].

Mr. DAVIS (when his name was called). My pair with the Senator from Indiana [Mr. TURPIE] has been transferred for this vote to the Senator from North Dakota [Mr. CASEY]. I vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. GIBSON (when his name was called). I am paired with the Senator from Minnesota [Mr. WASHBURN].

Mr. HAMPTON (when his name was called). I am paired with the Senator from Nevada [Mr. STEWART]. I should vote "yea" were he present.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES], and I ask the attention of the Senator from Louisiana [Mr. GIBSON]. I understand that the Senator from Louisiana [Mr. GIBSON] is paired with the Senator from Minnesota [Mr. WASHBURN]. I am paired with the Senator from Arkan-

sas [Mr. JONES]. I propose that we transfer those pairs, pairing the Senator from Arkansas with the Senator from Michigan, and we can both vote.

Mr. GIBSON. That is agreeable to me.

Mr. HISCOCK. I will vote "nay."

Mr. GIBSON. I vote "yea."

The PRESIDENT *pro tempore*. The Senator from Louisiana will be recorded in the affirmative.

Mr. PADDOCK (when his name was called.) The Senator from Louisiana [Mr. EUSTIS] is paired on this vote with the Senator from Illinois [Mr. FARWELL], by a transfers of the pairs between myself and the Senator from Florida [Mr. PASCO]. I vote "yea."

Mr. PASCO (when his name was called). My pair with the Senator from Illinois [Mr. FARWELL] having been transferred according to the announcement just made, I vote "yea."

Mr. SHERMAN (when Mr. PAYNE'S name was called). I am generally paired with my colleague [Mr. PAYNE], but he told me he would vote on this question the same way I should do. He said he was paired with some one on the other side upon this vote.

Mr. PLATT. He is paired with the Senator from Virginia [Mr. BARBOUR].

Mr. SHERMAN. I vote "nay."

Mr. PLATT. I will state that the Senator from Virginia [Mr. BARBOUR], with whom I usually have a pair, is paired upon this question with the Senator from Ohio [Mr. PAYNE]. I shall therefore vote when my name is called.

Mr. MCMILLAN (when Mr. STOCKBRIDGE'S name was called). My colleague [Mr. STOCKBRIDGE] is necessarily absent, and is paired with the Senator from Georgia [Mr. COLQUITT].

Mr. TURPIE (when his name was called). I am paired temporarily on this vote with the Senator from North Dakota [Mr. CASEY], who is not present. I should vote "yea" if I were not paired.

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present I should vote "nay."

The roll-call was concluded.

Mr. BLAIR. Has the Senator from Mississippi [Mr. GEORGE] voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. BLAIR. I withhold my vote. If I were at liberty to vote I should vote "nay."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN], who is absent. If he were present, I should vote "nay."

Mr. BLAIR. The Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY], who is absent, and in the absence of the Senator from Mississippi [Mr. GEORGE], with whom I am paired, the pairs may be transferred, so that the Senator from West Virginia and myself can vote. I vote "nay."

Mr. FAULKNER. I vote "yea."

Mr. BATE. My colleague [Mr. HARRIS] is paired with the Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 21, nays 29; as follows:

YEAS—21.

Bate,	Faulkner,	Morgan,	Vance,
Berry,	Gibson,	Paddock,	Vest,
Butler,	Gorman,	Pasco,	Walthall.
Cockrell,	Gray,	Plumb,	
Coke,	Ingalls,	Pugh,	
Dawes,	McPherson,	Reagan,	

NAYS—29.

Aldrich,	Dolph,	Hoar,	Sawyer,
Allen,	Edmunds,	Jones of Nevada,	Sherman,
Allison,	Evarts,	McMillan,	Spooner,
Blair,	Frye,	Mitchell,	Squire,
Cameron,	Hale,	Moody,	Teller.
Cullom,	Hawley,	Platt,	
Davis,	Higgins,	Power,	
Dixon,	Hiscock,	Sanders,	

ABSENT—34.

Barbour,	Daniel,	Manderson.	Stockbridge,
Blackburn,	Eustis,	Morrill,	Turpie,
Blodgett,	Farwell,	Payne,	Voorhees,
Brown,	George,	Pettigrew,	Washburn,
Call,	Hampton,	Pierce,	Wilson of Iowa,
Carlisle,	Harris,	Quay,	Wilson of Md.
Casey,	Hearst,	Ransom,	Wolcott.
Chandler,	Jones of Arkansas,	Stanford,	
Colquitt,	Kenna,	Stewart,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The Secretary will proceed with the reading of the bill.

The Secretary read paragraph 128.

The Committee on Finance proposed to amend the paragraph on page 25, in line 7, by striking out after the word "remanufactured" the words "by resmelting or rerolling;" so as to make the paragraph read:

128. Iron in pigs, iron in kentledge, spiegeleisen, ferro-manganese, ferro-silicon, wrought and cast scrap-iron, and scrap-steel, three-tenths of 1 cent per pound; but nothing shall be deemed scrap-iron or scrap-steel except waste or refuse iron or steel fit only to be remanufactured.

Mr. VANCE. I wish to offer an amendment to the paragraph, but I suppose the committee amendment will be in order to be acted upon first.

The PRESIDENT *pro tempore*. Does the Senator desire to speak to the amendment of the committee?

Mr. VANCE. No, sir.

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

The amendment was agreed to.

Mr. VANCE. In line 5 of that paragraph I move to strike out "three-tenths of 1 cent per pound," the equivalent of which is $6.72 per ton, and to insert "$5 per ton."

The PRESIDENT *pro tempore*. The Secretary will report the proposed amendment.

The SECRETARY. In line 5, strike out "three-tenths of 1 cent per pound," and insert "$5 per ton."

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from North Carolina.

Mr. VANCE. Mr. President, the accepted basis for protective duties of all kinds, the only one which can bear even a semblance of reason or justice, is the difference in labor between this country and the old country. This duty is especially put upon the ground of protecting the American laborer, that his wages must be kept up and not reduced to a level with the pauper of Europe, in the old phraseology; and in order to pay him living wages this duty must be imposed.

It so happens that in the course of civilization and the spread of learning and intelligence we are getting able to puncture some of these bubbles. We have a report here which has often been referred to, made not by a Democrat, but by a distinguished Republican, a sharp, shrewd, able, guessing Yankee, and made in pursuance of the duties which have been imposed upon him by law, Mr. Carroll D. Wright. His investigations and labors have resulted in a report which enables us to tell how much money has been expended for labor in the production of a ton of pig-iron. That much I am willing to impose. More than that I am not willing to impose.

I find that on pages 29 and 30 he gives us——

Mr. GRAY. When was the report made?

Mr. VANCE. This is a preliminary report made July 1, 1890. He gives us the result of an investigation into 115 establishments for the manufacture of pig-iron.

Mr. BUTLER. In this country?

Mr. VANCE. Yes, sir. I find that in only 23 out of the 115 is the total cost of producing a ton of pig-iron over $15; that in 92 of the establishments the total cest of producing a ton of pig-iron was under $15; that in 17 of them the total cost of producing a ton of pig-iron was under $10; and I find from this report, or rather he finds, that in 105 of the establishments the labor-cost was under $2, and in 17 of them the labor-cost was under $1; and that the average cost of the whole 115 establishments for making a ton of pig-iron was $14.80, unless my figures are mistaken; and that the average cost of labor in the whole 115 establishments for the making of this pig-iron was $1.54 per ton.

Mr. ALDRICH. Will the Senator permit me to interrupt him?

Mr. VANCE. Certainly.

Mr. ALDRICH. I hope the Senator from North Carolina, before he concludes his explanation of these tables, will explain to the Senate what the remainder of the cost was. He says the labor-cost was $1.50 for a ton of pig-iron. Now, what were the other elements of cost?

Mr. VANCE. It will afford me very great pleasure to read the other elements of cost, as I presume the Senator has not been furnished with a copy for himself. I have not made the average calculations for the other elements of cost. I have stated that the whole cost of making a ton of pig-iron in 23 of the establishments exceeded $15, and none exceeded $25; that in 92 establishments the cost was under $15, and in 17 the cost was under $10. The highest total cost that I find upon the list in any one establishment is $25.24.

Mr. ALDRICH. I think the Senator must have misapprehended my question. He stated that the average labor-cost was $1.54 a ton, and that the total average cost was either $10 or $15 a ton. What are the other elements of cost aside from the labor-cost?

Mr. VANCE. The other elements of cost are ore, cinders, scrap, limestone, coke, or coal, officials and clerks, supplies and repairs, and taxes.

Mr. ALDRICH. Were they obtained without labor? Was there no labor-cost about those elements?

Mr. VANCE. I suppose there was, but when the cost of the ore is given then I supposed that there would be no more labor-cost to be added to that which was once paid for, the labor being included in the cost of the ore.

Mr. ALDRICH. Will the Senator allow me to interrupt him for one moment more?

Mr. VANCE. Certainly.

Mr. ALDRICH. I should like to have him or any Senator upon that side point out one single element of cost in a ton of pig-iron that does not represent labor in some form.

Mr. MORGAN. Yes; the salaries of officers, of sons-in-law.

Mr. ALDRICH. The salaries of officers represent the services of

men who are as much entitled to compensation as the Senator from Alabama is.

Mr. MORGAN. Yes; but there is not much labor in that.

Mr. VANCE. I supposed that when the ore was discovered in the earth, ready to be extracted, it had some intrinsic value, and if there was any labor expended on that it was expended by the Creator of the world, who does not need any of your laws to protect his labor. Certainly I have known of ore banks selling for millions of dollars, and that was some element of cost, on which not a dollar of labor had been expended.

Mr. ALDRICH. If the Senator will permit me further, we will admit that there is a royalty on the ore in the earth of 50 cents a ton, or make it any other sum the Senator may please, what other element of cost is there that does not represent labor?

Mr. VANCE. The labor is already included. The price of the ore out of which the pig-iron was manufactured is given at $10.32 in the first establishment which he investigated. As a matter of course that includes the labor. He bought the ore and it was delivered to him for $10.32. As a matter of course, speaking in the language of this world, speaking in the language common among the children of humanity, speaking in the language which is germane to the commonsense and the every-day transactions of this sublunary life, when we have paid for anything in one stage, the elements of cost, be it labor or anything else, are not to be carried and repaid for in another stage. I consider that the claim for the labor which was expended in extracting the ton of ore was extinguished when the ore was paid for; and when you come to calculate the cost of the article in the next process then only you have any reason to estimate the value of the labor which was expended in that process, and so on to the end.

Mr. ALDRICH. I now understand the Senator to say that the labor which enters into the cost of producing the ore and delivering it at the furnace to be made into pig-iron does not enter properly into the computation to ascertain the labor-cost of pig-iron.

Mr. VANCE. It does not enter into the computation of the article which is made by this process for the purpose of imposing another protective duty. That is what I mean.

Mr. ALDRICH. But let me suppose, if the Senator will permit me, that the cost of the ore to the American producer, as stated by him to be $10.32, was, owing to the additional cost of labor in this country, $4 per ton higher than it was in Great Britain; does not the man who produces pig-iron require some protection as against that difference of $4 a ton.

Mr. VANCE. Certainly he does; but the laborer who extracted the ore from the soil got this protection of about 33 per cent. which we have just been discussing. He was protected against foreign ore to that extent. Then when the laborer makes a ton of pig-iron and his employer pays him $1.54 he is there protected by a duty of $6.72 against the manufacturer of foreign ores in Europe.

My argument was to show that, instead of receiving, or being content to receive, according to their own doctrine and professions, $1.54 a ton for the purpose of equalizing—no, not equalizing, for the purpose of paying the whole of the labor-cost in that ton—they exact from the consumer of pig-iron $6.72, and that they put the difference between the $6.72 and the $1.54 into their own pockets and then call it protection to the laborer.

Mr. ALDRICH. Then I understand the Senator claims that the only duty which a pig-iron producer in this country would be entitled to, as shown by the figures which he has now submitted, would be the difference in the cost of the labor at that stage, say $1.54 here as against $1.10 or $1 in England; in other words, that the only protection required to equalize conditions between this country and Great Britain would be 50 cents a ton. Or, to carry the illustration a little further, if a man was engaged in the cutlery business, or engaged in assembling the parts for making a jack-knife, of putting the rivets through the handles, of which the labor-cost might be 5 per cent. of the total cost of the knife, the only protection that man would need would be 2½ or 5 per cent., as the case might be, as against the lower cost of labor on the other side.

Mr. VANCE. No, Mr. President, I do not put it exactly that way; but I say that when you come to make jack-knives for the purpose of engaging in the New England industry of whittling pine shingles, it is to be supposed that you take the total cost of the material which the foreigner uses and the total cost of the material which the American manufacturer uses, and then to protect the American justly from any difference in labor the labor-cost expended in the manufacture of the foreign jack-knife should be compared with the labor-cost expended upon the American jack-knife, and the difference should be his protection.

I would not go back from step to step and accumulate the labor that had occurred in the various processes, every one of them, back to the original native raw material as it was taken from the bowels of the earth, unless I took at the same time the protection which had been extended at every stage and added that to the total amount of the protection.

Mr. ALDRICH. Does not the Senator from North Carolina see that the American manufacturer, if he labors under any disadvantages whatever, on account of higher rates of labor here, labors under this disadvantage at every stage, as he uses American materials which have been added to by a greatly increased price of labor, or he buys foreign materials upon which he must pay the duty, and therefore have an added and increased price on account of the duty. As that disadvantage is cumulative, so the duty must be also cumulative to be equalizing.

Mr. VANCE. The Senator seems to leave out the fact that the Englishman or the German who makes his knife, strange as it may appear to him, has to pay for every one of these processes also.

Mr. ALDRICH. But he has to pay for them at a greatly reduced cost of labor.

Mr. VANCE. He pays a somewhat reduced cost of labor; but even that is doubtful, because on account of the superiority of our workmen and our machinery the cost of labor by the piece is reduced——

Mr. ALDRICH. The Senator is now putting in a plea of avoidance. We are not discussing that question at all.

Mr. VANCE. No, sir; I am not putting in a plea of avoidance. I do not wish to avoid anything except that the Lord will enable me to avoid the burdens of protection. Every one of these expenses, from the original ore in the earth up, has to be paid for by his competitor across the water. Advocates of protection here seem to think that all those things should be ignored.

Now, sir, I was proceeding to attempt to show what is the true state of the case in reference to the duty on pig-iron. By the papers of to-day I find that the price of the lowest quality of pig-iron in New York averages about $15.50 a ton. I find by a quotation of two weeks ago in The London Economist that the same quality, or what I judge to be a corresponding quality of pig-iron, Scotch pig, is quoted in England at 46 shillings a ton, which I make to be $11.50.

Then, the freight on that ton of iron that is brought here to compete with a ton made in this country is, at the outside, $1.50, and the duty is $6.72, which, added together, makes $19.72 that the English ton of pig-iron has to be sold for in order to clear expenses and taxes when it arrives in this country. That leaves $4.22 in favor of the American manufacturer against his foreign competitor, of which sum we will say he pays $1.54 for labor, leaving $2.68 to go into his own pocket.

According to every obligation of honor and humanity and good faith in the world he should pay the whole of that over to his laborer, for it was obtained in his name. But he does not; and if we reduce this duty to $5 a ton we will still leave something like $3 to go into his own pocket and to defraud the laborer of, and for the purposes to which it is applied I think that ample and sufficient protection. To continue this duty in the face of such figures as these seems to me to be avowedly legislating in the direct interests of a class, and not for the public.

Mr. President, I do not know but that the average labor-cost as I have given it is too high. I am not sure that my figures are correct. I rather think they should be still lower than that. In regard to iron ore, on which there is a duty of 33 per cent., 75 cents per ton—sometimes it is more than that; sometimes it is 100 per cent., according to the cost of taking out the ore—I find that in 81 cases there are only 3 where the cost of taking out a ton of ore is $2; that there are 42 where it is over $1; that there are 39 under $1, 16 under 60 cents, and 9 under 50 cents. The more you go over these figures, the more perfectly you become satisfied that there is an enormous duty levied here upon the American people in the name of those who do the work, but which is in reality pocketed by those who employ them to do the work.

I am not willing to continue this any longer. This is the basis of the great iron industry, and if we wish that to flourish, as all men do, because it is the sure foundation of all the other industries, we should give it every possible advantage; we should make every reasonable effort for the purpose of furnishing it cheap material, that it might compete with all the world; and we should impose no taxation whatever except such as may be necessary to enable the manufacturers to continue to pay the high price of American labor over and above the reduced prices which, unfortunately for humanity, are paid upon the other side of the sea.

Every industry, sir, that we have that is flourishing in the most beneficial manner to the community, is the industry that has the most free raw material. In a very considerable portion of our foreign imports the manufactures are of cotton goods, and cotton is free by force of circumstances. The next most flourishing industry that we have in the shape of manufactures is leather, and that has free raw material.

Quite a number of articles intended for the use of manufacturers have been put upon the free-list by this very bill, all intended to aid manufacturers to compete successfully. Why not, therefore, give this same encouragement of cheap material to the greatest of all our manufacturing industries, to the iron and steel products which our country is so capable of producing, and which we can produce now as cheaply as any people in the world?

Mr. ALDRICH. Mr. President, it does not seem to me that there is any intelligent man in the United States who believes the statement that the total labor-cost of a ton of pig-iron was only $1.54. For the purpose of putting in evidence a statement made by a distinguished Democratic manufacturer I ask the Secretary to read the testimony of Mr. Abram S. Hewitt.

The PRESIDENT *pro tempore*. The Secretary will read as requested.

The Secretary read as follows:

The percentage of labor involved in the production of any given article depends upon where you begin to estimate the percentage. If you begin with a steel-rail mill, which uses pig-iron, the labor will be from 25 to 30 per cent. The actual wages paid by a wire mill will amount to about 29 per cent. of the cost. If you include labor in the blast-furnace that would make it 60 per cent. But if you go on back to the ore bed, and put in everything which was paid out from the ore bed, the percentage of labor would have been about 90 per cent. I say this because the gentleman (Mr. Thomas G. Shearman, of Brooklyn, N. Y.) proposes to overthrow facts within my knowledge, and for which I pay.

I say the amount which I pay out for labor, when I include every particle of raw material beginning at the ground—and I am a miner both of ore and coal—I have never, with all my anxiety to get it down, got it below 90 per cent. on the value of the finished product.

Mr. MILLS. What is the finished product?

Mr. HEWITT. Any finished product. I make bar-iron.

Mr. MILLS. Is pig-iron a finished product?

Mr. HEWITT. The labor in pig-iron will be 90 per cent. of the cost. It actually takes 90 per cent. of the cost of the article for labor when you include everything from the beginning to the end.

Mr. ALDRICH. Take the statement from which the Senator from North Carolina has read and analyze it. On page 60 Mr. Wright states the elements of cost of a ton of iron ore. Now, what are those elements? First, labor; second, officials and clerks. What is that but labor? Third, supplies and repairs. What does that represent but labor? It is entirely labor in one form or another. Then taxes, a very small amount, which in a certain sense—but I will not stop to enter into it now—represents labor, making a total of so much. That is carried over to the cost of making a ton of pig-iron, and the elements of cost are restated there.

Of course these materials are all assembled by transportation. What does transportation in all its forms represent but labor? Then we go on again with the elements of cost in a ton of pig-iron, and we find it stated on page 28, labor so much, officials and clerks so much, labor again, supplies and repairs, labor again, taxes so much. There is no element in the whole process in the manufacture of pig-iron that does not represent labor or services, except the crudest form of materials in the ground before they are touched by the hand of man.

Mr. VANCE. Then abstractly and philosophically considered, I suppose there is nothing that we exist upon but the air and the sunlight that is not labor, and it is right smart labor to breathe sometimes.

Mr. ALDRICH. When you pay the man who digs the ore from the ground, and the man who transports it, and the man who makes these repairs and furnishes these supplies, and the man who builds the plant, and the man who takes part in these processes, directly or collaterally, from the beginning to the end, a larger sum in wages than is done in any other country that is competing with us, so long you must have a protective tariff to equalize conditions.

Mr. VANCE. Then, Mr. President, we will not stop there. We will ascertain and levy a tax upon this article to pay the labor of the man who discovered the mine, the labor of the man who dug the roads that reach the mine, and the labor of the man who built the houses upon the road that he staid all night at and subsisted at upon his travels; and the labor of Christopher Columbus when he sailed across the ocean in 1492 and discovered this American country of ours; and the labor of the people of Spain who went back into the mountains of Catalonia or Castile and cut down the timber that built the ships that Columbus used in crossing the ocean; and the labor of the man in the shops of Toledo who manufactured the tools that cut down the trees in the mountains of Catalonia that built the ships in which Columbus sailed across the ocean in 1492, and so on, and so on. [Laughter.]

The Senator knows just as well as I know, Mr. President, as one of these little pages knows, that when he rises here and demands the passage of a law to protect the American laborer who makes pig-iron, he simply has reference to the man who manipulates the ore, who melts it and casts it into pig-iron, because the laborer in every preceding process has already been protected. He knows that, everybody knows that; and to undertake to avoid the force of an argument and to justify a great iniquity like this he goes back rambling into the ages of the past and invoking all the doctrine of predestination and the metaphysical consequences of the dependence of one thing upon another. He might as well go back to the Garden of Eden and say if Adam had been properly protected he would not have eaten the apple and would be there now, lying flat on his back in the garden looking up and waiting for pippins to drop. [Laughter.]

The PRESIDENT *pro tempore*. The amendment will be stated.

Mr. VANCE. I do not think I was quite done, Mr. President. [Laughter.] But perhaps this a good place to stop.

The PRESIDENT *pro tempore*. The Chair begs the Senator's pardon; he thought he had taken his seat.

Mr. MCPHERSON. I think it is about time to adjourn, I suggest to the Senator from Rhode Island.

Mr. ALDRICH. I was anxious to get a vote on the pending proposition before adjournment.

Mr. MCPHERSON. I do not think you can get a vote upon it to-night.

Mr. ALDRICH. Then I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 54 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 7, 1890, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August* 6, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

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

RETURN OF A BILL TO THE SENATE.

The SPEAKER laid before the House a resolution of the Senate requesting the House of Representatives to return to that body the bill (S. 2390) to increase the pension of Evelyn W. Miles.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being a bill (H. R. 8) in regard to a monumental column to commemorate the battle of Trenton.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The Clerk proceeded to read the bill.

Mr. ENLOE (during the reading). Let us have the regular order, Mr. Speaker.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of order. I insist that it is the duty of the Speaker at this point of time to lay before the House of Representatives the bills and other matters of public interest that have accumulated upon the Speaker's table. I have myself had a bill lying there for twenty-one days which would require but a moment to dispose of.

Mr. LACEY. Regular order.

Mr. GROSVENOR. This is the regular order.

The SPEAKER. The gentleman from Iowa [Mr. REED] has presented a conference report, which the gentleman from Ohio [Mr. GROSVENOR] will perceive has priority.

ORIGINAL-PACKAGE BILL.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill of the Senate (S. 398) to limit the effect of the regulating of commerce between the several States and with foreign countries in certain cases, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

JOSEPH R. REED,
A. C. THOMPSON,
Conferees on the part of the House.

JAS. F. WILSON,
GEORGE F. EDMUNDS,
J. Z. GEORGE,
Conferees on the part of the Senate.

The House conferees submitted the following statement:

The Senate bill provides that whenever any distilled, fermented, or other intoxicating liquors or liquids are imported into any State, and there held for use, consumption, storage, or sale, from any other State or Territory, or from a foreign nation, they shall, upon arrival in such State, be subject to all laws enacted by it in the exercise of its police powers.

As amended by the House the bill provides that whenever any article of commerce is imported into a State from any other State or Territory or foreign nation, and there held or offered for sale, it shall then be subject to the laws of such State: *Provided*, That no discrimination shall be made by any State in favor of its citizens against those of other States or Territories in respect to the sale of any article of commerce, nor in favor of its own products against those of like character produced in other States or Territories, nor shall the transportation of commerce through any State be obstructed, except in the necessary enforcement of the health laws of such State.

The effect of receding from the House amendment will be to accept and adopt the Senate bill.

J. R. REED,
A. C. THOMPSON,
Managers on the part of the House.

The effect of adopting the report of the conferees will be to pass the Senate bill without change, to which I am opposed.

WM. C. OATES.

Mr. REED, of Iowa. Mr. Speaker, I move the previous question on the adoption of the report.

Mr. OATES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. OATES. I rise to appeal to my colleague on the committee of conference [Mr. REED, of Iowa] not to move the previous question without giving me an opportunity to be heard.

A MEMBER. Regular order.

The SPEAKER. The question is upon ordering the previous question.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. OATES. I ask for a division.

The House divided; and there were—ayes 76, noes 51.

Mr. OATES. I demand tellers.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 96, not voting 128; as follows:

YEAS—103.

Allen, Mich.	Culbertson, Pa.	Knapp,	Ray,
Anderson, Kans.	Cutcheon,	Lacey,	Reed, Iowa
Arnold,	Dalzell,	La Follette,	Rowell,
Atkinson, Pa.	Darlington,	Laidlaw,	Sawyer,
Baker,	Dingley,	Laws,	Scull,
Banks,	Dolliver,	Lodge,	Smith, Ill.
Bartine,	Dorsey,	McDuffie,	Smith, W. Va.
Bayne,	Evans,	Miles,	Snider,
Belden,	Farquhar,	Milliken,	Spooner,
Belknap,	Featherston,	Moffitt,	Stephenson,
Bergen,	Flick,	Moore, N. H.	Stivers,
Bingham,	Funston,	Morrill,	Struble,
Boutelle,	Gear,	Morrow,	Sweney,
Brewer,	Gest,	Morse,	Taylor, E. B.
Brosius,	Gifford,	Oates,	Thomas,
Browne, Va.	Greenhalge,	O'Donnell,	Thompson,
Buchanan, N. J.	Grosvenor,	O'Neill, Pa.	Townsend, Colo.
Burrows,	Harmer,	Osborne,	Townsend, Pa.
Candler, Mass.	Henderson, Ill.	Owen, Ind.	Vandever,
Cannon,	Henderson, Iowa	Payne,	Waddill,
Carter,	Hill,	Payson,	Wallace, N. Y.
Cogswell,	Hitt,	Perkins,	Williams, Ohio
Comstock,	Hopkins,	Peters,	Wilson, Ky.
Conger,	Kelley,	Pickler,	Wilson, Wash.
Cooper, Ohio	Kennedy,	Pugsley,	Wright.
Craig,	Kerr, Iowa	Raines,	

NAYS—96.

Abbott,	Davidson,	Lee,	Penington,
Adams,	Dunnell,	Lehlbach,	Reilly,
Barwig,	Edmunds,	Lester, Va.	Richardson,
Breckinridge, Ky.	Elliott,	Maish,	Rogers,
Brickner,	Fithian,	Mansur,	Rowland,
Brookshire,	Flower,	Martin, Ind.	Sayers,
Brown, J. B.	Forman,	Martin, Tex.	Skinner,
Brunner,	Forney,	Mason,	Springer,
Buchanan, Va.	Fowler,	McClammy,	Stewart, Tex.
Bunn,	Geissenhainer,	McClellan,	Stockbridge,
Burton,	Gibson,	McCormick,	Stone, Ky.
Bynum,	Goodnight,	McMillin,	Stump,
Campbell,	Grimes,	McRae,	Taylor, Ill.
Caruth,	Hatch,	Montgomery,	Tillman,
Caswell,	Haugen,	Morey,	Tracey,
Catchings,	Hayes,	Morgan,	Tucker,
Cheadle,	Haynes,	Mutchler,	Turner, Ga.
Chipman,	Heard,	O'Ferrall,	Van Schaick,
Clunie,	Henderson, N. C.	O'Neil, Mass.	Vaux,
Cooper, Ind.	Herbert,	Outhwaite,	Wheeler, Ala.
Crain,	Holman,	Owens, Ohio	Whitthorne,
Crisp,	Kinsey,	Parrett,	Williams, Ill.
Culberson, Tex.	Lane,	Paynter,	Wilson, W. Va.
Cummings,	Lawler,	Peel,	Yoder.

NOT VOTING—128.

Alderson,	Connell,	Lewis,	Scranton,
Allen, Miss.	Cothran,	Lind,	Seney,
Anderson, Miss.	Covert,	Magner,	Sherman,
Andrew,	Cowles,	McAdoo,	Shively,
Atkinson, W. Va.	Dargan,	McCarthy,	Simonds,
Bankhead,	De Haven,	McComas,	Smyser,
Barnes,	De Lano,	McCord,	Spinola,
Beckwith,	Dibble,	McCreary,	Stahlnecker,
Biggs,	Dickerson,	McKenna,	Stewart, Ga.
Blanchard,	Dockery,	McKinley,	Stewart, Vt.
Bland,	Dunphy,	Mills,	Stockdale,
Bliss,	Ellis,	Moore, Tex.	Stone, Mo.
Blount,	Enloe,	Mudd,	Tarsney,
Boatner,	Ewart,	Niedringhaus,	Taylor, J. D.
Boothman,	Finley,	Norton,	Taylor, Tenn.
Bowden,	Fitch,	Nute,	Turner, Kans.
Breckinridge, Ark.	Flood,	O'Neall, Ind.	Turner, N. Y.
Brower,	Frank,	Perry,	Venable,
Browne, T. M.	Grout,	Phelan,	Wade,
Buckalew,	Hall,	Pierce,	Walker,
Bullock,	Hansbrough,	Post,	Wallace, Mass.
Butterworth,	Hare,	Price,	Washington,
Caldwell,	Hemphill,	Quackenbush,	Watson,
Candler, Ga.	Hermann,	Quinn,	Wheeler, Mich.
Carlton,	Hooker,	Randall,	Whiting,
Cheatham,	Houk,	Reyburn,	Wickham,
Clancy,	Kerr, Pa.	Rife,	Wike,
Clark, Wis.	Ketcham,	Robertson,	Wiley,
Clarke, Ala.	Kilgore,	Rockwell,	Wilkinson,
Clements,	Lanham,	Rusk,	Willcox,
Cobb,	Lansing,	Russell,	Wilson, Mo.
Coleman,	Lester, Ga.	Sanford,	Yardley.

So the previous question was ordered.

The following members were announced as paired until further notice:

Mr. SIMONDS with Mr. COBB.
Mr. BUTTERWORTH with Mr. WIKE.
Mr. BOOTHMAN with Mr. COWLES.
Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.
Mr. BLISS with Mr. WHITING.
Mr. LANSING with Mr. COVERT.
Mr. WALLACE, of Massachusetts, with Mr. ANDREW.
Mr. MUDD with Mr. RUSK.
Mr. WICKHAM with Mr. SHIVELY.
Mr. MCKINLEY with Mr. MILLS.
Mr. BOWDEN with Mr. MOORE, of Texas.
Mr. BANKHEAD with Mr. WADE.
Mr. MCCOMAS with Mr. ENLOE.
Mr. LIND with Mr. PIERCE.
Mr. NUTE with Mr. BARNES.
Mr. RIFE with Mr. WILSON, of Missouri.
Mr. CLARK, of Wisconsin, with Mr. PERRY.
Mr. DE LANO with Mr. DUNPHY.
Mr. GROUT with Mr. FITCH.
Mr. STEWART, of Vermont, with Mr. BLANCHARD.
Mr. RANDALL with Mr. SPINOLA.
Mr. T. M. BROWNE with Mr. LESTER, of Georgia.
Mr. PERKINS with Mr. KILGORE.
Mr. SMYSER with Mr. SENEY.
Mr. WILLCOX with Mr. RUSSELL.
Mr. HOUK with Mr. WASHINGTON.
Mr. SCRANTON with Mr. STAHLNECKER.
Mr. FRANK with Mr. TARSNEY.
Mr. WALKER with Mr. BLOUNT.
Mr. TAYLOR, of Tennessee, with Mr. O'NEALL, of Indiana.
Mr. FINLEY with Mr. CANDLER, of Georgia.
Mr. HALL with Mr. STOCKDALE.
Mr. JOSEPH D. TAYLOR with Mr. WILKINSON.
Mr. BROWER with Mr. ANDERSON, of Mississippi.
Mr. SHERMAN with Mr. WILEY.
Mr. WHEELER, of Michigan, with Mr. STONE, of Missouri.

Mr. DE HAVEN and Mr. BIGGS were announced as paired on all questions except bankruptcy and national-bank legislation.

Mr. HARE and Mr. HANSBROUGH were announced as paired on all political questions; also on Conger lard bill and Butterworth option bill, from July 3 to August 6, 1890.

Mr. YARDLEY and Mr. KERR, of Pennsylvania, were announced as paired until August 12.

Mr. LAIDLAW and Mr. ROBERTSON were announced as paired for ten days.

The following were announced as paired on this vote:

Mr. POST with Mr. CLARKE, of Alabama.
Mr. EWART with Mr. STEWART, of Georgia.
Mr. BECKWITH with Mr. DOCKERY.
Mr. REYBURN with Mr. HOOKER.
Mr. WATSON with Mr. CLEMENTS.
Mr. KETCHAM with Mr. BLAND.
Mr. FARQUHAR with Mr. CLANCY.

Mr. CALDWELL and Mr. MCCARTHY were announced as paired for this day.

The vote having been recapitulated,

Mr. OATES (who had voted in the negative). I desire to change my vote.

The name of Mr. OATES was again called, and he voted "ay."

Mr. MCMILLIN. My colleague [Mr. PIERCE] is detained from the House on account of a fall from a railroad train. He desires indefinite leave of absence, the request for which I will put in later.

The result of the vote was announced as above stated.

Mr. OATES. I move to reconsider the vote just taken.

Mr. REED, of Iowa. I move to lay that motion on the table.

The SPEAKER (having put the question). The ayes seem to have it.

Mr. OATES. I call for a division.

Mr. REED, of Iowa. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 107, nays 95, not voting 125; as follows:

YEAS—107.

Allen, Mich.	Cooper, Ohio	Knapp,	Reed, Iowa
Anderson, Kans.	Craig,	Lacey,	Rockwell,
Arnold,	Culbertson, Pa.	La Follette,	Rowell,
Atkinson, Pa.	Cutcheon,	Laidlaw,	Sawyer,
Baker,	Dalzell,	Laws,	Scull,
Banks,	Darlington,	Lodge,	Smith, Ill.
Bartine,	Dingley,	McKenna,	Smith, W. Va.
Bayne,	Dolliver,	Miles,	Snider,
Belden,	Dorsey,	Milliken,	Spooner,
Belknap,	Evans,	Moffitt,	Stephenson,
Bergen,	Featherston,	Moore, N. H.	Stivers,
Bingham,	Flick,	Morrill,	Struble,
Boothman,	Funston,	Morrow,	Sweney,
Boutelle,	Gear,	Morse,	Taylor, E. B.
Brewer,	Gest,	O'Donnell,	Thomas,
Brosius,	Gifford,	O'Neill, Pa.	Thompson,
Brower,	Greenhalge,	Osborne,	Townsend, Colo.
Browne, Va.	Grosvenor,	Owen, Ind.	Townsend, Pa.
Buchanan, N. J.	Haugen,	Payne,	Turner, Kans.
Burrows,	Henderson, Ill.	Payson,	Vandever,
Candler, Mass.	Henderson, Iowa	Perkins,	Waddill,
Cannon,	Hill,	Peters,	Wallace, N. Y.
Carter,	Hitt,	Pickler,	Williams, Ohio
Cheatham,	Hopkins,	Pugsley,	Wilson, Ky.
Cogswell,	Kelley,	Quackenbush,	Wilson, Wash.
Comstock,	Kennedy,	Raines,	Wright.
Conger,	Kerr, Iowa	Ray,	

NAYS—95.

Abbott,	Bynum,	Crain,	Fithian,
Adams,	Campbell,	Crisp,	Flower,
Barwig,	Caruth,	Culberson, Tex.	Forman,
Breckinridge, Ky.	Caswell,	Cummings,	Forney,
Brickner,	Catchings,	Davidson,	Fowler,
Brookshire,	Cheadle,	Dunnell,	Geissenhainer,
Brown, J. B.	Chipman,	Edmunds,	Goodnight,
Brunner,	Clunie,	Elliott,	Grimes,
Buchanan, Va.	Cooper, Ind.	Ellis,	Hatch,

Hayes,	Mansur,	O'Neil, Mass.	Stone, Ky.
Haynes,	Martin, Ind.	Outhwaite,	Stump,
Heard,	Martin, Tex.	Owens, Ohio	Taylor, Ill.
Henderson, N. C.	Mason,	Parrett,	Tillman,
Herbert,	McAdoo,	Peel,	Tracey,
Holman,	McClammy,	Penington,	Tucker,
Kinsey,	McClellan,	Reilly,	Turner, Ga.
Lane,	McCormick,	Richardson,	Van Schaick,
Lanham,	McMillin,	Rogers,	Vaux,
Lawler,	Montgomery,	Rowland,	Wheeler, Ala.
Lee,	Morey,	Sayers,	Whitthorne,
Lehlbach,	Morgan,	Skinner,	Williams, Ill.
Lester, Va.	Mutchler,	Springer,	Wilson, W. Va.
Lewis,	Oates,	Stewart, Tex.	Yoder.
Maish,	O'Ferrall,	Stockbridge,	

NOT VOTING—125.

Alderson,	Cothran,	Lind,	Sherman,
Allen, Miss.	Covert,	Magner,	Shively,
Anderson, Miss.	Cowles,	McCarthy,	Simonds,
Andrew,	Dargan,	McComas,	Smyser,
Atkinson, W. Va.	De Haven,	McCord,	Spinola,
Bankhead,	De Lano,	McCreary,	Stahlnecker,
Barnes,	Dibble,	McDuffie,	Stewart, Ga.
Beckwith,	Dickerson,	McKinley,	Stewart, Vt.
Biggs,	Dockery,	McRae,	Stockdale,
Blanchard,	Dunphy,	Mills,	Stone, Mo.
Bland,	Enloe,	Moore, Tex.	Tarsney,
Bliss,	Ewart,	Mudd,	Taylor, J. D.
Blount,	Farquhar,	Niedringhaus,	Taylor, Tenn.
Boatner,	Finley,	Norton,	Turner, N. Y.
Bowden,	Fitch,	Nute,	Venable,
Breckinridge, Ark.	Flood,	O'Neall, Ind.	Wade,
Browne, T. M.	Frank,	Paynter,	Walker,
Buckalew,	Gibson,	Perry,	Wallace, Mass.
Bullock,	Grout,	Phelan,	Washington,
Bunn,	Hall,	Pierce,	Watson,
Burton,	Hansbrough,	Post,	Wheeler, Mich.
Butterworth,	Hare,	Price,	Whiting,
Caldwell,	Harmer,	Quinn,	Wickham,
Candler, Ga.	Hemphill,	Randall,	Wike,
Carlton,	Hermann,	Reyburn,	Wiley,
Clancy,	Hooker,	Rife,	Wilkinson,
Clark, Wis.	Houk,	Robertson,	Willcox,
Clarke, Ala.	Kerr, Pa.	Rusk,	Wilson, Mo.
Clements,	Ketcham,	Russell,	Yardley.
Cobb,	Kilgore,	Sanford,	
Coleman,	Lansing,	Scranton,	
Connell,	Lester, Ga.	Seney,	

So the motion to reconsider was laid on the table.

The following additional pairs were announced:

Mr. COLEMAN with Mr. PAYNTER, until further notice.

Mr. FARQUHAR with Mr. CLANCY, on this bill.

On this vote:

Mr. POST with Mr. CLARKE, of Alabama.

Mr. SANFORD with Mr. COWLES.

Mr. BECKWITH with Mr. DOCKERY.

Mr. REYBURN with Mr. HOOKER.

The result of the vote was then announced as above stated.

The SPEAKER. The question recurs on agreeing to the report of the committee of conference. The question is open for debate, twenty minutes being allowed on each side. The gentleman from Iowa [Mr. REED] and the gentleman from Alabama [Mr. OATES] will be recognized to control the time.

Mr. OATES. Before the gentleman from Iowa begins, I wish to submit a request. In view of the brevity of the time allowed for discussion and the number of gentlemen who desire to speak, I ask unanimous consent that all who wish to do so may print remarks on this subject in the RECORD.

There being no objection, leave was granted.

Mr. REED, of Iowa. Mr. Speaker, I think it is not necessary at this time to indulge to any extent in debate on this measure. It has already been debated for two days in this House, and the whole question, it seems to me, has been very thoroughly gone over. I deem it a matter of justice to myself to say at the outset that I have not changed the views expressed in the report which, by the direction of the Judiciary Committee, I submitted to the House. My own view is that property of every description carried into a State for the purpose of being there sold ought to be subject to the laws of the State where the business is proposed to be transacted. But it became very apparent to me very early in the conference that it was impossible to secure the adoption of that view at this time.

I think I can safely say that no measure can be passed through this Congress at present which has in view the restriction of traffic in any article of commerce except intoxicating liquors; and as, Mr. Speaker, that is the great evil arising under the commercial clause of the Constitution as interpreted by the Supreme Court of the United States, the present pressing want, I deemed it wiser and better to yield my own views and opinions in reference to commerce in other articles and endeavor to secure a remedy for that one evil by this legislation.

Now, the distinction between the Senate bill and the bill as we amended it in the House is understood, I apprehend, by every gentleman on this floor. The Senate measure proposed to deal exclusively with the article of intoxicating liquors; and it provides when that article is imported into a State from another State or Territory or from a foreign nation, and there held for use, consumption, storage, or sale, it shall be subject to the laws enacted by the State in the exercise of its police powers. As we amended the bill it would provide that all articles of commerce when transported into a State from another State or Territory or foreign nation, and there held for sale, should be subject to the laws of that State, and that, in short, is the distinction between the two measures.

Now, so far as the traffic in intoxicating liquors is concerned, the Senate bill is possibly quite as comprehensive as the bill as amended by the House. It is believed by the advocates of this measure that it reaches the particular evil in question, the particular inconvenience under which the country is suffering at the present time from the decision referred to, and will afford a remedy. I do not myself, as I have already had occasion to say on this floor on a previous day, like this temporizing, this dealing with a particular question or a particular article of commerce to meet a particular exigency in reference to it, or whenever such exigency shall arise; but would greatly prefer to lay down general principles which would be applicable to all commerce among the States.

But, as I have said, I became satisfied early in the conference that no such result could be obtained, that it was impossible to achieve what we desired in that direction, and that we could pass no bill through Congress at this session that had the effect of placing any restriction on commerce generally or on any other article of commerce except intoxicating liquors. So that, in so far as it goes, the measure of the Senate affords a remedy for the particular existing evil with which we have to deal at this time.

I apprehend, Mr. Speaker, that objections will be urged to the phraseology of the bill. The objections of my friend, the gentleman from Alabama [Mr. OATES], as I understand him, are based solely on the phraseology of the bill. It will be observed that the bill provides that this article of commerce, when imported into a State and there held for use and consumption, shall be subject to the police laws of the State, and the objection of my friend grows out of, or is based on, that particular phraseology, as I understand it.

So far as I am personally concerned, if I could have accomplished that result I should have been willing to strike those words out of the bill. But he knows as well as I do that that is impossible; that we could not reach that result, and I think he will agree with me that perhaps in that respect the bill is not altogether vicious, is not altogether bad. If a single case can be stated in which it would be proper and right for the State to exercise the very power it may exercise under that language, I believe my friend will agree with me that the power ought to be preserved to the States.

I will undertake, however, to state more than one case in which I think it would be important for the State to have and exercise that power. Now, the gentleman from Alabama informs me that on the statute-books of his State there is a statute making public drunkenness punishable as a crime. I think the wisdom of a statute of that kind will not be questioned here. But what power does the State assume to exercise by such an enactment? What object is it desirous of accomplishing? Is not the object in view to secure to the people of the State freedom from the annoyance and inconvenience caused by drunkenness in public? It is not merely to punish the poor wretch who violates that provision of the law, but to secure to the people of the State freedom and immunity from annoyance by public drunkenness and its demoralizing effect upon the community.

The man who exhibits himself in public in a condition of drunkenness is a public nuisance. His example is bad. It is to avoid that evil and that influence that the State of Alabama has enacted the law to which I have referred. But suppose the State is unable to accomplish that object by the process of punishing the violator of the law. If the State has a right to attempt to enforce the law by punishing the violator, it has a right to go a step further and enact any legislation necessary for the accomplishment of its purpose. But suppose, I say, it is not able to accomplish it by punishing the individual who violates the provision. It has the right to go a step further. It has the right to close against every man in the community addicted to the habit every place where intoxicating liquors are sold. My friend will admit that. But if it has that right it can go still further.

If it can not prevent the evil to society for which the law of Alabama was enacted by punishing the offender or by closing the places where intoxicating liquors are sold against him, it may enter his domicile and seize the liquors he there keeps and on which he becomes intoxicated; for the power and duty to protect society from his beastly exhibitions and the evil influence of his example necessarily includes that power if its exercise be necessary for the accomplishment of that result.

If the State may arrest a man and punish him for his offense against decency for the purpose of preventing the repetition of his drunkenness in public; if it may close every public drinking-place in the State against him, I do not know of any principle that prohibits it from going into his dwelling-place and seizing the liquors that he has imported from abroad if that becomes necessary for the purpose of accomplishing that result. Now, that is one case. I will state another.

The State has the undoubted right to require of all its citizens the performance of certain public duties; and growing out of that right, as I contend, is the further right to restrict the individual in the matter of his habits, if that be necessary, for the purpose of securing to it the best services of the individual in time of public danger.

In times of invasion or public disturbance nobody will doubt the

right of the State to demand the services of every able-bodied man within its jurisdiction for the purposes of repelling the invasion or of maintaining the public peace. It has the right to demand military service from every citizen who is able to render such service. Now, if in such an emergency a man who owes this duty to the State, and is able to perform it, enters upon a course of conduct that is calculated and intended to destroy his power to render that duty, I think no man will doubt the power of the State to put its hand upon him and to restrain him. That is a power that has often been exercised in this country. Why, within the recollection of my friend and myself, in the exercise of that very power, a half million of men during the late war were driven to what was to him and to me and many of our associates on this floor the field of honor and of duty. It was simply the exercise of that power by the State or by the nation, the power to compel the citizen who is able to render military service, to render that service in time of emergency.

I will state another case in which I claim the State has this power, and it is essential to its very existence that it should have it and on occasion exercise it. Every man owes the duty—first it is a natural duty and second it is a duty to society—to maintain and educate his family. No man will doubt or deny that proposition. But suppose a man by his habits, by his course of conduct, destroys his ability to perform that duty has entered upon a course of conduct the inevitable result of which is to destroy his ability to support his family; will it be doubted by anybody that the State may lay its hand upon him and restrain him in the matter of his habits? This power is essential, I say, to the preservation of the State.

The State has the further right, as I conceive, as I know, and as nobody will deny, to demand the performance of certain political duties by every citizen. It may call upon you, sir, or any other gentleman, to aid in the administration and execution of the law. It therefore has an interest that every man who is liable to be called upon to perform this duty shall preserve his ability to perform that duty, to perform it to its best interest. Now, Mr. Speaker, I am not contending for the exercise by the State of any paternal power over the individual citizen. My contention simply is that the power to do these things is essential to the very existence of the State itself.

Mr. SPRINGER. Will the gentleman allow me to ask him a question? Do I understand you to say that if this Senate bill passes, under the laws of Iowa the authorities of that State will have the right to go into the private cellar of any gentleman and take from him liquors that he has stored for his own use, and confiscate them, under the law of that State, if those liquors have been received from a foreign State and are in the original packages?

Mr. REED, of Iowa. Mr. Speaker, my proposition is this: That if by the use of intoxicating liquors that I have acquired in any way, which I have in my house, I am destroying my ability to perform the duties that I owe to the State and the nation and to my family, duties that the State has the right to require of me, it has the right to enter my house just as it has the right to punish me, just as it has the right to close every drinking place in the community in which I live.

Mr. SPRINGER. But who is to decide that you are not capable of taking care of yourself and ought not to be allowed to control yourself?

Mr. REED, of Iowa. The State is quite as competent to decide that question as is this Congress.

I want to make this one suggestion further, and then I am through. In these matters the only prudent course, in my judgment, is to act upon the presumption that the State will exercise its power in a wise and prudent manner. Congress is not the embodiment of all wisdom. I have the profoundest respect for the Fifty-first Congress, in the first place because I have become acquainted with a great many very pleasant and able gentlemen who are members of it and in the second place because I myself am a member of it. [Laughter.] And yet I have no hesitation in saying that when we came from our homes to enter upon our duties here we did not impoverish either the wisdom, intelligence, or patriotism of the communities which we left; they are quite as capable now of dealing with these questions as they were before we left them. [Laughter and applause.]

Mr. HATCH. Will the gentleman allow me to ask him a question?

Mr. REED, of Iowa. Yes.

Mr. HATCH. I would like to ask the gentleman from Iowa upon what theory he supports this Senate bill in preference to the House bill, which not only protected the interests he is now contending for, but also protected the great dairy interest of Iowa and the Northwest?

Mr. REED, of Iowa. I stated in my opening remarks that personally I have not changed my views. I prefer the House bill.

Mr. CASWELL. I wish the gentleman could explain why we can not have the House bill.

Mr. HATCH. If we vote this down, then we can protect the dairy interest and at the same time have prohibition.

Mr. REED, of Iowa. What time have I left, Mr. Speaker?

The SPEAKER. The gentleman has two minutes left.

Mr. REED, of Iowa. I reserve them.

Mr. OATES. Mr. Speaker, I desire to submit a parliamentary inquiry, so that the House may be fully informed.

The SPEAKER. The gentleman will state it.

Mr. OATES. The question will be on the adoption of the conference report. If that be voted down, will it not be in order to insist on the House amendment or any substitute which the House may instruct the committee of conference to propose?

The SPEAKER. The Chair does not hear the gentleman's inquiry.

Mr. OATES. Is it not in order, if the conference report is voted down, for the conferees to be instructed to insist on the House proposition or on any amendment or substitute that the House may see proper?

The SPEAKER. The effect of voting down the proposition will be to throw the whole subject open to the action of both Houses as if no action had taken place on the part of the conference committee.

Mr. McMILLIN. And would not one effect be to put it in the power of the conferees to insist upon the substitute adopted by the House of Representatives?

Mr. CANNON. Another effect would be that there will be no legislation on the subject at this session; and that is what some gentlemen want.

Mr. HENDERSON, of Iowa. That is exactly what it will be.

Mr. OATES. Mr. Speaker, in the brief time that I have it will be impossible for me to more than state the question which I conceive to be involved in this matter. I am opposed to the Senate bill, as stated by the gentleman from Iowa, my colleague on the conference committee, on account of its phraseology and on account of its narrowness. I believe we ought to have broader legislation upon this question than the Senate bill proposes. I will first invite the attention of the House to the distinctions between the interstate-commerce power of the Constitution and the police power of the States, and ask gentlemen to bear in mind what they are.

The police power of the State relates to everything within it which is supposed to affect injuriously either the health or the morals of the people, as shown by the adjudication of the Supreme Court in the Kansas case, where they held that distilleries can be destroyed under State law and the distillation of spirits absolutely prohibited; and in the Pennsylvania case, in the manufacture of oleomargarine within the State, although done under State law and authority, they held that the Legislature had the right to prohibit its manufacture and sale, even by punishment and fine. Justice Field, dissenting, held that the manufacturer had a property right which was protected under the fourteenth article of the amendments to the Constitution; but the majority held that, the Legislature having ascertained that it was injurious to health, that was conclusive with the Supreme Court.

Therefore, interstate commerce—that is, every article of commerce which is imported from any other State or foreign country going into a State—if primarily subject to police law, is subject to that police law the moment it enters the State. Why, then, if that be true, the power of the State would be sufficient to overturn the constitutional clause which vests in Congress the power to regulate commerce among the States, and that power is just as broad as that to regulate commerce with foreign nations and among the Indian tribes. It presents a question of Federal rights, and, in the exercise of the police power, the States' rights. What I hold has been decided in several cases by the Supreme Court, which I have not the time to read.

This bill of the Senate proposes to subject liquors and liquids to the laws of the State enacted in pursuance of its police powers:

> That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Now, here is an article which the Supreme Court held in the recent case to be an article of commerce. Liquors are held to be articles of commerce. The laws of Congress recognize that by making the manufacturers pay a tax upon them, and in the case of foreign importation you tax them, which is a license; and the States have always dealt with liquors as an article of commerce.

Therefore, they are not subject to the police power of the State until after they have arrived there and have been sold in the original package, because, in the absence of a law of Congress, it requires a sale to commingle those liquors with the property of the State and render them subject to the State police power. Until the liquors are imported and intermingled with the property of the State they are not subject to the police power of the State. Now, this bill of the Senate proposes to render these liquors, although they are an article of commerce, subject to the police powers of the State before they are sold in the original package, and even as soon as they enter the State.

Now, sir, while I am in favor of the exercise of State rights, I am at the same time in favor of the observance of Federal rights. The Constitution secures to the people of the State of Illinois, for instance, the right to ship their goods which fall within the category of interstate commerce into any other State in the Union for sale, and until there is an act of intermixing, so that those goods become a part of or become mingled with the property of the State, they are not subject to the

police power of the State. How far to go in order to protect the Federal right which the Constitution of the United States gives to the people of, say, Illinois or any other State, and at what point to stop so as to protect the people within the several States in the enjoyment of their rights under the police power of the State, is the precise question here presented.

This Senate bill applies only to liquors. The word "liquid" is also used, but "liquor" is broad enough to cover everything of that character. I maintain that the Senate bill is not sufficient. I maintain that it is simply trifling with this question. Every lawyer knows the force of analogy and precedent. Here is a protest which I have received from the board of health of the State of Iowa, showing that several articles may be introduced into that State under the decision of the Supreme Court and sold in original packages, and that the Senate bill does not touch them. I have also here the laws and regulations of Iowa on this subject, but I have not time to read them.

Another objection that I have to this bill, and an insuperable one, is found in the provision that "any liquors transported into or remaining in a State for use, consumption, sale, or storage therein" shall be subject to the State laws.

Now, while the Senate bill allows a State to exercise whatever power it pleases over liquors when they come into the State, yet where the State goes to the extent of prohibiting a man from importing a case of liquors for his own use, as Iowa, for instance, does, and you vote for this Senate bill, you indorse that and vote for a sumptuary law. Now, I say that a State has the power to do such a thing as that, but I deny that a State has any right to do it. A State has the power to prescribe what sort of a hat a man shall wear; it has the power to dictate that or anything else, unless where it has parted with that power to the Federal Government. A State can do anything, but I deny that it has a right to do any such thing as that.

I do not believe in sumptuary laws. They are violative of personal rights, and any one who votes for this conference report indorses the doctrine of a violation of personal rights, indorses the doctrine that a State can rightfully deny to a citizen the right to import liquors for his own use.

Mr. THOMPSON. Will the gentleman permit me to ask him a question?

Mr. OATES. I can not be interrupted, because my time is so limited. If I had more time I would yield cheerfully.

Now, Mr. Speaker, I think I have stated these distinctions pretty clearly, but if you will notice there is a little more fog in this bill. It subjects these liquors to the police power of the State the moment they cross the State line, without regard to whether they are in the original packages or not, and they are subjected to the State police power to the same extent that the State may go in reference to its own products.

In Kansas and in Iowa both under the State laws and under this bill, if you import a keg of beer for the use of your own family, the State authorities can send their inspector to knock the head out of the keg and let the beer run to waste. Now, do gentlemen think that legislation ought to go so far as that, to permit the State thus to rob people of their personal rights? I never can sanction, I never have sanctioned, I never will sanction such a principle. [Applause on the Democratic side.]

I yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

[Mr. SPRINGER withholds his remarks for revision. See Appendix.]

Mr. OATES. I yield to the gentleman from Iowa [Mr. HAYES].

Mr. HAYES. Mr. Speaker, I am opposed to this proposition, both because it is clearly and plainly an attempt to commit Congress to the dogma of prohibition and sumptuary regulation of the habits of the people and because it is contrary to all just ideas of State rights, outside of its mere prohibitory character; and the attempt to sustain it on any such doctrine or idea is specious and fallacious.

NOT FOUNDED ON STATE RIGHTS.

This is shown by the fact that it singles out intoxicating liquor alone as a subject to be committed to the tender mercies of State laws, and includes its private use and consumption as well as its mercantile character, and because it, by Congressional action, gives life, if this law is constitutional when passed, to State laws that are now inoperative, if not void.

This, on general principles, is bad enough, but it becomes absolutely vicious when there is doubt about those dead State laws now representing the existing sentiment of the respective States. If they do not represent present sentiment in any State, the effect of this action by Congress, if constitutional and binding, is to fasten upon the people of a State a law respecting a matter of merely local concern and sumptuary regulation by Congressional action. In other words, it is the fastening upon the people of a State of a condition of things not wanted by the people of that State and relating to a matter of merely local concern and by Congressional action in a matter over which Congress has no just jurisdiction, instead of this being done by the action of the people themselves.

Every man that respects the just rights of the States and seeks to draw the proper dividing line between State and National jurisdiction and concern, should repel any such attempted interference with the rights, jurisdiction, privileges, and responsibilities of the several States.

UNDER THIS DOCTRINE AND IN JUSTICE THE STATES SHOULD ACT AFTER THE POWER IS DELEGATED.

If the proposed action was, as suggested by an amendment offered by myself when this question was before considered here, to commit this matter to the States to be hereafter acted upon it would put an entirely different phase upon it and eliminate at least one objection to the proposed law. I will repeat what I then said:

The effect of this amendment simply is to provide that in subjecting liquor or other articles of commerce to State laws when imported into any State, such laws so governing such subject shall be passed hereafter, that is, after this authority is so given by Congress.

The reason of this is that this proposed delegation of power to the States is conceded by all to be a new departure, and consequently there is not a law existing on the statute-book of any State in the Union passed with any idea of, or reference to, any such delegation of power, and it seems an absurdity to attempt to validate an incongruous mass of laws about which we know nothing, and which were passed to meet entirely different conditions and surroundings. Then, again, if it is necessary to recognize the alleged rights of States over these matters, and if it is good policy so to do, it seems to me that these laws should be passed intelligently and with a knowledge of the authority and power under which they are passed, and, above all, that they should represent present sentiment in the several States.

Then, again, this course avoids all possible objection that laws in the States that are now unconstitutional, void, and of no effect, by reason of the supreme power of Congress over commerce, can not be validated by wholesale or otherwise by Congressional action. I do not wish to be understood as asserting that even with this amendment this legislation would be satisfactory to me, but if any law is to be passed, whether liked by an individual member or not, it should be made as near right as possible, and it seems to me that this or some similar amendment would very much add to the real value of the law, do away with at least one very serious objection to it, and make it much more palatable to the general public, without impairing in the least the principle upon which it is founded.

If this principle is right, let it be acted upon intelligently and with full knowledge of what is being done. We can not afford to fasten even upon a single State any law that the State should pass. The State itself should do it and with its eyes, so to speak, open, and this can only be done by passing the laws with full knowledge of the authority and recognition of the reason why they are passed. This would be very much more a recognition of the doctrine of States rights and the desirability of allowing the several localities to govern themselves in their own affairs than is the forcing upon them by Congressional action of laws which now have no force upon them and which will receive their only binding force as to them, if at all, by an authority entirely outside of themselves and in nowise responsible to them.

To cover the objection that I have heard made, that this course would leave a lapse where there would be no law, it might perhaps be provided that present laws should stand for a fixed time and long enough to allow an expression by the people.

EXISTING SENTIMENT SHOULD ALONE GOVERN.

Now, it may be said that we have no right to assume that a law actually now upon the statute-books of a State does not represent existing sentiment in that jurisdiction; but I not only deny this, but say we have no right to make any assumption concerning it. And so in delegating a power to the States as to any particular class of legislation Congress should limit it to action to be taken under the delegation of power, and by reason of it, and with full knowledge of and responsibility to the authority by which the action is taken.

IN IOWA THE CONTRARY RESULT WOULD BE ATTAINED.

But outside of any theoretical reasoning upon the question the State of Iowa furnishes a good example to show the effect of this class of legislation by Congress upon a State and how it may have the effect to fasten upon the people a law or principle not desired at the present time.

This State now has a prohibitory liquor law upon its statute-books that for inherent devilishness, "pure cussedness," and utter disregard of personal liberty and human rights has no parallel in the annals of modern or civilized legislation.

This law has been upon the statute-books for about a third of a century, but has been intensified and brutalized from time to time by the Republican party in that State, at the behest of its prohibition element, which, by the way, long since swallowed the dear old party, head and tail, and has since dictated its whole policy; and this being the case, the sober second thought of the people has begun to be heard, and common decency and a regard for the rights of the people have begun to assert themselves, and the last general election there broke the yoke and clearly demonstrated that the people of Iowa desire to repudiate the monstrosity, and still it is here attempted by this proposed legislation to fasten it upon an unwilling people by Congressional action.

In the name of the majority of the people of Iowa I protest and demand that no such system be fastened upon us without our own action, taken with full knowledge of the power and authority by which it is done and of the effects of our action.

IOWA SENTIMENT AS SHOWN BY ELECTION RESULTS.

That I am right about present sentiment upon this question in Iowa can be clearly shown and is by the cold logic of facts demonstrated in the election returns.

As is well known, this State had been solidly and reliably Republican for years and so until 1889. To be sure in 1888 the Democracy for the first time in the present generation elected a State officer, a railroad commissioner, but it was in no wise upon political grounds,

but was simply the revolt of the better element of the Republican party against a candidate not entitled to reputable support. But the election of 1889 was a fair test on principle and was an election where prohibition as on the statute-books of Iowa was made a prominent factor in the campaign, and where the Republican party declared in its platform that it was the settled policy of the State, from which there should be no backward step, and where the Democracy denounced the law and declared for local option and high license, and where the respective candidates for governor as well as other speakers made this the most prominent feature of the campaign.

The speech of the Democratic candidate, Hon. Horace Boies, upon opening the campaign, was a masterly one on all the issues before the people, and so peculiarly so on prohibition that, although quite long, I will insert this portion of it in my remarks, and especially as it gives the history and effect of this craze upon Iowa and its material interests, and shows how fully the issue was presented to the people and the consequent significance of the vote to which I will call your attention:

GOVERNOR BOIES ON PROHIBITION.

The Republican party in its platform of principles again affirms its adherence to prohibition, declaring in the same paragraph that it has become the settled policy of the State, and that it (the party) stands for the complete enforcement of the law. It is now five years since that law, substantially in its present form, became a part of the penal statutes of the State. No law enacted by man was ever surrounded by more stringent provisions for its enforcement or, considering the nature of the acts it forbids, armed with more terror-inspiring penalties for its violation.

Is it not time to stop and inquire why it is that at the end of five full years from the adoption of this law, it becomes necessary for the dominant party in the State to make public in its political platform that it stands for the complete enforcement of this law? The reason is apparent enough. It is because of the notorious fact that in large sections of the State the law never has been and is not now respected.

WHY NOT ENFORCED.

Of no other criminal statute can it be said that public sentiment in any part of the State will not enforce it. There is no material difference in the intelligence, morality, or respect for ordinary laws of our people. There is, and always will be, a wide difference in their social habits, depending largely upon the customs of their fathers, the influence of education, and the surroundings in which they live.

It is because of this difference that public sentiment will enforce prohibition in some parts of the State, while in others it will not. The demand for complete enforcement means simply that public sentiment in some parts of the State shall be made through the agencies of the law to submit to the dictation of public sentiment in other parts. The proposition is full of interest. The principle upon which it is based presents a question of the gravest importance, it reaches down to the foundations of our political structure, and involves the natural right of self-government.

The statement of the question is to my mind a conclusive argument in itself. No one could maintain that the city of Dubuque ought to have the right to determine against the will of the citizens of Waterloo that she should control the traffic in intoxicating liquors within her limits by a license law instead of a prohibitory law, and the converse of the proposition is equally true. In the fact that the law is odious in many parts of the State is found the necessity for the Republican statement referred to.

It is absolutely clear that before any law should be forced upon American freemen against their will it should be so just that no fair-minded man could assail it, and so clearly adequate to accomplish the purpose for which it was made that reasonable doubt in that respect could not exist.

How is it with this law? I do not hesitate to declare that its enactment was the gravest injustice to a great number of our citizens, and that it is already demonstrated that it is absolutely inefficient to accomplish the purpose for which it was made. Nor do I hesitate to say that in the world's history no more cruel abandonment of principles by a political party was ever witnessed than is found in the history of Republican legislation in this State on the subject under consideration.

CONFISCATION OF BREWERIES.

When that party came into power in Iowa it found the State practically undeveloped, with little capital invested in manufacturing enterprises of any kind, and substantially none in distilleries and breweries; and it found a statute in force which absolutely prohibited the manufacture of every species of intoxicating liquor, wine and beer included, except such as was to be used for mechanical or medicinal purposes.

The population of the State was then comparatively small. Almost unlimited areas of its generous soil had never been touched by the hand of man. Then citizens were needed to develop a wilderness of natural wealth into a great and thriving State, with cities and towns on every hand.

Put here upon her statute-books was this law that declared that no man should manufacture or sell within her borders any intoxicating liquor of any kind, beer and wine and cider included, except for mechanical and medicinal purposes. Then, as now, a large fraction of the people of this, as well as other countries, were opposed to such a law and sagacious legislators understood that if Iowa was to be speedily developed it must be done by opening wide her arms and inviting all classes of people to come and make their homes within her borders, and so among the first public acts of the Republican party, after it came into power, was an act amending this statute, declaring that nothing within the prohibitory laws of the State "should be construed to forbid the manufacture and sale of beer, cider from apples, or wine from grapes, currants, or other fruits grown in this State."

BREWERIES LEGALIZED BY LAW IN 1858.

This law took effect on the 10th of April, 1858, and was in force until March 17, 1882, a period of twenty-four years.

In all these years the Republican party of Iowa was in full possession of the legislative and executive branches of the State government. On two occasions, in 1860 and again in 1873, the laws of the State were revised, and in both of these revisions the clause legalizing the manufacture and sale of beer, wine, and cider was retained. In the twenty-four years that the law, so amended, was in force under Republican rule Iowa grew from a sparsely settled wilderness into a most populous and thriving State, with farms dotting its prairies in every direction and towns or cities scattered through all its counties.

During all that time no man who invested his money or devoted his time to a manufacturing business could point to so clear a legal right therefor as the breweries, the wine and cider makers of the State, for in addition to the right which they derived from the common law to engage in this business, so long as it was not prohibited by statute, they had also a statutory right by clear implication from the provision aforesaid.

During these years breweries were built and put in operation in nearly all the cities and many of the towns of the State. More or less vineyards were planted and wineries established. Men devoted their lives to the business, educated their children to follow therein, and invested their fortunes, aggregating enormous sums in value, in a business that the law declared as legal as any in the world, and which to the minds of the men so engaged was as morally right as any could be. Every one looked upon this business as legitimate, because by the highest human authority—the law of the land—it was so declared.

PROPERTY DESTROYED BY LAW IN 1884.

In time a class of people, many of whom came to the State with those who had invested their means in such business, but who had devoted their lives to other pursuits, came to look upon the brewer and the wine-maker as enemies of society, and upon his business as injurious to the public good, and thereupon determined that the law which for a quarter of a century had made that business lawful should now make it unlawful. They knew that to do this was to destroy every dollar in value of the property invested in that business, amounting to millions upon millions. They knew that the effect of such legislation would be to bankrupt men whose lives had been spent in this business. They knew that hundreds if not thousands of men who were then rich would be made poor; that vast industries would be crushed and thousands of men thrown out of employment; but in all the throng that clamored for this law not one that I ever heard of proposed that the least provision should be made for indemnifying those who were to be financially crushed by this legislation. The Republican party leaders became frightened by this clamor, yielded to the cruel demand, tried to hide the iniquity of the act behind what is called a non-partisan election, and in 1884 passed the law which the Republican party is now demanding shall be completely enforced.

EVERY MAN'S PROPERTY IN DANGER.

As we glance back over the history of legislation on this subject, is it a matter of surprise that the law is not completely enforced? Do we not know that the plainest principles of common honesty and fair dealing were ruthlessly violated by a system of legislation that first made a business lawful and then, when millions of money were invested in it, coldly and cruelly destroyed it all? Are we so blind as not to see that the principle of this legislation carried to its legitimate result places every man's property at the mercy of a majority? Can we expect capital to come into our State and take the chances of a dominant public sentiment that destroys it without mercy or remuneration whenever in the judgment of the majority the public good demands it? I know that most of the men who clamored for this legislation, and who now clamor for its complete enforcement, claim to be honest men who love justice and abhor wrong. And when I think of this I am filled with amazement that it has not occurred to them that if the public good demanded the practical destruction of such large business interests, and of the property employed therein, every dollar in value of which had been acquired under the sanction of law, simple honesty required that the public should pay for that good with dollars and cents, instead of stealing it through the aid of the ballot.

TYRANNY OF MAJORITIES.

It has been well said there is no tyranny like the tyranny of majorities. An angry mob will strangle a human being without a compunction of conscience in any of its members, when not one of all the throng would meet his victim alone and with his single hand send him into the presence of his Maker.

A great party by the deposit of a little ballot in the hands of each of its members will destroy without compensation millions upon millions in value of property as legally acquired as any in the State, and yet not one of these would apply the torch to the very least of all this accumulated wealth.

There is not living to-day a ruler of any nation of the earth who, if he had the power, would dare single-handed and alone to issue an edict practically confiscating the property of his subjects to the extent that is done by the law in question. If he did, an army of impoverished men, crazed by the loss of fortune and smarting under what to them would seem an incomparable wrong, would seek and take his life.

That the law was harsh and cruelly unjust in some of its features was known to the men who made it. That its enforcement would meet with the most determined opposition was equally apparent, and so the Legislature undertook to provide for what every one knew must come. There is not in all the penal laws of Iowa another statute armed with such extraordinary means for its enforcement.

Judges are admonished that they must call the attention of grand jurors to its provisions at every term of court. All peace officers are strictly commanded to see that its provisions are faithfully executed, and any neglect in this respect is made a penal offense. Magistrates must issue warrants for the arrest of citizens on the mere belief of informers, without the statement of a single fact in support of that belief. Courts and jurors are enjoined to construe the law so as to prevent evasion and so as to cover the act of giving as well as selling. Any person upon a mere affirmation of his belief may procure a search warrant and send the officers of the law into any of our places of business, and even into the dwelling-houses of citizens, which the laws of every civilized nation defend as the castles of their owners. An army of spies and informers are turned loose upon society, and no place is so sacred that it can not be invaded in the mad rush for the enforcement of this law.

The whole power of the civil tribunals of the land is placed at the disposal of those who feel it their duty or undertake as matter of personal gain to see that the law is executed. Cruel and excessive punishment is inflicted upon all who violate its provisions. Fines that impoverish and dungeons that destroy are penalties for acts innocent in the eyes of nine-tenths of the civilized world.

PHARMACISTS PROSCRIBED.

A man trusted in all the business walks of life, engaged in the most honorable and responsible of callings, standing between the physician and his patient, can not fill a prescription for a dying man, woman, or child until he has published a notice for three consecutive weeks that he intends to apply for such a right, procured a certificate of good moral character from one-third of the freehold voters of the town or ward in which he lives, taken an oath that he has not within two years violated this law, and given bond with sufficient securities that he will in this respect remain a law-abiding citizen. When all this has been done, if no objection is made, the licensed pharmacist may obtain an order for a permit to sell alcoholic stimulants for mechanical and medicinal purposes.

But he is not yet entitled to his permit to sell for these purposes. Before he can have it he must take another oath that he will well and faithfully observe this prohibitory law; that he will not sell or furnish any intoxicating liquors to any person who is not known to him personally or duly identified; that he will make true, full, and accurate returns of all certificates and requests made to or received by him for the sale of liquor during each month, showing the person to whom it was sold and the true signature of the signer of each request granted. When all this is done the licensed pharmacist who has obtained a permit may sell alcohol for medicinal and mechanical purposes.

But the law is not through with this pharmacist yet. It has made him take an oath that he would be sufficiently respectable to obey at least one of the penal statutes of his State, but it is not sure that this one oath is sufficiently binding, and so every month he must take another oath that he did not commit perjury when he took the first. And with this oath he must present to the county auditor of the county in which he does business the original request for intoxicating liquors, containing the genuine signature of the party that made it, and describing the kind and quantity of liquor sold.

The law is now done with the seller. Let us glance at the case of the purchaser.

In tens of thousands of homes in Iowa, among the best people we have, are those whose vital energies are on the wane; old age has overtaken parents or grandparents; sickness has befallen wife or child. Nature has ceased to furnish her life-giving stimulant; something else must take its place.

There is no hesitation in judgment as to what is needed. A little wine or a little beer taken in reasonable quantities and at regular periods will add to the wasting energies of the old or renew the enfeebled strength of the sick. And so with eager care friends hasten to the pharmacist to buy what they know as well as any physician ever knew, that which their loved ones need.

But here they are told that they can have it upon one condition alone. They must sign a written or printed request, stating their age and residence, for whom and for whose use the liquor is required, the amount and kind required, and when this is done they can purchase the needed stimulant required. But their written request does not stop with the pharmacist, who from the nature of his business would consider it a professional secret were it not for the law. But it goes from the drug-store to the public office of the auditor of the county, there to remain a public record, to be examined by any one and every one who desires to read it.

DECLARATION OF FAILURE.

I have given you, my hearers, the briefest possible sketch of the extraordinary legal provisions that have been made to aid in the enforcement of this law, and yet with all this power, with the whole machinery of the State government in the hands of the party that enacted it, at the end of five years' experiment, it becomes necessary for that party to declare that it stands for the complete enforcement of the law. However much it may be deplored, is it a matter of surprise that, notwithstanding this law, with ever-increasing machinery for its enforcement, has been upon our statute-books so long, there are still localities embracing the most populous districts of our States in which it is openly defied? But whether matter of surprise or not, the fact exists, as is plainly conceded by the declaration in the Republican platform to which I have referred.

ISSUE OF THE CAMPAIGN.

It is with this fact, unpleasant as it may be, that the people of Iowa must deal in the present campaign. No one will deny that open defiance of established law by the majority of the people of any section is a public misfortune that calls loudly for a remedy of some kind.

Until the present time it is probably true that a majority of Democrats in Iowa have based their opposition to prohibition on the broad ground that in and of itself it is wrong; that it is in conflict with the natural right of every citizen to control his own social habits in his own way so long as they inflict no direct injury upon the public at large; that in its inception it was a cruel disregard of property rights; that it made rich men poor with no fault on their part, unless it was a fault to follow a business which the laws of their State made legal.

But, strong as this position was in the minds of such men, they have come to realize the fact that public sentiment in Iowa is not in harmony, and that true patriotism demands of them concessions which will as far as possible rid our people of this subject of fierce contention. To their great credit be it said that they are the first as an organized party, speaking through its representatives in convention assembled, to recognize the existing situation and plant their feet on ground impregnable to the assaults of their enemies at least.

THE DEMOCRATIC STAND.

By its platform adopted at Sioux City, the Democratic party says to every locality within the State where public sentiment upholds prohibition, "Keep it; no outside influence shall be permitted to interfere with your choice," and while it makes to these localities that pledge it demands for other localties where public sentiment does not uphold the law, the right to reject it and to substitute in its place a system that is to-day by the great majority of mankind recognized as the better system for minimizing the evils of intemperance.

No fairer proposition ever fell from the lips of man. It is nothing less than the application to this question of the principles on which our whole system of government is founded, namely, the right of self-government. It gives to every city and every incorporated town and township in the State the right to determine for itself by a vote of its own electors whether it will have prohibition or high license for the control of the liquor traffic.

It would be eminently fair and just if it was practicable to enforce prohibition in every part of the State. It will appeal to reasonable men with a hundred times more force because it is a conceded fact that in the large cities of the State it never has been enforced and never can be so as to suppress the liquor traffic.

If it ever becomes possible to close the open saloons in our cities, it is absolutely certain that it will be followed by what is infinitely worse, the secret saloon.

The first can be put under the supervision of the law. Minors and drunkards can be excluded therefrom. The latter in the hands of the worst elements of society is open to any one who seeks it.

So long as it is an open question as to which of the two methods, prohibition or high license, is the better calculated to protect society against the evils of intemperance, it would seem impossible for any one to maintain that the people of one locality in the State should be permitted to force upon those of another their own peculiar views.

Because a city or locality in one section may desire and can enforce prohibition it is no reason why it should help fasten it upon a city or locality in another section that does not desire and can not enforce it.

The very claim of such a right is, to my mind, so barren of all equity and fair dealing between the sections that it ought to be combated by every lover of the system of government under which we live. It is nothing less than a denial of the right of self-government, the assumption that one set of men were made wiser and better than others and put here to do the thinking for themselves and their neighbors also.

So far I have dealt with principles about which there should be no conflict of opinion. I have simply tried to prove that upon questions where men honestly differ the majority should rule, and that this principle should be so applied as to effectuate to its fullest extent the inalienable right of self-government.

PERSONAL RIGHTS.

I want now to appeal to the people of Iowa without regard to political affiliation, in the light of her own experience, to calmly consider and determine for themselves whether prohibition is in fact a better system than high license for the control of the liquor traffic in many parts of the State.

In what I have to say I hope no one will understand me as justifying in the least degree the degrading vice of intemperance. In all its forms it is a sin against society, a crime in its victims, and the basest of ingratitude towards family and friends. But, bad as it is, it has existed to a greater or less extent in every nation of the earth from the beginning of historic ages until the present time.

Perhaps in no country of the globe are its ravages less marked or its evils less serious than in our own. If we could accurately determine the per cent. of our entire population that can truthfully be styled intemperate persons, the insignificance of the fraction would be a surprise to many, if not all. Not one in a hundred, not one in five hundred, nor one in a thousand of all the men in the United States are, in my judgment, so addicted to the use of intoxicating liquors that they can properly be styled intemperate men. And yet I do not believe I overestimate the number who occasionally, and many of them regularly, partake of alcoholic stimulants of some kind when I fix it at more than one-half of the entire adult male population of the whole country, Iowa included. In many localities the proportion is greater than this who use wine or beer.

Assuming this estimate to be true, it follows that the social habits of more than half the men in the State are to a greater or less extent interfered with by the prohibitory laws when no necessity exists therefor; while one in a thousand by reason of his loss of self-control is a proper subject of governmental care in this respect. I am not saying the use of stimulants to the extent indicated or to any extent, except in cases of sickness or old age, is wise. I am simply dealing with facts as I believe them to exist. There is and always has been in the retail traffic in these liquors enormous profit. Under prohibitory laws, where no license is required and no tax collected, a very limited business is a very lucrative one to those who carry it on if they can escape the penalties of the law.

All experience teaches that, in all the larger and many of the smaller cities of the country, where open saloons are driven out, other methods of conducting the business immediately follow. The traffic is not suppressed, it is simply changed, and that, as I believe, for the worse. If it is made less, it is re-enforced by other evils that more than counterbalance this good. Every man engaged in the business knows that he must look to other sources than the law for the protection of the business he follows. He at once becomes oblivious to every moral obligation. The violation of one law makes easy the violation of others. To hide the statutory crime he is daily committing, he is ready to commit others infinitely worse. Falsehood is to him no longer a vice; perjury has ceased to be a crime; his whole life is a fraud, and he is a subject which society has far more reason to dread than the drunkard himself.

LEADS TO DISRESPECT OF LAW.

If this business stopped with its influence on those engaged in selling liquor it would not be so bad, but every man who buys knows he must not betray the men of whom he purchases this outlawed commodity. And so it happens, as I believe it will be conceded by those engaged in the administration of the criminal laws, that more perjury is committed in prosecutions under this statute alone than in all others that come before the courts of the State.

EFFECTS ON BUSINESS.

Turning from the evil effects of this illicit and outlawed traffic upon those engaged in it, let us consider the effect upon the business interests of the State at large of prohibitory laws that make no distinction between localities, and consequently none between communities of different tastes, different habits, and even of different nationalities, but with one inflexible rule force their provisions upon local governments that do and do not want them, alike.

If it was ever possible to believe that prohibitory laws will finally become general, the illusion has been dispelled by the vote of State after State in different sections of the country within the last few years.

It is not an exaggeration to say that such laws are far less popular at this time than they were five years ago, when Iowa adopted hers. Within that time no less than five or six States of the Union have by popular vote, and usually by overwhelming majorities, defeated such laws; and one at least, after trying the experiment for years, repudiated the system as impracticable and repealed her law.

Iowa then must face the stubborn fact that her prohibitory law is unpopular with the great majority of the people of the United States, and vastly more so with the people of other countries.

PREVENTS IMMIGRATION.

She has not to-day within her borders one-fourth the population she is capable of supporting. Much of her magnificent soil has never been disturbed by man. Her cities and villages are not half grown. To all the people of the world her arms should be outstretched, bidding them come to share her blessings and add to her prosperity.

But this is not her attitude. She has adopted for herself a code of morals on this subject at variance with public sentiment in the great centers of population throughout the civilized world, and to every one she proclaims that if he comes to abide with her he must, if necessary, leave behind him the lessons of his life, the customs of his fathers, and the social habits of his people. It did not require the tongue of prophecy to foretell the effect of such a law upon the great stream of emigration, that taking its rise in the densely populated countries of the Old World pours over the sterile lands and crowded cities and villages of our Eastern States, increasing as it comes, and empties itself upon the virgin soil of the great West.

To more than half of all this living tide Iowa's prohibitory law stands as an impregnable barrier, beating it back and turning it aside to be poured into the arms of other States and Territories more liberal in their laws, so far as they affect the social habits of their people.

DRIVES PEOPLE AWAY.

No one with unbiased mind has failed to observe an almost alarming decrease of immigration into our State during the last five years. But even this is not the worst feature of the situation. While during the period aforesaid few have come to our State to remain, many have gone out of it to abide forever. If any of my hearers will count the number of families within their knowledge that have come from other States or countries to reside in Iowa since this law was enacted and then the number of families that during the same time have removed therefrom, they will almost certainly be startled by the comparison.

I do not claim that all who have moved away went because of their opposition to this law, but I do claim that they left because of the general stagnation of our business interests and that this condition has been very largely produced by the legislation in question.

In my own judgment the principal reason for the decline in market value of our agricultural lands and for the tardy growth of our cities and villages during the last five years is found in the naked fact of the existence of this law.

It is but reasonable to expect that legal enactments in conflict with the social habits of more than half the world will of necessity affect the tide of immigration to and emigration from the State in which they exist. And our own experience in that respect but confirms what was apparent from the first.

INJURES THE FARMER.

Again when the prohibitory law of 1884 went into effect, there were in operation in the State breweries in all of the large cities and distilleries in several of them, the capital of the State then having in operation what was boastfully called the biggest distillery in the world. These establishments employed large numbers of men, purchased and paid for immense quantities of corn and barley, sold the products of their business in nearly all the markets of the world, and received and disbursed the value thereof among our own people. The aggregate of all this business, which was nothing less than the manufacture of raw material produced by our citizens and used in one of the highly protected industries of our present tariff system, was no inconsiderable factor in the business prosperity of the State. Its suppression affected not only the parties whose individual fortunes were ruined thereby, but it deprived the whole State of the advantages of a business recognized as legitimate in nearly every section of the globe, the products of which enter into the commerce of all civilized nations and pervade the business channels of every people on the earth. For legitimate purposes an enormous quantity of these products are annually consumed by our people, and other great quantities are and will continue to be used for purposes not legitimate in the eye of the law. Within the

past six months, with not an open saloon therein, I have heard it said by responsible parties that five car-loads of beer were unloaded at the railway depots of this city in a single month.

SENDS MONEY OUT OF THE STATE.

I have recently seen it stated in the public press that the city of Cedar Rapids, in a like period of time, sent to other States in payment for these products no less than $75,000. These amounts may be exaggerated, but certain it is that from every city and almost every town in the State there is a constant flow of money taken from the business channels of our own people and emptied into those of other States in payment for the products of breweries and distilleries, not a dollar of which is returned to us. The loss to the State in this respect has been greatly enhanced and the efficacy of prohibitory laws considerably impaired by a recent decision of the Supreme Court of the United States holding the provision of our law unconstitutional which undertakes to prohibit common carriers from transporting alcoholic stimulants from other States into this, except under specified restrictions.

The result of this decision is that any resident of the State of Iowa may make an order on any dealer residing in another State for such kind and quantity of liquor as he desires, and common carriers, including railway and express companies, can without molestation bring it to his door and deliver it to him to be used as a beverage, if the purchaser so desires, and there is no law that has been or can be made that will deprive a single individual of that right. It follows that, surrounded as we are by States in which the manufacture and sale of these products are legal, alcoholic stimulants of every conceivable kind are within easy reach of all who want them.

THE REMEDY SUGGESTED.

In view of all these facts it becomes an imperative duty on part of both of the great political parties of the State to recognize the existing situation and suggest a remedy for the evils that all admit exist.

It was the privilege of the Republican party to speak first. She knew the fearful cost, both in treasure and in blood, of attempts to enforce this law in many localities. She knew the frightful sacrifice of personal rights it had produced in the very capital of our State. She had heard it charged that in a single year in the county in which the capital is located four thousand search warrants were issued, of which thirty-eight hundred commanded the search of private residences. She knew that this ruthless disregard of the most sacred rights of our people—the right to remain unmolested in their homes—had aroused the righteous indignation of a whole city and buried her former splendid majorities under an avalanche of opposing votes.

THE REPUBLICAN CANDIDATES' POSITION.

But the frenzy that originated this law has not yet died out in a majority of that party, and so her voice is still for war. No backward step must be taken; she stands for the complete enforcement of the law.

Following the declarations of her platform, we are told by her nominee for governor, in his speech at Villisca, that "the prohibitory law needs no amendment," but that "independent statutes will be made which will command respect for law."

On a question of such vast importance as this it is unfortunate that the speaker's language was not more definite. If it is susceptible of more than one meaning, he can not complain because each one puts his own construction upon it. The independent statutes which he tells us are to be made are not to be amendments to the prohibitory law. He says it needs none. They are to be statutes which will "command respect for the law." This is what he says.

To my mind this language is susceptible of but one construction. The independent statutes referred to are to supply the force necessary to compel obedience to this law in localities where public sentiment condemns it. Such force can only be supplied in the form of a State constabulary or some other police regulation which is powerful enough to subdue public sentiment, however much it may be opposed to the law.

Such a display of force can only be made through the aid of men employed to apply it.

Gentlemen, I am not an alarmist. I have great faith in the institutions of my country and a sacred regard for the principles on which they are founded; but I tell you to-night, that if the day ever comes in Iowa when men patrol the streets of her cities, armed with power to overawe public sentiment therein and compel by force obedience to laws which that sentiment condemns, the evening of her prosperity will be reached.

THE DEMOCRATIC PROPOSITION.

Now, what is it that the Democratic party proposes in place of all this hateful contention that is arraying section against section in the deadly attitude of foes and strangling the business interests of our great Commonwealth? Simply that the people of every township, city, and town shall have the right to decide for themselves by a vote of their electors whether they will retain prohibition as it is to-day, or adopt in its place a rigid high-license law.

It does not seek to deprive a single locality of the full benefit of our present prohibitory system, if public sentiment demands it; nor does it seek by force or otherwise to fasten this law upon other localities that do not want it.

RESULT OF CAMPAIGN ON THIS ISSUE.

Now, what was the result upon such a campaign with such issues? The Democracy elected their governor, they elected just one-half of the lower or popular branch of the General Assembly, and this in the face of an outrageous gerrymander placed on the statute-book in open, direct, and glaring violation of the constitution of the State and for the express purpose of perpetuating the power of this party, whose cornerstone was prohibition and whose shibboleth is the denial of personal liberty and individual manhood to the people, so that in this very election the one-half of this body elected by the Republicans received only a little over 40 per cent. of the vote cast, while the half elected by the Democracy received nearly 60 per cent. of the votes cast and represented fully that proportion of the population of the State.

Of the senators elected that year the Democrats elected thirteen and the Republicans nine, there being twenty Republican and eight Democratic hold-over senators, and the districts of four of these hold-over Republican senators went Democratic, so that, if the election had been general or complete in 1889, notwithstanding the gerrymander, each branch of the General Assembly would have been a tie; but if a fair vote could have been had, according to population, with no larceny attachments, the Democracy would have had a working majority in both branches and the governor, when prohibition, with all that it implies, would have been wiped from the statute-books and an era of personal liberty, respect for the rights of the people, honest manhood, American independence, and consequent prosperity would have been inaugurated and the will of the actual majority of the people carried out. And still it is the purpose, aim, and object of this proposed law to fasten upon this people a system they despise and repudiate, and which is kept on the statute-books only by reason of a gerrymander that permits a minority to stifle the desires of a majority, and a system that would not now be ingrafted upon the laws of the State by any legislative body that could be elected.

There is not only no just State rights in this, no idea of allowing the people of the State or locality to govern their own local concerns, but just the contrary; and would be the fastening upon them by Congressional action a one of just such laws as their sentiment clearly repudiates. Governor Boies, in his inaugural address, thus speaks of the verdict in Iowa:

But beyond all theories there is to my mind a more weighty reason still for a radical change in our prohibitory laws. The electors of the State, under circumstances that leave no room for doubt as to their meaning, have expressed their wishes in this respect.

It is impossible to read the platforms of the respective parties, the letters of acceptance of their candidates for governor, and remember the discussions that followed, without reaching the conclusion that no political issue was ever more clearly defined, more thoroughly discussed, or better understood by the masses than that relating to this question in the campaign which preceded our last election.

To shut our eyes to this glaring truth is nothing less than a denial of ordinary intelligence on the part of those who cast their ballots on that occasion.

I am the keeper of no man's conscience except my own. Others may believe they have a higher duty to perform in this matter than any they owe the majority whose clearly expressed will they are willing to ignore.

They should not, however, mislead themselves into the belief that the people of Iowa have not, through the only medium known to our institutions for settling political issues, passed judgment on this.

THE PROPOSITION SHOULD BE MODIFIED.

Personally, I would make no objection to this law if it provided that the people of the States should have an opportunity to accept it, and in and by so doing determine for themselves what laws, now invalid or inoperative, should be warmed into life by reason of the delegation of power it contains.

MISREPRESENTATION OF SCOPE OF ORIGINAL-PACKAGE DECISION AND ITS EFFECT.

If there is any principle at stake in the matter except prohibition, which there is not, it should cover all matters of local concern, and not single out alone intoxicating liquors.

The reason given for so doing is fallacious and untrue. It is said that the original-package decision has made a new departure and created a new necessity, I deny both propositions. There has never been a decision, not even that of Dred Scott, so misinterpreted and misconstrued as this one. It simply applied a well known, long recognized, and often asserted principle to a given state of facts, and in no wise curtailed, abridged, or denied the police powers of the States, that have also been often recognized, sustained, and applied.

This misrepresentation has been largely designedly made for the express purpose of making this issue National, as has been the fond hope of the prohibitory element of the Republican party for years; and it is not strange that with all this noise, gong-pounding, and assertion that a class who desire to sell intoxicating liquors without any restraint should seek to take advantage of even if not actually believe it, and start so-called original-package saloons; but this, like almost everything else from this source, is grossly exaggerated, and I fully believe the records of the Internal Revenue Office would show that the starting of such places since this decision has been infinitesimal; and with this idea in view, and with some non-official information bearing out my conclusion, I offered several days ago the following resolution in this clause:

Whereas every dealer in intoxicating liquor is required by law to pay a tax to the Government and to keep the receipt therefor posted in a conspicuous place upon his premises; and

Whereas there would seem to have been either a very large increase in the number of liquor-dealers throughout the country or else Congress has been imposed upon by, as has been charged, a systematic and far-reaching plan of misrepresentation as to the increase of such business and the effect thereon of the late so-called original-package decision of the Supreme Court of the United States: Therefore,

Be it resolved, That the Commissioner of Internal Revenue be requested to report to this House the number of such liquor-tax receipts which have been issued, since said decision, in each of the several States, with comparisons as to the number issued in like periods in other years, and also to furnish an estimate, based thereon and otherwise, as to what extent the national revenues will be increased from this source during the current fiscal year.

I do not wish to be understood as supposing that the majority of this House, whose party is fast tending towards prohibition and in whose councils the prohibitionists are all-powerful, will desire this information, and this resolution will sleep in the Committee on Ways and Means.

I am not only advised that I am correct in regard to the number of such places actually started, but reason so demonstrates. Every one has known since the decision of the Supreme Court in Brown *vs.* Maryland (12 Wheaton, 419) and Peirce *vs.* New Hampshire (5 Howard, 504), way back in the forties, that States could not prohibit the sales of imported liquors in original packages, whether the importation was from foreign countries or as between States, and express statutory law in Iowa so recognized until 1888, and still this class of business assumed no dangerous proportions, and has not now, except in imagination.

I have never yet seen one of these so-called original-package saloons,

although I have lived most of my life under prohibition, and for years where there was by express statute recognition of the right to so sell, and where our supreme court construed an original package to be any one of the bottles or packages in a case, an absurd, foolish holding, but made to adorn a prohibition argument.

THE DECISION AS IT IS.

The late original-package decision goes no further than these earlier cases and enunciates no doctrine that gives any more right, as against police regulations and powers, than has been for years understood and recognized, and does not, in my judgment, in the slightest degree affect the license regulations of any State in the Union.

I again assert that no new, novel, or strange doctrine has been announced, and that the claim in this regard is a mere exaggeration, and about on a par with the claims of the dire results that have followed and are following it. Both are false and made for the purpose of influencing legislation and committing Congress to the heresy of prohibition.

CONGRESS SHOULD ACT WITH DELIBERATION.

Another thought in this connection. If this decision has created such a furor, sad havoc, and widespread disaster, why not let it have a little time and see what its real or ultimate effect will be, especially as there appears to be no new, even if real, reason for it, and how the Supreme Court will construe these disputed points. It has been announced only about ninety days, and we have no fair or other test of it. I have no doubt that during this time the sun will rise on time and in its usual place, and it may be found there is no occasion from any standpoint to tread upon dangerous ground in legislation. There is no pressing occasion for haste, and deliberation is more becoming in a legislative body.

IT IS IMPOLITIC AND DANGEROUS TO PUT THE REGULATION OF COMMERCE IN THE STATES.

I said I would have no particular objection to this proposed law if it provided that the State laws to be made valid by it should be hereafter passed. I want to say in this connection that I meant that I had no such objection to it as an experiment. I think even in this way no invidious distinctions should be made, and that all articles of commerce should be included as well as intoxicating liquor, and I have very little doubt that the experiment would be unsatisfactory and that it would lead to the clashing between States that was wisely sought in the Constitution to be avoided by giving the control over commerce to the General Government, and without which the Constitution would not have been adopted.

A temporary tide of fanaticism should not be allowed to undermine the foundations of the Constitution or breed contention and discord among the States. The price is too large for the commodity.

There is great force in the suggestions of the gentleman from Illinois [Mr. SPRINGER] as to where this will lead to in controversies between States as to their various products, and their probable attempted interference with travelers coming into their boundaries by searching them for contraband goods. It is a thought full of meat, and should be carefully considered before any such legislation gets on the statute-books.

The St. Louis Republic of last week well says upon this phase of the question:

THE WILSON BILL AGAIN.

The agreement of the Senate and House conference to pass the Wilson bill is the worst possible outcome for the wretched "original package" complication. The Wilson bill is the Senate measure, and it is far worse than the bill passed by the House. Under it a citizen of Kansas and the United States living in Kansas may be denied his constitutional right to import wine, beer, or any other stimulant from another State for his own use. Such imported property may be taken away from him and destroyed, and the right of importation may thus be wholly denied.

Radical as it is in its departure from established constitutional precedent, the House bill went to no such extremes. It preserved the right of free importation and did nothing more than waive Federal interference with State regulation of trade in imported articles. The Senate bill, on the other hand, attempts to destroy by Congressional waiver the constitutional right of the individual citizen. It asserts for Congress the right to prevent the citizen of one State from importing intoxicants from another, and then attempts to delegate to the State this alleged power of Congress. While dealing for the present only with intoxicants, it has its foundation in the assumption that Congress has the power of wholly prohibiting trade between the States, and that it can either exercise such power or delegate it to the States.

The bill is not the less dangerous because of its manifest absurdity. It appears absurd when judged by accepted standards, but its variance from accepted standards makes it the more a menace as a precedent.

Free trade between the States is the greatest blessing remaining under our Federal system. If it is to be sacrificed by demagogues to please a few fanatics in Kansas; if Congress is to assume power to prohibit or to restrict it between the States as it does between the States and foreign countries, there will not be enough left of the original system of constitutional federation to be worth discussion, except as a historical reminiscence.

TREND OF THE PROPOSED LAW.

That this proposed law is simply a step towards prohibition can not be disputed. Its source shows it, the vote in its favor will demonstrate it, the fact that it singles out liquor alone from the mass of articles of commerce is conclusive upon it, as is the fact that it attempts to control its use and consumption.

It is and is intended to be by its real and knowing friends the entering wedge to a realization of the prohibitionist's fondest dream, that of making this issue National, and doing through the medium and power of the General Government what has been a miserable failure by State action, that of making sumptuary legislation and the striking down of personal liberty effective.

OBJECTIONS TO IT—OUR DUTY IN THE PREMISES.

Now, for this very reason I have two fundamental objections to it, one an objection to prohibitory legislation as a matter of principle and because of its failure to bring about practical and satisfactory results from a temperance standpoint and the other because I believe that if we are to enter into prohibitory legislation that we should do it in a manly, straightforward way as our duty as legislators demands, and pass such laws on the subject as we may approve and believe to be just, right, and expedient, and not sneak and hide behind State Legislatures and authorize them to do what we would not dare do directly. However, I believe that a reckoning will be had with those that do attempt to dodge responsibility, but who in reality cast their lot with prohibition and against liberty.

They will deceive nobody but themselves. If there is any power in Congress over this subject, by reason of its control over commerce or otherwise, it should exercise it according to its own ideas of justice, right, and expediency, and has no more just right to delegate it and shirk responsibility than it has to so do with any of its other powers.

CONSTITUTIONALITY OF THIS PROPOSED LAW.

I have so far spoken of this question entirely outside of its constitutional aspect. I believe that we have no such power of delegation, and that this proposed law will be unconstitutional if passed, but shall now only give expression to this belief, and not elaborate or argue it, and especially as this ground has been, and will be, fully presented by others.

PROHIBITION—ITS PRINCIPLES AND PRACTICE.

Prohibition is wrong in principle and, as would be expected therefrom, vicious in practice. So far as the principle of sumptuary legislation and its general tendencies are concerned, it can be argued from a standpoint equally open and known to all. In speaking of the exemplification of these tendencies, its practical workings, I shall confine myself mainly to the State of Iowa, where I have personally observed, considered, and studied it for about twenty-five years, and where, so far as my comprehension permits, I know whereof I speak.

The very idea of legislative or outside control or interference with the appetites of full-grown men and their personal conduct, outside of its direct effect upon others, is not only belittling and dwarfing in its tendencies and one that should be resented by true manhood, but is a direct blow at the personal liberty of the citizen, an inherent and heaven-born right that can not be denied by human law. It is, like the right of self-preservation, above ordinances.

That master mind, Samuel J. Tilden, said in relation to this class of legislation, as long as thirty-five years ago, when it was in its infancy:

Such legislation springs from a misconception of the proper sphere of government. It is no part of the duty of the State to coerce the individual man except so far as his conduct may affect others, not remotely and consequentially, but by violating rights which legislation can recognize and undertake to protect. The opposite principle leaves no room for individual reason and conscience, trusts nothing to self-culture, and substitutes the wisdom of the senate and assembly for the plan of moral government ordained by Providence.

The whole progress of society consists in learning how to attain, by the independent action or voluntary association of individuals, those objects which are at first attempted only through the agency of government, and in lessening the sphere of legislation and enlarging that of the individual reason and conscience. Our American institutions have recognized this idea more completely than it has yet been recognized by the institutions of any other people, and the Democratic party has generally been the faithful guardian of its progressive development.

* * * * * * *

To-day, while it is in favor of sobriety and good morals, it disowns a system of coercive legislation which can not produce them, but must create many serious evils, which violates constitutional guaranties and sound principles of legislation, invades the rightful domain of the individual judgment and conscience, and takes a step backward toward that barbarian age where the wages of labor, the prices of commodities, a man's food and clothing, were dictated to him by a government calling itself paternal.

John Quincy Adams, for years the representative statesman of New England, said in addressing a temperance society some forty years ago, when there were less fanaticism, more regard for constitutional safeguards, and a keener appreciation of the liberties secured through the Revolutionary war:

Forget not, I pray you, the rights of personal freedom. * * * Self-government is the foundation of all our political and social institutions, and it is by self-government alone that the law of temperance can be enforced. * * * Seek not to enforce upon your brother by legislative enactment that virtue which he can possess only by the dictate of his own conscience and the energy of his own will.

The late Governor Andrew, of Massachusetts, in an extensive and masterly argument before a legislative committee in that State upon the policy of prohibitory legislation, said in speaking of the argument that it was justified by reason of the effect upon society and the example it afforded:

I answer, that if the government restrains the one man of his own just, rational liberty to regulate his private conduct and affairs in matters innocent in themselves, wherein he offends not against peace, public decorum, good order, nor the personal rights of any, then the government both usurps undelegated powers and assumes to punish one man in advance for the possible fault of another.

The argument that because one man may offend another must be restrained is the lowest foundation of tyranny, the corner-stone of despotism. Liberty is never denied to the people anywhere on the ground that liberty is denied to

be good or right in itself. The universal pretext of every despotism is that liberty is dangerous to society; that is, that the people are unfit to enjoy it.

And in concluding a number of quotations from the highest authorities he said:

Literature is full of testimonies against such legislation. You find them in essays, in speeches, in history.

John Stuart Mill, of whom, to quote the language of Governor Andrew—

If there is a man born to speak the English tongue who combines high integrity, great attainments, practical wisdom, and theoretical statesmanship with faith in and devotion to free government and the elevation of the humble, that man—one of the truest friends of America in the Old World—is John Stuart Mill—

in his great work on Liberty, denounces this class of legislation from every standpoint and as being inimical to liberty, dangerous to government, and monstrous as a principle.

TENDENCY OF FANATICISM AND INTOLERANCE.

History simply repeats itself in these matters. The same class of fanatics that are now seeking to overthrow the personal liberties of the people through prohibition have in all ages sought to set up their own standards and force the people to them, and make government paternal, with their particular "isms" at the foundation, instead of having it based upon the independent manhood, reliance, and strength of the body of the people. It is entirely out of keeping with the ideas or practices of fanatics to stop at one achievement, and once settled in victory upon this question they will advance to new fields, personal, social, and religious, and seek to control the habits, dress, intercourse, religion, worship, and observance of days of the people. These ideas received the strongest kind of an indorsement here to-day when my colleague [Mr. REED], in presenting the conference report, boldly asserted, as I understood, the right and duty of the Government to go even into a citizen's castle, his home, and take therefrom and destroy liquor if the citizen was using it to his own disadvantage, of which of course the powers that be would judge.

It should be stopped at its very inception. It is a dangerous and insidious monster, and founded upon an idea utterly subversive at once of true and reliant manhood, liberty, and self-government. This is a domain that legislation should invade only with extreme caution and with a full recognition of the truism that the least express law consistent with good government the better, and that this little law should be directed alone to proper matters of general governmental concern.

This is not only good doctrine inherently and especially as applied to sumptuary legislation, but like all such doctrines is in the tenets of the Democratic party and has found express affirmation in its national platforms.

PRACTICAL WORKING OF PROHIBITION.

In the last campaign in Iowa, in speaking of the effects of the prohibitory law there, I laid down the following propositions, true then and now:

Upon the liquor question the Republican party is true to its instincts, founded as they are upon hypocrisy, and reaffirms the past utterances of the party, doubtless including the invitation to the wine and hop growers to immigrate here and prosecute their business in peace under the sanction and protection of the law, but at the same time is opposed to any backward step and is in favor of the full enforcement of the present law, which confiscates the very property of the men so invited here and who invested their money and staked their all upon the assurances so held out to them. But outside of any question of ordinary business honesty or even of the great and fundamental principle of personal liberty involved, how any sane man can from the standpoint of public interest or temperance support any such system as prohibition in Iowa is incomprehensible to me. I do not propose to enter into any extended discussion of this subject upon this occasion, but will affirm as the experience of Iowa with this law and which you all know to be true:

1. That it has not decreased the number of sellers of liquors, as is conclusively shown by the government licenses and permits.

2. It has in many places, and very generally where rigid enforcement has been attempted, driven its sale into the hands of irresponsible persons, which is manifestly against public policy and interest.

3. It has entirely done away with the payment by way of tax or license of anything to the local governments, and so has materially increased the burden of the tax-payers.

4. Being outlawed, the business has not had the usual, ordinary, or necessary restraints thrown around it by public officers, and by what follows open conduct of business.

5. It has raised up a set of conscienceless spies and informers that for mere private gain have plied a nefarious business, blackmailing men, abusing women even, and who have not hesitated at perjury or stopped at murder.

6. It has not to the slightest extent given one benefit in lieu of all this. The talk about lessening crime and criminal expenses is too silly fustian for serious consideration. You would only need to compare Polk and Scott Counties to demonstrate this.

To which may be added the fact that this element in Iowa in its mad intolerance has completely terrorized our courts, so, as I had occasion to remark here the other day when this question was under consideration—

That they have ceased to be a barrier and protection to the people, even so construing laws that the sacred right of trial by jury is denied in Iowa, and claimed offenders prosecuted and punished by proceedings in equity, and generally so conducted on this question, as is generally believed with an idea of pleasing the Woman's Christian Temperance Union rather than the enunciation of constitutional and legal doctrines, that I prefer a little practical personal liberty rather than a great deal of sentimental State rights.

I also took occasion to say in the Iowa campaign, in speaking of the there Prohibition Republican party, the following truths:

Pretending to be a party of liberty, it strikes down the heaven-given and blood-earned personal liberties of the people, and in this State, by legislation as infamous and degrading as ever enacted, by judicial interpretation and construction that wipes out all barriers against intolerant and oppressive legislation, that strikes down time-honored and well established principles in administering criminal and penal statutes, and that the experience of ages since the dawn of civilization has found necessary for the protection of the rights and liberties of the people, such as abrogating the right of trial by jury, increasing the limit of jurisdiction of inferior courts over constitutional limitations, and that tramples in the dust all constitutional restraints, barriers, and safeguards; and by the use of means in the attempted enforcement of these laws and decrees that for cruelty, injustice, intolerance, and refined robbery would bring a blush of shame to the cheek of a savage.

If these indictment are true or substantially or materially so, no just man will deny that prohibition is not only a failure, but that it is an unmitigated evil in Iowa, and, as like causes produce like effects, that such will be the tendency everywhere with like legislation and attempted enforcement. No better community in which to test this class of legislation could be had than in Iowa. In other words, its people are easily the equals in general worth, intelligence, thrift, law-abiding proclivities, and all the essentials of good citizenship of any equal number of people on the face of the globe, and still each fact stated in these several propositions is absolutely true and can be easily demonstrated to any fair-minded man that will investigate the subject. I will take them up *seriatim*.

DETAILS AS TO THESE PROPOSITIONS—NO DIMINUTION OF NUMBER OF SELLERS.

That there has been no actual diminution of the number of liquor-sellers in Iowa by reason of prohibitory legislation is manifest to any intelligent observer and can be proved in various ways. I do not mean by this simply that there are more now than when prohibition was first enacted, but will date it from any of those times when an extra twist was put on the law, or when constitutional prohibition was supposed to have been adopted, being times to which the short-haired women and long-haired men most delight to refer, and I say there has been just such steady increase as would naturally be expected in any business from increase of population and growth of cities. To-day there are nearly three thousand liquor-dealers in the State, as shown by tax paid to the Internal Revenue Department.

It is doubtless true that in some very small places saloons have been driven out, but there was hardly a demand for them, from a business standpoint, in any event, and they would not have survived such a license as the Democratic party stood pledged to in their platform; but this has been more than made good by the increased number that have started, in the cities and large towns. A few years ago the right to license to sell beer and wine was taken away from the municipalities, by reason of which action they lost all control, and saloons increased very largely in those places, since which time there has been no control except by "whipping the devil around the stump" and licensing the sale of non-prohibited drinks as a sort of compromise and cover to sell anything. But the scheme has had a very precarious and decidedly unsatisfactory existence. I noticed within a few days an article taken from the Council Bluffs Nonpareil, the leading Republican paper of Western Iowa, which will give an idea of the situation. It is as follows:

For five years, thanks to the prohibitory law, Council Bluffs has been infested with between one and two hundred dirty little groggeries and the toughest gang of roughs in the State. They have not "made" Council Bluffs and no one has ever bragged of their existence. Thanks to prohibition, Council Bluffs has seen five years of free whisky and unrestrained lawlessness. Now it has a high-license government and is the most peaceful it has been for years. For another thing, the population has not fallen off.

When in addition to the open places where liquor is sold the bootleggers are taken into account it is a safe proposition to make that Iowa never had as many liquor-sellers as now.

The Des Moines Register, the paper of Assistant Postmaster-General Clarkson, the leading Republican paper of Iowa, and the one that, in season and out of season, has been the supporter of ultra-prohibition, and done more than all the press of the State combined to fasten this octopus upon us, charged, in an editorial last month, which I will read later upon another branch, that in the first six months of 1890 no less than $30,000 had been drawn from the treasury of Polk County through justice-court proceedings in liquor searches, and that even this had not affected the sale of liquor.

What a blooming success prohibition is in Iowa! It is a farce and a fraud and the tax-payers are robbed of enough money every year through it to pay for the honest administration of the whole body of the other criminal laws of the State.

The efforts that have been made in the larger places to enforce prohibition have been absolutely spasmodic. They were not in accordance with the sentiments of the people, seldom had the sympathy of the public officials, and generally then from merely mercenary motives, and, as a consequence, have died out with the exhaustion of the private zeal upon which they were founded. Their greatest and fullest success has been to close the open saloons for a few days, weeks, or perhaps occasionally months. They have never stopped or materially lessened the sale of liquor at any time in any such place.

Governor Boies, of Iowa, in his inaugural address this year, said upon this question:

If practical experiment was necessary to demonstrate the workings of this law, we have had it. No statute was ever supplied with better facilities for its enforcement or armed with more excessive penalties for its violation, considering the nature of the acts prohibited; and yet with all its terrors, with every branch of the State government in the hands of its friends, it has lain limp and

lifeless, ignored, disregarded, and despised in most of the large cities of the State from the day of its birth to the present time.

The friends of the law ignore the real situation and assume too much. They exaggerated the extent of intemperate habits among our people before its enactment and equally so the diminution of such habits since it became operative.

It is incapable of demonstration, except upon naked assumption, that the use of intoxicating liquors as a beverage in Iowa has diminished since the law took effect. It is a patent fact, known to every one who has taken the pains to inform himself, that in many of our cities, containing as they do a large fraction of our population, the only effect of the law has been to relieve the traffic in these liquors from legal restraint of every kind.

It is equally notorious that in the large cities of the State where the open saloon has been closed, a secret traffic sufficient to supply all the wants of the trade has immediately followed.

It must be apparent to unbiased minds that in these localities at least the use of intoxicating liquor as a beverage has not been diminished by our prohibitory law, but instead thereof that it has been greatly increased, if want of legal restraint of any kind will produce that effect.

EFFECT AS TO CHARACTER OF SELLERS AND ON REVENUE.

The statements made in two, three, and four of the propositions as to the character of the sellers under such legislation and the loss of revenue needs no elaboration. These results follow as a corollary, need no argument, and are understood by every one.

THE SYSTEM BREEDS SPIES AND INFORMERS.

One of the worst features of this class of legislation, or any like class that has to be enforced in any considerable portion of the State where it is against public sentiment, is that it has to offer inducements to spies and informers, and thus raises up a set of the most graceless scoundrels and heartless wretches that can infest any community.

It must have been with prophetic vision of Iowa prohibition that Lord Wrottesley, in Rationale of Government and Legislation, laid down the following as axioms in good government:

First. Laws should never be passed which either can not be executed or of which the execution is so difficult that the temptation to neglect their observance is likely to surmount the fear of the punishment.

Second. Laws should never be passed forbidding acts which, in the opinion of a large proportion of the educated members of the community, are in themselves innocent.

Third. Laws should not generally be passed which, though good in themselves, either too much anticipate public opinion or are hostile to the deliberately formed sentiments of a large majority of the population of any country.

Fourth. No attempt should be made to reform the moral conduct of society by the enactment of positive law—that is, to make men good and virtuous by act of Parliament.

That it may be understood how in Iowa this has worked I will say that our law provides for searches and destruction of liquor through the agency of justice courts, constables, etc., with fees to these and their assistants and to witnesses and jurors. It provides for prosecutions for certain illegal sales of liquors, with fines, one-half of which goes to the "informer." It provides for suit in equity to enjoin liquor-sellers and allows public officers or private individuals to so prosecute in the name of the State or any citizen, irresponsible dead-beat though he may be and usually is, and allows attorney fees in either event, and allows attorney fees upon indictments for nuisance in liquor-selling, but with gracious irony refuses any such fees to all ordinary suitors, even in the most aggravated cases. It also allows attorney fees in prosecutions before justice courts.

The result of this is that grievous abuses exist under all of these forms of legalized robbery. As showing how it works as to the searchers I will quote from the article from the Republican Des Moines Register before referred to, only adding that this paper would not overdraw anything to the injury of its pet scheme of prohibition. When it asserts anything against it or any of its machinery it is safe to say with Shakspeare, the "offense is rank; it smells to heaven." It says:

We print in another column this week some figures that will startle the people of this city and the whole State.

* * * A Register reporter has very carefully examined the official records and he finds that during the first six months of 1890 there has been taken from the treasury for the criminal costs of justices' courts in this city alone the sum of over $30,000. Of this amount over $11,000 was paid to five justices; the remainder went to their constables, witnesses, jurors, etc. This enormous expenditure was nearly all for the searching business, or such criminal business as incidentally grew out of it. The city has a police court where ordinary criminal cases are disposed of that do not come before the district court, so that the most of the costs of these justices' courts was for alleged enforcement of the prohibitory law.

But if this great expense had resulted in closing the places where liquor is sold, and in suppressing the illegal sale of liquor in this city, there are many people who would not feel that the cost was too great. Unfortunately that result has not happened. The $30,000 expended on the justices' courts has gone into the pockets of the justices, constables, and their favored gang of assistants, without any honest attempt being made to stop permanently the sale of liquor.

* * * * * * *

Never before in the history of prohibition has this plundering of the treasury been so bold, so wanton, and so shameless as during the last six months. Think of $30,000 actually drawn from the treasury since January 1 by five justices' courts in this city! Why, the whole county expenses of Polk County for the same time, including the support of three district courts in session at the same time, with all their civil and criminal expenses, was only twice that sum. The criminal business, and that is practically the same as the searching business of these justices' courts in the city of Des Moines, costs one-third as much as the entire expenses of Polk County. At the present rate these justices and their constables will have drawn from the treasury at the close of the year $60,000, and still be unable to show a single place where they have stopped the illegal sale of liquor. * * *

We ask our prohibition friends if it is any wonder that men are becoming anti-prohibitionists when such outrages as these are being daily committed in the name of prohibition? Is it any help to prohibition or to temperance to have a gang of constables go to a liquor joint and carry off one bottle of beer, and ten minutes afterwards the dealer resume his business with what was undisturbed? Is the amount of liquor sold in violation of law decreased in any appreciable amount by seizures of single bottles at a time, which are sold to the State of Iowa through the justice's court at seven dollars and a quarter each?

* * * We mistake very much the temper of the citizens of Des Moines if they will permit this disgraceful condition of things much longer to continue.

As intimated, we have under this law different sets or classes of "blood-suckers," the searching fiend with his satellites, the informer who gets half the fine, the public prosecutor whose conscience is quickened by the expectation of fees, and the private attorney who prosecutes injunction cases for pure principle with the attorney fees as a mere incident, of course.

The words "common nuisance" are entirely too mild to apply to any of these, not excepting the public prosecutor, who, as some do, make a business of this branch of prosecutions from mere mercenary motives.

This article from the Des Moines Register gives a good idea of how one branch of this miserable business works, and, as it is to the point, from a friend to the system, and based on actual facts as distinct from mere theory, it can well be left where it is. It is not at all exceptional, and hours could be taken in reciting the outrages that these villains have perpetrated upon the people, and they include even murder.

All of these different classes have plied their business at the expense of the people and the tax-payer, even down to the small fry who have confined their operations to the justice courts, and brought in and been allowed by the counties their fees for prosecutions there. But I will speak in detail only of the private attorneys in the injunction cases. With perhaps a few honorable exceptions here and there, this business has been in the hands of the pettifogging and disreputable branch of the profession, and by them used as a blackmailing scheme. These suits are commenced generally in the name of some irresponsible dead-beat, execution-proof in case of accident, occasionally in that of some misguided individual who imagines he is doing the Lord's service, but it is observable that he is always as short on finances as he is long on piety—a curious coincidence.

Then the attorney begins to maneuver for fees, arrange for continuances for pay, and generally to delay, always for fees, and above all things not to kill the goose that lays the golden egg. No fable has to be written at his expense. The result of this is bleed, bleed, bleed, with no practical results to temperance or the enforcement of the law. A law that encourages such doings, offers such premiums to villainy, and actually in the eventide of the nineteenth century has to call in and use that most detestable of human creatures, the informer, for its attempted enforcement, is below condemnation, and every honest man ought to execrate, condemn, and disown it.

It was founded in dishonesty and robbery, as shown in its treatment of the brewers and wine-growers as fully described in Governor Boies's speech, and, like the fountain, can not rise higher than its source, and is to-day beneath the contempt of an honest, honorable, or decent man.

PROHIBITION DOES NOT LESSEN CRIME.

There is no one branch of this whole subject so misrepresented and so misunderstood as the relation of the use of intoxicating liquor to the commission of crime. The idea that most crime has its foundation in liquor has been for years so generally proclaimed from the house-tops, disseminated from the pulpit, thundered from the press, enunciated from the rostrum, taught in the schools, and all accompanied with a hue and cry, that it has got to be very largely an accepted doctrine, and with very little investigation, thought, or consideration as to its truth, and with little denial, growing out of the fact that to do so was to bring one into disfavor.

The facts are that outside of those crimes that have violence as a necessary ingredient liquor has an almost inappreciable effect, and the statistics that are made to show the contrary, which are the simple statements of convicted criminals in penal institutions, are entirely untrustworthy and unreliable, and in no other matter in the world would be taken, accepted, or thought of, but here are swallowed without a grimace. These men are utterly unreliable on general principles. This story covers up their utter lack of moral quality, and lays to an outside cause what is due to their own inherent and internal depravity, obliquity, and rascality, and offers a sort of solace to their pride, of which even the most depraved have some, even if it reaches expression only in swagger.

It gains them sympathy, assists in the earlier stages in lessening punishment and later in escaping it, and so, upon the whole, is all gain with no possible loss to the criminal, and is a well known and generally practiced expedient by the habitual criminal at least. It was my province to preside for nearly twelve years in the court having general criminal jurisdiction in a district containing four of the larger counties in population of Iowa, several of its larger cities, and each county lying on the Mississippi River, and this problem was an interesting one to me, and my observation led me to an entire change of view from the general one which I before held in common with the majority.

It was common for sympathetic people, especially women, to intercede for criminals, and almost invariably on the ground that they were natural saints and only escaped honorable positions in the world by reason of unfortunate drink habits that had led them into the com-

mission of the crime, and that upon their reformation, which was now assured, they would lead honest lives. I soon discovered that this device was most generally practiced by the most hardened and habitual criminal, and it very naturally raised doubts and caused inquiry, and so far as my ability permitted I made a constant study of the problem, and can say that outside of the class of crimes having violence as a necessary ingredient, even up to murder, I found it to be entirely foreign to this sentiment and idea.

I never saw one other case that I can now recall that had the use of intoxicants as a cause. In other words, no one of the other crimes in which society is interested, and which it demands and requires protection against, such as larceny, burglary, robbery, forgery, embezzlement, perjury, seduction, adultery, rape, incest, counterfeiting, false pretenses, libel, etc., had any more connection with the use of intoxicants by the criminal than they did with his use of tea.

The quite common idea to the contrary is not true, reasonable, or founded upon any reliable basis.

That drunkenness is a misfortune and a curse is true, and that the general sale of intoxicants is an evil is equally true, and it follows that the one should be prevented as far as possible and the other regulated, but it is no part of the question now under consideration for me to enter into any discussion of the details of these necessities or make suggestions as to the better remedy.

The criminal statistics of the different sections of Iowa "a tale unfold" upon this question, and I make the statement, without any fear of successful contradiction, that those portions of the State where prohibition is ignored are in a marked degree more thrifty and prosperous and perceptibly less addicted to crime, outside of selling liquor, than the prohibitory portions of the State at all similarly situated.

The county of Scott is perhaps the most marked for utter abhorrence to this law and absolute disregard for it in every way. It is one of the very largest counties, and contains one of the very largest cities, lies upon the Mississippi River, and has opposite to it on the river two of the prosperous cities of Illinois, and still for thrift, general prosperity, sobriety, and freedom from crime it stands out as a beacon-light in the sky. Its Banks have between seven and eight millions of dollars of deposits, made up of comparatively small amounts from the general body of its citizens, and crime of a serious nature is almost an unknown quantity when compared with places generally of like density of population. Still liquor is, and always has been, sold openly and without restraint.

Comparisons are odious, but Eastern Iowa, where a like condition of things exists to a greater or less degree, courts it, especially with those sections where prohibition is said to be enforced.

I went to the Congressional Library to get the criminal reports for Iowa for the last few years to make a few comparisons between Scott and Polk Counties, they being representative of the different theories, both being large and having each a large city, probably averaging about equal in the last eight years, the county of Polk having, however, the advantage of being inland.

Scott County has entirely ignored the prohibitory law, and in Polk County it has been enforced so the prohibitionists say; and doubtless it has been as nearly so as is possible in so populous a place. Reports for 1884 and 1885 could not be found, but those for 1882, 1883, 1886, and 1887 were found, being the last received, and in these four years I find the following statistics as to the number of convicts sent to the penitentiary, excluding all others, in fairness to Polk County, as there are no liquor prosecutions in Scott County, and the other basis being fair and equal:

Year.	Polk.	Scott.
1882	20	8
1883	(*)	1
1886	31	6
1887	16	5
Total	†67	‡20

* No report.
† With one year omitted from lack of report.
‡ With all years reported.

Further comment is not necessary.

It is frequently claimed, and was here when this matter was before under consideration, that because there has been a decrease of crime the entire credit of it was due to prohibition. It would be fully as sensible to lay it to the Johnstown flood or the usual summer drought in Kansas or cyclone in Dakota. These people never investigate to see what the actual cause is. If it is prohibition it could be determined quite accurately and satisfactorily by comparing different periods of time, different States with each other, and different portions of the same State together.

But this would be judgment and reason, articles that the Simon-Pure prohibitionist does not deal in and that the political prohibitionist submerges. There has been a marked decrease of crime through the country as well as a marked decrease in prohibition sentiment, as evidenced in the elections of Tennessee, Texas, Iowa, New Hampshire, Massachusetts, Pennsylvania, etc., and were I to reason from prohibition standpoints I would claim that one result followed the other as a cause.

THE COURTS HAVE QUAILED BEFORE ITS INTOLERANCE.

Intolerance and fanaticism are unfortunate in any community, but it is vastly more to be deplored to have the courts—that should be the protectors of the rights and liberties of the people, and that should stand as a wall and barrier against the assaults of the frenzy, fierceness, and delirium of those that seek to ingulf them in times of excitement—cowed and become subservient tools of the mob. But we have had just this spectacle in Iowa, to its shame be it said.

A few years ago the supreme court of Iowa declared invalid and not adopted a prohibitory amendment to the constitution that had received a majority of a very light vote cast, and this element went crazy and threats were made in its press, pulpit, gatherings, and on every street corner, that the members of the court making the decisions should be defeated, and the decision thus changed. And the first one to come before the people thereafter was Judge Day, an eminent jurist, a man of the highest character, erudition, and probity, that had added luster to the bench and credit to the State, but he was ignominiously defeated for renomination in the convention of the party of great moral ideas and relegated to private life, where he stands in public estimation towering like a majestic oak over underbrush as compared with those that hounded him to his official death.

From that day the court recognized the handwriting on the wall and was seized with nervous prostration, went into collapse, and has never offended this element since or made a decision bearing upon the enforcement of the prohibitory law that had even a ring of independent manhood or regard for the liberties or the constitutional or legal rights of the people. The only relief has been where a Federal question became involved when they have been promptly reversed by the Supreme Court of the United States.

These decisions have taken all forms, from the dangerous denial of fundamental and constitutional rights down to absurdities about worthy of moot courts in country colleges. It was found that juries had some sense and occasionally the courage of their convictions, and would once in awhile refuse to convict without evidence, and so they had to be gotten rid of; and with commendable ingenuity a law was passed to enjoin men in criminal cases by equitable proceedings, issuing temporary injunctions without notice, and even making them perpetual when upon notice of the temporary proceedings the defendant abandoned the business, so that fees therefor could be given to attorneys, officers, etc.; and then, in ordinary cases, in effect, would try him for the statutory crime before the court alone by contempt proceedings for violation of the injunction, and punish him both by fine, imprisonment, and practical confiscation of his property.

These proceedings have been held valid by this court, notwithstanding Iowa has in its constitution the provision that "the right of trial by jury shall remain inviolate," and in the same section that "no person shall be deprived of life, liberty, or property without due process of law." The constitution of the State, having in view the generally recognized fear of giving much jurisdiction to inferior courts, provides that justices of the peace shall only have jurisdiction in civil cases to the extent of $100, or by consent of parties $300, and in criminal cases to offenses where the punishment does not exceed a fine of $100 or imprisonment for thirty days, clearly, plainly, and unmistakably intending that in no case should they have jurisdiction above these amounts. And still this court has held that there is no limit to their jurisdiction in seizure and destruction cases under this law, and they have actually by these proceedings seized and destroyed thousands of dollars' worth of liquors that were claimed to be held for legal purposes, and it has been a common practice to try to destroy the liquors before the interested parties could get appeal bonds; and to make this provision more intolerable it is provided that replevin shall not lie, but that it must be tried out before this inferior court that has no just jurisdiction.

The code of Iowa provides that the distinction between accessories and principals is abrogated, and that all persons concerned in the commission of an offense, whether they directly commit the act or aid and abet its commission, are equally guilty, and this court, rising to the emergency and to facilitate conviction of sellers of liquors, and, as in most cases, without any regard to law, legal principles, or the statutes of the State, held that a man who induced another to sell him liquor, paid him for it, and did, of his own volition, that without which there could be no offense, was as spotless as the driven snow, and in no wise connected with the very crime which he aided, abetted, counseled, paid for, and made possible.

It has also held that manufacture for export out of the State is illegal.

It has held that the courts can fix the attorney fee without any evidence and according to their own sweet wills.

It has held that the smallest amount of alcohol in a beverage, no matter what its effect would be on ordinary men, makes it amenable to the law, notwithstanding the language of the statute is "intoxicating" liquor. This was another case of emergency where the court was equal to the occasion.

If some traveler on a Mississippi steamboat should empty the dregs

of his flask in the river the water-works of the cities below would be in danger of confiscation in the jurisdiction of this court.

It has held property-owners liable for sales on their premises with knowledge but without consent. So that if a man should look out his back window some morning and see some one selling liquor in his yard and thus know it, he is a candidate for the county jail, and I suppose ought to go there.

Pharmacists can sell for medicinal purposes under permits issued for that purpose, and still this wise court holds that if any one is seen taking a dose of liquor in the drug store of a man holding a permit, and the man is prosecuted, that the presumption of the law is against him, and that he has got affirmatively to show his innocence; that the patient had the belly-ache, I presume.

It has also held that where such a permit had just expired and the holder had forgotten the fact, and thus administered to the wants of some sick man, that he was amenable to the pains and penalties of this infamous law, and that the honesty of his belief and the utter absence of any thought or desire of violating the law in no wise excused him; it probably aggravated the offense.

This court has sustained the allowance of attorney fees in these cases where the suits were commenced before the law allowing attorney fees was passed.

It has held that the burden is on the defendant to show that liquor is not intoxicating.

It has held that where a man was seen drinking on the premises of another man, and that other man was prosecuted therefor, that the presumption was that he was guilty.

It has held that contracts made in another State for the sale of liquor, valid where made, could not be enforced in Iowa if the seller knew that the liquors were to be brought into Iowa for illegal use there.

There has, perhaps, been no more corruption or abuse under any of the provisions of this law than that which allows the "cousins, the sisters, and the aunts" of a purchaser to sue the seller for civil damages. This court has held under this that the showing that the purchaser had been an habitual drunkard for twenty years did not even mitigate damages and could not be shown.

This law allows prosecutions for selling liquor and prosecutions for nuisance in keeping the place for the sale, and this court has held that an acquittal for selling is no bar to a prosecution for nuisance in keeping the place where the very sales were said to have been made.

It has been held by this court that in a criminal prosecution for nuisance, upon conviction a decree in equity can be entered providing for the destruction of the property, closing up the building, making the attorney fee a lien, and such provisions of an equitable character.

These are just a few of the gems taken at random from the last few volumes of the reports of that court. They would make any of the great jurists of the past turn in their graves and those of the present day wonder as to the degeneracy of the times.

All ideas of the correct administration of criminal law have been ruthlessly set aside and all the safeguards found necessary in the experience of the ages for the protection of those charged with offenses have been abrogated that fanaticism might triumph.

The very fact that these things are necessary to the enforcement of this law is sufficient condemnation of it.

CONCLUSIONS.

I have gone quite fully into these matters in Iowa, and for the reasons stated, and as showing the ground of my protest against the fastening of any such law accompanied by such workings on the people of that State without their first having an opportunity to express their desires in the premises, and especially as they have clearly indicated that they do not now want either the law or its effects.

I again say that I recognize the evils of intemperance and am a full believer in the necessity of a proper regulation of the traffic in liquors, but these matters not now being under consideration, it is not necessary, or even proper, to discuss the questions here.

THE SUMPTUARY CHARACTER OF THE PROPOSED LEGISLATION IS FULLY CONCEDED.

As showing beyond any doubt that my conclusions before stated, that the intent, purpose, and object of this law is towards paternalism and the most offensive form of sumptuary legislation, and that the idea advanced that success in this particular line or class of legislation would not satisfy its friends, but that they would seek fresh conquests, I will quote a few sentences and paragraphs from the speech of my colleague, Judge REED, who represented the Republican majority and presented this conference report, and in which presentation he took a more advanced and dangerous stand for paternalism in government and in favor of sumptuary legislation than I have heard or heard of by any legislator in modern times, and all of which met the approval of his Republican associates that voted in favor of this report.

In speaking of a law punishing public drunkenness, and the right of the State thereon, he said:

If it can not prevent the evil to society for which the law of Alabama was enacted by punishing the offender or by closing the places where intoxicating liquors are sold against him, it may enter his domicile and seize the liquors he there keeps and on which he becomes intoxicated.

* * * * * *

If the State may arrest a man and punish him for offense against decency for the purpose of preventing the repetition of his drunkenness in public; if it may close every public drinking place in the State against him, I do not know of any principle that prohibits it from going into his dwelling-place and seizing the liquors that he has imported from abroad if that becomes necessary for the purpose of accomplishing that result. Now, that is one case. I will state another.

The State has the undoubted right to require of all its citizens the performance of certain public duties; and growing out of that right, as I contend, is the further right to restrict the individual in the matter of his habits, if that be necessary, for the purpose of securing to it the best services of the individual in time of public danger.

In times of invasion or public disturbance nobody will doubt the right of the State to demand the services of every able-bodied man within its jurisdiction for the purposes of repelling the invasion or of maintaining the public peace. It has the right to demand military service from every citizen who is able to render such service. Now, if in such an emergency a man who owes this duty to the State, and is able to perform it, enters upon a course of conduct that is calculated and intended to destroy his power to render that duty, I think no man will doubt the power of the State to put its hand upon him and to restrain him.

* * * * * * *

I will state another case in which I claim the State has this power, and it is essential to its very existence that it should have it, and on occasion exercise it. Every man owes the duty—first, it is a natural duty, and second, it is a duty to society—to maintain and educate his family. No man will doubt or deny that proposition. But suppose a man by his habits, by his course of conduct, destroys his ability to perform that duty, has entered upon a course of conduct the inevitable result of which is to destroy his ability to support his family; will it be doubted by anybody that the State may lay its hand upon him and restrain him in the matter of his habits? This power is essential, I say, to the preservation of the State.

* * * * * *

Mr. SPRINGER. Will the gentleman allow me to ask him a question? Do I understand you to say that if this Senate bill passes, under the laws of Iowa the authorities of that State will have the right to go into the private cellar of any gentleman and take from him liquors that he has stored for his own use, and confiscate them, under the law of that State, if those liquors have been received from a foreign State and are in the original packages?

Mr. REED, of Iowa. Mr. Speaker, my proposition is this: That if by the use of intoxicating liquors that I have acquired in any way, which I have in my house, I am destroying my ability to perform the duties that I owe to the State and the nation and to my family, duties that the State has the right to require of me, it has the right to enter my house just as it has the right to punish me, just as it has the right to close every drinking place in the community in which I live.

Mr. SPRINGER. But who is to decide that you are not capable of taking care of yourself and ought not to be allowed to control yourself?

Mr. REED, of Iowa. The State is quite as competent to decide that question as is this Congress.

When such doctrines as these, inimical to all ideas of freedom and free government, can be advanced in the Congress of the United States by a member having in charge an important measure tending in that direction, and they there receive the approval of the Republican party having a majority in that body, it looks as if we were drifting towards dangerous shores where free government will strand, and it behooves all patriots and friends of our form of government to recognize the danger to our institutions, and to throttle and strangle such encroachments upon our liberties while we have freedom and power and before it is too late.

THE REPUBLICAN PARTY IS A MENACE TO THE COUNTRY.

The rapid strides of the Republican party towards dangerous doctrines like protection, which robs the poor for the benefit of the rich; like the force bill, intended to perpetuate its power through the bayonet; like the original-package legislation, which is the entering wedge of prohibitory and sumptuary control of the people, and like the denial to the representatives of the people of the right to consider, deliberate upon, and discuss important measures pending in Congress, and thus give information to the people about them, makes it an absolute menace to the perpetuity of our institutions and form of government and makes the demand on all good citizens imperative to rise in their might and drive it from power.

Mr. OATES. I yield to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE. Mr. Speaker, a temporary majority of the people of Iowa have gone so far in legislation to restrain the liquor traffic as not only to oppress the citizens of that State and destroy valuable property rights therein, but also to take away the constitutional rights of citizens of the rest of this Union. It was, perhaps, not their intention to violate the Constitution. They took this step unwittingly. Their legislation came in contact with the Federal courts, and fell. Hence this bill here now. This is not a question of policy or morals or religion. It is a question of legal rights—a question of constitutional rights.

Mr. Speaker, some of the friends of this measure have with vivid and picturesque language depicted the great evils that have arisen from the decision of the Supreme Court in the case of Leisy *vs.* Hardin. The evils claimed to have resulted from that decision are in the main imaginary. They are not the legitimate results of the application of the long-recognized law of the land. Many excellent citizens deeply interested in the promotion of the cause of temperance are somewhat exercised over the present situation in some of the States, apparently arising from the decision of the Supreme Court.

A careful survey of the situation does not justify the censure that has been sought to be cast upon the court. There is no need for the alarm that has been stirred up, chiefly for political effect. The decision does not go to the extent of licensing the abuses of the liquor traffic, of which there is most complaint. It does not sanction or legalize the keeping of disorderly houses. It gives no warrant for sales of liquor to minors or to habitual drunkards. It does not authorize the sale of

intoxicating liquors upon Sunday nor within certain limits, where such things are against State laws or municipal ordinances.

It does not invest the evasions of such wholesome regulations of the liquor traffic as prevail in many of the States with any such legality as is claimed by the zealous champions of prohibition. They may believe that such results will follow, but their unwillingness to permit discussion of this bill at this time, and of all these questions pertinent to it, might indicate that they had little confidence in the correctness of their views.

But, Mr. Speaker, we are informed that in some States subterfuges have been resorted to under the cover of this decision which virtually annul the State laws upon the liquor traffic. Without seeking to correct such abuses as have thus sprung up, either by testing their validity in the Federal courts or by State legislation, the representatives of such States have formulated the plan of passing this measure through Congress. I do not believe there is any necessity for it, while earnestly favoring all reasonable regulations by State enactment to suppress the evils of the traffic.

It is only by reasonable restrictions that good can be accomplished in this matter. The amendment of the gentleman from Illinois [Mr. ADAMS] is in the proper direction in which Congress might interfere under the interstate-commerce clause of the Constitution. This bill, stripped of verbiage, may be thus expressed in terms: "Intoxicating liquors transported into any State shall, upon arrival therein, be subject to the laws of such State." It is proposed under clause 3 of section 8 of Article I of the Constitution, which gives among the enumerated powers of Congress, "To regulate commerce with foreign nations and among the several States, and with the Indian tribes."

The bill, if constitutional, will authorize any State to prohibit interstate commerce in all fermented, distilled, or other intoxicating liquors in or through its borders. The moment any consignment of these articles of commerce shall arrive within the State, whether intended "for use, consumption, sale, or storage therein," or simply for transportation through its territory from one State to another, it could be seized and destroyed if the State has "so enacted in the exercise of its police powers." The property of a citizen of Ohio or Illinois on its way along the arteries of trade and destined to Nebraska or further west could thus be confiscated and destroyed in the State of Iowa.

Was any such power lodged in Congress by the States when they yielded up to the Federal Government the power to regulate such commerce, not to prohibit, not to destroy? Such a concession was never dreamed of by the fathers when they adopted the Constitution. As was well said by the gentleman from Illinois in his excellent minority report:

> The national policy of the United States in regard to commerce among the States is, first, that no unnecessary restriction shall be laid upon it; and, secondly, that when any restriction is found to be necessary it shall be imposed, not by a State Legislature, but by Congress, and shall express, not the local policy of a State, but the general policy of the people of the United States.

The power to regulate commerce with foreign nations and among the several States, intrusted by the Constitution to the Congress of the United States for the purpose of securing a uniform system of commercial regulation, is one of the corner-stones of the Union.

Neither the States nor the people ever contemplated placing such power of destruction in the hands of the Federal Government. But suppose that it did reside in the Congress by any implication or far-fetched construction, where is the authority or right to yield it back to a State? Could the Congress yield back to the States the power "to establish post-offices and post-roads?" Could the Congress permit any State to compel vessels bound to or from another to enter or clear at its ports?

Under section 10, clause 2, Article I, certain powers are mentioned, powers relating to commerce, which may be exercised by the States with the consent of Congress. The clause reads:

> No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, etc.

Here the consenting of the Congress to the action of States within the purview of the clause is evident. No one would question it. But does not the fact of its clear expression in this instance preclude absolutely the idea that exists in the other?

No, Mr. Speaker, the Constitution does not provide for such concessions to the States as this bill makes. If our friends upon the other side wish to establish the national authority for such prohibition, as they indirectly seem to seek, let them first proceed to amend the Constitution in the way laid down therein. Do it directly. Let it not be done in a manner certainly of questionable constitutionality; let it not be done in such a way as to make chaos come again in the commercial relations between the people of the different States of this Union.

Mr. OATES. I wish to state that in the event this conference report should be voted down, I have several alternative propositions to suggest, one of which is on the narrow basis of applying this proposed law only to liquors, and is as follows:

> That whenever any fermented, distilled, or other intoxicating liquors or liquids are imported or brought into any State or Territory from any other State, Territory, the District of Columbia, or a foreign nation, and there held or offered for sale to any person within such State or Territory, the same shall be subject to the laws of such State or Territory.

A MEMBER. How does that differ from the conference report?

Mr. OATES. There is a good deal of difference; there is nothing sumptuary at all about this.

Another proposition on which I would be glad to try the sense of the House is that—

> It shall not be lawful to import, ship, or take any intoxicating liquors into any State or Territory for sale therein contrary to the laws thereof.

And giving the United States circuit and district courts authority to enforce this legislation.

Now, of course, if the conference report is voted down a further conference will be ordered, and that conference will be subject to instructions by the House. They can offer a substitute, under the rules, for both the Senate and House propositions. The only desire I have, Mr. Speaker, in the matter is that we may get proper legislation, such as will meet the demands of the country.

Now, in respect to the article of illuminating oils, as an illustration. It will be seen in the reports sent here from the board of health of the State of Iowa that inferior classes of illuminating oils can go in there and be used in that State when they are sold in "original packages," that being the only restriction.

Under the provisions of the Senate bill they can not be excluded. So also in regard to foreign goods which enter our ports where they pay duty. If they are taken in the "original packages," they may be sent throughout the State, to any part of the State, where stores may be erected for their sale and these goods sold in the "original packages" in defiance of the State laws as to taxation, the only requirement being that the package shall not be broken.

I say to you, gentlemen, if you pass this bill you will not escape the demands of the country even until the meeting of the next session of Congress before you will have appeals and demands for an enlargement of the law.

Why not do it now? Why is not this House and the other capable of framing a law capable of using such language as will meet any and all demands of the country, not only in regard to the single article of intoxicating liquors, but in regard to everything else where the same principle prevails? Why not do this, so that we may have a sound, broad, and just basis for our legislation?

[Here the hammer fell.]

Mr. REED, of Iowa. I now yield the remainder of the time belonging to me to the gentleman from Ohio [Mr. THOMPSON].

The SPEAKER. The gentleman is recognized for two minutes.

Mr. THOMPSON. Mr. Speaker, the proposition of the Senate bill is to restore to the States a right taken from them by the recent decision of the Supreme Court; a right which they had and exercised before and since the adoption of the Constitution. It does nothing more. It simply restores to them the right to deal with this question of intoxicating liquors, a right which they have heretofore enforced unrestrictedly.

Both Houses agree—both the Senate and the House—that the condition in which this traffic is left by the decision of the Supreme Court calls for a remedy, and we have agreed upon the remedy. We agree that this bill will restore to the States all of the rights of which they have been robbed by the decision of the Supreme Court; and the only complaint made here to-day is that we do not go far enough; that we do not go on and deal with everything else which may come within the principle of that decision.

Now, Mr. Speaker, I say to you, deal with the other questions as they arise. When public sentiment has been aroused with reference to some other article of commerce and there is a reasonable demand for restriction, such as we have placed around the traffic in intoxicating liquors by this bill, Congress will deal with it, and it will then be time enough to consider it. It will not, in my judgment, be wise to enter into what is necessarily an unknown field of legislation at this time. The question is before the House and before the people of the country. It is understood by Congress and by the people, and this legislation is in response to an aroused public sentiment on the subject.

If we undertake to go beyond it and deal, as the House amendment proposes to deal, with everything that might come within the principle of the decision of the Supreme Court, it simply means the enactment of no legislation during this session of Congress; and I submit to the House that it is but reasonable to ask that this bill shall prevail, because it has the support of both this body and the other, and, as I have said, the only complaint heard to day is that we do not go far enough.

Under the decision of the Supreme Court of the United States, intoxicating liquors as an article of commerce would have the protection of the commercial clause of the Constitution until carried into the State of its destination and there disposed of by sale. The provision of this bill is that upon its arrival in the State it shall become subject to the laws of the State, thus restoring the former status of the State power to deal with it.

[Here the hammer fell.]

Mr. LEHLBACH. Mr. Speaker, the majority of the House conferees have brought in a report which adopts the Senate bill without any alteration. It is surprising that after the expression of the sentiments of the House in favor of its own proposition the conference committee appointed have so readily yielded to the Senate in this matter. It

certainly seems that an honest attempt to carry out the wishes of the House was not made by the conferees appointed. This suspicion is fully justified by the fact that when the matter was before the House for its consideration some members of the Judiciary Committee were using their influence to defeat the measure which they themselves had reported.

I consider that this legislation is of the most dangerous character, resulting in no benefit to the communities it is sought to relieve and infringing on the personal liberty of the individual. It is a declaration by Congress that it will help to enforce all laws, no matter how sumptuary in their nature, which the different State Legislatures may pass. Although every member is left free to vote according to his own judgment and this measure can not be considered a party question, I fear that if it becomes a law it will be claimed that the Republican party must take the responsibility for its enactment.

I have stated, when speaking on this subject before, that I was in favor of giving to each State the full police regulation concerning the sale of intoxicating liquors. Under this proposed law, however, the individual citizen of any State might be deprived of the use of wine, or beer, or other liquors, and his property in the course of transmission from another State confiscated. I am, and have always been, a pronounced opponent of all prohibition legislation. You can not cure the evils of intemperance or make men better by legislative enactment. The best thought of the country has always spoken out against this kind of legislation.

I desire to read an extract from an argument made before the joint special committee of the general court of Massachusetts, on the "Errors of Prohibition" by the late Governor John A. Andrew, a man of acknowledged purity of thought and action, who during the late war achieved a fame as the war governor of Massachusetts throughout the entire land, and whose name will always live in the memory of patriotic citizens:

I aver that a statute of prohibition, aiming to banish from the table of an American citizen by pains and penalties an article of diet, which a large body of the people believe to be legitimate, which the law does not even pretend to exclude from the category of commercial articles, which in every nation and in some form in all history has held its place among the necessities or the luxuries of society, is absurdly weak, or else it is fatal to any liberty. Whenever it will cease to be absurdly weak, society, by the operation of moral causes, will have reached a point where it will have become useless, or else it will be fatal to any liberty, since, if not useless, but operated and fulfilled by legal force, its execution will be perpetrated upon a body of subjects in whose abject characters there will be combined the essential qualities which are needful to cowardice and servility.

Do you tell me that no beverage into which alcohol enters, used in cooking or placed upon the table, fitly belongs to the catalogue of foods?

I answer: That is a question of science which neither governor nor legislature has any lawful capacity to solve for the people.

Do you tell me, then, that whether the catalogue be expurgated or not, all such food is unwholesome and unfit to be safely taken?

I answer: That is a question of dietetics, and it is for the profession of medicine There is, in principle, no odds between proscribing an article of diet and prescribing a dose of physic by authority of law. The next step will be to provide for the taking of calomel, antimony, and epsom salts by act of the general court.

Do you tell me, however, that all such beverages in their most innocent use involve a certain danger; that possibly any one may, probably many, and certainly some, will abuse it, and thus abuse themselves; and by consequence that all men, as matter of prudence, and therefore of duty, ought to abstain from and reject it?

I answer: That is a question of morals, for the answer to which we must resort to the Bible, or to the church, or to the teachings of moral philosophy. The right to answer it at all, or to pretend to any opinion upon it binding the citizen, has never been committed by the people in any free government on earth, to the decision of the secular power. If the state can pass between the citizen and his church, his Bible, his conscience, and God, upon questions of his own personal habits, and decide what he shall do, on merely moral grounds, then it has authority to invade the domain of thought as well as of private life, and prescribe bounds to freedom of conscience. There is no barrier in principle where the government must stop, short of the establishment of a state church, prescribed by law and maintained by persecution.

Do you tell me that the using of wine or beer as a beverage, however temperately, is of dangerous tendency by reason of its example? Do you insist that the temperate use of it by one man may be pleaded by another as the occasion and apology for its abuse?

I answer: That if the Government restrains the one man of his own just, national liberty to regulate his private conduct and affairs, in matters innocent in themselves, wherein he offends not against peace, public decorum, good order, nor the personal rights of any, then the Government both usurps undelegated powers, and assumes to punish one man in advance for the possible fault of another. The argument that, because one man may offend, another must be restrained is the lowest foundation of tyranny, the corner-stone of despotism. Liberty is never denied to the people anywhere, on the ground that liberty is denied to be good or right in itself. The universal pretext of every despotism is that liberty is dangerous to society—that is, that the people are unfit to enjoy it.

Do you tell me that these arguments have a tendency indirectly to encourage and defend useless and harmful drinking, and that silence would have been better, for the sake of a great and holy cause?

I answer: That He who governs the universe and created the nature of man, who made freedom a necessity of his development and the capacity to choose between good and evil the crowning dignity of his reason, knew better than to trust it to the expedients of political society. The great and holy cause of emancipation from vice and moral bondage is moral and not political.

It used to be thought right to burn a man's body for the salvation of his soul. It used to be thought that to suppress heresy and false teachers deceiving the people, was mercy to the heretic and the false teachers themselves, while it protected the people against perversion and spiritual ruin. The motive was not bad, but the philosophy was fatal. The better the motive, the sincerer the man, the more disastrous was the policy. So, now, if dishonest and despotic men alone, from love of power and not of human welfare, should appeal to this machinery to work against men's wills their moral renovation, the plan would lose more than half its danger. But the bad precedents good men establish to-day, in the weakness of their faith in better means, bad men use tomorrow for bad purposes and with worse motives. Meanwhile, aiming at compulsory conformity to your creed of artificial virtue, the dissentients, even if submissive, regarding themselves merely as the victims of a dominant asceticism, are made deaf to moral teachings, impatient of the preacher, haters of his doctrine, and defiant at heart.

In the same argument, giving the views of John Quincy Adams, he says:

In the words of John Quincy Adams, whose austere virtue and greatness made him for years the representative statesman of New England, uttered in addressing the temperance society of Norfolk County, five and twenty years ago:

"Forget not, I pray you, the rights of personal freedom. * * * Self-government is the foundation of all our political and social institutions, and it is by self-government alone that the law of temperance can be enforced. * * * Seek not to enforce upon your brother by legislative enactment that virtue which he can possess only by the dictate of his own conscience and the energy of his own will."

Before I close I would like to read from this argument, which was considered one of the ablest Governor Andrew delivered, and which probably resulted in the abolition of the prohibition laws of Massachusetts, the views of Lord Wrottesly, and also those of Rev. Dr. Leonard Withington:

One of the latest and best expositions of the rationale of government and legislation is found in a recent volume bearing the title, by Lord Wrottesly, in which, without pretension to novelty of reasoning (which would perhaps be a demerit), he has presented the results arrived at by the best modern writers on the philosophy of government.

The following propositions so clearly express the conclusions of reasons and experience that I am prepared to adopt and to proclaim them as the voice of authority:

"First. Laws should never be passed which either can not be executed or of which the execution is so difficult that the temptation to neglect their observance is likely to surmount the fear of the punishment.

"Second. Laws should never be passed forbidding acts which, in the opinion of a large proportion of the educated members of the community, are in themselves innocent.

"Third. Laws should not generally be passed which, though good in themselves, either too much anticipate public opinion or are hostile to the deliberately formed sentiments of a large majority of the population of any country.

"Fourth. No attempt should be made to reform the moral conduct of society by the enactments of positive law; that is, to make men good and virtuous by act of Parliament."

The venerable and reverend Dr. Leonard Withington, in the dawn of this attempt at enforced conformity, sounded the note of remonstrance with prophetic wisdom:

"I desire to bear my solemn testimony and to say that though I have seen frequent attempts, I never knew any good to come from such legislation. I have seen men exasperated by it, but never reformed. So it has ever been, and so it ever will be, until nature itself is changed. I was in Connecticut when attempts were made to enforce the observance of the Sabbath by law. I saw hypocrisy, power, passion, haughtiness, indignation, force, resistance, commands, threats, cursing; but I saw no promotion of meekness among christians or repentance among sinners. The contest was long and the fruits were bitter."

Mr. Speaker, I am satisfied that the adoption of this conference report will be looked upon by many good citizens residing in States where prohibition exists, but who are opposed to it, as an infringement on their personal liberty. Questions of similar nature have been repeatedly before the people of my State, and their verdict has always been against the enactment of sumptuary laws. If any legislation is necessary let the conferees be instructed by this House again to meet and to submit a measure for consideration, which, while it gives to the States the full police control over the sale of intoxicants, does not infringe on the personal liberty of the individual, nor uphold nor assist in enforcing sumptuary laws. Let our action be one of deliberation and not that influenced by this temporary and fanatical craze which has sprung up in a few sections of the country.

Mr. HITT. Mr. Speaker, this measure is urgently needed to stop the new and growing evil of original-package saloons, and I will only delay the House a moment to utter my joy that after such long delays and discussion we are so close to the end. The vote now to be taken will restore to the people self-government, and the power by their own State laws and home rule to protect their homes from the liquor traffic and all the misery it entails.

There has been a frightful activity for evil since the recent decision of the Supreme Court that liquor coming from another State was commerce between the States, and, so long as it was in the original packages, could be sold in defiance of local laws. The rum-sellers, coming in from other States, have alighted from the trains as locusts and grasshoppers descend upon the doomed farmers' fields, to blight and waste. Quiet villages, where boys had grown up without seeing a saloon, are noisy with the brawls of drunken men, made drunk by the sale of pint packages, which the people are powerless to prevent. All that the people could do was to appeal to Congress; and we have had petitions and memorials from all parts of the country, imploring, demanding, urging us to pass a bill declaring that this traffic, now in unbridled activity, shall be put back under local laws, prohibition, license, or whatever else the people of the State may enact.

The Supreme Court itself, in pronouncing the decision that this traffic was interstate commerce, and as such completely under the authority of Congress, invited and suggested legislation by Congress which would give to the police powers of the State authority to control it, and, wherever the people so desired, to uproot it utterly. This short bill of eight lines will do it; and I hope to see it passed through both Houses and signed by the President before this week is out.

It was because of the urgency—because time was so important—that

I voted two weeks ago for this Senate bill in preference to the House substitute, for if passed then by the House it would at once have become a law. The House substitute bill, which covered many other articles than liquor, such as adulterated food products, was a meritorious measure, and when it had been substituted by the House for the Senate bill I voted for its passage. But it was easy to foresee the delay between the two Houses that would ensue and the probability that the Senate would not agree to it, as so many Senators had expressed objections to it and their doubts as to the constitutionality of the broader measure. So it has turned out. After a week of conference with the Senate our conferees have come back to us with the Senate bill. It does not do all things, but it does one great thing, far the greatest among all proposed, and does it thoroughly. I would have been glad to have more, to have had a broader measure, but now heartily vote for this bill, sure that it will check a dreadful evil, that it will do no harm and will do incalculable good.

Mr. WILSON, of West Virginia. Mr. Speaker, I can not vote for this conference report, because it proposes to carry legislation further than I believe legislation ought ever to go.

When this matter was first acted on in this body I voted for the House substitute, as establishing a correct and proper boundary between the general commerce powers granted to Congress and the police powers reserved to the States. That substitute recognized in each State full power and authority within its own limits to regulate the traffic in any articles of commerce—including, of course, intoxicating liquors—whenever such articles become mingled with the general property within the State.

This, in my judgment, exhausts the police powers of the State, and goes as far as the State has, under our theory of government, the right to go. Whenever the State assumes to proceed beyond regulation of traffic, and attempts to control the use and consumption of an article, it invades the home and that reserved domain of individual freedom which it is a leading object of government to protect from all intrusion not demanded by the safety of society itself. I would not recognize the existence of such unlimited power, much less intrust it to any government, whether State or national.

I am confirmed in these views as to this conference report by the line of argument pursued by the able jurist, the gentleman from Iowa [Mr. REED], for, despite his disclaimer of belief in paternalism, the reasoning and the illustrations which he has used in sustaining this report seem to me to be paternalism and high government in a very extreme and dangerous measure.

Mr. MCCORMICK. Mr. Speaker, I regret that the conference upon the disagreeing votes of the two Houses has resulted in the abandonment of the House substitute, and in a recommendation that the Senate bill be passed. The House measure was fully protective against the illicit sale of intoxicating liquors and did not discriminate against any article of commerce. It was as broad and far-reaching as the decision of the Supreme Court which made the legislation necessary. The Senate bill, however, selects intoxicating liquors as the only article of commerce calling for legislative action, whereas in the course of the debate when the bill was before the House it was very clearly demonstrated that there were other articles of commerce over which the States should have control as well as intoxicating liquors.

But unwise and temporizing as I deem the Senate bill to be, I could yield it my support if it were not for the provision that requires me, by voting for the bill, to approve the doctrine that a State has the right by legislation to enter the homes of its citizens and confiscate or destroy the property of which, in the exercise of their personal rights, they have become possessed. Whilst it is absolutely essential to the good order of society that the traffic in intoxicants should be controlled, or if deemed necessary entirely forbidden, I am not willing by my vote to give the sanction of an act of Congress to a principle that violates the sanctity of the private house and overturns and tramples upon the personal liberty of the citizen. Yet this is precisely what the Senate bill proposes. The language of the bill is, that—

All fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory, etc.

The House substitute, on the other hand, provides that—

Whenever any article of commerce is imported into any State, from any other State, Territory, or foreign nation, and there held or offered for sale, the same shall then be subject to the laws of such State.

Then follows a proviso against discrimination by a State in favor of its own citizens or products. The House substitute seems to me so much the wiser measure that I am constrained to vote to disagree to the conference report, with the hope that by so doing we may still get the House bill after further conference, or failing in that, that we may have eliminated from the Senate bill the very objectionable feature to which I have referred.

The SPEAKER. The time having expired for debate, the question is on the adoption of the conference report.

The question was taken; and the Speaker announced that the "nays" seemed to have it.

Mr. PETERS and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 93, not voting 115; as follows:

YEAS—119.

Allen, Mich.	Culbertson, Pa.	La Follette,	Reed, Iowa
Anderson, Kans.	Dalzell,	Laidlaw,	Reyburn,
Arnold,	Darlington,	Laws,	Rockwell,
Atkinson, Pa.	Dingley,	Lewis,	Rowell,
Baker,	Dolliver,	Lodge,	Sawyer,
Banks,	Dorsey,	Mason,	Scull,
Bartine,	Dunnell,	McComas,	Sherman,
Belden,	Evans,	McDuffie,	Smith, Ill.
Belknap,	Ewart,	McKenna,	Smith, W. Va.
Bergen,	Featherston,	Miles,	Snider,
Bingham,	Fithian,	Milliken,	Spooner,
Boothman,	Flick,	Moffitt,	Stephenson,
Boutelle,	Flood,	Moore, N. H.	Stivers,
Brewer,	Funston,	Morey,	Struble,
Brosius,	Gear,	Morrill,	Sweney,
Browne, Va.	Gest,	Morrow,	Taylor, E. B.
Buchanan, N. J.	Gifford,	Morse,	Thomas,
Burrows,	Greenhalge,	O'Donnell,	Thompson,
Candler, Mass.	Grosvenor,	O'Neill, Pa.	Townsend, Colo.
Cannon,	Haugen,	Osborne,	Townsend, Pa.
Carter,	Henderson, Iowa	Owen, Ind.	Turner, Kans.
Cheadle,	Herbert,	Payne,	Vandever,
Cheatham,	Hill,	Payson,	Waddill,
Cogswell,	Hitt,	Perkins,	Wallace, N. Y.
Comstock,	Hopkins,	Peters,	Watson,
Conger,	Kelley,	Pickler,	Williams, Ohio
Connell,	Kennedy,	Post,	Wilson, Ky.
Cooper, Ohio	Kerr, Iowa	Pugsley,	Wilson, Wash.
Craig,	Knapp,	Raines,	Wright.
Crisp,	Lacey,	Ray,	

NAYS—93.

Abbott,	Davidson,	Mansur,	Rogers,
Adams,	Elliott,	Martin, Ind.	Rowland,
Barwig,	Ellis,	Martin, Tex.	Sayers,
Bayne,	Flower,	McAdoo,	Skinner,
Beckwith,	Forman,	McClammy,	Springer,
Breckinridge, Ark.	Forney,	McClellan,	Stewart, Tex.
Breckinridge, Ky.	Fowler,	McCord,	Stockbridge,
Brickner,	Frank,	McCormick,	Stone, Ky.
Brookshire,	Geissenhainer,	McMillin,	Stump,
Brown, J. B.	Gibson,	McRae,	Tillman,
Brunner,	Goodnight,	Montgomery,	Tracey,
Bunn,	Grimes,	Morgan,	Tucker,
Burton,	Hatch,	Mutchler,	Turner, Ga.
Bynum,	Hayes,	Oates,	Turner, N. Y.
Campbell,	Haynes,	O'Ferrall,	Van Schaick,
Caruth,	Heard,	O'Neil, Mass.	Vaux,
Caswell,	Holman,	Outhwaite,	Wheeler, Ala.
Catchings,	Kinsey,	Owens, Ohio	Whitthorne,
Chipman,	Lane,	Parrett,	Williams, Ill.
Clunie,	Lanham,	Paynter,	Wilson, W. Va.
Cooper, Ind.	Lawler,	Peel,	Yoder.
Crain,	Lehlbach,	Penington,	
Culberson, Tex.	Lester, Va.	Reilly,	
Cummings,	Maish.	Richardson,	

NOT VOTING—115.

Alderson,	Cothran,	Kilgore,	Seney,
Allen, Miss.	Covert,	Lansing,	Shively,
Anderson, Miss.	Cowles,	Lee,	Simonds,
Andrew,	Cutcheon,	Lester, Ga.	Smyser,
Atkinson, W. Va.	Dargan,	Lind,	Spinola,
Bankhead,	De Haven,	Magner,	Stahlnecker,
Barnes,	De Lano,	McCarthy,	Stewart, Ga.
Biggs,	Dibble,	McCreary,	Stewart, Vt.
Blanchard,	Dickerson,	McKinley,	Stockdale,
Bland,	Dockery,	Mills,	Stone, Mo.
Bliss,	Dunphy,	Moore, Tex.	Tarsney,
Blount,	Edmunds,	Mudd,	Taylor, Ill.
Boatner,	Enloe,	Niedringhaus,	Taylor, J. D.
Bowden,	Farquhar,	Norton,	Taylor, Tenn.
Brower,	Finley,	Nute,	Venable,
Browne, T. M.	Fitch,	O'Neall, Ind.	Wade,
Buchanan, Va.	Grout,	Perry,	Walker,
Buckalew,	Hall,	Phelan,	Wallace, Mass.
Bullock,	Hansbrough,	Pierce,	Washington,
Butterworth,	Hare,	Price,	Wheeler, Mich.
Caldwell,	Harmer,	Quackenbush,	Whiting,
Candler, Ga.	Hemphill,	Quinn,	Wickham,
Carlton,	Henderson, Ill.	Randall,	Wike,
Clancy,	Henderson, N. C.	Rife,	Wiley,
Clark, Wis.	Hermann,	Robertson,	Wilkinson,
Clarke, Ala.	Hooker,	Rusk,	Willcox,
Clements,	Houk,	Russell,	Wilson, Mo.
Cobb,	Kerr, Pa.	Sanford,	Yardley.
Coleman,	Ketcham,	Scranton,	

So the conference report was agreed to.

The Clerk announced the following additional pairs until further notice:

Mr. HENDERSON, of Illinois, with Mr. CLARKE, of Alabama.

Mr. COLEMAN with Mr. WILEY.

Mr. HARMER with Mr. LEE, for the rest of this day.

Mr. TAYLOR, of Illinois, with Mr. DOCKERY, on this vote.

Mr. CUTCHEON with Mr. MCCREARY, on this vote.

Mr. HENDERSON, of Illinois. Mr. Speaker, I am paired with the gentleman from Alabama [Mr. CLARKE]. If he were present, I should vote "ay."

The result of the vote was then announced as above recorded.

Mr. REED, of Iowa, moved to reconsider the vote by which the conference report was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PAY OF ASSISTANT DISTRICT ATTORNEYS, DISTRICT OF COLUMBIA.

Mr. HENDERSON, of Iowa, was recognized.

Mr. OATES. Mr. Speaker, I have a bill here in which I myself have no interest, but it is a matter that ought to be passed, and I ask unanimous consent that it be considered and passed at once. It relates to the compensation and employment of attorneys for the prosecution of cases here in the courts of this District.

The SPEAKER *pro tempore* (Mr. BURROWS in the chair). The gentleman from Iowa [Mr. HENDERSON] was recognized.

Mr. HENDERSON, of Iowa. I will allow the gentleman to submit his request for unanimous consent. The bill may be read subject to objection.

Unanimous consent was granted.

The Clerk read as follows:

A bill (S. 3555) to increase the compensation of the assistants to the attorney of the United States for the District of Columbia, and to amend section 907 of the Revised Statutes of the United States, relating to said District.

Be it enacted, etc., That section 907 of the Revised Statutes of the United States, relating to the District of Columbia, be amended to read as follows:

"SEC. 907. He shall pay to his deputies or assistants not exceeding in all $10,000 per annum; also his clerk-hire, not exceeding $2,400 per annum; office rent, fuel, stationery, printing, and other incidental expenses out of the fees of his office."

Mr. HOLMAN. What is the proposition that is now before the House?

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] asks unanimous consent for the present consideration of the bill which has just been read.

Mr. CANNON. I will reserve the right to object.

Mr. HOLMAN. I will reserve the right to object until a statement is made as to the effect of it.

The SPEAKER *pro tempore*. Does the gentleman from Iowa [Mr. HENDERSON] yield?

Mr. HENDERSON, of Iowa. For what purpose?

The SPEAKER *pro tempore*. For a statement.

Mr. HENDERSON, of Iowa. Yes, if it is a matter that will not consume time. If any agreement can be made as to the length of time that shall be occupied I am willing to consent, if it may be understood that the previous question may be ordered at the end of ten minutes.

Mr. OATES. I do not want that. If it is going to run in debate or consume time I will withdraw it.

Mr. HENDERSON, of Iowa. Very well; with that understanding I make no objection.

Mr. OATES. Mr. Speaker, this bill is unanimously reported by the Committee on the Judiciary, and the facts which necessitate its passage are briefly these: More than twenty years ago the present statute, providing for the force of the district attorney's office to attend and prosecute in the various courts in the District of Columbia, was passed. The business has grown until the present force are simply incapable of doing the work. The proof is abundant of that fact. This bill makes provision for allowing an additional assistant to the district attorney.

As it is now, the grand jury most of the time are deprived of the assistance and advice of an attorney, which is absolutely essential to the progress of their business. Now this does not call for any appropriation out of the Treasury. The expenditure is simply to be made out of the income of the office, which far exceeds the expenditure proposed in this bill, as shown in the report by the Judiciary Committee, from the statement tabulated and sent in by the Attorney-General, showing the income of the office for four years.

Mr. HOLMAN. Will the gentleman state what is the limit of the expenditure under the present law?

Mr. OATES. I think it is about $5,000. I am not able to state precisely what it is. The evidence before the committee was that some of these assistants have not received more than $700; and with the force they have and this limited amount which can be paid, they are simply unable to do the business. That is clear, and we have had it from most reliable gentlemen, who are fully acquainted with this business. This will enable the district attorney to employ one additional assistant, and the compensation for all of them will come out of the fees earned by the office, which considerably exceed that amount.

Mr. HOLMAN. I wish to say to the gentleman from Alabama that I understand the present limit is $4,000. Now, the effect of this proposition is to make it $10,000, and that is certainly a very large increase, more than double.

Mr. OATES. No, the present limit for the whole board is more than $4,000. I do not remember the precise figures. Perhaps the gentleman from Texas [Mr. CULBERSON] knows.

Mr. CULBERSON, of Texas. It is $5,000.

Mr. HOLMAN. As I understand it the amount is proposed to be doubled, and yet the present limit was fixed only about twenty years ago.

Mr. OATES. Yes; and the business is far more than double what it was then.

Mr. CULBERSON, of Texas. Far more than double?

Mr. OATES. The tables show it.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill which the Clerk has just read.

Mr. HOLMAN. I shall not object to its coming before the House.

Mr. CANNON. I will object unless the unanimous consent can go to the extent of considering it as passed and reconsidered and laid upon the table.

Mr. McMILLIN. I hope the gentleman will not insist upon that rigorous action. It seems that it is not necessary.

Mr. HOLMAN. I do not object to its coming before the House.

Mr. CASWELL. I hope the gentleman will not object.

Mr. CANNON. I am willing to consent that it be passed.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CANNON. I have no objection to five minutes' further discussion if you want it.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CANNON. Unless the gentleman will modify his proposition so that it may by unanimous consent be considered as passed.

Mr. OATES. You do not give me a chance to modify it.

Mr. CANNON. I do not want my friends on the other side of the House to waste an hour or two in roll-calls.

Mr. OATES. You do not make any objection, do you?

Mr. CANNON. I have said that I am willing it should be considered as passed.

Mr. HOLMAN. All that I ask on my part is simply to have a vote on the proposition.

Mr. CANNON. Does the gentleman propose to call for the yeas and nays?

Mr. HOLMAN. No, sir.

Mr. CANNON. Very well; with the understanding that the time shall not be wasted in calling the yeas and nays, I do not object.

Mr. OATES. I understand there is no objection.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Illinois to suggest that there shall be some limit to the time, and the Chair will put the request in this way. The gentleman from Alabama [Mr. OATES] asks unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that the House now consider it, and that at the end of ten minutes the previous question be considered as ordered.

Mr. OATES. I do not ask for that much time.

Mr. McMILLIN. I hope the gentleman will not insist on that. It will go through in less than five minutes, if it goes through at all. I do not like to see adopted a method of procedure so extraordinary.

Mr. CANNON. I will take my friend's word for it, and withdraw the objection.

The SPEAKER *pro tempore*. Is there objection to the granting of the request? [After a pause.] The Chair hears none.

Mr. OATES. I ask for a vote on the bill.

The SPEAKER *pro tempore*. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. OATES 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.

DEFICIENCY APPROPRIATION BILL.

Mr. HENDERSON, of Iowa. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAYSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of the general deficiency bill, and the Clerk will read the next paragraph.

The Clerk read as follows:

For payment of special deputy marshals at Congressional elections, being a deficiency for the fiscal year 1888, $34,745.

Mr. McADOO. Mr. Chairman, I move to strike out the last word.

I deem this a proper place to call the attention of the House to the fact that this law has at times been maladministered, and I will now give an extract from the speech of Senator CARLISLE, formerly a member of this House, made in the Forty-sixth Congress, in which he calls attention to the outrageous processes by which this law was administered in the State of New York.

It is not possible for me to devote any considerable time to a recital of the many abuses that have been committed under this law, but I desire to say, what is known to the whole country, that at the Congressional election in 1878 in the city of New York those who controlled and directed this ingenious and oppressive political machinery brought the whole force to bear with crushing effect against a single class of citizens of foreign birth. In May, 1878, the chief supervisor of elections in that city caused one of his clerks or assistants to swear to a single complaint against ninety-three hundred persons of foreign birth, who held certificates of naturalization issued from the supreme courts and superior courts in 1868, and on which they had regularly registered and voted at every election since that time.

On this complaint the same supervisor of elections, as the clerk of the United States court, issued five thousand and four warrants, returnable before himself as commissioner of the United States court. Afterward it seems to have been discovered by the officer that these warrants were illegal by reason of the fact that the complaint contained more than one name, and thereupon they were withdrawn; but immediately afterward he caused twenty-eight hundred more complaints to be made and issued warrants upon them in the same way. Many persons were arrested under this process, and about thirty-four hundred naturalized citizens, in order to escape from this partisan persecution, actually surrendered their papers. Just a few days before the election in November he caused the same clerk or assistant to swear to thirty-two hundred more complaints. They were sworn to in packages—

"Original packages," I suppose—

many of them on the Sunday preceding the election, and during the night preceding the election warrants were made out against the persons named in the complaints and placed in the hands of the supervisors of election at the various voting places, to be delivered to the deputy marshals the next morning, in order that they might be executed when the persons named in them appeared. Among the instructions given by the chief supervisor—

John I. Davenport—

to his subordinates was the following—

Mr. ROGERS. Is that the same John I. Davenport that the Speaker eulogizes in the June number of the North American Review as having secured purity of elections in New York?

Mr. McADOO. That is the same John I. Davenport.

"In the case of persons who present themselves to vote, where a warrant has been previously issued, you will see that such persons are arrested upon the warrant upon so presenting themselves, and before voting."

This instruction was faithfully obeyed, and on the day of election hundreds of naturalized citizens who possessed all the qualifications required by the constitution and laws of the State of New York were arrested at the polls, dragged away by these deputy marshals, and deprived of the right of suffrage. The pretense upon which these outrages were committed was that the records of naturalization kept by the superior court of New York in the year 1868 were defective, and that therefore the certificates were void.

The truth was that precisely the same kind of record, and no other, had been kept in that court for a period of fifteen years, under the administration of nineteen different judges of both political parties, Hon. Edwards Pierrepont, late minister to the court of St. James, being one of them; that between fifty and sixty thousand persons had during that time been naturalized in precisely the same manner as these persecuted men, and many of them had been voting and exercising all the other rights of citizenship without question for twenty years; and that before these arrests were made a State judge, in an able and elaborate opinion, had expressly decided that the record was sufficient and the naturalization valid. Notwithstanding these facts, about which there can be no dispute, these nine or ten thousand persons, who had in good faith procured their papers in 1868, were selected to be the victims of as vile a political conspiracy and persecution as was ever set on foot in the history of any country.

Mr. VAUX. Will the gentleman allow me a question?

Mr. McADOO. I would be very glad to do so, but I have only five minutes, and therefore can not. But if I have time I will be glad to do so.

Certainly no such crusade against the political rights of any class of citizens was ever before inaugurated in this country, and none ever had less excuse or justification. In some instances the papers of the citizen were seized by these Federal officers when he came to register and were retained until the election was over.

The total absence of sufficient legal cause for these extraordinary proceedings is demonstrated by the admitted fact that although thousands of warrants were issued and hundreds of arrests were made, not a single conviction was ever obtained, and, indeed, not a single case was ever prosecuted to a final hearing.

[Here the hammer fell.]

Mr. FARQUHAR. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to finish reading. It is somewhat of a back number, but I would like to hear it read.

Mr. McADOO. I thank the gentleman for his courtesy; but even back numbers can be made forward numbers sometimes. Continuing, he said:

I have said that these were legally qualified voters, and a brief reference to the judgment of the United States circuit court in one of the cases will establish the truth of the statement. One of the men arrested, Peter Coleman by name, appears to have been so poor and friendless as to be unable either to procure bail or otherwise secure his release, and consequently he was thrown into jail, and in the excitement and confusion of the occasion was overlooked until some time after the election. A writ of habeas corpus was sued out and he was brought before Judge Blatchford, who, after an elaborate investigation of the whole question, discharged him from imprisonment. To show that his case was the same as the cases of the others, and that they were also legal voters, I read some brief extracts from the opinion. In the course of his opinion the judge says:

"It is not claimed that between the end of 1858 and the beginning of 1874 any other form of order admitting to citizenship was made by the superior court in any case different from what now appears to have been made in the case of Coleman, while it does appear that during all the time from 1858 to 1874 the form of the order of admission was the same as in the case of Coleman (except that nothing appears as to any initial of a judge), and that such form covers the cases of between fifty thousand and sixty thousand persons, who appear by the books of that court before mentioned to have been admitted by that court during that period to be citizens if Coleman was so admitted."

And further on he says:

The court, for a period of fifteen years, observed the same form of precedent and kept the same records, and made the same orders of admission in all cases of naturalization as in the case of Coleman, and none other. During that period nineteen judges occupied seats on the bench of that court. They were Joseph S. Bosworth, Murray Hoffman, John Slossom, Lewis B. Woodruff, Edwards Pierrepont, James Moncrief, Anthony L. Robertson, James W. White, John M. Barbour, Claudius L. Monell, Samuel B. Garvin, John H. McCann, Samuel Jones, Freeman J. Fithian, John J. Freedman, James C. Spencer, William E. Curtis, John Sedgwick, and Hooper C. Van Vorst.

It is to be presumed that, in each case of naturalization during that time, a certificate was given like in form to that received by Coleman, and averring that the court had ordered the admission of the party. That series of judges must have regarded what was found on the files, or in the records or books of the court in each case as an order of admission, or as a record of showing that such an order had been made by the court. The stipulation of facts states that in the case of each person whose name is entered in the book as naturalized there are on file papers resembling in all respects those in the case of Coleman.

And finally, after an able discussion of the law and the facts involved in the case, he says:

It therefore appears that Coleman was duly and legally admitted to citizenship, and that the legality of his admission was not invalidated by any act or omission which occurred either prior or subsequently to his admission. As he was legally admitted it was proper for the court to give him the certificate of citizenship which was given to him, and that certificate was not unlawfully issued or made. On this ground he is entitled to his discharge from arrest.

Now, sir, if Coleman was a qualified voter so were all the others, unless it can be shown that in some material respect their cases were different from his. That there was no such difference, I think, may be fairly assumed from the facts that the complaints and warrants were all alike, all being printed forms, alleging the same offense in the same language, and that there was not a solitary conviction secured on any of them.

The evidence taken by a committee of this House during the last Congress and reported in Miscellaneous Document No. 23, shows that about ninety-five hundred persons who were naturalized in the superior court in 1868 registered and voted in the city of New York at the election of 1876, but the result of the system of intimidation inaugurated and carried on by the chief supervisor of elections and his subordinates was that only twelve hundred and forty such persons voted at the Congressional election in 1878.

It is therefore almost self-evident that about 8,000 voters, nearly all of whom were Democrats, were illegally deprived of the right of suffrage in a single city at that election. When these eight thousand men voted the party of the Executive had but one Representative on this floor from that city; but after they have been driven or dragged away from the ballot-box it has three. I make no further comment.

But, Mr. Chairman, when a law itself is vicious or unconstitutional, as I believe these laws are, the mere manner of their administration is a matter of secondary importance. No method of administration can sanctify a bad law or reconcile its victims to its continued enforcement. There is no remedy but repeal.

Now, Mr. Chairman, in the language of Scripture, if this can take place in the green bush, what will take place in the dry? If this can be done under the present mild law, with a non-partisan jury, what in the name of heaven and justice will be done under a bill which provides for bayonets to back up the chief marshal with a partisan jury selected by partisans to find indictments at will? [Applause on the Democratic side.]

Mr. FARQUHAR. Mr. Chairman, it seems singular that on succeeding days members on the Democratic side should deal in back numbers. I am well aware of the fact that it takes a Representative outside the State of New York to make any criticism on the paper which has just been read. I think there is no Representative of the State of New York who would have asked to have that paper spread upon the record. I certainly as one would not, and I think that I feel as peaceably towards my neighbors and hold the honor of my State as high as any man could. I never would want to see in print on the records of this Congress anything that carried us back to the first days when there was a purification of elections in the city of New York through registration and through supervisors.

I hardly think that any man wants to go back to the back numbers that brought disgrace to our State. I have no comments to make, but I say there is not a square Democrat in the State who would want to go behind the days and the legislation that brought a clean ballot to our State. I stand as a Representative on this floor, proud of the fact that New York has now on her statute-books the best law of election that ever was passed. It is to her honor and credit, and it is to the honor and credit of good Democrats who stood by Mr. Davenport and others when they cleaned out New York in the four years in which it first operated.

That is an answer to all that the gentleman from New Jersey has said; and when any one on this floor wants to take up the cudgels for the impurity of the ballot-box then they take it up on a question of the cost of court officers. It has been so thoroughly ventilated that no Democrat that I know of in the State of New York holds up his head to defend the practices of those days. [Applause on the Republican side.]

Mr. HENDERSON, of Iowa. Mr. Chairman, I want to go back to page 51 for a committee amendment which escaped my attention at the time.

The CHAIRMAN. The request of the gentleman from Iowa will be withheld for a moment until the gentleman from New York [Mr. TURNER] can be recognized on the pending amendment.

Mr. TURNER, of New York. Mr. Chairman, I am glad that at last my distinguished colleague from New York rises in his place to defend the honor of that great State. I am glad that at last his State pride is aroused. I am somewhat astonished when I recall that I have sat here day after day when men have maligned and traduced that great State and he has been silent. I recall with wonder and amazement, Mr. Chairman, that through the days of the debate on the general election bill, when frequently, very frequently indeed, reference was made to alleged frauds in the State of New York, and the assertion was made that there was to be reformation in New York City, and that New York City was the place where this election bill was needed as much as it was needed in any part of the South, he had nothing to say.

These assertions were made by gentlemen on the other side, and yet this new defender of the honor of the State of New York sat silent in his seat and cried "ay" when the roll was called, thus indorsing, so far as he could by his vote, those statements as true—false and libelous

as he now declares them to be. He now stands here in his place and talks about the good election laws of the State of New York. I know them to be good laws. The gentleman wants silence over that period of the history of the State of New York to which the gentleman from New Jersey has referred. In view of the revelation made by the gentleman from New Jersey here to-day I do not wonder that the gentleman wants silence.

In view of that revelation and in view of his own action in voting for a bill draughted by the infamous scoundrel who was the chief actor in the transactions which the gentleman from New Jersey has described, I do not wonder that the gentleman from New York wants silence. I should think that his one request of history would be silence. [Applause on the Democratic side.]

Sir, I have sat in my place in silence the last hour I ever shall listening to these attacks, nameless and vague, launched against my city because of the fact that she is a great Democratic city, and because her Democratic majorities mount higher and higher as the intelligence of her people progresses. These charges come from the other side of this Chamber, from a party dominant only by chance, a party that sees already the handwriting on the wall, a party that is disintegrating, a party which knows that its doom is written, a party desperate and led by desperate men.

The Representatives of that party, remembering the great crime of New York that she gave 57,000 Democratic majority in 1888, raise anew this cry of fraud and propose to launch another inundation of deputy marshals upon her citizens. That is the animus of this attack. That is the real purpose. I say again that I have sat here and listened for the last time I ever purpose to do to these charges without raising my voice in defense of that great State and that great city whose elections are as pure, whose citizens are as honest, as intelligent, and as conscientious as the people represented by any gentleman upon the other side of this Chamber. [Prolonged applause on the Democratic side.]

Mr. FARQUHAR. One word, Mr. Chairman, in answer to the tirade of the gentleman from New York [Mr. TURNER]. Notwithstanding the allegation that the liberties of 9,000 voters were trampled upon by the election officers in the State of New York, not one single suit in court was ever brought to vindicate that allegation or to attack the position of those officers in the execution of the law; not one. No question of damages was ever raised by any of these men, who even surrendered voluntarily what they claimed were their naturalization certificates, and I was very glad to see that the very communication which the gentleman from New Jersey has read set forth that fact, that not a dollar of remuneration had been asked for these outrages, but the parties quietly acquiesced. Mr. Chairman, I can, if necessary, give the names of the best Democrats of New York who backed up that very action on the part of Mr. Davenport and others.

Mr. OUTHWAITE. Name one of them.

Mr. HENDERSON, of Iowa. Mr. Chairman, I do not want to have the election law rediscussed on this bill, so I ask unanimous consent now to recur to page 51, where I desire to offer an amendment.

The amendment was read, as follows:

Page 51, strike out line 24, and on page 52, strike out lines 1 and 2, and insert in lieu thereof "for 1888, except the claims of the Central Pacific and Southern Railroad Companies, $229.89; in all, $837.39."

Mr. HENDERSON, of Iowa. This simply carries out the exception which has been observed throughout the bill as against the Pacific railroads.

The CHAIRMAN. If there be no objection, the amendment will be considered as agreed to.

Mr. MCADOO. I move to strike out the last word. The gentleman from New York has seen fit to accuse me of interfering in the internal affairs of that State, but the events which took place in New York at the period to which I have referred were matters of national importance; and every gentleman here knows that those facts are pertinent to measures that are now being discussed in Congress and by the country. They become contemporaneous and immediate in their pertinency since the Davenport bill is now before Congress. Those facts, so far as I know, stand uncontroverted; and in answer to the position taken by the gentleman, namely, that if these citizens were outraged by false arrests and other arbitrary measures it is strange that none of them brought suits for damages or appealed to the grand jury for an indictment of the offender, I desire to say that I point the gentleman to the case of Coleman himself.

Mr. Peter Coleman was adjudicated by a United States judge in political affiliation with the party to which Mr. Davenport belongs as being a legal voter and *per contra* as having been illegally arrested, so that he had the judgment of a court to back up his suit for damages if he had seen fit to bring it. But, Mr. Chairman, the hundreds and thousands of men who were dragged into a pen in the Federal building in the city of New York were the poor and the friendless, naturalized citizens, men who had no money and no means to bring suit.

Mr. FARQUHAR. What did Tammany Hall do for them?

Mr. MCADOO. There is no reason to believe that Tammany Hall had anything to do with those voters. They appear on the record as having been illegally arrested. That fact remains uncontradicted. In the Congress in which the speech from which I have quoted was made no substantial facts were offered to show that these men had not been illegally arrested or that these outrages had not been committed. Therefore, I say, in view of the fact that a measure is now before the Senate of the United States for the purpose of increasing the number and making almost omnipotent these chief supervisors and United States marshals, which measure is credited throughout this country with having for its father this same Mr. John I. Davenport, this discussion is timely and germane. I do not desire to see local self-government, the liberties of the citizens, outraged by the passage of such laws.

I know that in my own community, and I believe that in the city of New York and elsewhere, the honest judges and the honest jurors of the vicinage will protect the sanctity and the purity of the ballot-box without the aid of Federal force bills. I earnestly and heartily condemn dishonest elections as an assault on popular government, but I am sure that this infamous measure in question will rather beget fraud and corruption than secure fair and impartial elections.

I have heard it stated on this floor of late to my astonishment, and I think to the astonishment of citizens of New York, and of many others living in that vicinage, that Mr. John I. Davenport is a political saint. Why, to hear gentleman eulogize him, or to hear him defend himself before this House and the country in his communications and letters, one would imagine that he was surrounded by a halo of glory and that the odors of sancity freight the atmosphere wherever he moves. It is the first time I have ever heard Mr. Davenport held up as a saint and made a candidate for canonization. He is a smart, keen, restless, daring, astute man, a man who evades publicity like a Vidocq and is impervious to the stings of popular criticism or the protests of indignant opposition, a man whose profession it is to carry out the election laws in behalf of a party—a man who has given talents of no mean order, a shrewdness and astuteness and industry almost phenomenal, to the repression of the great Democratic vote in New York and vicinity.

This is the man who is eulogized here as a political saint and martyr, as a great and good and holy man who has helped to reform the bad election methods of that wicked institution Tammany Hall. Did any one hear from Mr. Davenport as a citizen of the State of New York any advocacy of what is called the reform or Australian system of voting? Did any one ever hear of any reform inaugurated in the city New York receiving the support of Mr. John I. Davenport? Yet forsooth he is now a reformer!

Sir, Mr. Davenport is a narrow partisan, an astute detective, a cool and clever manipulator of Federal election laws for partisan purposes, and in the employ of a great political corporation called the Republican party, to which he loans his talents, and from New Year's day in one year till New Year's day in the succeeding year he uses his cunning brain in devising schemes to repress the voice of the hundreds of thousands of freemen in New York City who want to vote the Democratic ticket. That is the kind of saint and martyr Mr. John I. Davenport is. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. FARQUHAR. Mr. Chairman, as a sufficient answer to all that has been said on the other side, I ask the Clerk to read from the testimony of Hon. William C. Whitney before the Cox investigating committee in 1877. In this evidence you will find two gentleman named who are the vouchers that I have used on this floor for any remarks I have made. I refer especially to Mr. John Kelly.

The Clerk read as follows:

Q. Do you believe that there was any fraudulent or illegal registration?

A. I do not imagine that there was any worth speaking of. There is, of course, an uncertain element in this registration, but Mr. Davenport takes that, and goes throughout the city and ascertains whether it is legal or illegal. He has a large force employed in that duty, and he has the material with which to do it effectually, because he has done it for a number of years previously, and he has the city all indexed, and when he starts out he knows who used to live in every house. He has got all those facts on his books; in fact, the whole city is spread out before him as if it were on a map, and he is able to eliminate the cases where a man has registered for the first time from a given house within the last year or two years, which are cases where fraud, if there be any, is most probable. After he has gone through the list he finds, perhaps, two or three thousand people who possibly may have fraudulently registered. The uncertain element in regard to that two or three thousand is this: Perhaps out of that two thousand there are not more than two hundred and fifty persons who come to the polls and whose cases are investigated. The other seventeen hundred and fifty cases may or may not be fraudulent. Aside from the element that keeps away from the polls, I think that the election is as honest as we can get it.

Q. The list is corrected and revised and purged before the election?

A. Yes, sir. Mr. Davenport will explain to you how carefully he goes over the registry. I am entirely familiar with the system that he has put in operation, and I think it is very thorough, and if a man succeeds in getting through that system and voting when he has no title to vote he is pretty smart.

* * * * * * *

Q. You think that the supervision of the election under the system of Mr. Davenport has had the tendency to prevent illegal voting and to give a fair election?

A. I think it has—yes, sir. * * * I know that I have heard Mr. John Kelly since [the election] express to the organization with which he is connected, and in one place and another, the same opinion I have expressed here—that Mr. Davenport has been a very important accessory in preventing fraudulent voting in New York City.

Mr. FARQUHAR. Mr. Chairman, here I rest the case. Here is the testimony of Hon. William C. Whitney, late Secretary of the Navy, and also of John Kelly, who was for years the head of Tammany Hall. I would accept Mr. Kelly's word anywhere, Democrat as he was.

Mr. McADOO. Why do you not adopt the Russian methods? You would then know everything about a man, including what he eats for breakfast; and of course you would know whether he casts an illegal vote.

Mr. WHEELER, of Alabama. Mr. Chairman, in the Forty-first Congress, on February 24, 1871, Hon. George Vickers, a Senator from Maryland, delivered an able speech upon the bill to amend the act of May 31, 1870, and entitled "An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes."

It seems to me that the discussion which has taken place this afternoon would be incomplete without supplementing what has been so ably said by my friend from New Jersey [Mr. McADOO] with reference to the practical operation of election laws when enforced by Federal officers who do not and in the very nature of things can not have any sufficient knowledge of the character of the persons who are appointed supervisors and deputy marshals.

Of course a United States judge would not knowingly appoint thieves and murderers, swindlers and dram-shop keepers, and persons of even less reputable professions; and it is evident that when such things are done it is because the judge has been imposed upon by some scheming, characterless local politician; and when such things do occur where Federal control is attempted, they prove the wisdom of placing and keeping election machinery wholly with the States and under the control of State officials, men who know the persons appointed. Such officials are responsible to the voters of the locality where they live, and under such a system we have always had fair elections.

I will read a paragraph from Senator Vickers's speech from volume 83, Congressional Globe, page 1636. The Senator says:

In cities having upward of 20,000 inhabitants the most rigorous and tyrannical usurpations of power in this bill are to be used with signal severity. And by whom are these assumed powers to be exercised? Is it by the wise, the prudent, the discreet; the man of order, of property, and of peace? No, sir. Look at the elections held in New York City in November last under Federal supervision and bayonet influence. Who were the deputies and special deputies appointed to superintend the election in that city, to arrest and regulate? I hold in my hand a list, of considerable length, of the special celebrities, as published in the New York World in November last. Some are robbers, convicted felons, penitentiary convicts, and others who had been guilty of crimes. They were appointed by Judge Woodruff, a judge of a United States court. I read a few names:

"Theodore, alias Mike, Anthony, alias Snuffey, of 24 Cherry street, a laborer, thirty-five years of age, married, and can not read or write. Anthony was arrested by Detective James Finn of the fourth precinct, on July 24, 1870, for larceny from the person, and was held in $2,000 bail for trial by Justice Hogan. He was indicted by the grand jury on the charge on the 23d of August last.

"Joseph Frazier, of 279 Water street, is a thief and confederate of thieves.

"James Miller is the keeper of a den of prostitution in the basement of 339 Water street.

"James Tinnigan keeps a similar den in the basement of 337 Water street.

"James Sullivan, alias Slocum, keeps a house of prostitution at 330 Water street, which is a resort for desperate thieves.

"Frank Winkle keeps a house of prostitution at 337½ Water street. The police are frequently called in to quell fights in Winkle's place, and it bears a hard reputation.

"The Radical authorities have appointed one John (alias 'Buckey') McCabe, a supervisor of the eighth district, Fifteenth ward. He is now under indictment for shooting a man with intent to kill. This precious 'supervisor' originated here, and was first known to the police for his dexterity in robbing emigrants. His picture is in the 'rogues' gallery' at police headquarters in this city, No. 225. He was known as Pat Maddon, alias 'Old Sow,' alias Honsey Nichols, alias Dennis McCabe. His real name is Andrew Andrews. His wife resides in North Pearl street, and the 'supervisor' of the eighth district, Fifteenth ward, New York, is down in the directory as a citizen of Albany.

"William Lewis is a supervisor in the Nineteenth ward. He was arrested November 22, 1864, for stealing from Mr. Frederick Landmann, corner of Third avenue and Seventy-second street, the following property: One gold watch and chain, one locket, ear-rings, bracelet, and breast-pin, all valued at $195. The stolen property was found in his possession, and the prisoner was committed for trial by Justice Connolly. He was afterwards released to go and enlist in the Army.

"Joseph Hurtnett, supervisor Eighteenth ward. Arrested June 3, 1869, as accessory to the murder of Richard Gerdes, a grocer, corner of First avenue and Twenty-fourth street.

"Henry Rail, supervisor Eighth ward. One of the principals in the Chatham street saloon murder; went off West to escape punishment, and has only been back a few weeks.

"James Moran, supervisor third district, Eighth ward. Arrested on Sunday last for felonious assault.

"William (alias Pomp) Harton (colored), marshal Twenty-second ward. Arrested a few days since for vagrancy.

"Theodore Allen, marshal Eighth ward. Now in prison for perjury and keeps a house the resort of panel-thieves and pickpockets, on Mercer street.

"Richard O'Connor, supervisor seventh district, First ward. He has been for years receiver of smuggled cigars from Havana steamer.

"L. H. Cargill, supervisor ninth district, Ninth ward. Tried in United States court for robbing the mail.

"John Van Buren, supervisor twelfth district, Eighth ward. Was at one time in the sheriff's office and discharged for carrying a load of seized goods from the establishment of Richard Walters, in East Broadway.

"Mart Allen marshal Eighth ward. Served a term of five years in the Connecticut State prison; sentenced to Sing Sing for five years by Judge Bedford. His case was appealed, and while waiting for decision he managed to get out on bail. His case has been decided against him, and he has fled to parts unknown to ply his vocation and help the Radicals elsewhere.

"John McChesney, supervisor fourth district, Ninth ward. Associates with thieves; bears a bad character generally.

"William Cassidy, supervisor twelfth district, Ninth ward. Is a street bummer, without any visible means of support.

"Thomas McIntire, marshal Eighth ward. Has been frequently arrested for beating his aged mother; sent several times to Blackwell's Island.

"Timothy Lynch, marshal sixth district, First ward. A Washington Market lounger.

"Peter Mose, marshal Sixth ward. Habitual drunkard.

"John Connor, supervisor first district, First ward. Keeps a disorderly gin-mill, resort of lowest characters.

"Francis Jordan, supervisor sixth district, First ward. Lives in New Jersey; was turned out of the post-office by Postmaster Jones for bad conduct.

"Bernard Dugan, supervisor eighth district, First ward. Habitual drunkard; his wife left him on account of his drunkenness, and procured a divorce on that ground.

"John Tobin, supervisor ninth district, First ward. Arrested about six months ago for grand larceny.

"Patrick Murphy, supervisor fourth district, Sixth ward. Two years ago distributed fraudulent naturalization papers and would furnish them to anybody that would promise to vote for Grant.

"Edward Slevin, jr., supervisor second district, Fourth ward. Has an indictment now pending against him in court of general sessions for cutting a boy named Kilkenny.

"Michael Foley, supervisor fourth district, Fourth ward. Well-known repeater, voting for anybody that will pay.

"James F. Day, supervisor seventh district, Fourth ward. Shot at a man in a fight between the Walsh Association and a gang from Water street.

"John Connors, alias 'Jockey,' supervisor third district, Fourth ward. A well-known desperate character.

"Dennis Hogan, supervisor ninth district, First ward. A bounty-bird during the war.

"Richard Enright, supervisor in First ward, eighth district. Arrested for robbery in 1863.

"John Grimes, supervisor twelfth district, Fifth ward. Arrested in April, 1863, for stealing a gold watch.

"Michael Costello, marshal Sixth ward. Bounty jumper during the war.

"Harry Rice, supervisor thirteenth district, Sixth ward. Was connected with the Chatham-street concert-saloon murder, and fled to Nebraska to escape punishment.

"Thomas Lane, supervisor seventeenth district, Sixth ward. Formerly keeper of a notorious den at Five Points, headquarters of thieves and robbers.

"John Lane, supervisor twenty-second district, same ward. Was indicted for receiving stolen goods. Has served a term in Sing Sing.

"Edward Foley, supervisor sixth district, Ninth ward. Arrested last year for stealing a watch.

"Humphrey Ayers, supervisor eighteenth district, Ninth ward. Arrested six years ago for robbing the United States mail.

"John Dowling, supervisor nineteenth district, Ninth ward. Arrested August 20, 1869, for till-tapping.

"James Fitzsimmons, supervisor twentieth district, Ninth ward. Arrested August 1, 1868, for robbery.

"John Martin, supervisor fifth district, Twelfth ward. Arrested a few years ago under an indictment for arson.

"Samuel Rich, supervisor fourth district, Thirteenth ward. Served a term of two years at Sing Sing for felonious assault.

"John (alias 'Buckey') McCabe, supervisor eighth district, Fifteenth ward. Charged with shooting a man with intent to kill about a year ago.

"William P. Burke, supervisor twentieth district, Eighth ward. Served his term in the State prison of Massachusetts for burglary; also two years in the New York State prison.

"James McCabe, supervisor fourth district, Eighth ward. Now confined in the Tombs under indictment for highway robbery.

"William Irving, supervisor fourteenth district, Eighth ward. Has served a term in Sing Sing prison for burglary committed in the Eighth ward, and has never been pardoned.

"Patrick Henry Kily, alias Fred. Williams, supervisor twenty-second district, Eighth ward. Keeper of house of ill-fame; resort of the lowest and vilest characters.

"Patrick Hefferman, supervisor of the tenth district, Sixth ward. Arrested some time since for attempted murder.

"Frederick Sterringer, supervisor Eighth ward. Has been arrested several times for keeping disorderly house.

"J. F. Baderhop, supervisor Tenth ward. Arrested for murder a few years since.

"Ed. Weaver, marshal in Eighth ward. Has been but a short time out of State prison, where he has been serving out his sentence.

"Walter Prince (colored), marshal Eighth ward. Now in prison awaiting trial for highway robbery.

"Andrew Andrews, alias Hans Nicols, marshal. Panel-thief; been sentenced two or three times to State prison, and has just returned from Blackwell's Island."

The above is one of three lists of supervisors and marshals which were published in the New York World. The other lists contained the names of men quite as disreputable as those I have read.

Now, it is conceded, I believe, that these supervisors and deputy marshals were selected by Mr. John I. Davenport, who is the author of the Lodge bill, and who has been referred to on the Republican side of the House as a perfect paragon of integrity, sanctity, and virtue. I beg to ask if a man regarded by Republicans as a person of such perfect character selects such men to control the elective franchise of free Americans, what kind of men might we expect would be selected by chief supervisors who are not blessed with the numerous virtues which our Republican friends insist make up the character of Mr. Davenport?

The truth is, human nature is too weak to be intrusted with so much power, and that principle was the controlling element which actuated our fathers when they framed our present form of government, and the experience of all time has fully confirmed their wisdom. Quite recent events have illustrated that even very good men intrusted with uncontrolled power to select either managers to control elections, or persons in Federal courts to try men of the opposite party for supposed irregularities in the conduct of elections, are too apt to select only partisans of their own political faith, even though the law imperatively provides that the persons selected shall as far as possible be taken equally from the two opposing parties. I read from the CONGRESSIONAL RECORD, Forty-seventh Congress, an affidavit from a United States official regarding the efforts of the marshal to empanel jurors of his own selection to try election cases:

The affiant says:

The marshal said: "They have excused several of the jurors and I have notified men to be here so that I could summon them; none of them are here, and it is going to play hell with these election cases."

Whereupon the person addressed said:

Listen, the boss is stocking the jury on the boys.

Even more recently, we have a similar experience in the Florida Federal courts. I read from the New York World of recent date:

PARTISANSHIP IN FLORIDA.

Judge Swayne, of the northern district of Florida, makes a companion portrait to Judge Woods, of Indiana. He is a Harrison judge, appointed to the vacancy on the bench occasioned by the death of Thomas J. Settle. The World has shown in its Washington and Florida correspondence during the present year how this man has turned his court into a partisan machine organized to convict. Senators CALL and PASCO, of Florida, and Representatives DAVIDSON and BULLOCK have vainly protested to the President against the outrageous conduct of this judge, and the representations made by them to the Senate showing his flagrant violation of law have been buried in the Judiciary Committee room of that body—the committee which will in a few days be called upon to pass upon the new election bill that will invest judges like Swayne with almost unlimited powers over Federal elections.

A SPECIMEN SOUTHERN MARSHAL.

The readers of the World are familiar with the history of John R. Mizell, who was the marshal of Swayne's court. A special correspondent of the World, sent to Florida for the purpose some weeks ago, has shown that Mizell and his associates are guilty of more than one political murder. But he is sustained by the Administration at Washington and rewarded with one of the best offices in the State.

While marshal he wrote this jury-packing letter last July, a fac-simile of which was printed in the World January 27 of the present year:

OFFICE J. R. MIZELL, UNITED STATES MARSHAL
FOR NORTHERN DISTRICT OF FLORIDA,
Jacksonville, Fla., July 5, 1889.

SIR: You will at once confer with McBulby and make out a list of fifty or sixty names of true and tried Republicans from your county registration list for jurors United States court and forward the same to Hon. P. Walter, clerk United States court, and it is necessary to have them at once, as you can see. Please acknowledge this.

I am, yours truly,

JOHN R. MIZELL,
United States Marshal.

C. C. KIRK, Esq., *De Land, Fla.*

Please get the names of the parties as near steam-boat and railroad stations as possible.

If the election bill now before Congress shall become a law elections in the South will be in the control of judges like Swayne and marshals like Mizell and their henchmen. In the North and West, judges like Woods, of Indiana, will be the practical arbiters of appeals to the ballot-box. In our elections, fraud, so far as the Republican party is concerned, will have taken the place of money; purity in politics will, in the words of Senator INGALLS, become an "iridescent dream," and the Republican party, to quote Speaker REED, at Pittsburgh, "will do its own registration, its own counting, and its own certification."

It will not be inappropriate at this time to place before Congress, even at some length, the views of the distinguished predecessors of the present Speaker of the House upon the importance of continuing the system of State control of elections, a system which has worked well for more than a hundred years. I do this in order to contrast them with the position taken by the Speaker upon this subject.

A few weeks ago I read the eloquent speech of Mr. Nason, who represented what is now the county of York, Maine, in the Massachusetts constitutional convention which convened in Boston on January 9, 1788, and which ratified the Constitution of the United States.

This county was one of the two which comprise the district of Mr. Speaker REED. I will now call attention to the speech of the great orator, Sergeant S. Prentiss, who, fifty years afterwards, in 1838, was a Representative in Congress from Mississippi, but who was born and reared in the city of Portland, in the county of Cumberland, the other county of the district of the Speaker, Mr. REED.

In this speech Mr. Prentiss said (I read from page 291 of Memoir of S. S. Prentiss, edited by his brother):

The best rule of interpretation is to ascertain, if practicable, the intent and object of the lawgiver, and then so construe the words as to cover the intent and attain the object. This intent may be best ascertained by a consideration of the necessity which gave rise to the provision. The framers of the Constitution, in prescribing the general modes through which the right of representation should be exercised, very wisely concluded that the regulation of this most important of all political rights should be placed in the hands of the Legislatures of the States respectively as the safest depositories of so important a trust.

Accordingly they provided, by the fourth section of the first article, that "the times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators." But if the Constitution had stopped here it would have been defective; for though the State Legislatures, knowing when the regular term would expire, could regulate the time, place, and manner of elections to fill the term, yet they could not foresee and provide for vacancies which might happen in the representation after the term is filled. The regular vacancies which must occur in the office biennially and at stated periods could of course be foreseen and provided for by legislative action. The power to provide for the filling of these periodical vacancies in the office of Representative was clearly placed with the State Legislatures.

Mr. Prentiss again recurs to this branch of the subject on pages 293 and 294:

Whatever may be the correctness of my views upon this point, no one will deny that the language, spirit, and intent of the Constitution combine to place, as far as practicable, the matter of elections for Representatives and Senators under the control of the State Legislatures. * * * Indeed, so vitally important was it considered to the independence of the States that the legislation should be entirely untrammeled in prescribing the time, place, and manner of elections that it was with great difficulty that the States were persuaded to acquiesce in the controlling power given to Congress to make or alter by law the State regulations.

If you will look, sir, into the debates in the different conventions upon the adoption of the Federal Constitution you will find that no provision was more debated or received with greater jealousy. All the States took the ground that the most important of their political powers consisted in the control, through their Legislatures, over the time, places, and manner of election; and the ultimate supervisory power was reluctantly placed with Congress upon the express ground that it was necessary for the preservation of the Government; that without this provision the States might neglect to make any regulations on the subject, or might fix the times of election at such periods as to prevent a representation, and thereby cause a dissolution of the Government.

It was admitted in all the debates that this power of providing for a deficiency or failure of action on the part of the State Legislatures did not and could not with propriety reside anywhere else than in Congress. Still the States were so jealous on this subject that most of them accompanied their ratifications of the Constitution with a solemn protest against the exercise by Congress of this power, except in cases of failure or neglect on the part of the State Legislatures; and also with standing instructions to their delegates, in all future time, to obtain, as early as practicable, an amendment of the Constitution limiting the action of Congress on this matter to such cases of neglect and failure only. The ratification of South Carolina, North Carolina, Virginia, Pennsylvania, New York, Rhode Island, and Massachusetts, if not others, contain such protests and instructions.

To show the intensity of the convictions of this great Whig orator upon this subject I will read a resolution which he presented to Congress on June 11, 1838, which I read from volume 6 of the Congressional Globe, Twenty-fifth Congress, page 445:

Resolved, That no election or action of this House can deprive the people of any State of their constitutional rights of electing Representatives to Congress at the time designated for that purpose by the Legislature of such State; that the claim of such right on the part of this House would be a dangerous encroachment upon the rights of the States, and its exercise a direct and palpable violation of the Constitution.

During the reading of the foregoing extract, Mr. WHEELER'S time expired.

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn.

Mr. WHEELER, of Alabama. I ask permission to print in the RECORD the portion of the extracts which, owing to the expiration of my time, I have not been able to read.

The CHAIRMAN. The gentleman asks unanimous consent to print the remainder of the article in the RECORD. Is there objection?

Mr. ALLEN, of Michigan. I wish to make a parliamentary inquiry. Can my friend from Alabama print this speech until he prints first the one which he made on last Friday night, about the Farmers' Alliance?

Mr. WHEELER, of Alabama. That will be printed soon. I have been compelled to delay it awaiting important information from the Census Bureau, which bears upon the subject.

I stated in my speech that I would give exact figures and I sent them to the Census Office for verification. I am glad that the gentleman is so anxious to read remarks which I make to this body.

The CHAIRMAN. Is there objection?

Mr. BUCHANAN, of New Jersey. We can not tell whether there is or not. We have not heard what the gentleman was reading.

Mr. WHEELER, of Alabama. The gentleman should have kept quiet and paid attention.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. TAYLOR, of Illinois. Is that literature of 1770?

Mr. WHEELER, of Alabama. If the gentleman will look at it he will see that it refers to current events and bears strongly on this question. I read from a speech in the Forty-first Congress, 1871, by Senator Vickers, and one in the Twenty-seventh Congress, 1838, by Sergeant S. Prentiss.

Mr. GROSVENOR. Mr. Chairman, I renew the amendment.

A good many years ago a gentleman who afterwards became a very distinguished Democrat charged that the State of New York had been carried against Henry Clay by fraud on the ballot-box. It was never denied, although the charge was made specifically and in great detail at the time. Many years afterwards the same gentleman, who was then hanging on the ragged edge of Democracy, wrote an open letter to Governor Tilden, of New York, then chairman of the Democratic State central committee of the State, charging that he, Governor Tilden, by fraud upon the ballot-boxes of the State, after the closing of the polls on the night of the election, had changed the result of the vote in the State, and had elected by this systematic fraud Governor Hoffman to be the executive of that State in place of the man duly elected by the people. That charge was never denied by Mr. Tilden so far as I now remember or in so far as I have read. But, be that as it may, it was approved and indorsed afterwards by the Democratic party itself, indorsed as a truthful utterance, by the nomination of the author of the statement to be their candidate for President of the United States and by the cordial support of the Democracy of New York given to the brave and courageous man who saw fit to thus denounce the frauds committed by the Democratic party in that State.

It was the outgrowth of a state of affairs like that which brought to the surface in this country John I. Davenport and made him the important person he is. No great system of reform and no great leader of reform movements among men ever begin and become prominent and a part of the current events of the day unless there is a necessity existing for such men and such reform. Leadership and prominence in the support of reform always come because of the existence of a necessity, and wherever you see a man springing up into the importance that John I. Davenport has reached in this country, as shown by the testimony of William C. Whitney and John Kelly and the opinions of thousands of others, it is because there is a necessity for that sort of leadership and that sort of promulgation. John I. Davenport grew up to be the mas-

ter of the reformation, which was afterwards aided by a great many leading Democrats of the city of New York, brought into it because being convinced that the day had come for reformation in the city and State of New York, or at least that that period had come which was to approximate in the elections in that city a free ballot and an honest count, or that the continuance of the then existing state of things would produce anarchy, bloodshed, and municipal bankruptcy. Democrats and Republicans united to bring about a change in the situation in New York, and out of the horrors of that period of ballot-box fraud and outrage John I. Davenport came to the front. And he stands to-day in the front rank of the men who have made decent elections in New York barely possible.

John I. Davenport has been all the time within the scope, within the range, within the jurisdiction of the grand juries of the State of New York, and the grand juries have been put in motion and conducted in their operations by some very distinguished gentlemen, members of the bar, district attorneys and assistant district attorneys, and there have been upon the bench of the city of New York some very prominent and distinguished lawyers and judges who have pursued crime in all of its ramifications in that city, and yet I have not heard that they have employed the machinery of the criminal law of New York against the crimes alleged against John I. Davenport. If he is the guilty wretch that justly provokes the ire of my friend from New Jersey [Mr. McADOO], why is it that to-day he stands unimpaired, unscathed by the criminal jurisdiction of the State in which these crimes are alleged to have been committed.

Within the past five years many distinguished gentlemen have left New York for their own good and for the good of the State of New York; some have come back recently under a sort of political necessity in the form of an amnesty in the courts, but a great many are yet wandering exiles over the earth. John I. Davenport resides in the city of New York and it is the public judgment of Americans that to-day he is unjustly censured on the floor of the House for frauds or wrongs on the ballot-box. I do not believe he has been guilty. I do not doubt his entire honesty, and I know of his great value and efficiency. To him, more than to any other man, in my opinion, is due what of reform we have had in New York since the halcyon days of which Horace Greeley wrote.

[Here the hammer fell.]

Mr. McADOO. Mr. Chairman, it is proper that I should say a single word in justice to the memory of a great statesman now dead, Samuel J. Tilden, and that in justice to the memory of this gentleman I should not permit the statement of the gentleman from Ohio, as I understand it, to go uncontradicted. If I understand the gentleman aright he stated that the charge had been made that Governor Tilden, then Samuel J. Tilden, a plain citizen——

Mr. GROSVENOR. The charge was made by Horace Greeley.

Mr. McADOO. The charge was made, as I understand the gentleman, that Governor Tilden conspired to so manipulate the ballot-box at the close of the polls as to secure the election of Governor Hoffman.

Mr. GROSVENOR. That is it.

Mr. McADOO. And I understood the gentleman to say further that the charge had never been denied.

Mr. GROSVENOR. I said it had never been denied by the gentleman against whom it was made, and the truth was that afterwards it was indorsed by the Democrats of the country by nominating the man who made it for President.

Mr. McADOO. I want to say, Mr. Chairman, that what was equivalent to an emphatic denial by Mr. Tilden himself was made upon the floor of this House by Mr. Hewitt, a Representative from New York, then representing one of the districts of the city of New York, and in the closest communion with Hon. Samuel J. Tilden. He stood on the floor of this House and discussed and absolutely, emphatically, and indignantly denied in his name this charge.

Mr. MILLIKEN. He did not deny at the same time the Morey letter, did he?

Mr. McADOO. And it is an act of injustice to a dead statesman, to an eminent statesman, to a patriotic man, who made the greatest of sacrifices to the peace of his country, that this charge should be made that Governor Tilden ever so manipulated the ballot-box as to secure the election of any man in any election. His friends have denied it specifically, emphatically, and circumstantially on every occasion whenever it has been made or suggested.

Now, the gentleman says with reference to Mr. Davenport, if he is such a bad man and such a bad officer, why is he not indicted? Why does not somebody have him arrested? Why is he not prosecuted? My friend knows that Mr. Davenport is a life officer of the Federal courts; that he acts as a Federal officer; that the whole machinery and partisan sympathy of those institutions go out to this officer of their own selection, and who in election times is the right hand of Federal power; and the citizens of the State of New York can not get him into the State courts, because you have made him a power beyond local control so far as you can and so far as the decision of your courts can go. You have made him a power not amenable to the State courts of New York so long as he acts under the color of Federal law. That may answer the question why Mr. Davenport has not been sued or indicted. Now the gentleman from Ohio [Mr. GROSVENOR] wonders why Mr. Davenport should be so aspersed, as he says, or why gentlemen on this side of the House should make such strong charges against him.

Mr. MILLIKEN. The gentleman from New Jersey does not mean to state, does he, that the Federal judiciary of New York will wink at crime if that crime is committed by Federal office-holders?

Mr. SPRINGER. Under color of authority.

Mr. McADOO. I can not yield now. I am answering the gentleman from Ohio [Mr. GROSVENOR]. The gentleman knows, as one who has had part in the administration of the law, knows as well as any living man knows, how under the color of the statute, how under the shadow of authority, backed by a powerful Government, in sympathy with a great and powerful political party controlling that Government, with the Federal Treasury and enormous campaign funds behind him, how a man can, without actually violating the letter of the law, by narrow and illiberal construction or abuse of his discretion, violate its spirit, persecute the citizens, and degrade the execution of justice, and yet not be amenable to an indictment or to answer in a State court or any court for his actions.

Mr. BUCHANAN, of New Jersey. Will the gentleman yield to me for a question?

Mr. McADOO. Certainly.

Mr. BUCHANAN, of New Jersey. How did that state of affairs protect Mr. Davenport during the four years of Democratic administration?

Mr. McADOO. Because Mr. Davenport is a diplomate—[derisive laughter on the Republican side]—Mr. Davenport is a Talleyrand, and when Mr. Davenport found that he did not have a great political party and a friendly Administration the Talleyrandic Mr. Davenport cooed as softly as a dove. He was a gentle officer of the law, standing upon its letter, careful not to violate its spirit, as he considered himself in political exile and his talents suppressed, and the arena of his great achievements curtailed, until Benjamin Harrison was elected, when he blossomed out, not alone under the present law, but as the proud father of the measure which now excites the honest indignation of the country.

Mr. BUCHANAN, of New Jersey. I bow to the rhetoric of the gentleman, if not to his logic.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] is recognized.

Mr. HERBERT. I desire to state in answer to the gentleman from New Jersey [Mr. BUCHANAN] that Mr. Davenport——

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] was recognized. If he does not care to occupy the floor the gentleman from Alabama [Mr. HERBERT] will be recognized.

Mr. GROSVENOR. I supposed the gentleman from New Jersey [Mr. McADOO] had not finished his remarks.

Mr. HERBERT. I simply desire to make a statement in answer to the question of the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN, of New Jersey. I would like to have a better answer than the one I got.

Mr. HERBERT. The answer is this, that Mr. Davenport has been a supervisor and holds his office under the circuit judge of the United States. That circuit judge is, I believe, a Republican. Mr. Davenport is not subject to impeachment or removal by anybody except the circuit court of the United States.

Mr. BUCHANAN, of New Jersey. And the circuit judge is Judge Lacombe, who was appointed by President Cleveland.

Mr. CRISP. He is only an additional judge.

Mr. BUCHANAN, of New Jersey. Has the gentleman any further explanation?

Mr. CRISP. That judge is an additional judge. He had nothing to do with this appointment at all. The gentleman knows that, if he knows anything about it. The gentleman must know that the Democratic judge he mentioned is simply an additional judge who has nothing to do with the appointment. He knew that, if he knew anything about it all.

Mr. TURNER, of New York. That is the trouble. He did not.

Mr. GROSVENOR. Mr. Chairman, I trust my friend from New Jersey will see to it that his remarks shall not by any possible fair construction place the inference upon me that I indorsed in any wise a charge against a dead man, Mr. Tilden. I was pointing out that it was out of a set of facts, a condition, that such men as Mr. Davenport come to the front. I was showing that it was because of the public opinion independent of the facts that brought Mr. Davenport up to the position he now holds. And I cited the fact that so distinguished a man from New York as Horace Greeley had made such a terrible charge as that against a leading citizen of the city, who afterward became so prominent. I have no knowledge upon the subject, not half as much knowledge as I have that within the past two years in more than one place in the State of New York by the concurrent statements of Democrats and Republicans alike the voice of the majority has been set aside and the will of the minority has been substituted.

The letter of Mr. Greeley was published in 1869, and again in 1872. It was dated October 20, 1869, and is in the following words:

To SAMUEL J. TILDEN, *chairman Democratic State committee:*

SIR: You and I are growing old. We came here young men from the country, and have lived and struggled side by side for nearly forty years. We have

participated ardently in many political struggles, always on different sides. You were the pupil and protégé of Van Buren and Silas Wright; I, a disciple and follower of Henry Clay. But this I will say for you, that I am confident you have never sought to enrich yourself by politics or at the expense of the public, that whatever of wealth you may have acquired or enjoyed was earned in your profession as a lawyer, and that your instincts and your influences, partisanship apart, have generally been felt on the side of economy in public expenditure and uprightness in the conduct of public affairs. Of my course in these respects you are welcome to say whatever you think true.

On one very important point, however, your bitterness as a partisan has impelled you to ignore and come short of your duty as a citizen and a professed upholder of government by the people; and for this dereliction I here arraign you. I allude to the preservation of the purity of the ballot-box.

You and I grew up in the country and are familiar with elections as there conducted. We both know that, except in a few districts where the voters are all on one side, it is morally impossible that any considerable proportion of fraudulent votes should there be polled; for those who attend a poll are nearly all well known to each other, and hardly ever is one entitled to vote who is not known to be so to men of each party. If one should offer a vote who is not so known, he is challenged and questioned, of course, and his answer will convict him if a bogus voter. I do not believe that the illegal vote in the rural districts was ever 1 per cent. of the whole number polled, even when there was no registration of legal voters.

How different is the case in cities, and especially in this Babel, you very well know. Long as you have lived in Gramercy Park and eminent in social position and fortune as are the inhabitants of that favored locality, you could not tell within twenty which of the residents in sight of your front door are and which are not entitled to vote; you could not make a list of the legal voters residing on that square which would even approach accuracy. How it must be, then, with the nomadic denizens of our "back slums" and of our great tenement houses; how utterly impossible is it that any one should know which among them are and which are not legal voters, and whether the man who appears to vote at 11 a. m. at one poll has not already voted several times at different polls, and whether he is or is not on his way to vote still oftener at other polls, you can not help knowing if you would. I can imagine how a man may shut his eyes to many things which he deems it convenient not to know, but I speak of what you must know, however you may wish or seek to be ignorant of it.

The matter to which I call your attention is vital to the very existence of free, popular government. Whenever it shall be generally understood that the results of the elections are not determined by the ballots of legal voters, but by frauds in voting or by frauds in counting, then the advent of avowed, unequivocal despotism must be near at hand. Between the rule of an emperor and the rule of a clique of ballot-box-stuffers, every intelligent man must prefer the former as less rapacious and more responsible. When honest citizens shall avoid the polls, asking, "What is the use of voting? The result is already fixed," the days of the Republic will be numbered. Between a ruler who prohibits voting altogether and the gang who make it a sham by filling the ballot-boxes with illegal votes or miscounting those actually cast, the sway of the former is every way preferable.

Mr. Tilden, I have been voting here for thirty-seven years and an active politician for more than thirty of them, and I appeal to God for my sincerity and to my public record for a witness that in all those years I have earnestly sought and labored to have our elections decided by legal votes and none other. Seeing how great are the temptations and the facilities, under a right of suffrage so general as ours, to poll illegal votes, I have openly and actively favored every effort to shut them out and keep the suffrage pure and legal. That every legal voter should have a full and fair opportunity to vote once at each election; that no one should be enabled to vote more than once, and that none but legal voters should be allowed or empowered to vote at all—such has been my constant aim. I have not confined myself to barren professions, but have shown my faith in my works. How is it with you? You hold a most responsible and influential position in the councils of a great party. You could make that party content itself with polling legal votes if you only would. In our late constitutional convention I tried to erect some fresh barriers against election frauds. Did you? The very little that I was enabled to effect in this direction I shall try to have ratified by the people at our ensuing election. Will you?

Mr. Tilden, you can not escape responsibility by saying with the guilty Macbeth—

> Thou canst not say I did it; never shake
> Thy gory locks at me!

for you were at least a passive accomplice in the giant frauds of last November. Your name was used, without public protest on your part, in circulars sowed broadcast over the State, whereof the manifest intent was to "make assurance double sure" that the frauds here perpetrated should not be overborne by the honest vote of the rural districts. And you not merely by silence, but by positive assumption, have covered those frauds by the mantle of your respectability. On the principle that "the receiver is as bad as the thief" you are as deeply implicated in them to-day as though your name were Tweed, O'Brien, or Oakey Hall.

Mr. Tilden, you and I were ardent participants in the struggle of 1840, wherein Martin Van Buren was ousted from the Presidency by General Harrison. You know how thoroughly our city was absorbed in that contest, wherein every man, woman, and child took a deep and lively interest. Our elections were then held throughout three days; there was a registration freshly enacted which blacklegs had not yet learned to circumvent; the right of suffrage was as widely diffused as it now is, and no one ever complained that a single legal voter was unable then to poll his vote. And, though our city has since largely increased its population, the lower wards were quite as populous then as they are to-day—several of them more so. They were full of boarding-houses crowded with clerks and mechanics. Many of these covered sites since given up to great warehouses and manufactories; their denizens have moved up town, over to Brooklyn, or out on some of the railroads that lead into the open country. Practically, the lower wards are being given up to commerce and no longer shelter by night the multitude who throng their streets by day.

Now look at the vote of four of these wards in 1840 and 1868, respectively.

Wards.	President, 1849.		Governor, 1868.	
	Harrison.	Van Buren.	Griswold.	Hoffman.
IV	1,138	1,177	480	3,830
VI	806	1,223	369	5,032
VII	1,707	1,728	1,265	6,895
XIV	1,142	1,393	726	4,526
Four wards	4,793	5,521	2,840	20,283

Van Buren's majority, 726; Hoffman's majority, 17,443.

Mr. Tilden, you know what this contrast attests. Right well do you comprehend the means whereby the vote of 1868 was thus swelled out of proportion. There are not 12,000 legal voters residing in those wards to-day, though they gave Hoffman 17,443 majority. Had the day been of average length it would doubtless have been swelled to at least 20,000. There was nothing but time needed to make it 100,000 if so many had been wanted and paid for.

Now, Mr. Tilden, I call on you to put a stop to this business. You have but to walk into the sheriff's, the mayor's, and the supervisors' office in the City Hall Park and say there must be no more of it—say it so that there shall be no doubt that you mean it—and we shall have a tolerably fair election once more. Probably a good part of the 50,000 supplied last fall with bogus naturalization certificates will appear to register and to vote, some of them pretending not to know that they are no more citizens of the United States than the King of Dahomey is, but very few will vote repeatedly unless paid for it; and we shall not be cheated more than 10,000, if you simply tell the boss workman that there must be no more illegal voting instigated and paid for.

Will you do it? Your reputation is at stake. The cowardly craft which

> Would not play false
> And yet would wrongly win—

will not avail. If we Republicans are swindled again as we were swindled last fall you and such as you will be responsible to God and man for the outrage. Prosecutors, magistrates, municipal authorities, are all in the pool; we have nothing to hope for from the ministers of justice, and the villains have no fear of the terror of the law. I appeal to you and anxiously await the result.

Yours,

HORACE GREELEY.

NEW YORK, *October* 20, 1869.

Nothing more graphic, nothing more startling than this was ever written by mortal. Do you, Mr. Chairman, do you my Democratic brethren believe this letter was false and libelous, and that nevertheless your party in New York gave to the writer in 1872, the year of the last publication of the indictment, its solid vote for President of the United States?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOWER. Mr. Chairman, I was informed this morning that the gentleman from Ohio had his guns loaded for the Speaker of the House instead of for New York State or Johnnie Davenport. I understood that he was going to make this House howl because he had not been recognized on some little bill and because the great imperial State of New York had been recognized in order to get permission to authorize the Secretary of the Treasury to sanction the laying of a cable-road past the post-office.

I had hoped that there would be fairness enough possibly in the gentleman from Ohio, New York having lost the world's fair and almost everything, that he would let her have a little cable-road without making all this ado and fight on the Speaker. But he has turned his guns from the Speaker, probably thinking that it had been made pretty hot for him on this side of the House, and has turned them on the great city of New York.

What my learned friend from Alabama has said in regard to Judge Lacombe is true. He is the judge of the customs cases for the State of New York, and for that only, and his jurisdiction ends there, or rather he confines his cases to the customs department.

Now, as to nobody having indicted Mr. Davenport. As the gentleman from New Jersey [Mr. MCADOO] has said, he, Davenport, has been as "tame as a kitten" for the last four years. Ever since Mr. Cleveland came into power he did not do a single thing that would be indictable. Under the present Federal election law we have one Democratic supervisor and one Republican at every poll, but may the Lord have mercy on the State of New York in any district where there is not more than three to five hundred majority or as much as 1,400 Democratic majority with the proposed election law in vogue, giving him and the courts the right to appoint two Republicans to one Democrat at every election district for supervisors.

With such a number of Federal supervisors as that bill will deal you out (300 in each Congressional district) it will put you in such a shape that you can control the district. Make a relay of them, make it 600, as under the bill you have a right to do, and will anybody on the other side tell me where the Schoharie, Otsego, and Herkimer district, with its 200 Democratic majority, will be? Where will the Chemung district be, where my friend [Mr. FLOOD] comes from, with its 341 majority? Where will any district with a less majority than 300 or 1,000 be? as those majorities can be overcome by the appointment of these men under this law for five weeks at from $3 to $10 a day as Federal supervisors; for Johnny Davenport or some other chief supervisor will be sure to have Democrats appointed and have them where they can not vote, working at different polling places, and that will carry the district.

Will anybody tell me why one thousand United States deputy marshals from the State of Rhode Island can not be appointed and put into Connecticut, and one thousand men from Connecticut appointed and put into the State of Massachusetts or New Hampshire. If they can do it, you take the right of an honest ballot and an honest count from the State of Rhode Island and the State of Connecticut, and pay for the whole of it out of the Federal Treasury by this bill. I can name thirty such districts in the United States where a change of 300 votes will change the result, and this Federal election bill, under such political pressure as will be brought to bear, will give you a majority of thirty Republicans, and make the Federal Treasury foot the bill for all your election expenses.

[Here the hammer fell.]

Mr. BELDEN. Will the gentleman allow me a question?

The CHAIRMAN. The time of the gentleman has expired and debate upon this amendment is exhausted.

Mr. PAYNE. It occurs to me, Mr. Chairman, that the Democratic party must be very hard up for an issue when they take up so much of the time of the House in going back to these old matters that occurred some eighteen or twenty years ago in the city of New York, and that, too, in a discussion upon a general appropriation bill when the motion is to strike out the last word of a clause that bears no relation whatever to that subject.

Mr. Chairman, it is well known to the country, it is well known to gentlemen upon that side of the Chamber, that when this first supervisor of election law was passed there was a regular mill engaged in grinding out naturalization papers in the city of New York, a mill that did not deserve the dignity ot being called a court, because those papers were handed out to immigrants upon the streets and were given out generally without any sanction of judicial authority. They were a scandal upon the elective franchise. They were a scandal upon the privilege which our laws had given to aliens to come here and after five years' residence become citizens of the United States. Those naturalization papers being turned out in that way by wholesale, Mr. Davenport, as he had a right to do under the law, seized them, and in doing so he made himself amenable to the process of the court if those papers were legal.

But it is said that the men from whom they were taken were poor men. It is the glory of our judicial system that the poor man has an equal chance with the rich man to procure an indictment before a grand jury, and in this instance the grand jury was selected from the Democratic city of New York. Why did not they appear before that grand jury? Did it require money to procure witnesses? Then why not spend for that purpose a few of the fifteen or twenty thousand dollars that you assessed upon each of your candidates for office? If these seven or eight thousand naturalized citizens were legally naturalized and had a right to vote, and a few dollars were needed to pay the expense of procuring witnesses, why did you not spend those few dollars for that purpose? But, no. You waited; you did not act at the time, and now, after twenty years, you bring in your bill of complaint. You at one time brought this matter before the House of Representatives.

The distinguished gentleman from the city of New York [Mr. Cox] was, I believe, chairman of the investigating committee. He examined the matter at the time. He took the testimony of witnesses from the city of New York, some of them Democrats whose names have since become national, Mr. Whitney, for instance. The committee examined into the facts of this matter, and what was the result? Why, the result was that Mr. Davenport was exonerated by the evidence of men like William C. Whitney before a Democratic House of Representatives. Yet now, at this late day, we hear gentlemen from other States, the gentleman from New Jersey—New Jersey, a State one city of which has become famous of late because of its scandals against the election laws—coming in here and hurling anathemas against John I. Davenport.

You come here now, gentlemen, and make these general charges. You did not have the courage to go before the grand jury organized in that Democratic city twenty years ago; then why bring the matter up here now? Can not you present any other issue to the people of this country? Are you without issues? Are you without a policy? Can you not bring in anything except the name of John I. Davenport, coupling it at this late day with the false charge that the several thousand naturalization papers which he seized were valid, and that the men who held them were legal voters, when it has been acknowledged here broadly, not to-day, but within a few weeks, that those same men have not been able to vote from that day to this because their naturalization papers were taken from them?

If those naturalization papers were correct and valid, why did not you proceed in the courts? Why did you leave those six or seven thousand voters out of the count when New York was so close year after year and when your only hope of the Presidency depended upon securing the vote of that State? Are you so cowardly, are you so without resources, do you understand so little of the laws and processes of the courts of the country that you could not avail yourselves of those thousands of votes which you claimed were legal through all those years when you were struggling in the State of New York to get her electoral vote as your only means of capturing the Presidency?

Mr. BUCHANAN, of New Jersey. The suavity of Davenport deterred them.

Mr. PAYNE. Did John I. Davenport prevent you from doing this? Was he such a giant that he could defy the whole national Democratic party and prevent you from taking means to secure those votes and that power which you sought so eagerly? [Applause on the Republican side.]

Mr. HERBERT. Mr. Chairman, the gentleman from New York [Mr. PAYNE] seems to be a little out in his facts. I understand him to say that Mr. Davenport was fully vindicated by a report made by a committee of which Mr. Cox was chairman, a committee appointed by a Democratic House. The only report that I know anything about in relation to what are called the Davenport frauds in the city of New York I now hold in my hand. That report was made by Mr. Lynde, of Wisconsin, as chairman of a committee consisting of himself, the gentleman from Alabama, Mr. FORNEY, and the gentleman from Maine, Mr. FRYE, who, as we all know, is now a member of the Senate.

If Mr. FRYE really dissented, as he may have done, he did not, so far as I can find, make any minority report; but, whether he dissented or not, the statements contained in the report stand uncontradicted. They are the findings of the committee, the conclusions they drew from the evidence before them. Let me read the conclusions as set forth in the report. It was submitted March 3, 1879:

> The course of John I. Davenport, in regard to these naturalized citizens, admits of no justification. Mostly poor and ignorant, dependent upon their daily labor for their daily bread, honest themselves and disposed to believe others honest, they were induced to surrender their papers when told that all papers issued by these courts in 1868 were invalid.

All these cases had arisen out of the fact that during the year 1868 many naturalization papers had been issued which were informal, the recipients of which in most cases, as the report says, were perfectly honest and sincere. These were the men that Davenport practiced upon, and the report goes on to say:

> They signed a deposition prepared beforehand, mostly in print, to escape the arrest referred to in the notice of the district attorney and sent to them by Davenport.
>
> Others, believing their papers to be valid, and whose papers were in fact valid, knowing that Davenport had persistently and continuously for years attacked and seized the false and fraudulent papers, knowing that each year when there was a Congressional election they had been challenged and questioned by the supervisor under Mr. Davenport's direction as to all the facts necessary to the validity of their papers, and having answered the questions satisfactorily, and sworn in their votes, did not believe these threats of arrest were intended for them, and when dragged from the polls and denied the right to vote, they first realized the power of the chief supervisor of elections.

Then the report goes on to state that in the case of Coleman, which was a test case, Judge Blatchford discharged Coleman upon the ground that he had been guilty of no offense whatever. Here is the statement as to that:

> Judge Blatchford, at the conclusion of his opinion in the Coleman case, says: "But there is another ground on which Coleman is entitled to be discharged. Even if there were such a defect in the record of the superior court as to make the certificate given to him one that was unlawfully issued or made, he was not guilty of an offense under section 5426 unless, when he used the certificate, he knew that it was unlawfully issued or made."

Thus the court in a test case pronounced innocent the men who had been imprisoned by hundreds. This was Mr. Davenport's work.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. I hope we shall now proceed with the consideration of the bill.

Mr. BUCHANAN, of New Jersey. A single moment before the reading of the bill is resumed.

Mr. HENDERSON, of Iowa. I believe only formal amendments are pending.

The CHAIRMAN. The formal amendments will be considered as withdrawn.

Mr. BUCHANAN, of New Jersey. I renew the *pro forma* amendment to strike out the last word. I find in volume 23 of the CONGRESSIONAL RECORD, being the last volume of the second session of the Forty-fourth Congress, these words:

> Whatever may be said about the United States law as to elections or their supervision by United States authority; whatever may be said as to the right of a State to regulate in all ways such elections, this must be said, that the administration of the law by Commissioners Davenport, Muirhead, and Allen, the United States functionaries and their subordinates, was eminently just and wise and conducive to a fair public expression in a Presidential year of unusual excitement and great temptation. The testimony of Mr. Davenport, the United States Commissioner for the Southern district of New York, is a remarkable statement, which the committee would adopt as the basis of their report as to the three cities.
>
> * * * * * * *
>
> The committee would commend to other portions of the country and to other cities this remarkable system developed through the agency of both local and Federal authorities acting in harmony for an honest purpose. In no portion of the world and in no era of time, where there has been an expression of the popular will through the forms of law, has there ever been a more complete and thorough illustration of republican institutions. Whatever may have been the previous habit or conduct of elections in those cities or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise.
>
> From the moment the supervisors are appointed, from the moment that the lists are purged, from the moment that the applications are examined to the very last return of the popular expression, this election shows the calm mastery of prudence. For this due credit should be given to men of both parties, and especially to the corporation counsel, Mr. Whitney, and United States supervisors.
>
> Mr. Commissioner Davenport had maps of every house and building in the city. These maps were corrected regularly every thirty days. You can not build a wing to your house, or change its number, or add to its stories or rooms, or change the character or quality of the dwelling without its being registered by the supervisor. All the doubtful or suspected or bad houses are registered and known. When these changes are made that fact is brought to the attention of the functionaries in charge of the trust, and all trouble appeased and all wrong rectified.

That is the language of the report of the committee appointed to investigate alleged frauds in the cities of New York, Jersey City, Brooklyn, and Philadelphia; and it is signed by S. S. Cox (chairman), A. V. Rice, and A. M. Waddell.

Mr. HERBERT. What is the date in that report?

Mr. BUCHANAN, of New Jersey. Eighteen hundred and eighty-seven.

Mr. HERBERT. The report to which I have referred was made in 1879. When additional facts had come to light and additional wrongs had been done, this report from which I have read was made, and it stands uncontradicted. There is no minority report.

Mr. MILLIKEN. But the report just quoted by the gentleman from New Jersey [Mr. BUCHANAN] says that Mr. Davenport was right.

Mr. HERBERT. That is no answer to what I have read, because he had not been found out at that time. What the gentleman from New Jersey read does not tend in the least to show that the report I have read is not true.

Mr. MCADOO. I hold in my hand the report made in 1879 by a committee composed of Mr. Lynde, Mr. FORNEY, and Mr. FRYE (now one of the Senators from the State of Maine), the committee having been directed "to investigate the charges against Commissioner John I. Davenport in his capacity as chief supervisor of elections." Mr. FRYE made no minority report, so that this stands as the report of the whole committee. It concludes as follows:

These are the evils which demand a remedy. Mr. Davenport holds his office by appointment from the judge of the circuit court of the United States for the second circuit. He is not subject to impeachment or removal by Congress. The only way he can be reached, if the circuit court should see fit to continue him in that office, is by a repeal of the law creating the office. Your committee believe that the power conferred upon the supervisors of election, as it has been exercised in the city of New York, is destructive of the rights of the citizen and, instead of promoting purity of elections, has been made use of by partisans for purely partisan purposes; and they therefore recommend the repeal of all laws authorizing the appointment of supervisors or chief supervisors of elections; also, all laws authorizing special marshals of elections.

Mr. MILLIKEN. I wish to ask the gentleman whether Mr. FRYE signed that report.

Mr. MCADOO. I do not know whether he signed it or not.

Mr. MILLIKEN. Why then do you assume that Mr. FRYE concurred in the report, if his name is not signed to it?

Mr. MCADOO. For this reason: The report begins in this way:

That a subcommittee, consisting of Mr. Lynde, Mr. FORNEY, and Mr. FRYE, proceeded to the city of New York and took such testimony as was offered on behalf of the memorialists; also the testimony of Mr. Davenport, and such witnesses as he desired; all of which has been printed by order of the House.

The report then proceeds without any reservation on the part of Mr. FRYE, and so far as I know without there being anything on record to show that he dissented. If he did, I would be glad to state it.

Mr. MILLIKEN. If the gentleman will allow me, "so far as he knows" is a distance that I do not know anything about.

Mr. TURNER, of New York. It goes beyond you.

Mr. MILLIKEN. But I do not think the gentleman is warranted in stating that Mr. FRYE can be included as indorsing the report when it is not signed by him. I know Mr. FRYE very well and have known him for a good many years, and I know that he is accustomed to putting his signature to what he believes, and if he indorsed or agreed to the report he would have signed it.

Mr. MCADOO. There are no names signed to the report at all. It was just like the reports of committees that come to this House. What I say is that there is no minority report.

Mr. MILLIKEN. But you have no knowledge that Mr. FRYE approved it?

Mr. DINGLEY. It is more than likely that Mr. FRYE did not. Very probably he did not see it or he would have dissented.

Mr. MCADOO. I was myself surprised, I will state candidly to the gentleman, to find that Mr. FRYE, a strong partisan, did not dissent, and is not on record as dissenting to the report. Because I agree that the probabilities are that he would have dissented from the report. But there is no evidence, I say, that he dissented, and there is no minority report.

Mr. HOPKINS. There is no evidence that he ever saw the report or that he took any part in the investigations of the committee.

Mr. MCADOO. Nothing more than it is stated in the report that Mr. FORNEY, Mr. Lynde, and Mr. FRYE were a committee.

Mr. MILLIKEN. I am very sure that Mr. FRYE never agreed to that report.

Mr. HENDERSON, of Iowa. Mr. Chairman, I think now we have had words enough and scolding enough, and I hope we will go on with the bill.

The CHAIRMAN. It may not perhaps be improper for the Chair to suggest that the bill under consideration relates to deficiencies in appropriations rather than in political parties.

Mr. MCMILLIN. But the committee is talking of a deficiency in common honesty in elections.

Mr. FORNEY. Mr. Chairman, I wish to state in justice to Mr. FRYE, who was on the committee that investigated the Davenport matter, that while he intended to write a minority report it was too late. We were just about to adjourn and he did not do it. We did not get through with our report until just before Congress adjourned, and though it was his intention to submit a minority report he had no opportunity to do so.

Mr. DINGLEY. But he dissented from the views of the majority, as I understand?

Mr. FORNEY. I do not think he ever read the report.

Mr. MILLIKEN. Now, I hope my friend from New Jersey is satisfied.

Mr. HERBERT. But this report, this last report, is a complete answer to the other report referred to by the gentleman from New Jersey, which was made before additional facts came to light.

Mr. MILLIKEN. Well, that is the opinion of the gentleman, and the House can take it for what it is worth.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

For the payment of special deputy marshals at Congressional elections, being a deficiency for the fiscal year 1888, $34,745.

Mr. SPRINGER. Mr. Chairman, I desire to offer an amendment to the text of the bill.

The Clerk read as follows:

Add, after line 8, page 53, "to pay the widow of Temp Elliott, late deputy United States marshal in Oklahoma, the sum of $300, in full for his services as deputy marshal during the opening of Oklahoma, Indian Territory, in the year 1889.

Mr. MCMILLIN. I reserve the point of order, Mr. Chairman, as the chairman of the committee does not seem disposed to do it.

Mr. SPRINGER. This amendment——

Mr. HENDERSON, of Iowa. If the gentleman will allow me I will state that the information the gentleman from Illinois has furnished to me in regard to the matter is sufficient, in my judgment, if it had been before the committee at the time the bill was prepared, to have induced them to incorporate this item in the bill.

Mr. SPRINGER. The Secretary of the Treasury, in Executive Document No. 224, transmitted this claim to the Speaker of the House of Representatives among other expenses of the Department of Justice, and recommended its payment, as the gentleman will see by reference to the executive document named.

The CHAIRMAN. What date?

Mr. SPRINGER. February, 1890.

The claim is transmitted amongst others under the following heading:

I have the honor to transmit herewith for the information of Congress a communication of the Attorney-General of the 17th instant, submitting estimates of deficiencies in certain appropriations for the Department of Justice, as follows.

Then follow "miscellaneous expenses," "contingent expenses," and so on, and for the payment of the special deputy marshal whose name is incorporated in the amendment. I will state that I had some knowledge of this case from the fact that the gentleman mentioned here, and now deceased, was formerly the sheriff of the county in which I live; and a more honorable, faithful public servant never was employed in the Government service.

Mr. HENDERSON, of Iowa. Let us have a vote.

Mr. MCMILLIN. Before that I wish to inquire of the gentleman from Illinois whether this is the regular sum or salary that is paid in such cases, the per diem amount under the general law.

Mr. SPRINGER. It is the amount recommended by the Attorney-General.

Mr. MCMILLIN. That is not what I want to get at; but what the general law is.

Mr. SPRINGER. If he had been employed in attendance on the court this would be the amount, but he was in attendance at the land office. It is the regular fee for attendance at court.

Mr. MCMILLIN. How was he detailed?

Mr. SPRINGER. By the United States marshal for the district. When the Territory was opened there was no peace officer in the Territory except the United States marshal, and this officer was detailed to the land office at Oklahoma, where he remained faithfully night and day until he contracted the disease from which he died shortly after. This amount goes to the widow, for services her husband rendered for several months, at a time when it was dangerous even to life to occupy the position he did. I know the circumstances well, and know that no man over deserved compensation more, nor can there be a more just and proper claim against the Government than that presented here in behalf of his widow.

Mr. MCMILLIN. It is the amount that the law would have allowed to be paid if there had been no deficiency in the Treasury.

Mr. SPRINGER. Yes, sir.

The CHAIRMAN. Is the point of order insisted upon?

Mr. MCMILLIN. I withdraw the point of order. It seems to have been in pursuance of law.

The amendment was agreed to.

Mr. TRACEY. Mr. Chairman, I move to strike out the last words, for the purpose of making an inquiry. I would like to ask the gentleman from Iowa in charge of the bill [Mr. HENDERSON] whether the amount appropriated in this bill covers all the claims that have been approved by the proper authorities for the payment of deputy marshals in 1888?

Mr. HENDERSON, of Iowa. Yes, sir; that was covered in the paragraph that was just passed. The total asked for is $34,000, and it covers all the items.

Mr. TRACEY. There are a large number of these marshals who are not paid. In fact, I believe none of them who were employed in the district which I have the honor to represent and in the districts surrounding received any pay at all.

Mr. HENDERSON, of Iowa. The whole amount is included here, and it all goes to the deputy marshals for attendance upon election day. We have put in every dollar of it.

Mr. TRACEY. I would like to occupy a few moments to reply to the gentleman from Ohio [Mr. GROSVENOR].

Mr. HENDERSON, of Iowa. Oh, do not discuss the election law any more.

Mr. TRACEY. The gentleman from Ohio [Mr. GROSVENOR] made a passing allusion to elections in the city of Albany. I would regret very much to do anything that would further encroach upon the time of the committee, but it appears to me it would be improper and unjust to my own city not to reply in a few words. I was unable to catch the words of the gentleman and I did not understand what his allusion was, but I will say this, Mr. Chairman, that as far as I know there has been no serious charge made of any extensive frauds in the city of Albany at any time by persons having responsibility. At the time that I was first a candidate for the House of Representatives a gentleman ran upon the same ticket for the State senate in the corresponding district. In one election district in the county, outside of the city, it was charged that a vote had been changed, that about 100 votes had been taken from this young man—Mr. Chase—who was the Democratic candidate for the senate, and given to Mr. Russell, the Republican candidate, and the outcome of that was that Mr. Russell obtained the seat of the senator by a majority of 8 votes.

Two years afterward Mr. Chase was renominated and was elected senator by a majority of over 3,000. In the last election, the spring election, Mr. Manning, son of the former Secretary of the Treasury, was nominated for mayor of the city of Albany, and he carried the city by a majority of 7,200. It is the opinion of a great many people in my locality that some foolish charges which have been made, in the same manner as the gentleman from Ohio has attempted to slur the city of Albany, have had the effect of making the people generally indignant, and that a very large number of Republicans, who do not particularly desire to vote for Democrats, have taken to voting the ticket for the purpose of reproving certain papers in the city which have attempted to cast reflections upon the motives of our citizens. If the gentleman from Ohio [Mr. GROSVENOR] had made any specific charges I would have been glad to attempt to disprove them, but I think what I have said will be sufficient to indicate that I do not deem that there is any occasion for such charges being made.

Mr. TURNER, of New York. Where was that fraud?

Mr. GROSVENOR. In a recent case, only a year ago, in the city of Albany, where by the common admission of everybody there was a fraud as gross as any one that has ever been charged against the Democrats in Columbus or Cincinnati. That is what I was saying. Now, in regard to the reason why Mr. Davenport has not been indicted, was there ever so pitiful an answer from so distinguished a man—that a United States judge, appointed for life, that a distinguished Democratic United States district attorney—I do not remember who he was, but Mr. Cleveland did not appoint a one-horse lawyer to be district attorney for the city of New York—with all that retinue of assistant district attorneys, with the machinery of the juries so thoroughly in the hands of the Democratic party that you fought against a change of it, and are proclaiming throughout the United States to-day that you are being despoiled of your rights to have an honest jury by a change in our election law—

Mr. MCADOO. Will the gentleman yield to me for a statement?

Mr. GROSVENOR. Yes, sir.

Mr. MCADOO. When the Democratic Administration came into power and appointed the district attorney for New York, whom the gentleman states was a Democrat, the offenses charged against Mr. Davenport were outlawed. It was beyond the power of that Democratic judge, who was appointed, as my friend states, to assist the judge of the city of New York, to go back beyond the statute of limitations.

Mr. GROSVENOR. Then Mr. Davenport had been an honest man for the preceding six years. That is more than we can say of some.

Mr. MCADOO. He is a diplomatic man, and I presume that diplomacy may sometimes be a kind of honesty.

Mr. GROSVENOR. But the gentleman from New Jersey ought not to take such a position as that, with such men as Fellows and Dorsheimer in the office of the district court, with the United States marshal in their own hands, with the whole machinery of the municipal government of New York in their hands, and a Democrat sitting upon the bench of the circuit court.

The gentleman from Georgia I am bound to recognize as having made a correct statement. I do not understand what the relative jurisdiction between these two judges is. But I wish to say that it is impossible to believe that the charges against Davenport are true. I do not mean to say that the gentleman from New Jersey does not believe this outcry from the State of New York, but it is impossible to believe that he was guilty or he would have been prosecuted. He is a United States officer, but a United States officer may violate the laws of the State in which he is operating, and I know of no shield of protection, because he is a United States officer, thrown over him, if in the discharge of his duty he has done things that operate as a fraud on the elective franchise or on the ballot-box, with which he is operating the State election, and the charges against him can not have been true or it would have resulted in his being prosecuted.

I ask the gentleman from New Jersey to say whether there was ever an attempt made before a United States jury to indict John I. Davenport for frauds at elections? I want to ask if any charges have been made involving this man?

Now, Mr. Chairman, replying to the peremptory demand of the gentleman from New York that I explain my reference to more recent charges of frauds in elections in New York, I desire to say: Whatever I did say—it was only an allusion—was made upon a statement made to me a moment before by a Representative on this floor from the State of New York. I made no specific charge, referring only to the current rumor in regard to fraud in a certain election in the city of Albany. I know nothing about it myself. I did not make any charge of my own knowledge or upon my own responsibility.

Before the revision and extension in the RECORD of these remarks, the following appeared in the New York Tribune of August 8 and is adopted as a part of my remarks:

THE LODGE BILL IN ALBANY—WHAT A FEDERAL ELECTION LAW WOULD DO AMID SCENES OF FRAUD—GROSS DISHONESTY IN ELECTIONS AT THE CAPITAL CITY OF NEW YORK WOULD NOT BE SO FREQUENTLY SUCCESSFUL AS NOW—A RECORD OF VIOLENCE AND THEFT.

[From a special correspondent of the Tribune.]

ALBANY, *August* 6.

The Federal election bill is supported with unanimity by the Republicans of this, the capital of the State. Accustomed as they have been to seeing their candidates for Congressmen and their State candidates defeated by frauds at the polls, they would welcome gladly Federal supervision of elections. And no voters are more surprised than they are that Mugwump voters, after loudly demanding the passage of the Saxton ballot-reform bill by the Republican Legislature, should now, the Legislature having passed that bill, oppose the passage of an act by the Republican Congress which is a necessary supplement to the Saxton act. In their eyes this inconsistent attitude taken by the Mugwumps can be explained only on the supposition that they fear, if a Federal election law is passed, that a large proportion of the Democratic Congressmen from the South will be succeeded by Republicans and free trade with England postponed indefinitely.

A resident of Albany, who is especially qualified to speak upon the question whether or not the Federal election bill should be passed, expressed his opinion of it to-day. This gentleman was Andrew S. Draper, State superintendent of public instruction. Mr. Draper for several years was an assemblyman from this county and then he was elected chairman of the executive committee of the Republican State committee. He held that important office during the Presidential election of 1884.

"The Federal election law," said Mr. Draper, "is not a sectional measure. It is not a Southern bill. It is as much needed in the North as in the South. We have our Ku-Klux and White Leagues, although cleverly disguised, at the North as well as the South. Here in the North, in Albany, your Democratic bull-dozer doesn't carry a shotgun, it is true, but he has the invaluable aid of the police. Last fall a squad of police from this city, headed by a sergeant of police, was sent outside the city limits two miles to the town of Watervliet, where it drove the Republican inspectors of election from the polls in the eleventh precinct, and also every Republican voter. When the returns from that precinct were counted that night is it any wonder that somehow or other the Republican candidates were declared to have received a remarkably small number of votes? The Republican candidate for supervisor in that ward was reported on the official returns to have received only 87 votes, but subsequently 217 Republican voters came before the grand jury and swore that they had voted for him. And that is an example of the frauds by which the Democratic party for many years has elected its Congressmen."

DEMOCRATIC FRAUDS IN 1888.

The Democratic frauds were specially prominent in the last Presidential election. Thus in 1884 the vote of Albany County was as given below:

Cleveland	18,344
Blaine	17,698
Cleveland's majority	646

In 1888 the Democrats, by their frauds, made the following record in Albany County:

Cleveland	21,037
Harrison	19,362
Cleveland's majority	1,675

Here was an increase of over 1,000 majority. The population of Albany had remained almost stationary the last ten years, as is proved by the election returns. There was no good reason for such an increase in the Democratic majority of the county.

"That majority against Harrison," said James W. Bentley, former collector of internal revenue, "was brought about by the repeating of the Democrats, by their voting upon the names of dead men and absentees, and by false counting. In such a city as this, with the police supporting the Democratic inspectors in their wrong-doing, the support of the United States authorities is necessary to secure the Republican minority their rights and protection from fraud. I knew of a case in this city where the Rev. Mr. Alderman, a well known man and a man of middle age, was personated by a boy of eighteen or nineteen years of age, who voted the Democratic ticket. The Democratic inspectors knew Alderman as well as I did, but they let the boy vote for him against our protests."

The Democrats have been as successful in stealing the seats in Congress from this district as they have been in pushing up the Democratic vote for President. This district was carried by the Republican candidate for Congress, Dr. Swin-

burne, in 1884; but twice since by their frauds the Democrats have won it. Here is the record of the last three Congressional elections:

	1884.	1886.	1888.
Republican vote	19,790	16,385	18,988
Democratic vote	17,286	16,552	21,294

STEALING ELECTIONS FOR TWENTY YEARS.

"The Democracy of Albany has been stealing elections in this city and county for the last twenty years," said George N. Southwick, editor of the Albany Journal, to-day; "and this county needs a Federal election law equally as much as Yazoo County, Mississippi, or Conway County, Arkansas. I do not go South for my arguments in favor of the proposed election law; I find them in abundance here in Albany."

Mr. Southwick recalled various Democratic thefts in this city and county, including two mayorships, one seat in Congress, three seats in the assembly, and a score of minor offices. He pointed out that in 1872 Edmund L. Judson was elected mayor of Albany and counted out. Daniel Manning at that time was boss of the local Democracy. The contest was close, owing to a third candidate in the field, Thomas McCarty, an Independent Democrat. When the other districts had returned their votes and George H. Thacher, the regular Democratic candidate, was known to be defeated, the order was given "to do business" in the southern district of the Fourth ward. The polling place was in the South Ferry slip, on the river front. The lights were extinguished and a "fixed" ballot-box was substituted for the one that had been in use through the day. At that time all three inspectors of election in the district were Democrats, the inspectors being elected, and the job was easily done, Mr. Thacher being declared elected by a plurality of 201. Mr. Judson contested the election and after a long struggle was awarded the seat. Although the crime was legally proven by a poll of the voters of the district, the inspectors were not prosecuted.

In 1876, Terence Quinn, a leading Democratic brewer, was "elected" to Congress from Albany County by glaring frauds in the Eighth ward of this city.

On election night, when word was sent to this notorious ward that a certain majority was necessary, the boxes were stuffed, and Hamilton Harris, the Republican candidate, was counted out. Mr. Harris contested the election by bringing the offending inspectors of the Eighth ward before the United States circuit court. The crime was proven to have been sufficient to elect Mr. Harris, but the offending inspectors could not be held guilty. The Forty-fifth Congress was Democratic, and, although Mr. Harris had proven his case in the United States court, he could not secure justice at the hands of a Democratic majority of the House. Not only were the offending inspectors not punished, but the ringleaders were liberally rewarded.

AT THE MERCY OF JURY-FIXERS.

Two years later occurred the case of Kirtland, Republican, against Dillon, Democrat, in the Ninth ward of this city. Dillon was declared elected alderman, but Kirtland made a contest in the courts and was awarded the seat on the decision of a jury of twelve men composed of both Democrats and Republicans. No prosecution followed. Judge Theodore M. Westbrook, of Kingston, a Democrat, judge of the supreme court, called the crime to the attention of every grand jury during his term of office, but, although the crime had been proven, no conviction was ever made; the juries were at the mercy of the jury-fixers then as now.

In 1878 Michael N. Nolan, the partner of Terence Quinn in the brewing business, was counted in as mayor of the city. The successful candidate really was Nelson H. Chase, who ran as a "Workingman's" candidate against Nolan and William A. Young, Republican. The frauds at this election were the most glaring ever perpetrated. In most of the election districts along the river front a large portion of the votes cast for Chase were credited to Nolan. At this time Nolan had succeeded to the sole ownership of the beer business formerly conducted by Terence Quinn, and the excise commissioners, the police, and the entire municipal machinery were used to advance the beer business of the mayor. Those who refused to sell his red-hooped beer were subjected to persecution for the neglect. Naturally, Nolan was a candidate for re-election. This time, however, he was opposed by Dr. John Swinburne, "the fighting doctor," a veteran of the rebellion and a man of fearless temperament. Swinburne's thousand and one kindnesses of a professional nature had made him invincible among the poor classes; and at the mayoralty election of 1882, when Swinburne was a candidate against Nolan, the same district of the Fourth ward, the southern, that had figured in the mayoralty contest of 1872, was used by Boss Manning to count out Swinburne and count in Nolan. "The fighting doctor," however, invoked the aid of the courts; and a legal canvass of the voters of the southern district of the Fourth ward proved Swinburne to have been elected. Before the decision of the courts was announced Nolan surrendered his office to Dr. Swinburne, who thereby secured the office to which he was elected.

In 1885 Daniel Manning went to Washington as Secretary of the Treasury, and was succeeded as Democratic leader here by D. Cady Herrick, a leading lawyer. Mr. Herrick's talent for rolling up Democratic votes was first displayed startlingly in 1887, when Henry Russell, Republican, was pitted against Norton Chase, Democrat. Mr. Russell was a leading business man, of wide popularity. On the night of election Mr. Herrick and his followers believed Chase elected. Until now the secret of the delusion has never been revealed. It was due, however, to the failure of the Democratic calculators to include the town of Guilderland in their estimates. The boss and his lieutenants went to bed on that November night in 1887 believing Chase elected, while the omitted town of Guilderland had given Mr. Russell over 300 plurality. They awoke in the morning filled with dismay. But, true to instinct, the Democratic leaders sent trusty agents northward into the town of Watervliet on discovering their error. The Republican inspector was met, and an attempt was made to bribe him. It was unsuccessful. Then an attempt was made to produce a second set of returns from the eleventh district, Watervliet. In Judge John C. Nott, of Albany, however, the Republicans found an honest Democrat; and this county judge compelled the Democratic board of supervisors to count the original returns from the eleventh district, Watervliet, and declare Mr. Russell elected by the narrow plurality of 8 in a poll of 37,000 votes.

FRAUD COMMITTED BY THE POLICE.

In April, 1889, there was the crowning outrage of the present Democratic rule of the county. Democratic control of the board of supervisors was threatened by Democratic dissension in the northern portion of the county, caused by a quarrel between Mr. Herrick and Edward Murphy, jr., of Troy, chairman of the Democratic State committee. On election day, while peace and quiet reigned at the polling-place of the eleventh district of Watervliet, a posse of Albany city police alighted from an Albany-West Troy horse-car, and, rushing up to the polling-place, surrounded it and proceeded to eject the Republican inspector, poll clerk, and watcher, leaving the Democratic election officers to count the votes. On the pretext that violence and disorder were threatened, the Democratic under-sheriff of the county had sworn in the city police as a posse, and the police had gone 2 miles north of the city limits to commit this piece of fraud. On the returns from this district the Republican candidate for supervisor was credited with only 87 votes, although 217 voters of the district afterward appeared before the grand jury and swore that they had voted for him. The Democratic inspectors were indicted and went through the farce of a trial, but were, of course, acquitted; the jury disagreed.

In November, 1889, the usual tactics were employed to "elect" Norton Chase State senator. Fraud ran riot all day long. Gangs of repeaters from New York and Troy "worked" the entire river front, passing from one polling-place to another, and voting the names given them by the Democratic ward lieutenants. In the eastern district of the Sixth ward 40 votes were cast on names that were not registered, and fully 150 on the registered names of dead men, mythical men, and non-residents. In the two districts of the Fourth ward 150 fraudulent votes were polled; in the southern district of the Seventh ward fully 100. The cheap lodging houses and the "dives" swarmed with the agents of fraud, the scum of humanity that had been gathered in from the highways and byways for election-day purposes. Decent men on coming to the polling-places found that their names had been voted on by repeaters. Double ballots ironed together were used generally by the Democratic workers. Every vile practice known to the Democratic suffrage-stealers was used to swell the fraudulent vote that was rolled up for Norton Chase. In the northern part of the county, through the notorious orchard district of Cohoes and the village of West Troy, the Democratic methods were identical with those employed in this city. George H. Treadwell, the Republican candidate for senator, a substantial business man, a veteran of the rebellion, and ex-department commander of the Grand Army of the Republic of New York, was the popular Republican against whom these gross frauds were directed. To-day Mr. Treadwell stands as a contestant awaiting the award of his long-delayed rights at the hands of the State senate. How grossly he was cheated and the Republican party cheated is made evident by a comparison of the vote for senator in 1887 and 1889:

Party.	1887.	1889.
Republican	17,010	15,939
Democratic	17,002	19,090

Such a disparity of majorities is the result of Democratic frauds.

At this same election, in the fourth assembly district of the county, William B. Le Roy, of Cohoes, Republican candidate for the assembly, was counted out by the frauds directed against Mr. Treadwell and himself. Michael C. Gillice was awarded the seat; but after a thorough investigation of the case Gillice was expelled from the assembly and Le Roy seated. Fully 500 fraudulent Democratic votes were cast at that end of the county.

REPUBLICANS UNABLE TO PREVENT FRAUD.

At the municipal election of last spring the Republicans made only a nominal contest, realizing how useless it was to waste time and effort. There was no restraint whatever on the vile creatures of the Democratic machine. Repeaters would cast fraudulent votes, and turn round again and vote two or three times without obstruction, while the police laughed or indulged in profanity when asked to make arrests. Fully 2,500 fraudulent votes were cast for James H. Manning, the Democratic candidate.

"It will doubtless strike the average reader of the Tribune as strange," said Mr. Southwick, "that the Republicans have been unable to prevent or check fraud in Albany County. But what could be done? In Democratic election districts the two Democratic inspectors would continue to copy names from one year's poll list to next year's registry. Men might die or remove from the districts, but the Democratic inspectors would not erase their names from the registry roll. Furthermore, at the last sitting of the board of registration in the districts, on the last Friday night before election, hundreds of fraudulent names would be added. This allowed only Saturday and Monday before election in which to canvass the districts and to bring legal proceeding to purge the registration rolls. It has been a physical impossibility to secure an honest registration. As a supreme court judge in this judicial district said to me, 'Under existing law an honest registration can not be had in the city of Albany.'

"Things are somewhat different now, however, under the new law of last winter, by which the New York-Brooklyn system of personal and annual registration is extended to all the cities of the State, with the last day of registration ten days prior to election day. Having filled the roll with bogus names, repeaters voted on them on election day. When challenged, the vagabonds swore in their votes; and demands for their arrest simply provoked laughter, scorn, or profanity from the police, who, like the inspectors, are subject to the orders of the Democratic boss. Republicans have never been in a position to reciprocate, because, even if there had been a disposition to commit fraud, it would have been found impossible; the police immediately would have been defenders of the purity of the ballot-box.

"Only in Congressional elections, when we have had United States marshals, has there been anything like honest elections in this city and county. A swarm of marshals, prepared to use force if necessary, would be highly conducive to honest elections hereabouts. Not only Republicans, but thousands of decent Democrats in this county are anxious for the passage of the Lodge-Rowell bill or a similar measure in the interest of electoral honesty and purity."

Now, will the gentleman allow me to say one word in conclusion, which I ought to say for the benefit of the distinguished gentleman from New York who came here yesterday and whose presence was very pleasant to me? When I recalled his handsome face and connected it after long study with the name of a member of this House whom I had known in other days, I thought to myself that he had probably come here to perform some great act of statesmanship, his last act having been, as I recollect, to oppose the election law, and he had gone in despair of his liberties. I presumed he had come here to meet the wave of destruction of human liberty from the Senate, when it should roll over here with an amended election bill; but after awhile I listened, and by mere accident I heard a bill read which he was promoting, by unanimous consent, pertaining to conferring some special rights upon a street-railroad corporation of the city of New York, and I listened further, and behold! the gentleman from New York [Mr. FLOWER] was advocating that bill, and secured its passage, and my mind was relieved.

Then I understood why he was back here, and why after so long a time he had visited the glimpses of the Hall in which he had won honorable and deserved distinction, and none the less was glad to see him. I was especially relieved from the fear that his presence foreboded some great act of real statesmanship.

So far as my supposed premeditated attack upon the Speaker is concerned, I want to say to the gentleman that had I loaded my guns for the Speaker I should have loaded them with a charge resembling an ordinary bear charge. I should have loaded for big game, and had I found no necessity for their use I should hardly have discharged them into the ranks in which the gentleman from New York stood at the time referred to by him. I always try to arrange my ammunition in regard to the importance of the game for which it is intended.

A MEMBER. Foraker! [Laughter.]

Mr. GROSVENOR. Exactly. In such a case a bear charge would have been a proper one for him. [Laughter.]

Mr. FLOWER. How are you fixed for your Congressional nomination?

Mr. GROSVENOR. The trouble is that the gentleman can not look beyond a personal matter. I suppose my renomination probably stands about where the aspirations of the gentleman from New York for the governorship of New York stand. [Laughter.]

Mr. FLOWER. I hope you will get there.

Mr. GROSVENOR. Or about the size of his development in Chicago was some years ago in the race for President.

Mr. FLOWER. It will be somewhat lonesome if you do not get here, and I hope you will.

Mr. GROSVENOR. Thank you; but I think we have had enough about this. Now, one word further. I have never indicated a purpose of attacking the Speaker. That is mere idle rumor, arising from a misunderstanding as to a ruling of the Speaker, or rather a ruling I had understood he would make. I had suggested that I proposed to make a point of order and to discuss that question of order with the Speaker, as an honest man with views of his rights always may properly do in a body like this. I learned upon inquiry that I was totally misinformed as to the probable ruling of the Speaker and that we exactly agreed upon the matter so far as the rules go. It had arisen upon a construction of one of the rules of the House, or rather it was likely to so arise, and so there was no need of discussion. I am sorry on account of the disappointment it seems to have been to my friend from New York, but I am clear that the Speaker has a just and unanswerable view of the rules, and I have no controversy with and only admiration for the Speaker.

Mr. Chairman, the demand for honest elections is one which will never cease until frauds upon the elective franchise cease. The shameless cry that we have passed a "force bill" will not answer the demands of the hour. The law-abiding, honest people of the country, North and South, will not longer, without protest and action, consent that their voice at the ballot-box shall be stifled by fraud. Attacks upon citizens, official or private, will not stifle the demand for honest elections. The Republican party promised to set these wrongs right. They carried the country on this issue in 1888. It is the shibboleth of American honor and American liberty. It is the watch-word of the conservative men of all parties. But it is the key-note of the Republican party, and "By this sign we shall conquer."

The CHAIRMAN. The *pro forma* amendment will be considered as withdrawn.

Mr. CUMMINGS. Mr. Chairman, before we pass to the next section I would like to ask my friend from Iowa in charge of the bill how a deficiency in the fees and expenses for these marshals arose?

Mr. HENDERSON, of Iowa. The answer is simply this, that there was not a sufficient appropriation made by the last Congress.

Mr. PETERS. If the gentleman will allow me, I will state, in addition to that, that it is almost impossible to make a correct estimate as to what will be necessary to pay these marshals, because that largely depends upon the number of witnesses to be summoned, mileage, and attendance, etc. So that it has been the custom under all administrations for the Department of Justice to make a rough estimate, as the estimates can not be accurately made.

Mr. CUMMINGS. Then there were no unusual number of marshals appointed and employed?

Mr. HENDERSON, of Iowa. I will state that these estimates were put in by your own administration. They were for $140,000 or $150,000. One hundred and twenty-four thousand dollars is all that was given, and the deficiency comes simply because enough was not appropriated. If you want to strike this out you will strike at the estimates made by your own party.

Mr. CUMMINGS. My reason for asking——

Mr. HENDERSON, of Iowa. Mr. Chairman, we have passed two paragraphs beyond that, and I hope that the gentleman will not take up more time.

Mr. CUMMINGS. Then I move to strike out the last word.

My reason for asking the question was this, because at the election specified by my friend from New York [Mr. PAYNE] some time ago there were an unusual number of United States marshals employed by Davenport, commissioner in New York City. It is true that in 1868 some clerk in an obscure court in the city of New York issued fraudulent naturalization certificates. It was upon the discovery of the issue of these fradulent certificates that the pretense for the employment of an extra force of marshals was based, and I wish to tell the House how they were employed. The supervisor of elections assumed that every Democrat who appeared at the polls with a certificate dated in 1868 carried a fraudulent certificate. The man was arrested and imprisoned by these marshals, his certificate was taken from him, and in most cases never returned to him. But if he was a Republican voting upon a certificate issued in 1868 he was permitted to vote without interruption. All certificates issued in 1868 were regarded as fraudulent if held by men who voted the Democratic ticket.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. CUMMINGS. I will.

Mr. KERR, of Iowa. Did not the courts retain certified copies of the certificates?

Mr. CUMMINGS. They did; but whether there was a certified copy in the court or not the man was arrested.

Mr. MCMILLIN. If he was a Democrat.

Mr. CUMMINGS. Yes. And in one case, if I remember aright, the records were destroyed by fire; in another case they had disappeared.

Now, Mr. Chairman, my friend from New Jersey [Mr. MCADOO] in speaking of Mr. Davenport called him a Talleyrand and assumed that the Republican party ran him. That is a mistake. Mr. Davenport is not a Talleyrand. He is a better if not a brighter man than Talleyrand was. He runs the Republican party. The proof that he does it is the Federal election bill which passed this House. Every section of that bill was drawn up by Mr. Davenport, except the jury section. This section at first allowed the clerk of the court to select the juries. My friend from Pennsylvania [Mr. BUCKALEW] secured the passage of an amendment which knocked out this section, and Mr. Davenport was again taken into conference by the gentlemen who were manipulating the bill. He drew the jury clause as it stands to-day, providing for three commissioners.

If any further proof is needed that Mr. Davenport is running the Republican party, and not the Republican party running Mr. Davenport, it has been furnished by the fact, which has not been denied, and which has been published to the world repeatedly, that Mr. Davenport for days was closeted with the distinguished Senator from Massachusetts [Mr. HOAR] in an effort to perfect his imperfect bill. Talleyrand never did as sharp work as Mr. Davenport.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For payment of special deputy marshals at Congressional elections, being a deficiency for the fiscal year 1888, $34,745.

Mr. ROGERS. I move to strike out the last word. I ask the attention of the gentleman from Iowa. I understood him to state a moment ago that the last Congress did not give the full amount of the estimates for witness fees.

Mr. HENDERSON, of Iowa. For the fees of deputy marshals at elections. That was the question raised by the gentleman from New York [Mr. CUMMINGS]. The appropriation was $124,000, and, according to my recollection, the amount asked for was $145,000 or $150,000.

Mr. ROGERS. What I wanted to know was whether it was not stated, and whether in point of fact it is not true, that the last Congress gave the full amount of the estimates of the Department of Justice for all these purposes.

Mr. HENDERSON, of Iowa. For United States court expenses and everything of that kind it did, but not for these special deputies.

Mr. SAYERS. I will state for the information of the gentleman from Arkansas that, if I remember correctly, the Committee on Appropriations of the last Congress recommended and the House passed all appropriations that were estimated for by the Department of Justice in regard to the administration of the courts. This particular item for the payment of deputy United States marshals for services at the election was passed, I believe, and we declined to recommend the appropriation of the full amount asked for because we had no accurate information as to what amount was needed to pay the actual expenditures. For that reason we just gave them $124,000 as a lump sum, not undertaking to appropriate the full or the exact amount. I believe that an officer of the Department of Justice who was before the committee stated that he had no positive information to give us as to the exact amount that would be required to pay the expenses of the deputy United States marshals at the elections.

Mr. BUCHANAN, of New Jersey. Does that explain why it is that the marshals appointed in 1883 in the New Jersey district have not got their pay yet?

Mr. SAYERS. No, sir; it does not, and I have never been asked to explain that.

Mr. HENDERSON, of Iowa. It comes in this deficiency bill.

Mr. BUCHANAN, of New Jersey. I know; but it should have come in last year's deficiency bill.

Mr. SAYERS. I think I can state as a positive fact that the Committee on Appropriations in the last Congress recommended to the House to appropriate to the very last cent every item that was recommended by the Department of Justice for the payment of expenses incurred in the administration of the court.

Mr. BUCHANAN, of New Jersey. I do know that the figures from New Jersey were forwarded more than a year ago, and that the ap-

propriation was not made last year. Why it was not made I do not know, but these men have not got their money yet.

Mr. SAYERS. We can not help that.

Mr. VAUX. What services did these men render?

Mr. BUCHANAN, of New Jersey. Some good; some very little. They were appointed by Democratic officials.

Mr. VAUX. But what services did they render? It makes no difference who appointed them; the question is what services they rendered.

Mr. BUCHANAN, of New Jersey. Some good; some very little.

Mr. VAUX. Then why should they be paid? We hear a great deal about the deficiencies, but very little about the services rendered.

Mr. BUCHANAN, of New Jersey. They are constituents of mine; they were appointed regularly; they gave their time and they ought to have their pay.

Mr. HENDERSON, of Iowa. I will say that there are a number of instances where the appropriations were not as large as the amount asked for. In regard to these witness fees and deputy marshals' fees, I think the whole amount asked for was appropriated, but we all know that the estimates were notoriously too low, and I think the gentleman from Arkansas knows that fact.

Mr. ROGERS. I was going to ask the gentleman from Iowa [Mr. HENDERSON] what was the difference between the recommendations and the appropriation for special deputy marshals in the last Congress.

Mr. HENDERSON, of Iowa. I have not at hand a statement of the appropriations of the last Congress in detail, but on this special item the amount given in the deficiency bill was $124,000. I understand that is the total amount that was given for that purpose.

Mr. ROGERS. And what is the deficit for which you are now appropriating?

Mr. HENDERSON, of Iowa. Thirty-four thousand dollars.

Mr. ROGERS. So you spent $124,000, and there is a deficit of $34,000?

Mr. HENDERSON, of Iowa. Yes. That deficit is distributed in this way: Massachusetts, $6,530; Michigan, $180; New Jersey, $14,105; New York, $13,460; Tennessee, $305; West Virginia, $165; making a total of $34,740.

Mr. BUCHANAN, of New Jersey. Every dollar of that amount for New Jersey belonged to 1888 and not 1889.

Mr. HENDERSON, of Iowa. It is all for 1888.

The Clerk read as follows:

Fees of witnesses: For fees of witnesses, United States courts, being for deficiencies on account of fiscal years, as follows:
For 1890, $100,000.
For 1888, $1,356.87; in all, $101,356.87.

Mr. TURNER, of New York. Mr. Chairman, I move to strike out the last word. I take this opportunity to advert somewhat briefly to the would-be funny speech of the very grave and reverend gentleman from Ohio [Mr. GROSVENOR]. He has attempted to create a little merriment at the expense of my colleague [Mr. FLOWER], and has complained of his two weeks or more of absence from the House. Now, I am sure that, much as the House appreciates the services of the distinguished gentleman from Ohio, we of New York would gladly give him two weeks' leave of absence to visit our great State and our various great cities so that he might know even a little bit about the subject before he should rise here again and venture to talk glibly about alleged frauds there; for instance, a fraud which he says was committed in the city of Albany, but a fraud which I believe never existed except in the imagination of the distinguished gentleman from Ohio.

But, sir, I was more amused at his attempt to create a saint and a great man out of John I. Davenport. Great, indeed, he may be, since he seems to have bestridden the Republican party and rides that sorry nag with scarcely a kick. [Cries of "Oh!" "Oh!" on the Republican side.]

Great, indeed, I say, since he wrote the bill that is now known as "the Lodge bill." It is unfortunate that the great *littérateur* from the great State of Massachusetts could not have gotten through his copyright bill, and then poor Davenport would not have been cheated out of the credit which it seems rightly belongs to him. Great, indeed, he is when he succeeds in whipping into line the representatives of the great Republican party, first coaching the House of Representatives and now coaching the Senate.

My friend and colleague from that portion of the State of New York known to the inhabitants of New York City as the "hay-seed" portion—that part of the State which sends its senators and representatives to Albany year after year to shackle and fetter our great city, and for the same reason that it is attacked on this floor, because it is a Democratic city—my colleague [Mr. PAYNE] comes in here, and, lifting up his hands in holy horror, expresses his amazement that the great Democratic party has no other issue than John I. Davenport. Well, we might be excused for making him an issue, since, as I say, he rides this sorry nag, the Republican party, all spavined and ringboned as it is, without kick or protest.

My colleague wonders that we go back to a period eighteen years ago, and says that we might as well go back to the time of Henry Clay. I can not go back as far as that; but we are justified in going back seventeen or eighteen years to show the character of this gentlemen whom we are now asked to receive as a saint. Why, sir, we are only fourteen years from the time of those scoundrels in Louisiana who counted out Samuel J. Tilden; and we may expect the gentlemen on the other side in two or three years more to come in here with apologies for their returning-boards, and, lifting up their hands, thank God that they saved the country, just as they now tell us that John I. Davenport has preserved the purity of elections.

Mr. WILSON, of Washington. Will not the gentleman tell us something about the "cipher dispatches?"

Mr. TURNER, of New York. In his own time the gentleman can tell the House what he knows about "ciphers"—a subject with which I think he may possibly be familiar, since he represents nothing at all. [Laughter.]

But, Mr. Chairman, at the time this Congressional report was made, scorching this man Davenport as he deserved to be scorched, holding him up to the execration and contempt of every honest American citizen, why did not some of his friends rise then and defend this apostle of purity, this maligned and traduced reformer, this citizen without an address, this man who has no home, this political vagrant and tramp——

A MEMBER on the Republican side. Can not you think of something else?

Mr. TURNER, of New York. Yes, I can think of the position of you gentlemen who sit there and smile, treating this thing as if it were funny——

Mr. MILLIKEN. It is funny.

Mr. TURNER, of New York. It would be remarkable as well as funny if any gentleman on your side had any other excuse to urge for the disgraceful conduct proved upon Mr. Davenport years ago than the suggestion that he was not prosecuted and convicted as a criminal in the courts. My friend from Ohio over there could tell the House something about the attempt to convict Republican scoundrels under a Republican Administration. It seems to be thought remarkable that these poor citizens of foreign birth did not subject themselves to the trouble and expense of a prosecution against Mr. Davenport.

Why, sir, I recall the fact that there was a great Republican statesman—another of your men with a halo of purity and glory about his head—who was accused of having stolen while treasurer of a great State. The charge was made in the public journals of my city day after day, yet no one has heard of any suit for the recovery of damages. Is that the test you apply? You have not been able with all the power of the Federal machinery to convict your own offenders, and you have not attempted it. Yet now you come in here and, although these humble citizens of New York were discharged in the courts as guiltless, you undertake to brand them over and over again as felons, because they did not institute a legal proceeding for redress.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, a single word. I never saw John I. Davenport, but I am satisfied that he is big enough man, when charged with the execution of the law, to execute it so far as it is in his power. I am satisfied that he is big enough to stand as a target for the various gentlemen from New York to rail at and try to make some reputation amongst their people at home in the absence of anything else to find ground for complaint or make capital out of.

Mr. TURNER, of New York. If the gentleman from Illinois will let us consider these labor bills I will try to make some reputation at home at his expense.

Mr. SAWYER. Mr. Chairman, I have listened with a good deal of interest to this discussion. I have listened to this debate on both sides of the House, and I feel proud that I live in New York. The more the debate goes on the prouder I feel. I live in that part of the State which is sometimes called the "hayseed" part, especially by some of the Democrats. I recollect when Judge Davis, then in the city of New York, was retained as counsel to assist in the trial of some such men as William M. Tweed and others of the "ring," that prominent Democrats then called him a "hayseed" judge. But I did not rise to speak of that.

I say that I am proud that I live in a State like the State of New York. I am proud of the city of New York. I am proud of her Representatives in Congress. [Laughter and applause.]

A MEMBER. Especially yourself.

Mr. SAWYER. And I wish to ask this committee when, since the days of Clay and Webster, have we had such an exhibition; when have we heard such thrilling language, or have we been permitted to witness such moving, heart-rending displays of vociferous eloquence as have just been exhibited by the gentleman from New York? [Laughter.]

Mr. MCMILLIN. You mean the one now on the floor?

Mr. SAWYER. I could not help recalling in this connection the language of a man in our town, when speaking of a similar display, how he said, "The gentleman soared into the allogaskine regions." [Great laughter and applause.]

I say, then, I am proud of New York, sir. I am proud that the Democratic party of that State can send such brilliant representatives here to soar in that way. And although the Democrats of New York have

done things for which they should be censured, when they send such orators and statesmen here they more than atone for the sins they have committed. That is all I wanted to say. [Laughter.]

The CHAIRMAN. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

Fees of clerks: For fees of clerks of United States courts, being for deficiencies on account of fiscal years, as follows:
For 1890, $45,000;
For 1889, $38,219.79;
For 1888, $7,073.26; in all, $90,293.05.

Mr. HENDERSON, of Iowa. Mr. Chairman, I offer the amendment I send to the desk, to come in on page 55, after line 18.

The Clerk read as follows:

Insert:
"Fees of United States commissioners: For fees of United States commissioners and justices of the peace acting as such commissioners, being for deficiencies on account of fiscal years, as follows:
"For 1890, $45,000; 1889, $23,975.96; 1888, $1,975.17; in all, $70,951.13."

Mr. HENDERSON, of Iowa. This, Mr. Chairman, is in regard to the fees of United States commissioners. I will say that for some reason the amount did not come down in the regular Book of Estimates, and was sent in a supplemental estimate after the bill was made up and reported. Hence the committee acted upon it afterwards, and now report it favorably as an amendment to the bill.

Mr. HERBERT. I move to strike out the last word.

The CHAIRMAN. There is an amendment pending.

Mr. HERBERT. Then I rise to oppose the amendment.

There has been a great deal said here this afternoon and heretofore about John I. Davenport. He has become in some sense a national issue; and in view of the fact that it seems to be admitted that he is the author of the famous election bill which recently passed the House it is very important that the country should have before it all the information possible in relation to this gentleman.

I do not desire to do him any injustice. I wish to give him the full benefit of what Mr. Whitney and Mr. Cox said about him; but all that was in 1877. Still, it was Democratic testimony, and the friends of Mr. Davenport have made the most of it.

Now I read, in the remarks I submitted some moments ago, from a report which was made since these statements of Messrs. Whitney and Cox, which were made in 1877. The Lynde report I read from was made in 1879.

Mr. Lynde, of Wisconsin, was a gentleman of great ability and one of the most conscientious lawyers that ever sat on this floor. The statements of the report were fully concurred in by my colleague [Mr. FORNEY], and every gentleman here knows his high character. It was based on evidence taken long after the statements of Messrs. Cox and Whitney were made, and now, in order that the public may have before it an opportunity of judging all about this gentleman, who is before the country as the author of the election bill, I ask consent to append to my remarks and as a part of them the report in full by Mr. Lynde, and I hope there will be no objection to the request.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to print as part of his remarks the report to which he has referred. Is there objection?

Mr. BUCHANAN, of New Jersey. I would like to know about the length of it.

Mr. HERBERT. It is only five or six pages long. It was a report made after all these other things occurred.

The CHAIRMAN. Is there objection?

Mr. KERR, of Iowa. I object.

Mr. HERBERT. I hope the gentleman will not object, because it is the last official report relating to the conduct of Mr. Davenport. The character of Mr. Davenport has been brought in issue here frequently. The public ought to know the facts about him, and if the gentleman wants the truth to go before the country I hope he will not object.

Mr. KERR, of Iowa. The gentleman has stated that the report of Mr. FRYE, who would have made a minority report if he could, was ruled out.

Mr. HERBERT. I admit that no minority report was made.

Mr. KERR, of Iowa. Now, if that could be allowed to come in I would be willing that the whole should go together.

Mr. HERBERT. Mr. FRYE can make his report at the other end of the Capitol.

Mr. MILLIKEN. In the first place, if my friend will allow me, it was stated, not exactly that Mr. FRYE signed the majority report, but that the report was made by the committee, including Mr. FRYE.

Mr. HERBERT. Well, that has been corrected.

Mr. MILLIKEN. And that was continued to be reasserted by the gentleman from New Jersey [Mr. MCADOO] until the gentleman on the other side of the House [Mr. FORNEY], who knew the fact, had the courtesy to get up and state that he knew that Mr. FRYE intended to submit a minority report.

Mr. HERBERT. All those facts are before the House.

Mr. MILLIKEN. Now, if we can be assured that what you are going to print is on a little better authority than these assertions turn out to have been, which are now known to be mistakes, I should be very glad to have it.

Mr. HERBERT. What I wish to print is the report of the majority. I will print it as a Democratic report. You gentlemen have time and again quoted the statements of Mr. Cox and Mr. Whitney, Democrats. What these Democrats said was in 1887. Now, I propose to offset all that by putting in the RECORD this report that was made in 1879, upon a full, free, fair investigation, where, as I am informed, testimony was taken that filled hundreds of pages; testimony that made an entirely different case from that on which Cox and Whitney spoke; testimony which must have altered their opinions if they had ever seen it. My colleague [Mr. FORNEY] told me only a few moments ago, not only that he concurred in the statement of the report, but that the conduct of Mr. Davenport, as the testimony showed, was really outrageous. I want the report in full to go to the country.

Mr. MILLIKEN. I move to strike out the last word. There seems to have been a great mistake in regard to this report, made by the gentleman from New Jersey [Mr. MCADOO], but afterward corrected by a Democrat on your own side of the House [Mr. FORNEY], and I give him the credit for having done it. Now, in view of that, I am not willing to consent to have this report come in unless the minority report can come in too.

Mr. HERBERT. There is no minority report. If the gentleman can find one he can put it in.

Mr. MILLIKEN. Well, I want to know what the other side have to say about it. Now, the gentleman says we have taken Democratic authority. We do sometimes take it, not very often, to be sure, but in quoting Democratic authority in this House we certainly have quoted as respectable Democrats as the country has produced when we quoted William C. Whitney and the gentleman whom we all delighted to honor in this House, and the absence of whom we lament to-day, Hon. S. S. Cox.

But has it ever occurred to the gentleman that in attacking John I. Davenport, both to-day and heretofore, he stands in the position of resisting the enforcement of law? He seems to be afraid of the law. We do not care anything about John I. Davenport in my State of Maine. You may appoint a Democratic official if you want to, and give him all the authority John I. Davenport has, and we in Maine are not afraid of him, because we know that we have honest elections there. I do believe that north of Mason and Dixon's line—and I do not want to say that in any unkind way, either—there are not many instances where an honest voter fails to get his vote into the box if he tries to put it there, and to have it honestly counted.

The men who are afraid of John I. Davenport in the city of New York are the men who have profited heretofore and who want to profit now by frauds upon the ballot-box. Why, as has been said heretofore, in 1868 it was charged by Horace Greeley, in his newspaper, and I never heard it disputed, that Hoffman was counted in in the city of New York by a change of 30,000 votes there. I know my friend from Alabama [Mr. HERBERT] does not want to return to those things; but by Democratic testimony and the universal knowledge of the people almost all over this country it is known that since the Federal election law, the supervisors' law, was passed, and since the appointment of John I. Davenport, you have had what is very nearly a fair election in the city of New York, and I am a little mite surprised to find some of my friends who are fearful that there will be some suppression of votes in the city of New York and in the other cities of the North.

I believe that a suppression of votes by law is something that should be deplored by every honest man and every patriot, and no less should be deplored the suppression of votes by violence, which does not seem to frighten our friends on the other side who are talking so much here to-day about John I. Davenport. Let the gentlemen first cast the beam out of their own eyes and then search for the mote in our eyes, if we have any in there.

Mr. ROGERS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. A motion is pending. The committee will please be in order.

Mr. ROGERS. I have just received a message from my honored friend on the other side, Mr. HENDERSON, of Iowa, invoking my assistance for the dispatch of the public business. I have listened with great patience to the discussion of affairs in New York, but on reading the bill I do not discover that there is anything in it about New York.

Now, I really think we ought to go to the public business. I have spent June, July, and August in an earnest desire to help the Speaker of the House to get a majority of the majority on the other side here to enable you to go on with the public business. After a protracted effort I think we have succeeded in getting enough, when counted with the Democrats, to make a quorum, and now that we have got gentlemen here I desire that the business should be dispatched, for you will not be able to keep them after Friday. Then they will want to go to the seaside, to their homes, to attend to their little domestic and private affairs, and their fences and things of that kind, and I insist that New York let us go on with this bill.

Mr. PETERS. New York and Maine.

Mr. ROGERS. New York and Maine.

Mr. MILLIKEN. Maine will take care of herself.

The Clerk proceeded to read.

Mr. ROGERS. The Chair will pardon me. I had not yielded the floor, and I allow but one man to take me off the floor of the House.

The CHAIRMAN. The Chair desires to co-operate with the gentleman from Arkansas [Mr. ROGERS] in dispatching public business.

Mr. ROGERS. I was not through, and the Chair will pardon me. I wish to ask unanimous consent for five minutes in addition to what I have to get down to the bill. [Laughter.] Will the Chair please put that motion that I be allowed five minutes additional?

Mr. KERR, of Iowa. I object. [Cries of "Oh, no!"]

Mr. ROGERS. I will try to expedite business as well as I can. Now, I want to ask my friend from Iowa, coming down to business, what disposition the Committee on Appropriations proposes to make of the claims of this poor unfortunate class of attorneys who are scattered over the States known as special United States attorneys, who had been appointed at various periods to perform services for the Government, have rendered those services, and have not received their pay. I wish to ask why the committee have not proposed an appropriation. I do not see any wrong in an appropriation, and I really think they deserve some consideration at the hands of this House.

Mr. HENDERSON, of Iowa. We have passed that part of the bill, but I will answer the question of the gentleman from Arkansas, as it is one that the House is doubtless to a considerable extent interested in. For compensation to United States district attorneys, or special district attorneys, or special assistants, as they are called, estimates were sent down from the Department of Justice amounting in the aggregate to about $94,800.

Mr. ROGERS. Running over how many years?

Mr. HENDERSON, of Iowa. Running back to 1872. The documents that embraced these were numerous, covering hundreds of pages, with the statements of accounts of these special attorneys. Some of them were quite lengthy, and others were very little; but upon investigation I soon saw that it was going to be a long, tedious job for us to enter into the details of all these claims and reach legislation that would be satisfactory to the committee and possibly to the House; and therefore the Committee on Appropriations concluded that the proper course to pursue, as the money had all been covered into the Treasury, was to recommend that these accounts be investigated by the auditing officers of the Government. They are paid for that business, and have the time and clerical force to aid them. They could determine whether these expenses were legal or not. Of course in most cases it is discretionary with the Attorney-General to say whether the work was legally done. These were matters for them to determine. Therefore, on the 18th of July this letter was addressed to Mr. Miller, the Attorney-General:

JULY 18, 1890.

SIR: Referring to your letter of the 15th instant to Hon. J. G. CANNON, chairman, etc., and also to House Executive Documents numbered 121, 332, 414, 439, and 441, all of which relate to additional appropriations desired by your Department on account of special compensation to United States attorneys and compensation to assistants to United States attorneys in special cases on account of 1880 and prior years, which were referred to the Committee on Appropriations for consideration, I beg to say that the subcommittee in charge of deficiencies, after an examination of the documents in question, ascertain that they cover many cases of the employment of attorneys extending over a period of several years, and that no one of the accounts seemed to have ever had the examination or approval of the accounting officers of the Treasury, notwithstanding some of them appeared to be for services rendered as long ago as 1872.

Examination of and action upon any one of these estimates would naturally and properly require the consideration of the whole of them, a labor which would involve the committee in the exercise of functions primarily belonging to the accounting officers, and requiring an amount of time not now at the committee's disposal.

Under the circumstances the subcommittee have authorized me to suggest that you cause all of the accounts covered by the estimates submitted in the executive documents named, as well as in your letter to Mr. CANNON, to be referred to the accounting officers of the Treasury, and have them determine and report what amounts are due and payable under such estimates and on account of appropriations which are exhausted or the balances of which have been covered into the surplus fund.

I have the honor to be, very respectfully,

D. B. HENDERSON,
Chairman Subcommittee in Charge of Deficiencies.

Hon. W. H. H. MILLER, *Attorney-General.*

Subsequently, while we were making up the bill, we asked by telegraph to know what action he was taking, and received this telegram from the Department:

The suggestions of your letter of July 18 are satisfactory and now being acted upon. The accounts will be sent forward through the Treasury as promptly as possible.

So that they are now being considered by the auditing officers of the Treasury Department, and none of them have as yet reached us.

Mr. ROGERS. Why did the gentleman from Iowa postpone sending these claims to the Department until the 18th of July?

Mr. HENDERSON, of Iowa. We were considering our bill and making it up. You must remember that this bill was only reported on the 19th of July, and we were working on the bill all the time. I took some of these reports as to special attorneys home and undertook to give them a personal investigation with the view of explaining them to the subcommittee.

I spent one whole night on two of these claims, so as to find the merits out and be able to report the matter to the subcommittee. I saw by that if they were to go into the bill it would take a very long time for us to consider them, and for these reasons the committee resolved to send them down to the Attorney-General to make an examination running back to 1872, and let them be sent to the committee, and then the committee to put them in the bill.

I recommended that course, and we had either to do that or postpone the consideration of the bill until we could make ourselves auditing officers and go through these claims, or recommend them to be sent where they are—to the accounting officers, who should determine as to their merits.

Mr. OATES. Will the gentleman from Iowa [Mr. HENDERSON] permit me to supplement his explanation?

Mr. HENDERSON, of Iowa. Certainly.

Mr. OATES. I have been looking after some of these claims of special attorneys, one of them, at least, and this morning I made a second visit to the Treasury Department to ascertain, if I could, the condition of those claims. I find that the Attorney-General has approved and sent them in, they have all passed through the First Auditor's office, they are now in the office of the Comptroller, and most of them have been adjusted so far as that office is concerned. But the Comptroller did not seem to understand that it was his duty to transmit those claims, when passed upon, either to this House or the other House of Congress.

Mr. HENDERSON, of Iowa. He certainly will understand that it is his duty to transmit them at the first session of Congress. That is his duty under the law.

Mr. OATES. The Comptroller did not so understand. He understood the general law which required him to transmit all the claims that go properly into the deficiency bill at the beginning of a session of Congress, but he did not understand that he was required to transmit them at this time. I then called upon the Secretary himself and he sent for Mr. Matthew, the Comptroller, but they did not seem to understand what the precedent was in such cases. The Secretary said, very properly, that he did not conceive it to be his business to go around and look after these claims and volunteer to send them to Congress, but that there ought to be some call upon him for them; and there has been no call from the Committee on Appropriations for the transmission of those claims.

Mr. HENDERSON, of Iowa. No; we have made no call for the transmission of any of these claims.

Mr. OATES. If you had, I have no doubt you would have had them all before you.

Mr. HENDERSON, of Iowa. But we would have to call every day.

Mr. ROGERS. To resume, Mr. Chairman—and I hope my friend from Iowa [Mr. HENDERSON] will be recognized and yield me his time, as he has taken up mine—I will state that I went to the Department of Justice this morning and found that as to a portion of these claims a letter had been sent by the committee to the Treasury on the 1st of August. I then came here and made inquiries, and followed the matter up to the clerk of the House who has charge of executive documents, but I could find no trace of it. So these claims, many of which are, doubtless, meritorious, and some of which I know to be meritorious, by the action of the executive department of the Government and the action of the Appropriations Committee seem to have fallen between the box and the wall, and, unless some steps are taken to revive or resuscitate them, I suppose, judging from the information just given us by the gentleman from Alabama [Mr. OATES], that they will stay there for all time. Now, I will ask my friend from Iowa the plain question: Is it his purpose, when he gets a statement of these claims, to take them up and pass upon them?

Mr. HENDERSON, of Iowa. I am almost afraid to undertake to answer the gentleman's question, because he always accuses me of consuming his time when I do answer him, but I will endeavor to reply to his question in good faith. I have no doubt in my own mind that both of these claims are just and ought to be paid. I know something about the delay which usually attends the payment of the bills on the special calendar for the United States. I have had some experience in that line, and have had to wait a good while myself, and I have a lively sympathy with these gentlemen. When the policy was adopted by the Committee on Appropriations of having these matters referred to the auditing officers of the Treasury, of course they went out of our hands entirely until they should come back to us again in the regular way.

Now, there are only two ways at this stage by which they can come before Congress for consideration. Every one of them that the auditors have approved will be transmitted to us by the Secretary of the Treasury at the commencement of the next session of Congress. They will not come in before that time, unless on a call that may be made from the Senate; but, as was said on yesterday in our discussion here, without reference to whether it is right or wrong, it is the uniform practice of the Senate, when we get the bill over there, to make a call or a request upon the Department to send in any additional allowances from the auditing offices of the Treasury; and every one of these claims that is allowed when that call is made will be sent in.

I understand that some of these claims have been audited since we made our recommendation to the Attorney-General, which he acted upon. And here I desire to say, for the information of gentlemen of

the House, that I talked the matter over very fully with the Attorney-General after writing him that letter, and he thought the course recommended was an eminently proper one to take, because much of this business had occurred under preceding Attorneys-General, and he had no knowledge of it except as it was reported to him, and therefore it was more agreeable to him to have the auditing officers take the accounts and audit them and pass upon them. In many instances the Department merely transmit the accounts without knowing anything about them except what appears on their face. But, under the system now adopted, I think that many of them will be reached at this session of Congress, and all of them that are deserving of payment will probably be reached at the next session.

Mr. VAUX. I wish to ask the gentleman a question. The amount appropriated in this bill for this item is a total amount, and yet, as I understand, the different items which make up this total have not yet been audited and found to be correct by the accounting officer.

Mr. HENDERSON, of Iowa. The total amount depends upon the amount of the items, and we are now discussing some of the items.

Mr. VAUX. But there can not be a total until the items are audited and approved.

Mr. HENDERSON, of Iowa. The total is forced by the items as they are audited and approved.

Mr. ROGERS. Mr. Chairman, I desire to offer a few observations in this connection which I think the House ought to hear. I am not going to say anything unkind about the Committee on Appropriations. Prior to the Administration of President Cleveland the regular course was to have these accounts audited by the Treasury officials and sent to the Speaker of the House and the Presiding Officer of the Senate. Under the Administration of Mr. Cleveland the then Comptroller of the Treasury held that when the fund which had been set apart for the employment of special counsel under the Attorney-General was exhausted the law had no longer any effect and he had no power to employ counsel under such circumstances. It was an erroneous ruling, I think, with all deference to the Comptroller, but the present Attorney-General, coming into office, has followed along in the footsteps of his predecessor.

Now it seems we are going back to the original practice, which I conceive to be the correct practice, of sending these claims to the Treasury to be there audited and sent to Congress through the regular channels. But it is easy to see, when we listen to the kindly and gentle remarks of my friend from Iowa [Mr. HENDERSON], that when the next session of Congress arrives his committee not having made any call, and the Treasury Department not thinking that they have a right to send these claims to Congress until they are called for, that there will be no action in these cases. They will not be reached at all in this Congress, and then when the next Congress comes it will be easy to have a repetition of the same performance, and these gentlemen who were regularly employed to perform this service under authority of public law, and who for the most part have performed their services faithfully, and earned the money which has been justly awarded to them, may continue to wait from year to year. The result of all this will be, not a direct and honorable repudiation—if there can be such a thing as an honorable repudiation of a just obligation—but an indirect and dishonorable repudiation of these claims.

I do think there ought to be some method by which the Government of the United States in dealing with its citizens could be held up to a standard of morality rising a little above that of the highwayman.

The Attorney-General had full authority of law to employ these counsel, and he employed them for the good of the Government. Without reflecting on this committee—for if previous committees had discharged their duty there would be no claims of this kind beginning with 1872—I will say that we have cases constantly occurring where a man is employed by the Attorney-General to discharge a high public duty, either in a civil suit for the recovery of property or in the prosecution of criminals or in any other business devolving upon counsel; and if the appropriation is exhausted before the service is finished he is turned over to the tender mercies of the Committee on Appropriations. These claims run over a period from 1872 to 1890, having received no attention from Congress whatever; and doubtless the parties will be told that they ought to go to the Committee on Claims. I do wonder whether any man on earth would send a dog that he loved to the Committee on Claims. [Laughter.]

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. I move *pro forma* to strike out the last word. I regret that the committee did not see its way clear to put these claims on this bill and report in favor of their payment. I thought and still think that it would have been better for the committee to have recognized that as the law gives the Attorney-General the power to employ these special attorneys and to settle their fees, he stands in the same relation to these claims as the auditing officers do in relation to other claims, and that where claims of this sort are submitted to us by the Attorney-General the committee should put them in the deficiency bill precisely as we do various other claims. My only reason for saying this is because I do not desire to seem by my silence to approve this particular action of the committee. I reserved expressly the right to say that I did not concur in this action.

It has come to be the fact that in many parts of the country the best lawyers will not accept employment from the United States. They will not undertake the management of grave legal questions upon an engagement which renders their pay uncertain and gives great opportunity for a dispute with the Attorney-General's Department or with the Congress of the United States. It has seemed to me best for the interests of the country that where the Attorney-General, no matter what his politics, sees fit under the law to employ a reputable attorney to defend the interests of the Government, the fee of the attorney thus employed ought to be promptly settled. Such a policy would operate as the best economy by enabling the Government to obtain the very best skill at fair and remunerative prices. There is great economy in being able to secure the very best service at a fair and reasonable remuneration. I think, therefore, the action of the committee in this matter was a mistake. I am aware there are certain reasons which made it appear best to the committee to take the course they did. While I take my share of responsibility for the bill I do not approve of this particular feature of it, and I desired to put that fact on record.

Mr. MCMILLIN. I wish to ask the gentleman in charge of this bill whether when the committee forwarded these claims to the auditing and controlling officers it was done with the request that the claims be investigated and returned to the committee.

Mr. HENDERSON, of Iowa. No; that was not a part of the letter. I do not think we said anything about returning them to the committee. We sent them to be audited. We understood that none of these claims had been audited. They were old matters running back to 1872. The Attorney-General has telegraphed to us that the claims have been submitted to the auditing officers and will be promptly examined; those officers are at work upon them. I think that some of the claims have been already audited.

Mr. MCMILLIN. The gentleman from Alabama [Mr. OATES] says the auditing officers seemed not to be impressed with the idea that they were to return these claims.

Mr. HENDERSON, of Iowa. The returning is done under the law with which the gentleman from Tennessee is familiar.

Mr. MCMILLIN. That is only done where the law itself requires the auditing.

Mr. HENDERSON, of Iowa. Well, there is nothing requiring the Committee on Appropriations to make any call; we have made no calls for any of these matters. Nearly all the calls that have been made since my connection with the Appropriations Committee have been in pursuance of some special resolution. But no doubt, if the Department is called upon by the committee, they will send these matters down.

Mr. MCMILLIN. But it seems to me, Mr. Chairman, that if these things were pending before the Appropriations Committee—and I am not criticising the action of that committee at all, or desiring to do so—but when they were pending before that committee, it should, in the same communication that required their investigation by the auditing officers, have requested their return.

Mr. HENDERSON, of Iowa. That, I will state to the gentleman, I never thought of doing or any other member of the committee. We did not deem it necessary, because, in the first place, we took it for granted that whatever investigation was made would be reported in proper time; and we did not do it also because it was but a day or two before the bill was reported. However, we supposed that the claims would come back in due order, after being audited.

Mr. MCMILLIN. Would the gentleman from Iowa object to doing that now?

Mr. HENDERSON, of Iowa. It is too late now. If any of these matters come back in time to be acted upon in connection with the conference matters I should be very glad to take what steps can be taken to secure their consideration.

Mr. MCMILLIN. But, Mr. Chairman——

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Tennessee allow me to interrupt him for a moment?

Mr. MCMILLIN. Certainly.

Mr. BRECKINRIDGE, of Kentucky. Allow me to say that there was no call on the gentleman from Iowa at all to write the letter he did in regard to these matters. It was done out of a desire to have the claims in such condition as to justify him in putting them into the bill according to the view had of the matter. I make this statement in justice to the gentleman himself, because I think it is due to him.

Mr. MCMILLIN. But it seems to me that when the claims were sent it would have been a very easy and proper thing to request their return.

Mr. HENDERSON, of Iowa. Allow me to say one other thing in this connection: That not one of these claims up to this hour could be put into an appropriation bill without being subject to the point of order under the rules of the House, for the reason that they had not been audited. I did not want to place them in that condition. They have not been properly before the Appropriations Committee to enable them to be included in the appropriation bill, and when we sent them to the Attorney-General with our suggestions, which he approved of at once, we assumed that they would come back to us in the regular way.

Mr. MCMILLIN. But my friend will agree with me that the Com-

mittee on Appropriations can not require that to be audited and thereby make it legal which the law itself does not require to be audited. A request from the Committee on Appropriations that the auditing officers investigate and report on certain claims does not give them any power other than that they had before. Unless the law requires the thing to be done the mere request would not be a sufficient warrant.

Mr. HENDERSON, of Iowa. No; but the law requires, where the money has been covered into the Treasury out of which matters should have been paid, that they must be first audited. They have not been audited, and the moment we called the attention of the Attorney-General to the fact he acquiesced at once with the views of the Committee on Appropriations and took prompt steps in the matter.

But up to this hour not a single one of these claims has been where the Appropriations Committee could have included it in a bill and submitted it to the House without being subject to the point of order under the rules of the House.

Mr. MCMILLIN. Now, it seems to me that inasmuch as the claims came to the Appropriation Committee, presumably last year, certainly the early part of this session, and were held until the 18th day of July, after the bill was made up——

Mr. HENDERSON, of Iowa. I want to say to the gentleman just at that point, if he will allow me to interrupt him, that they came in a number of documents, some of them coming as late as July. Let the gentleman be fair, as I think he intends to be. He knows that the general deficiency bill gathers up the residuum, so to speak, of the work of the several Departments. It is the last appropriation bill to be reported. We took the different documents as they came in and incorporated those which should be incorporated.

Mr. MCMILLIN. I have no desire, certainly no intention, of criticising the Committee on Appropriations——

Mr. ROGERS. Allow me just one moment. The gentleman from Iowa, I am sure, wants to be fair also. This report was sent by the Secretary on the 17th day of January, and the House sent it to your committee.

Mr. HENDERSON, of Iowa. But that is only one; No. 121, I suppose, is the document you refer to.

Mr. ROGERS. That is the number.

Mr. HENDERSON, of Iowa. Well, there are a large number of them. There are certainly nine separate printed documents. I have been over them so much that I think I almost know their numbers and contents by heart. They embrace a great many items, and came at various times, some as late as July.

Mr. MCMILLIN. Let me say to the gentleman from Iowa what I was proceeding to say, that I have no intention, and certainly no desire, to criticise the Committee on Appropriations or to be harsh in any stricture I may make in regard to what the committee has or has not done. It is a committee, I know, that has an immense deal of work to do. Its labors are very considerable. But the gentleman from Iowa will see and agree with me that great hardship comes to these complainants having these claims if they are not sent to the auditing officer until the day after the bill is reported to Congress, and within a few days of its passage through the House, when it is manifest it will delay their passage. They are necessarily postponed until the next session. That will certainly be the effect of the proceeding, whether it was intended or not.

Mr. HENDERSON, of Iowa. I think the majority of them will yet come into this bill before it passes the two Houses. I think they will be added in the Senate.

Mr. CANNON. I understand the gentleman from Iowa to say, and such is the fact, that the Committee on Appropriations had no jurisdiction over these claims in the shape that they came to us. They referred them back for the action of the accounting officers, and I understand the gentleman from Iowa to say that he understands the practice is on the Senate side that when this bill goes to them they do what the law does not; that is, they pass a resolution and ask that these claims may be sent up, all of them that have been audited, and they add them by way of amendment, and then they will have a status which up to this time they have not had.

Mr. VAUX. I would like to ask the gentleman, when they could not go before the Appropriations Committee because of the want of legality, why should they come into the deficiency bill when they are not legally before the committee to which they belong, and how can any cognizance be taken of them in this deficiency bill when they could not be accepted by the Appropriations Committee on the ground of a want of legality.

Mr. HENDERSON, of Iowa. We have not taken cognizance of them, and they are not before the House at all. These are simply inquiries in regard to them by gentlemen who are interested in them to see what is being done with them.

Mr. ROGERS. Just one word. I wish to address it to the good sense and honest judgment of the gentleman from Iowa [Mr. HENDERSON], whether he does not think, in view of what has been stated by the gentleman from Alabama, that the Treasury Department did not think they had any business to send these here—if he does not think it is incumbent upon him, having contributed to place these accounts where they are, to ask the Treasury officers to send them forward to the House.

Mr. HENDERSON, of Iowa. No, I think that would be eminently improper. In the first place, until the gentleman from Alabama [Mr. OATES] told me about one case to which he has been paying some attention, I did not know that one of these claims had been allowed. I presume that one or two others may be the only ones that are allowed. Now, why should we make an exception in the case of one or two that have been allowed when the law fixes a channel through which to bring these to us? And if we do it in regard to these, there may be others in the same situation to-morrow.

Every one of these claims has been presented since the committee began the consideration of the bill. They have sent these documents here so fast that we have had the greatest difficulty in keeping track of them. They waited until the bill was ready to report to the House, until we commenced the consideration of these very amendments that have been offered. The effort of the committee has been an honest endeavor to bring all these matters up to date, but with these claims in the situation in which they are we could not attempt anything of this sort, especially when we know that anything that is left out in the House can be brought in in the Senate into this very bill. I hope I have answered the gentleman from Arkansas [Mr. ROGERS] satisfactorily.

Mr. ROGERS. No, you have not; but that is all I can expect to get from you, and I want to say that, while I have been disappointed in my efforts to get my friend from Iowa to deal with these claims in the way I think they ought to be dealt with, I have at least some compensation in having got the gentleman from Illinois [Mr. CANNON] to admit that the Senate has something to do with the legislative functions of the Government. [Laughter.]

Mr. OATES. I want to ask the gentleman from Iowa in charge of the bill for an explanation of an item with reference to the payment of United States commissioners.

Mr. PETERS. That is pending now.

Mr. HENDERSON, of Iowa. We have passed that item.

Mr. OATES. No, it was read, and I was going to ask you about it when the gentleman from Arkansas got the floor.

Mr. HENDERSON, of Iowa. Every one of the items relative to the payment of United States commissioners has been ascertained and approved by the accounting officer.

Mr. OATES. You are anticipating me.

Mr. HENDERSON, of Iowa. I thought that was your question.

Mr. OATES. No; what I wish to know is, if the gentleman can inform me, what part of that item, if any, is made of judgments recovered by United States commissioners for their services.

Mr. HENDERSON, of Iowa. I can not answer as to that.

Mr. OATES. And whether any judgments are included in these items.

Mr. HENDERSON, of Iowa. I do not think there is a judgment in one of these items. I think these are the regular accounts sent in and audited by the accounting officers and transmitted to us for the services of United States commssioners. I do not think there is a judgment in one of the items.

Mr. OATES. Are you aware of the fact that there are a good many judgments pending and unsatisfied?

Mr. HENDERSON, of Iowa. We have had nothing of that kind before us unless they have come from the United States courts under the provisions of the Tucker act. We have had a large number of those, and they are included in the bill in another place.

Mr. OATES. They are the judgments to which I refer.

Mr. HENDERSON, of Iowa. They are included in the bill—everything that has been certified is included.

Mr. OATES. Are they included in this particular item?

Mr. HENDERSON, of Iowa. This item does not include them. These are the regular items of expense of United States commissioners, audited by the officers and sent to us through that channel.

Mr. PETERS. For fees.

Mr. HENDERSON, of Iowa. If there are any claims for fees of United States commissioners in judgment they are included in the bill under the provisions of the Tucker act, provided for later in the bill under head of "Judgments from United States courts." Now, if the gentleman from Alabama will allow me one word further, the gentleman from Arkansas [Mr. ROGERS] is not satisfied with all that I have said, or endeavored to say, and will not be satisfied.

I appeal to the gentleman from Alabama [Mr. OATES], having explained that it was impossible for us to put these into the bill as they were not within the rules, to say if the very claim that he is interested in—and I do not mean directly, but simply in his representative capacity—if its status to-day, not being allowed, is not the result of the recommendations of the Appropriations Committee in an honest endeavor to get these bills audited. I appeal to the gentleman for an answer.

Mr. OATES. I, of course, do not know what action the committee has taken except what I have learned from the gentleman himself, and I do not know all the reasons. They may not have fully appreciated

the extent of these matters so as to have sent them earlier to the auditing officers, but they are now rapidly being made up. My information was that they would be ready to be transmitted by to-day or to-morrow, but I presume they came too late to be put into this bill; that is to say, if there was any call for them, and I see no prospect of them getting into this bill in this House.

Mr. HENDERSON, of Iowa. Some of these claims did not reach us until a few days ago.

Mr. OUTHWAITE. Mr. Chairman, I would like to know what amendment is pending.

The CHAIRMAN. No amendment is pending.

Mr. HENDERSON, of Iowa. There is no amendment pending, and the matter we have been discussing has been passed in the bill. I thought it was proper, however, to have it fairly discussed.

Mr. OUTHWAITE. I would like to inquire whether a motion that the committee do now rise would be in order. If so, I make it.

Mr. HENDERSON, of Iowa. I hope that motion will not be made. Let us go on a little while, until we at least finish the Department of Justice, which will only occupy a few minutes.

Mr. OUTHWAITE. I will withdraw my motion for three minutes.

Mr. CANNON. Who is running the bill, the gentleman from Ohio [Mr. OUTHWAITE] or the gentleman from Iowa [Mr. HENDERSON]?

Mr. OUTHWAITE. I am not attempting to run anything, sir; but I am trying to stop this running that does not amount to anything, and has not for the last thirty minutes. [Laughter.]

Mr. CANNON. I hope the Clerk will read.

The Clerk read as follows:

Expenses of Territorial courts of Utah Territory: For defraying the contingent expenses of the courts, including fees of the United States district attorney and his assistants, and fees and per diems of the United States commissioners and clerks of the court, and the fees, per diems, and traveling expenses of the United States marshal for the Territory of Utah, with the expenses of summoning jurors, subpœnaing witnesses, of arresting, guarding, and transporting prisoners, of hiring and feeding guards, and of supplying and caring for the penitentiary, to be paid under the direction and approval of the Attorney-General, upon accounts duly verified and certified, being for deficiencies on account of fiscal years, as follows:

For 1890, $8,000.

For 1889, $3,885.80; in all, $11,885.80.

Mr. ROGERS. I move to strike out the last word.

I do not want to pass this point without responding to the last observation of the gentleman from Iowa. I do not want him to understand for a moment when I said I was not satisfied that I intended to reflect upon him or his committee. I simply meant to say that I dissented from some views expressed by him. For instance, when he said he had no jurisdiction of this question I think he was mistaken. These documents came here in the regular form from the Treasury Department through the regular channels. They are sent to the House, laid before the House by the Speaker, and sent by him to the Committee on Appropriations and printed; and that is the way executive documents get before the committee, giving them jurisdiction; and that they have it there can be no question, I think. Whether they had conformed to the law prior to that is a thing I can not state, but they came from the Treasury Department to Congress.

So that if the Committee on Appropriations had seen fit to do so, I think there is no doubt they would have had the right to deal with this question. For years they have dealt with it exactly in that way. Throughout the Administration of Mr. Cleveland Mr. Durham held that these claims, as I stated before, which were not paid prior to the time the appropriation was exhausted for the fiscal year were not subject to be paid out until they went through this channel. The committee, therefore—and the Treasury Department and the Department of Justice having acted—had the jurisdiction, and the committee might have dealt with the claims. Again, I would be insincere—wholly insincere—and I can not afford to be that, if I did not believe that there was some suspicion that this course has been taken in order to keep these accounts from swelling this deficiency bill. That is my judgment about it.

Mr. HALL. I would like to ask the gentleman a question.

Mr. ROGERS. Certainly.

Mr. HALL. Are not these claims contained in a part of the bill that has already been passed?

Mr. ROGERS. Has my friend got a bill?

Mr. HALL. Yes, sir.

Mr. ROGERS. Then you can read for yourself. I assume you can read, and therefore you can inform yourself.

Mr. HALL. But you wanted to stick to the bill. You were so anxious to go on with the consideration of the bill.

Mr. ROGERS. I do not want the gentleman to interrupt me. As his question was not very pertinent or polite I am disposed to treat it in the same way. I assume the gentleman can read, and, if he can, he can ascertain it as well as I can tell him. I will say to him that I am looking after my own matters.

Mr. HALL. And everybody else's.

Mr. ROGERS. And I want to say another thing: I think that possibly there was another reason, and that is a prejudice against this class of claims together with this unfortunate state of affairs that grew out of the last Administration as applied to them. I do not know how it was prior to that. It has been operated in exactly the same way and operated as an injustice to those who had already discharged their duties to the Government under existing law. In saying that I hope my friend will not regard it as a reflection upon the committee, but that is my honest belief and I can not help that. I have been sincere, I think, in telling it.

Mr. HENDERSON, of Iowa. I simply want to say in reply that it is a matter of perfect indifference to me what the gentleman from Arkansas thinks of me or our committee.

Mr. CANNON. I think it is fair to say that the committee did not reject these claims for the reason spoken of, and not because it would swell the bill. They had no place in the bill. They had not been ascertained under the law. The law provides that they shall be ascertained and certified, and under the rules of the House they can not go in until that is done. So the only way for us to do was either to do this or to have them rejected; and, while the gentleman is entitled to his opinion, I do not think that it is material to anybody else what his opinion is.

Mr. ROGERS. That settles it. I move to strike out the last word.

Whenever the gentleman from Illinois gets up and denounces a thing *ex cathedra*, that settles it, and that is the end of it; and when he gets up and puts on an air of wisdom and commences to tear his hair and beat the air and look wise, giving the galleries a chance to look down and admire his good looks, and so forth, and so forth, that settles it, and nobody can say anything else. That exhausts it.

Mr. CANNON. And I hope you are exhausted, too. [Laughter.]

The Clerk proceeded to read.

Mr. OUTHWAITE. I renew my motion that the committee do now rise.

Mr. CANNON. I hope the committee will not rise.

Mr. HENDERSON, of Iowa. I hope the commitee will not do that, as we have been interrupted so much.

The question was put; and the Chairman announced that the noes seemed to have it.

Mr. ROGERS. Division.

The committee divided; and there were—ayes 30, noes 52.

Mr. ROGERS. I do not think there is a quorum present.

The CHAIRMAN. On a motion that the committee rise it is not necessary that a quorum should be present. It is tantamount to a motion to adjourn, and a quorum is not necessary on such a motion.

Mr. BYNUM. But it does take a quorum to do business.

The CHAIRMAN. The Chair understands the ruling has uniformly been that on a motion that the committee rise, or on a motion to adjourn, the presence of a quorum is not necessary.

The Clerk read as follows:

To pay John B. Clark, Clerk of the House of Representatives of the Fiftieth Congress, for services in compiling and arranging for the printer and indexing testimony used in contested-election cases as authorized by an act entitled "An act relating to the contested elections," approved March 2, 1887, the sum of $1,000, and an additional sum of $1,500 to such employés as were actually engaged in the work, to be designated by the said John B. Clark, and in such proportion as he may deem just, for assistance rendered in the work; in all, $2,500.

Mr. BYNUM. I move to strike out the last word.

The question was taken on the motion of Mr. BYNUM; and the Chairman declared that the noes seemed to have it.

Mr. BYNUM. I ask for a division.

The committee divided; and there were—ayes 1, noes 34.

Mr. BYNUM. I make the point that there is no quorum present.

The CHAIRMAN. The Chair will ascertain by count. [After counting.] There are one hundred and eight members within the bar of the House, more than a quorum; and, a majority voting against the motion of the gentleman from Indiana, it is lost.

The Clerk read as follows:

To pay to the widow of the late R. W. Townshend the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-first Congress, $10,691.46.

To pay to the widow of the late E. J. Gay the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-first Congress, $9,904.37.

Mr. KERR, of Iowa. Mr. Chairman, it strikes me that this is proceeding further in the way of allowance for salary than has ever been done before.

The CHAIRMAN. What motion does the gentleman submit?

Mr. KERR, of Iowa. I move that the amount be reduced to a year's salary.

Mr. CANNON. Mr. Chairman, this is in exact line of precedent, giving the full salary for the full term where the member dies after the term of Congress begins.

Mr. HENDERSON, of Iowa. Everything here is in accordance with the custom of the House.

Mr. KERR, of Iowa. I suppose that with the whole Committee on Appropriations and the majority of the Committee of the Whole against me it would be useless to insist upon my motion.

The CHAIRMAN. The Chair is inclined to concur in opinion with the gentleman from Iowa. [Laughter.]

The Clerk read as follows:

To pay James D. Gage, administrator of the estate of James B. Laird, deceased, a Representative from the Second district in the State of Nebraska in the Fiftieth Congress, in full for the mileage of said Laird for the second session of said Congress, $804.

Mr. HENDERSON, of Iowa. I wish to make an amendment there, striking out the letter "B;" so that the name shall read, "James Laird."

The amendment was agreed to.

The Clerk read as follows:

To pay to the widow of James N. Burnes, a member-elect to the Fifty-first Congress, but who died before the time of its organization, $6,000.

Mr. HENDERSON, of Iowa. I have an amendment to offer at that point which is made necessary by the death of Mr. Walker, of Missouri.

The amendment was read, as follows:

Page 58, after line 10, insert:

"To pay to the widow of James P. Walker the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-first Congress, $3,593.96."

Mr. KERR, of Iowa. Mr. Chairman, I move to strike out the last word. I suppose my motion is too late, as it ought to have been made when the beginning of this list was reached, and I refer now to some of the preceding items. It does not seem to me that it is proper to allow any man to take from the Treasury of the United States the sum of $10,000 for services that he never performed, and there ought to be a reformation in this respect. The rule is that men should be paid for service, and there should be no privileged class, whether belonging to Congress or anywhere else, who are permitted to take money out of the Treasury for work that they have never performed.

Mr. MILLIKEN. How can the gentleman call these men a "privileged class" when they are dead? [Laughter.]

Mr. KERR, of Iowa. But this kind of appropriation takes money from the Treasury and puts it into the hands of people who never earned it, and, in my judgment, it is a violation of sound policy.

The Clerk read as follows:

To pay George A. Matthews in full for the unexpired term of the Fifty-first Congress, for which he was elected as a Delegate from the Territory of Dakota, namely, from November 2, 1889, to March 4, 1891, $6,679.70.

Mr. MCADOO. Mr. Chairman, I move to strike out the last word. I see the gentleman from Ohio [Mr. GROSVENOR] present, and I deem it but justice to the illustrious dead that I should read at this time a denial made by Samuel J. Tilden of the charge which that gentleman has incidentally referred to here against his memory to day.

Mr. HENDERSON, of Iowa. Mr. Chairman, I move that the committee do now rise.

Mr. MCADOO. This will take but a minute.

Mr. HENDERSON, of Iowa. The gentleman from New Jersey told me it would take only a minute before, and it brought upon us a whole afternoon's debate.

Mr. MCADOO. Well, I did not take up the time.

The CHAIRMAN. The gentleman from New Jersey [Mr. MCADOO] is entitled to the floor.

Mr. OUTHWAITE. Now, I ask the gentleman from New Jersey to yield to the gentleman from Iowa to move that the committee rise.

Mr. MCADOO. I prefer to read this now. The gentleman from Ohio [Mr. GROSVENOR] is present, and I think it only a matter of justice that Mr. Tilden's denial should go into the RECORD at this time in reply to the matter to which the gentleman from Ohio has referred.

Mr. GROSVENOR. The gentleman from Ohio has made no issue upon the dead, and the gentleman from New Jersey is making a straw man for the sake of exhibiting himself as a defender of somebody that has not been assailed.

Mr. MCADOO. The RECORD will show whether the gentleman from Ohio made any assault or not. I read:

We now come down to the next charge, that Governor Tilden was the associate of William M. Tweed on a Democratic committee, that he levied a contribution on William M. Tweed of $5,000, and that he issued a circular in combination with William M. Tweed intended to promote the fraudulent election of a governor of the State of New York.

* * * * * * *

Then as to the issue of that circular, the lie has been nailed here by my colleague [Mr. Cox]. If any man doubts whether that declaration of Governor Tilden which had been read was published in The Evening Post of the 4th of November, 1868, the files are accessible to them. I saw it with my own eyes; I know it was then published. I know that not more than twenty-four hours elapsed from the time the charge was made in The Evening Post, and it was first made in that paper, until the denial was made in the same paper. That denial I here insert:

"CARD FROM MR. TILDEN.

"*To the Editor of the Evening Post:*

"SIR: My attention has been called to an article in your journal of last evening containing a circular to which my name is appended. I hasten to assure you that you will not lose your reputation as critics by assuming, on internal evidence, as you have correctly done, that no such paper was ever written, signed, issued, or authorized by me or with any participation or knowledge on my part. I have read it for the first time in your columns; but I have no reason to believe that it had any such evil purpose as you suspect. For myself, I refused in 1844 to sign the famous secret circular relating to Texas, which is celebrated in the history of The Evening Post, though I might have been tempted by the illustrious association in which I should have found myself.

"Neither before that nor since have I ever been concerned in any circular marked 'secret,' 'confidential,' or 'private;' nor shall I be, unless I should adopt that device for the purpose of getting some valuable truth, disguised in such a form, secured a wide publicity in The Evening Post and all the Republican newspapers.

"Very truly yours,

"S. J. TILDEN.

"NEW YORK, *November* 4, 1868."

Mr. GROSVENOR. To-morrow I shall have published in the RECORD the letter of Mr. Greeley, and it will be seen that this is no reply to that letter at all, and has nothing to do with it.

Mr. CANNON. What is the use of going into ancient history now?

Mr. HENDERSON, of Iowa. I move that the committee rise.

Mr. BRECKINRIDGE, of Kentucky. In order that there may be no misunderstanding, I call attention to the fact that we are considering the paragraph for the payment of Mr. Matthews, Delegate.

Mr. HENDERSON, of Iowa. I think we have passed that.

The CHAIRMAN. No. The motion of the gentleman from New Jersey [Mr. MCADOO] was to strike out the last word, and it will be pending when the committee resumes its session.

The motion of Mr. HENDERSON, of Iowa, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYSON reported that the Committee of the Whole House on the state of the Union had had under consideration the general deficiency bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 209) to amend the act to establish two additional land districts in the State of Montana, approved April 1, 1890.

ELECTION CONTEST—GOODRICH VS. BULLOCK.

Mr. MAISH submitted the views of the minority of the Committee on Elections upon the contested-election case of Goodrich vs. Bullock, from the Second Congressional district of Florida; which were ordered to be printed.

SARATOGA MONUMENT ASSOCIATION.

Mr. SANFORD. I ask unanimous consent for the present consideration of the bill (H. R. 7119) to authorize the Secretary of War to loan certain cannon to the Saratoga Monument Association.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BYNUM. I call for the regular order.

Mr. MCKINLEY. I hope the gentleman will withdraw his objection.

The SPEAKER. The regular order is demanded.

Mr. HENDERSON, of Iowa. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

BILLS FOR THE SPECIFIC ACTION OF CONGRESS.

A letter from the Secretary of the Treasury, transmitting a communication from the Attorney-General, recommending the payment of certain bills amounting to $8,965.15, on file in the Department of Justice, which do not fall within any appropriation under its control—to the Committee on Appropriations.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. BINGHAM:

Resolved, That ——, after the rea ding of the Journal, be set aside for the consideration of such business as may be presented by the Committee on the Post-Office and Post-Roads;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. SNIDER, from the Committee on Military Affairs, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 2553) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the War Department standing against John McFarland, and to grant him an honorable discharge. (Report No. 2919.)

A bill (S. 2750) to remove the charge of desertion against Almon R. Tobey. (Report No. 2920.)

A bill (S. 1456) correcting the military history of David A. Parkhurst. (Report No. 2921.)

A bill (S. 1696) for the relief of Asher W. Foster. (Report No. 2922.)

A bill (S. 2597) to remove the charge of desertion from the military record of William S. Bennett. (Report No. 2923.)

Mr. SNIDER also, from the Committee on Military Affairs, reported with amendment the bill of the Senate (S. 2086) to correct the military record of John Hinsman, late of Company G, Eleventh Regiment Kentucky Cavalry, accompanied by a report (No. 2924)—to the Committee of the Whole House.

Mr. BURROWS, from the Committee on Ways and Means, reported with amendment the bill of the House (H. R. 4730) to refund certain import duties, accompanied by a report (No. 2925)—to the Committee of the Whole House.

Mr. VAN SCHAICK, from the Committee on Public Buildings and Grounds, reported favorably the bill of the Senate (S. 3034) to provide for the purchase of a site and the erection of a public building thereon at Muskegon, in the State of Michigan, accompanied by a report (No. 2926)—to the Committee of the Whole House on the state of the Union.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 11625) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich, accompanied by a report (No. 2927)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. LEE (by request): A bill (H. R. 11666) to create additional associate justices of the supreme court of the District of Columbia and to increase the salaries of the justices of said court—to the Committee on the Judiciary.

By Mr. WHEELER, of Alabama: A bill (H. R. 11667) authorizing the construction of a bridge over the Tennessee River at or near Deposit, Marshall County, Alabama, and for other purposes—to the Committee on Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. DORSEY: A bill (H. R. 11668) granting an increase of pension to Manford Mott—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 11669) for the relief of Andrew N. Hope, late of Company A, Second Tennessee Infantry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 11670) for the relief of Lydia A. Newby, of Daisy, Tenn.—to the Committee on War Claims.

By Mr. GEAR: A bill (H. R. 11671) granting a pension to Mary Hollis—to the Committee on Pensions.

Also, a bill (H. R. 11672) to amend the military record of Samuel Racey—to the Committee on Military Affairs.

By Mr. HOUK: A bill (H. R. 11673) for the relief of Milton Shootman—to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 11674) granting a pension to Ellen Miles Brown—to the Committee on Invalid Pensions.

By Mr. RAINES: A bill (H. R. 11675) to increase the pension of Sylvester C. Hill—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 11676) to pension William Boss—to the Committee on Pensions.

Also, a bill (H. R. 11677) for the relief of Beverly Jones—to the Committee on War Claims.

Also, a bill (H. R. 11678) for the relief of Sarah Page—to the Committee on War Claims.

By Mr. WILSON, of West Virginia: A bill (H. R. 11679) for the relief of Samuel Lemons—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's table, and referred as follows:

By Mr. CARUTH: Papers to accompany House bill 10029, for the relief of Francis Speckert—to the Committee on War Claims.

Also, paper to accompany House bill 1323, for relief of George S. Coyle—to the Committee on War Claims.

Also, papers to accompany House bill 1295, granting an increase of pension to Mrs. Margaret J. Lovel—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11300, granting an increase of pension to August Stein—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 11623, to increase the pension of Henry G. Marshall—to the Committee on Pensions.

By Mr. ENLOE: Papers and petition on claim of John L. Taylor, of Madison County, Tennessee—to the Committee on War Claims.

By Mr. FUNSTON: Petition of citizens of Paola, Kans., for legislation that will regulate the sale of intoxicants—to the Committee on the Judiciary.

By Mr. GEAR: Affidavit of Elizabeth C. McCarty, in case of Catherine Willis—to the Committee on Invalid Pensions.

By Mr. HAYNES: Resolutions of the Butchers' Protective Association No. 4, of Toledo, Ohio, in favor of the Conger lard bill—to the Committee on Agriculture.

Also, resolutions of the same association in favor of the Butterworth option bill—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Proof in behalf of L. S. Coburn, of Clarksville, W. Va.—to the Committee on Invalid Pensions.

By Mr. HOLMAN: Petition of O. P. Cobb and others, praying compensation for corn and oats furnished the United States on oral and written contracts—to the Committee on War Claims.

By Mr. PERKINS: Resolution of citizens of Las Vegas, N. Mex., favoring the passage of the Perkins bill providing for a common-school system in New Mexico—to the Committee on the Territories.

Also, petition of Jose Montoya and 100 others, residents of New Mexico, for same purpose—to the Committee on the Territories.

By Mr. WHITTHORNE: Petition on claim of R. W. Griggsby for the estate of William Griggsby, late of Giles County, Tennessee—to the Committee on War Claims.

Also, petition of R. A. Guthrie, of Tennessee, on claim for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, petition of Jesse Taylor, of Tennessee, on claim for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, petition of W. H. Baker and 23 others, of Hickman County, Tennessee, asking passage of House bill 7162—to the Committee on Ways and Means.

SENATE.

THURSDAY, *August* 7, 1890.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. GORMAN. Mr. President, I suggest that it is very evident there is not a quorum present.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Bate,	Edmunds,	Hoar,	Sanders,
Berry,	Evarts,	Ingalls,	Sawyer,
Cameron,	Faulkner,	McPherson,	Sherman,
Casey,	Gorman,	Mitchell,	Spooner,
Cullom,	Hale,	Morgan,	Squire,
Davis,	Hampton,	Paddock,	Turpie,
Dixon,	Harris,	Plumb,	Vest,
Dolph,	Hiscock,	Power,	Walthall.

Mr. CULLOM. My colleague [Mr. FARWELL] is detained from the Senate by illness.

The PRESIDENT *pro tempore*. The roll-call shows that thirty-two Senators are present.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is detained on official business in the Executive Departments.

Mr. EDMUNDS. A quorum has not appeared, I believe.

The PRESIDENT *pro tempore*. A quorum has not appeared.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Secretary will furnish the Sergeant-at-Arms with a list of absent Senators, who is hereby directed to request their attendance.

Mr. ALDRICH, Mr. REAGAN, Mr. TELLER, and Mr. WILSON of Iowa entered the Chamber and answered to their names.

Mr. FAULKNER. I desire to state that my colleague [Mr. KENNA] is detained from the Senate by reason of sickness.

After a little delay, Mr. BARBOUR, Mr. COCKRELL, Mr. COKE, Mr. DAWES, Mr. FRYE, Mr. MCMILLAN, and Mr. VANCE entered the Chamber and answered to their names.

The PRESIDENT *pro tempore* (at 10 o'clock and 19 minutes a. m.). Forty-three Senators having responded, a quorum is present. Shall further proceedings under the call be dispensed with?

Mr. EDMUNDS. I think that the business can proceed, as this is only a request to absent Senators to come in. We shall need them presently. I think it is perfectly right to go on with the reading of the Journal, and let gentlemen be invited to come in.

The PRESIDENT *pro tempore*. If there be no objection, a quorum being present, the Journal of the proceedings of yesterday will be read by the Secretary.

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

HOUSE BILL REFERRED.

The bill (H. R. 11491) for the relief of Charles F. Bowers was read twice by its title, and referred to the Committee on Military Affairs.

EVELYN W. MILES.

The PRESIDENT *pro tempore*. The following bill of the Senate