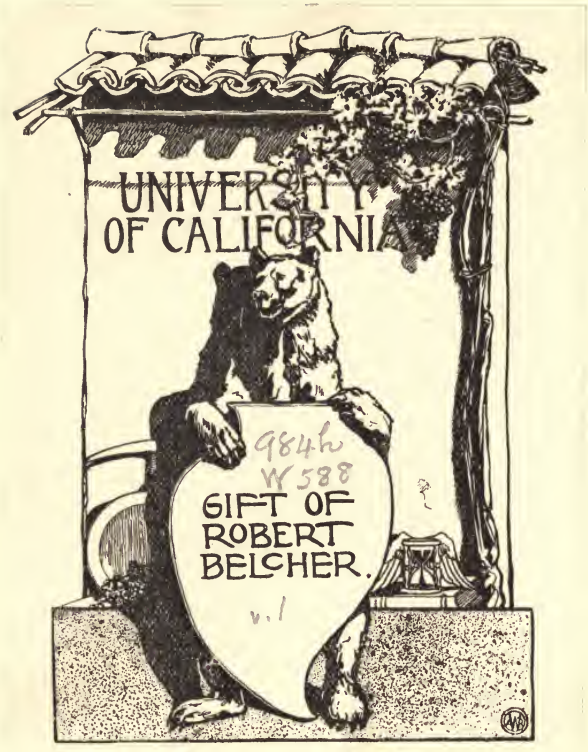

UNIVERSITY
OF CALIFORNIA
984h
W588
GIFT OF
ROBERT
BELCHER.
v.1

SPECIAL PERMISSION
INTERLIBRARY LOAN

SAN FRANCISCO PUBLIC LIBRARY

PLEASE RETURN THIS BOOK TO THE
INTERLIBRARY LOAN DEPARTMENT
GENERAL REFERENCE DESK

BOOK: Life & Works of Stephen m. White. By. Mosher, Leroy

DATE DUE: 5-7-77

PATRON: Kenneth M. Johnson

STEPHEN M. WHITE.

STEPHEN M. WHITE

CALIFORNIAN, CITIZEN,
LAWYER, SENATOR.

HIS LIFE AND HIS WORK.

A CHARACTER SKETCH

BY LEROY E. MOSHER.

TOGETHER WITH HIS

PRINCIPAL PUBLIC ADDRESSES,

COMPILED BY

ROBERT WOODLAND GATES,

His Former Private Secretary,

IN TWO VOLUMES.

THE TIMES-MIRROR COMPANY, PUBLISHERS,
LOS ANGELES,
1903.

VOLUME I.

INTRODUCTION

America's pride is in her men — self-made or born with a noble and distinguished ancestry — it is all quite the same. Pride of family is a characteristic of the world's older lands, but in this great free republic where every boy born under the flag has an equal chance with his fellows, and must achieve greatly if he would become great, family counts of small moment. We have seen boys stepping across the humblest thresholds to become the mightiest of men in the affairs of the nation and of the world. We have seen the pampered off-springs of the powerful and influential and the wealthy passed at a bound by those who so often struggled to the front along a pathway filled with obstacles fit to daunt the stoutest heart, that the American people have quite come to believe that there is no height to which the youth of this republic may not attain provided he be not handicapped with too many advantages. Stephen Mallory White, the brightest name in California's galaxy of those born upon her soil, was essentially a self-made man, albeit his ancestry was neither humble nor of noble name.

His father, William F. White, came to the United States with his parents from Ireland when an infant of four years. He grew up on a Pennsylvania farm, emigrated to Western New York, later moving to the City of New York and becoming the publisher of a weekly newspaper. Subsequently he was in the employ of the government in the New York Custom House.

Mr. White's mother was Fannie J. Russell. She was left an orphan at an early age, and when a small child was taken to Florida in the family of her cousin, Stephen R. Mallory, by whom she was raised and educated. Mr. Mallory represented Florida in the United States Senate and was a member of the Confederate Cabinet during the great war between the States. It was for Stephen Mallory that Senator White was named. It was while Fannie Russell was being educated in New York City that she met William F. White, and their marriage took place in Savannah, Ga., just at the time that the California gold excitement was agitating the sturdy youth of the world. Fired by the marvelous tales told of the golden state, William F. White, with his faithful wife, emigrated to the coast, arriving in San Francisco in the month of January, 1849. He became a merchant in that city, and in a little cottage on Taylor Street, between Turk Street and Golden Gate Avenue, Stephen Mallory White was born on the 19th day of January, 1853. This cottage was built in 1850, and re-

mained in place until the year 1881, when it was crowded out by the advancement of business structures.

Shortly after the birth of his son, who later became so notable a character in the State and the nation, William F. White removed with his family to the Pajaro Valley in Santa Cruz County, engaged in farming, established a home, ideal in character and raised his children — two sons and six daughters.

William F. White had much more than average literary ability and was a frequent contributor to the press of the State. He was the author of an interesting work, "Pioneer Times in California," which he published under the *nom de plume* of "William Gray." He was a member of the famous constitutional convention of 1878, which gave to California the basic instrument of the State government that is now in force, and by appointment of William Irwin, then Governor, was, for a number of years, State Bank Commissioner.

The political contest in California in the year 1879 was one of the most notable in its history. It was a triangulated affair — Republican, Democrat and Workingmen. William F. White was the Workingmen's candidate for governor in that contest, and finished second in the race. He died at Oakland, California, where he then resided, on May 16, 1890, in his 74th year.

By this brief reference to the immediate ancestry of Senator White it will be seen that he was neither of humble nor of noble birth. The stock from which he sprang was good, like himself. His father, though born on that rare little British isle which has produced so many great men, was thoroughly American. His mother was a sterling character and their boy possessed attributes of both parents which his career discloses as the story of his gallant life unfolds.

Senator White was a sturdy American boy, square, upright, true as steel, faithful, loyal and brave. Just such a boy as makes a good man. He was sent to a private school in Oakland at the age of thirteen, where he remained for three years. In his previous boyhood he was under the tutelage of his father's sister, a woman of rare mind and superb attainments. At sixteen he was sent to St. Ignatius College, San Francisco, for a year and a half, thence to Santa Clara College, his *alma mater*, from which he graduated in 1871. For ten months after his graduation he "read law" in the office of A. W. Blair in Watsonville, about one year with Albert Hagan in the city of Santa Cruz, and some eight months with C. B. Younger of the same place. On April 14, 1874, he was admitted to the bar of the Supreme Court at Sacramento, and almost immediately thereafter removed to the city of Los Angeles, where his life work began, where he achieved honors and distinction and where he dropped asleep after a brief life filled with goodness, kindness and blessings to his fellowmen.

As was stated at the outset of this sketch, Senator White was essentially a self-made man. He came to Los Angeles rich in nobility of character and natural ability, but poor in pocket. But a short time after taking up his abode in the Southern City he became acquainted with James C. Kays, now one of the city's bankers and leading characters in the business and political world. Mr. Kays was occupying a room on Main Street at a point opposite where Temple Street intersects that thoroughfare and where the Lanfranco building now stands. Mr. White was lonesome, more or less homesick, and without habitation to his liking. Mr. Kays proposed that they enter into partnership in the occupancy of his quarters, but the furnishings were few and the joint exchequer vastly lean. Mr. White, however, jumped at the opportunity to acquire an abiding place, yet how he was to secure a bed on which to sleep, a bowl in which to wash, and a mirror before which to comb his leonine locks was the problem before the house. The two young men, both then starting out in life, debated the great question carefully, and finally decided to beard "Dotter & Bradley," a then famous firm of furniture dealers, in their lair. Their faces proved their fortune, for they secured furniture for Senator White's share of the abode to the amount of $50 on credit, and there commenced a comradeship within the same four walls which continued for nine years, or until Mr. White became a benedict through his wedding of Hortense Sacriste, one of the belles of the Southern metropolis. This event occurred at the Cathedral on Main Street on June 5, 1883, and of which one of the local papers of the day said: "The prominence and the great popularity of the groom, added to the beauty of the lovely young bride, made this a memorable ceremony, which the earliness of the hour (9 A. M.) did not prevent a large concourse from attending." The issue of this marriage was William S., Estelle, Hortense and Gerald Griffin White, aged 16, 14, 12 and 6 years, respectively, at the time of Senator White's death.

At the time when Senator White entered upon his labors at the bar of Los Angeles it comprised many of the ablest lawyers in California, but the fledgeling from Santa Clara College fought his way to the front with dash and *aplomb*. The veterans soon learned that the youngster was an adept in strategy, a master in debate, a power before a jury. He held his ground against the best of them. He fought his cases with skill, adroitness, energy and audacity. He was quick to take advantage of opportunity, but with such cleverness and *savoir-faire* as not to give offense. He won his cases and he grew in standing and popularity.

In the years 1883-84 Mr. White served as District Attorney of Los Angeles County, receiving more votes for that office than any other candidate on the Democratic ticket for either a State, County,

or Township office. His administration of this office was brilliant and able to a degree. He became a terror to evil doers in all their various varieties. His prosecution of a case spelled conviction for the guilty. It is no disparagement of other able men to say that Stephen M. White was far and away the most efficient District Attorney that Los Angeles County ever had. His course in that important local office secured for him the affectionate admiration of his fellow citizens of all parties and it is not too much to say that it was his forcefulness and ability that held back the tide of Republicanism in Los Angeles County for many years.

In the year 1886 Mr. White was elected State Senator from the district in California including the city of Los Angeles, serving four years with splendid efficiency and ability. As a writer said of him the day after his death: "Many wise and just laws were framed by his hand and guided through the Legislature by his energy and wisdom." By the death of Governor Washington Bartlett soon after his election R. W. Waterman became Governor. This event made Senator White presiding officer of the Senate in the first session, and Lieutenant Governor in the second.

A born parliamentarian, frank, fair and kindly, Senator White filled these important positions with the same conspicuous ability, and that rare fidelity which was characteristic of the man everywhere and always.

While an occupant of the Senatorial office Mr. White made his famous and memorable canvass of the State for the United States Senate. It was in a measure, a unique canvass, for Mr. White boldly announced his candidacy and made his fight, as he made all his fights, in the open. It was this canvass that disclosed to California in general just how great and brave and manly Stephen M. White was. It disclosed, too, the latent powers in the man. It demonstrated to the people of the west that there was a giant among them.

It was a struggle against the odds of wealth and unscrupulousness and corruption. The fruitage of the great canvass was not immediate, but it was the sowing of good seed upon fertile soil, for in 1893, with a vacancy in the national Senatorial office, he was triumphantly elected United States Senator on the first ballot. The Legislature which convened in 1893 consisted of 59 Democrats, 51 Republicans, 8 Populists, 1 non-partisan, and 1 Independent. When the joint session of the two houses was held, Mr. White received 61 votes which represented the entire Democratic membership, 1 non-partisan and 1 Populist.

He took his seat March 4, 1893 and, of his career in that great office, within the covers of this volume there is preserved a part of the matchless record.

And beyond that record of his own powerful phrases, his rapier-like thrusts at wrong, his appeals to the better judgment of his countrymen and his splendid fidelity to their interests it is but justice to the memory of California's most famous native son to go outside the record and say that few men who have served in the great parliament of the United States ever before took so advanced a position in the Senate in so short a time. Writing to the author of this all too inadequate biography of Senator White, his former secretary, and the compiler of the speeches and orations contained in this volume, says: "His ability, his eloquence, his fairness, were quickly recognized, and when he spoke the Senators crowded around his desk and the galleries were filled to overflowing. His death meant a great loss to the people of California, more than most of them realize, and his devotion to duty, his great energy and almost mania for work broke him in mind and he appealed to stimulants for aid. He died meriting the plaudits of the multitude, instead of the censure of his people.

"Work, unceasing work, day and night killed him. I know whereof I speak, for the work nearly killed me also. Every night until 11 or 12 o'clock, many nights until 2 and 3 o'clock and sometimes all night winter and summer we toiled side by side, and sometimes I have awakened him from a sleep at his desk only to be told that he could not go home yet but must finish some particular piece of work."

This is the testimony of one who was "on the ground," and who has personal knowledge of the great Californian's devotion to the people and the strenuous life of grinding toil he led at the nation's capital in their service.

Senator White's standing in his party was conspicuous almost from the day that he reached maturity. Locally, no Democratic gathering was considered complete without his presence and, as has been intimated in a previous sentence, it was owing to his powerful personality, his sterling honesty, his genial kindliness and his squareness, uprightness and common sense that his party held prestige so long in a community where the population was rapidly increasing with immigrants from strong Republican States. "Steve" White always led. He did not follow. In the year 1888 he was elected as one of the delegates-at-large to the National Democratic Convention held in St. Louis and was made temporary chairman of that great gathering of his partisans.

Again in 1892 he was one of the delegates-at-large to the national convention held at Chicago when Grover Cleveland was nominated for his second term and, as member of the committee for that purpose, made the address of notification to Vice-President Adlai Stevenson at Madison Square Garden, New York City.

In the memorable convention held by the Democrats of the nation at Chicago in 1896 which nominated William J. Bryan for the Presidency, Senator White was again a delegate and was made permanent chairman of the convention. At the conventions of 1892 and 1896 Senator White was foremost in the counsels of the delegates, a conspicuous and stalwart figure in every gathering thereof. The writer of this sketch was present at both those conventions and speaks by the card. It was an open secret at Chicago in 1896 that but for the proscriptive anti-Catholic organization known as the American Protective Association, or the "A. P. A," then flourishing and aggressive in many parts of the Union, particularly in the West, Senator White might have been the nominee of the convention for the Presidency instead of Mr. Bryan. His name was under constant discussion in Chicago in that connection and in connection with the Vice-Presidency. Had Mr. White not been of the Roman Catholic faith (and to the shame of a portion of his countrymen be it said) he stood much more than a fighting chance for the Presidential nomination in that year which brought such lasting disaster to his party.

Something as to the nature of Senator White's services to the country and his State in the United States Senate may be gathered by a perusal of his powerful speeches and debates in that body, here reproduced.

But no record of this strong, brave man's career would be complete without especial reference to his tireless and successful contest for the establishment of a free harbor at the Port of San Pedro on the coast of Southern California. The history of that contest for a free harbor is too long and too complex and involved to enter upon here in detail — the limitations forbid — but space may be taken to say that in all the history of American legislation never was there made a more bitter, relentless and uncompromising fight on both sides. On one side the people, knowing their rights and daring to maintain them, on the opposing side one of the most powerful corporations on the continent, led by one of the most adroit, capable, and stubborn of men. The corporation was the Southern Pacific Company, of Kentucky — a corporation wholly Californian, and Kentuckian only in name. Its intrepid leader and president, Collis P. Huntington; as the leader in the people's cause Stephen M. White, United States Senator from California.

Successive Boards of Engineers representing the government of the United States had selected San Pedro as the site for a deep sea harbor and the construction of a breakwater whose cost would run into the millions of dollars. Mr. Huntington, for reasons sufficient unto himself, and probably apparent to every one having no more than a superficial knowledge of the conditions surrounding the selection of a

harbor site, decided that the government must and should locate the harbor several miles further up the coast at Santa Monica in an open roadstead. Certain of the examining board of engineers considered both sites and all of them who did so decided against the Santa Monica proposition and in favor of San Pedro. But Collis P. Huntington, with his powerful corporation behind him, stood fast. The case seemed hopeless. The forces of money, position, daring and determination were in combination for the Santa Monica project. On the other side stood the reports of honest and competent governmental engineers, the people — and Stephen M. White!

The battle was on. And how it raged for five long years, with an incipiency long prior thereto, no resident of the Southern portion of California is likely to forget. Doggedly, determinedly, bitterly, Mr. Huntington and his powerful array of paid attorneys hung to the cause of Santa Monica with the grip of tiger jaws. Washington swarmed with lobbyists. Huntington himself went to the capital to appeal to Senators and Representatives with the power of his millions and the promises of the great things that could be accomplished by his "influence." And the influence of a strong man with hundreds of millions of dollars behind him is more than many men can resist even though they be honest and incorruptible. The shadow of the dollar mark reaches farther than the strip of dusk made in the sunshine by the tallest church spire. Here was the incident of David and Goliath in replica, with Huntington as the giant, and the junior Senator from California as the stripling with the pebble and the sling.

As has been said, when Senator White entered upon this task for the people the case seemed hopeless — the force on one side seemed so powerfully mighty, that on the side of the people so pitifully weak.

But the race is not always to the swift nor the battle to the strong. The people won. The Congress supported the reports of the engineers and made appropriation for the construction of a deep sea harbor at San Pedro.

Then there was a further contest in opposition to the construction of the harbor, even after Congress had definitely made a location thereof and authorized and instructed the commencement of the work. Russell A. Alger, of Michigan, was then Secretary of War. Himself many times a millionaire, his fellow-feeling for a fellow-millionaire was more powerful than his sense of obligation to the people whose paid servant he was.

Deliberately, almost if not wholly maliciously and certainly without shadow of authority, the Secretary of War, Russell A. Alger, "held up" the harbor work. But he had Stephen M. White to count with, and again the people won. The War Secretary was driven from the false position he had assumed, and the contract was let.

At this writing (June, 1903) the great harbor at San Pedro is well along toward completion. And there it will remain forever a monument to the sagacity, cleverness, adroitness, audacity and unswerving loyalty of Stephen M. White!

During the pendency of that strenuous contest and upon the occasion of one of Mr. Huntington's many visits to the national capital the magnate of millions met Senator White at a hotel in which they were mutual guests. One evening Mr. Huntington requested Senator White to come to his rooms. The story of that interview has been told by a writer in the Los Angeles Times as related by Senator White himself. Said the Senator in telling some incidents of the great harbor contest: "He (Mr. Huntington) asked if there was no way for us to get together on the harbor business. I said that I did not see any way to do so — that I did not think that he would give up, and I knew I would not.

"Said he (Mr. Huntington) I do not see why. It might be to your advantage not to be so set in your opinion. I then said to him: Mr. Huntington, if that harbor were my personal possession and you wanted it there would be an easy way for us to get together and one or both of us make some money. But as that harbor belongs to the people, and I am merely holding it in trust for them, and have no right to give it away, I do not see how we can come to any understanding.

"Certainly, said Mr. Huntington, that is very high moral ground to take, but a little Quixotic. The people will think no more of you in the end. Many will think less of you, said Mr. Huntington. I am not taking your view of that matter either. It is my own self-respect I am looking at now. So the matter closed."

After it was all over and White had beaten Huntington, the millionaire came to the Senator and in the course of conversation said: "White, I like and respect you. You are almost always against us, but it is not for what you can make out of us to come over. You have a steadfast principle and you fight like a man, in the open and with clean weapons. I cannot say that of all the public men I have had to deal with."

The man who could wring that tribute from Collis P. Huntington had won a greater victory than the mere act of winning a contest for a cause of the people. It was a tribute to manhood. It was a laurel wreath of immortality, not because it came from a millionaire, but because it was an acknowledgment of honesty, and loyalty and of the respect that those qualities must earn from the most bitter and relentless opponent.

Embraced in this volume is Senator White's great speech on this question which was delivered in the Senate on May 8 and 9, 1896. A

perusal of that masterly and memorable analysis of a public question will give to the reader a clear idea what manner of man Senator White was — with what force, logic, and adroitness he brought out the salient points of any matter to which he gave his attention and with what industry, zeal and loyalty he fought the battles of the people against the aggressions of the mighty.

But of all the many notable speeches delivered by Senator White that one on Cuban Intervention delivered before the Senate on April 16, 1898, immediately preceding the outbreak of the Spanish-American war and following the destruction of the battleship Maine in the harbor of Havana, is a better exemplication of the powers and greatness of his character than any other of which record is had. After its delivery many of the Senators there present declared that nothing so eloquent had been heard in the Senate since the Civil War, and that sentiment was echoed by the people of the entire nation. Whatever one's opinions may be as to the stand taken by Senator White in opposition to a declaration of war, he cannot but admire the splendid spirit of patriotism and fidelity to ideals that permeate every sentence of that matchless and moving address. It was a speech that will live forever as a brilliant gem in the oratorical and patriotic records of the Senate of the United States!

Although this brief review of the life and career of California's most famous native-born son has borne most upon the political and official phases thereof, they were really the least important features of his work in the world.

Stephen M. White, first a good and great man, was, secondly, one of the master spirits of the bar of the State and stood easily at the head thereof in the section termed Southern California to distinguish it from that portion of the State lying north of the Tehachepi mountain chain.

There were but few important legal contests in the history of Southern California between the year of Senator White's retirement from the office of District Attorney until his death in which he was not retained. And he was a tireless advocate, a master before a jury, a pleader at the bar with but few equals in any State or in any country. He grasped the salient points of an intricate and involved business proposition with an alertness bordering upon intuition, and when he went into the court room he knew quite as much about his client's cause, however complicated, as the litigant did himself. Few men were his equal in the examination of a witness and as a cross-examiner he was the very apotheosis of the interrogation point. He bore in upon the witness under fire with the adroitness of a sharpshooter. Every kernel of truth, intelligence and knowledge was sifted from the chaff of speech, every point in favor of his client was exposed,

every truth was made manifest and every lie revealed by his keen and discriminating interrogations.

Senator White was not an orator of the ornate, the brilliant, the pyrotechnic and yet there are but few men who could hold an audience with a firmer grip. In more than one national convention his voice was the one among all the speakers that could be heard. And yet it was not a big voice — but it "reached." The press of the country, through the correspondents assembled at the St. Louis convention of 1888, applauded him as being the first speaker in that great body who had the capacity to make himself understood by the delegates and the vast multitude in the seats of the populace, and until the appearance of William J. Bryan with his famous "cross of gold and crown of thorns" speech at Chicago in 1896 the same condition ruled at that convention. After Senator White's retirement from the Senate with his health broken and his habits out of joint he resumed his former position of prominence in the politics of his party, being a delegate to the Democratic State Convention of 1900 and a delegate-at-large to the Kansas City convention of that year, and chairman of the California delegation.

While Senator White was strongly domestic in his tastes he was also a man among men. He was a member of the Bohemian Club of San Francisco, of the California, Newman and Sunset Clubs of Los Angeles, and many minor organizations. He was especially prominent in the councils, or "parlors" of the unique California organization known as the "Native Sons of the Golden West," an organization exclusive to those born upon California soil.

Senator White's last appearance in the court was in his home city, Los Angeles, on February 12th, 1901. Nine days later the faithful citizen, the orator who had more than once held the nation's Senate enthralled with his mastery of speech, the brightest light in the galaxy of the law in the state of his nativity, was no more. He died in the forty-eighth year of his age at the hour of 4:15 a. m. on February 21st, 1901. His last speech to those assembled in tears at his bedside were:

"The evidence is all in; the case is submitted."

And was swept then and there out in the dark current that flows on and on forever through the years and the centuries and the ages, one of the bravest, truest, sweetest souls that ever dwelt in a human body.

When the intelligence went out over the wires leading across the state of his birth and over the mountains and through the deserts to distant states that Stephen M. White was no more his countrymen began to realize that a mighty man had fallen — that the nation had sustained a loss.

From the greatest men in America messages of condolence began to pour into the home darkened by his going out of it. His late colleagues in the Congress hastened to pay tributes to his memory, the civic organizations of the state paused in their proceedings to lay wreaths of laurel upon the casket that held his poor worn body, the citizens of his home city, partisan and non-partisan, mourned his passing as though the bereavement were personal. The courts adjourned out of respect to his memory, his associates at the bar speedily met and drafted a memorial here made a part of the record.

These are its words:

THE LATE STEPHEN M. WHITE.

"The symbol of the broken column, typifying the untimely death of a strong man stricken down in the zenith of his power and fame, in the midst of his splendid usefulness, was never more strikingly applicable than in the death of the distinguished man who has just passed away.

"Never since the golden sun of the Occident flamed bright and beckoning upon the flag of our country has any of her notable sons attained to the commanding eminence which is with common thought accorded to the character and achievements of Stephen Mallory White.

"The stock from which he sprung has produced many eminent men. California, too, can boast of a long line of illustrious dead. But none of these may justly claim a better right than he to enduring fame — to have his name emblazoned in letters of ineffaceable light upon the very foundations of the Capitol itself. And in our State Pantheon, his must ever be an honored place.

"Born and reared, not in poverty, and yet with none of the adventitious aids of fortune or of inherited wealth or position, he achieved by force of his indomitable genius and his rugged, masterful strength of character and within those early years when many men of genius are yet struggling for recognition, an honorable career that well may challenge the admiration of the world.

"We first behold him a young attorney at this bar, where he took his modest place, an untried, unknown, unheralded man, in April, 1875. Not long did he remain obscure, for soon we behold him discharging with brilliant ability and success the duties of District Attorney of this county.

"And then a new star rose rapidly in the West.

"Richly endowed with all those gifts which go to make the successful lawyer — the great orator — he sought with the most untiring diligence and effort and the most exhaustive labor to perfect his

superb powers. And soon he became known as a finished lawyer, a powerful advocate, a forensic gladiator of the first ability.

"We next behold him valiantly battling, with not less marked distinction, on the uncertain field of politics; and successively he rose to preside over a State and then a national convention of his party, to be a State Senator, a Lieutenant-Governor, and then a Senator of the United States.

"In all these large public relations he always rose to the demands of every occasion and never failed to wield a powerful influence for what was right and just, according to his own convictions; and even from his opponents he always commanded the most profound attention and respect.

"His most eminent characteristic lay in his power to influence deliberate bodies, and he reached the highest expression of this great gift during his career in the United States Senate. His record there is part of the imperishable history of that illustrious body, and not soon will the renown which he there achieved be covered by the silence of oblivion.

"In politics he early espoused the Democratic faith, and was always loyal to his professions.

"His views upon great national questions, however, were never unduly colored by partisan prejudice, but were rather tempered by a wise and calm conservation that always gave his counsel great weight. On more than one occasion he led a forlorn hope to certain defeat, rather than surrender his conviction. He was the friend of the people in his endeavors to preserve unimpaired the purity of the ballot, and to compel the practice of clean methods in politics and legislation. While he was nowise hostile to or prejudiced against organized capital or wealth in any form, nevertheless he firmly believed above all things in the supremacy of the law and the right of the people to govern themselves according to the will of the majority when constitutionally expressed, and especially in the right of every citizen to pursue his own true and substantial happiness so far as consistent with the equal and just rights of others before the law. He was the steadfast foe of fraud, force and violence in whatever guise presented — whether expressed through the machinations of the political machine or the corrupt or insidious use of wealth or place, or whether manifested through what he considered the insolent aggressions of great corporate influence or the unjustifiable extensions of the large powers of the government.

"As an orator at the bar, before a jury, on the stump, before a convention, or in the halls of legislation, he was matchless — irresistible. With a fine-toned, sympathetic, far-reaching voice that ever rang true and sincere, and speaking ever from profound convictions

that were the result of earnest thought and study, he always commanded large and appreciative audiences.

"He was a man of great public spirit, and he believed that public office was a public trust; and a leading thought with him always, in every public station, and indeed throughout his private career, was the general welfare of the public. Not soon will the people of the West find another such champion to speak for them, or who will pour forth the rich treasures of his mind in such unstinted measure, or with such force of power, or such disregard of self.

"But while we may appropriately dwell with admiration upon these striking qualities which enabled him to achieve success on the larger fields of action, it is of more consequence for us to record that our departed brother was above all a man of the highest integrity and honor in all the relations of life. He never stooped to win success, place or power by any indirection. He never corrupted and he was incorruptible. He was sunny, genial, affable, approachable — a loyal, generous friend, a courteous, honorable foe.

"In his intercourse with his brethren of the bar he was manly, kind and considerate. Before the court he was modest and courteous, but withal marked by a dignity that stamped him with the seal of greatness. He always sought to be right, he always reasoned honestly, and never did he wilfully pervert his great powers before either judge or jury in the endeavor to deceive the one or mislead the other, that injustice or wrong might knowingly be done.

"It is to be deplored that more complete transcripts of his many great speeches have not been preserved. What was greatest in them could not be written, and has passed away with the man. But they are not forgotten, and the recollection of their striking brilliance will long be cherished and preserved, with the fragrant memory of his many virtues as lawyer and man, as citizen and friend, as among the most valued traditions of this bar.

"The same fine spirit of duty, chivalry and devotion which marked his public and professional career adorned his private life and beautified his domestic relations.

"To his family he leaves the priceless memory of his devotion and protection; to his friends, the recollection of his loyalty and truth, to his brethren of the bar, an example of professional achievement worthy of all imitation; to his home and country, the heritage of many good works wrought in their behalf, and to all struggling ambitious young men everywhere, he leaves the record of a career which unmistakably demonstrates the mighty truth that a deserving, capable man may yet confidently aspire in this age, mercenary though it be, and that he can surely win the highest professional and political

distinction without departing from the path of rectitude or the practice of common honesty.

"To use his own last words:

"'The evidence is all in; the case is submitted.'

"Great lawyer, great man, great citizen, great soul, farewell!

"Wherefore, brethren of the bar of Los Angeles, your committee appointed in general bar meeting assembled, desiring only to express a true estimate of the character and worth of our departed brother without attemping any detailed review of the events of his notable life work, has prepared this memorial and submit it for your approval, with the suggestion that it be further noted so as to be a part of this record, that our departed brother, Stephen Mallory White, was born January 19, 1853, at San Francisco, State of California, and that he died February 21, 1901, in the city of Los Angeles.

"We recommend that an engrossed and signed copy of this memorial be furnished to his family and to his mother, that copies be given to the press, and that a copy be presented to each of the Federal and Superior Courts in this city, by members of the bar, to be selected by your honorable body, with the request that it be transcribed at length upon the minutes; and that copies be furnished to the State Supreme Court, the State Senate, and to the Senate of the United States.

"HENRY T. GAGE, *Governor of California.*
"ERSKINE M. ROSS, *U. S. Circuit Judge.*
"OLIN WELLBORN, *U. S. District Judge.*
"LUCIEN SHAW, *Judge Superior Court.*
"JOHN D. BICKNELL,
"J. S. CHAPMAN,
"GEORGE J. DENIS,
"R. F. DEL VALLE,
"ROBERT N. BULLA,
"CHARLES MONROE,
"R. H. F. VARIEL,

"Memorial Committee."

Upon the day of Senator White's death the Mayor of Los Angeles, Meredith P. Snyder, with commendable promptness, made public suggestion of a monument to the departed leader in proclamation as follows:

MAYOR'S OFFICE, LOS ANGELES, CAL., FEB. 21, 1901.

"With profound sorrow the Mayor of the City of Los Angeles announces the death of our distinguished fellow-townsman, the Hon. Stephen Mallory White, which occurred at his residence early this morning.

"The eminent station of the deceased, his high character, his

magnificent attainments, his long and extraordinary career in the public service, his unfailing devotion to the cause of the people of his native State and his splendid ability which he contributed to the discharge of every duty, stand conspicuous and are indelibly impressed on the hearts and affections of all.

"Deeming it highly proper that the citizens of our municipality should take the initiative in perpetuating the memory of California's greatest son I suggest that immediate steps be taken to erect, at some suitable place within our city, an appropriate monument, commemorative of Senator White's public services, the cost thereof to be defrayed by popular subscription, the voluntary offering of a grateful people.

"As a mark of respect to the memory of this eminent and faithful public servant, I request that the City Hall be closed on Saturday, February 23, the day of his obsequies, and that the City Hall flag be placed at half-mast and so remain until after his funeral.

"M. P. SNYDER,
"*Mayor.*"

In response to this timely and fitting suggestion the sum of $25,000 was subscribed by Senator White's admiring fellow-citizens and a monument in keeping with his worth and services is to be erected upon some notable location in the City of Los Angeles.

Immediately upon the news of the death of the Senator reaching the State Legislature, then in session, action was taken expressing the sentiment of that body, by its several houses as to the loss sustained by the State.

The Senate resolutions were as follows:

"WHEREAS, in the death of Stephen M. White the Union has lost a man who was a lover of constitutional liberty, and the State of California one of her noblest and most gifted sons; a statesman of magnificent and splendid abilities; a lawyer of eminent and commanding talents; and a noble, energetic and unselfish citizen who was devoted to its interests, therefore, be it

"*Resolved,* that the Senate receives with profound sorrow the intelligence of the death of Stephen M. White, formerly a Senator of the United States, and for six years a distinguished member of that body; and

"*Resolved,* that the Senate tender its sympathy to the family of the deceased and that the Secretary of the Senate be directed to forward a copy of these resolutions to them, and

"*Resolved,* that a copy of these resolutions be printed in the journal of the senate, and that the Senate adjourn out of respect to the eminent services and private virtues of the deceased."

The Assembly met the same day and adopted the following resolutions by a rising vote:

"WHEREAS, we have just learned with unfeigned sorrow of the death of the Hon. Stephen M. White, formerly State Senator from Los Angeles County, and United States Senator from California, and whereas, it is fit and proper that the feelings of the State of California, represented by the Assembly of the State, should be expressed with reference to the life and death of one who filled so important a place in the affairs of this commonwealth, therefore, be it

"*Resolved,* that in the death of Stephen M. White our State has lost a man whose every act in private and public life was governed by a desire to aid the State which was honored by his birth, and whose career as a public man was free from blot or blemish or scandal or taint of corruption, and in his private life displayed those august qualities which attracted men to him as with hooks of steel, regardless of their political faith, and who as a citizen, it was the pride and pleasure of all to know and claim as a friend, and who has, by the success which attended his efforts in life, shown that, in this country, lack of fortune does not prevent a man from attaining by his own exertions the highest distinctions in the gift of the people; and be it further

"*Resolved,* that we tender to the family of our dead Senator our sincere sympathy, and assure them that while they peculiarly feel the loss of a kind and loving father and husband, we mourn the loss of one who was at once a friend of the people, a leader in good works, and a public servant of whom it could be said at all times, that his work was well done, with an honest and heartfelt effort to do his duty as he understood it; and be it further

"*Resolved,* that as a further mark of esteem for his memory, when this Assembly adjourns today it do so out of respect for the Hon. Stephen M. White; and be it further

"*Resolved,* that a copy of these resolutions be duly engrossed and attested by the Speaker and Chief Clerk and forwarded to the family of the deceased."

Resolutions in keeping with the above were likewise adopted by the civic organizations in his home and in other cities of the State, while at the National Capital his death was felt to be a loss of profound moment to the entire country.

As has been said elsewhere Senator White was, in religion a Roman Catholic, and he died with the blessings of that great Christian organization to which he gave loyal allegiance. His remains were removed from his home to St. Vibiana's Cathedral at 9 o'clock in the morning of Saturday, February 23rd, 1901, and there gathered about his bier in that solemn hour the leading men of his city and his State, besides men of national prominence from other States. The mass was celebrated by Bishop George Montgomery, and Bishop

Horstmann of Cleveland, Ohio, delivered the funeral oration. The active pallbearers were the directors of the Newman Club of which Mr. White was a member and each of them an intimate friend. They were, John F. Francis, James C. Kays (whose name is elsewhere mentioned as an early intimate of the Senator's,) Louis A. Grant, John J. Fay, Ex-State Senator R. F. Del Valle, I. B. Dockweiler, Joseph F. Scott and H. C. Dillon.

The honorary pallbearers comprised the first men of the commonwealth, residents of various sections and of distinguished men from other States. For the sake of history a complete list is here given, and is as follows:

Gen. Harrison Gray Otis of the Los Angeles Times, Ex-Senator Edward Murphy, Jr., of New York, who served for six years in the Senate with Mr. White; Governor Henry T. Gage, Chief Justice Beatty of the Supreme Court and six associate justices, Hon. Erskine M. Ross and Hon. Olin Wellborn of the United States Court, Superior Judges Lucian Shaw, B. N. Smith, M. T. Allen, Waldo M. York, D. K. Trask, N. P. Conrey, Ex-Congressman Russell J. Waters, Hon. James McLachlan, Hon. James D. Phelan, Ex-Mayor of San Francisco; Hon. James G. Maguire, Ex-Congressman from the same city; W. F. Fitzgerald, John S. Chapman and J. D. Bicknell, leading members of the Los Angeles bar; Mayor Meredith P. Snyder, P. W. Powers, John T. Gaffey, I. H. Polk, Charles Prager, W. W. Foote, D. M. Delmas, John Garber, H. W. Hellman, M. J. Newmark, Kaspare Cohn, Eugene Germain, Joseph Mesmer, J. M. Elliott, W. C. Patterson, John E. Plater, John R. Mathews, H. T. Lee, William H. Perry, J. W. Mitchell, William Pridham, Charles Forman, John Kenealy, Richard Dillon, D. M. McGarry, W. A. Cheny, J. W. McKinley, O. W. Childs, J. O. Koepfli, Henry T. Hazard, John Crimmins, W. H. Workman, I. N. Van Nuys, A. J. King, Horace Bell, J. A. Redman, William R. Rowland, R. Egan, John Foster, W. D. Gould, F. L. Winder, R. B. Carpenter, Hugh, L. Macneil, Cornelius Cole, Ex-United States Senator; W. L. Hardison, C. White Mortimer, Victor Ponet, A. Fusenot, M. Esternaux, J. Castruccio, Gen. Andrade, A. M. Stephens, J. R. Scott, A. W. Hutton, Ben Goodrich, R. H. F. Variel, Frank P. Flint, B. W. Lee, S. O. Houghton, Charles Silent, J. A. Anderson, Jr., J. S. Slauson, F. Q. Story, E. F. C. Klokke, Dr. John R. Haynes, Dr. Walter Lindley, Dr. E. A. Bryant, W. R. Burke, Frank Garrett, Congressman E. F. Loud, W. A. Clark, J. A. Barham, W. H. Alford, R. J. Wilson, Charles Monroe, J. D. Sproule, A. F. Jones, Frank McLaughlin, Frank Finlayson, John P. Irish, Gavin McNab, H. B. Gillis, W. R. Radcliff, J. H. Farraher, J. J. Dwyer, J. F. Sullivan, J. A. Filcher, Edward Maslin, W. J. Trask, Fred Cox, J. H. Sewall, James H. Wilkins, T. W. H. Shana-

han, H. C. Gesford, T. B. Bond, Ed E. Leak, E. L. Coleman, W. V. Gaffey, W. R. Jacobs, Thomas Flint, Jr., John Curten, B. F. Langford, D. A. Ostrom, M. F. Tarpey, R. B. Canfield, Marion Cannon, Abbott Kinney, George H. Fox, C. E. Thom, R. Porter Ashe, J. Ross Clark, T. E. Gibbon, Willard Stimson, F. H. Gould, J. V. Coleman, Frank J. Moffatt, R. P. Troy, Gen. P. W. Murphy, J. A. Graves, Fred Harkness, W. S. Leak, Dr. W. P. Mathews, C. B. Younger, W. H. Spurgeon, Oscar Trippett, Byron Waters, J. Downey Harvey, George S. Patton, Peter D. Martin, John McGonigle, Jarrett T. Richards, William Graves, John A. Hicks, B. D. Murphy, G. G. Goucher, J. C. Sims, E. H. Hamilton, N. A. Covorrubias, Max Popper, J. W. B. Montgomery, Dr. Joseph Kurtz, C. F. Heinzman, C. A. Last, J. D. Spreckels, M. H. De Young, W. R. Hearst, T. J. Flynn, E. B. Pond, E. A. Preuss, F. J. Heney, Dr. H. Nadeau, A. B. Butler, W. S. Moore, Garrett W. McEnerny, Jas. H. O'Brien, J. J. Carrillo, J. B. Van Demey, A. T. Spotts, John P. Dunn, Julius Sieckes, D. D. English, T. J. Clunie, Warren English, Victor H. Metcalf, W. W. Bowers, S. M. Shortridge, George A. Knight, Gen. W. H. L. Barnes, J. C. Campbell, E. S. Pillsbury, W. E. Dargie, J. V. Coffey, Judge W. W. Morrow, Judge W. D. Gilbert, Judge J. J. De Haven, J. S. Spear, H. W. Frank, F. M. Coulter, Niles Pease, H. Jevne, J. Baruch, H. C. Lichtenberger, W. J. Variel, L. E. Aubrey, E. A. Meserve, Dr. Carl Kurtz, M. H. Newmark, F. T. Griffith, W. G. Hunt, John S. Thayer, J. D. Hooker, I. A. Lothian, L. C. Scheller, Will Bishop and J. D. Lynch.

On the day of the funeral the flags were at half-mast of the City Halls of San Francisco and Los Angeles. In one city he was born, in the other he died. The boards of supervisors of both cities and counties passed appropriate resolutions on the subject of his loss to the State.

The dead Senator left a considerable estate, somewhat in excess of $100,000, which was bequeathed wholly to his wife and children.

Thus was born into this world, lived thereon for a brief forty-eight years and passed away a man who was, despite his comparatively short life, one of the notable Americans. He was a man who would have been distinguished in any company, or in any country, and withal he was one of the most modest, frank and simple of men. He spoke his thoughts openly. He did nothing by stealth and never talked in whispers, as is sometimes the way of politicians. He showed unmistakably that the great man is the simple and unpretentious man. He was as approachable by the humblest citizen as by the most exalted in the State. He was not crushed by defeat nor made haughty by success. To his neighbors and friends, and colleagues he was "Steve" White and as "Our Steve" he was wel-

comed and proclaimed by the people of his home. He was good to the core. He was a man.

California mourned his death as a fond mother mourns the passing of a favorite son. And his loss to the State was equally a loss to the world for great men who are good and true and loyal men, as well, are not to be counted lightly at a time when manhood is counting for more and more as the years roll by.

As the leading newspaper of Los Angeles — a paper politically opposed to the Senator — said in an editorial in commenting upon his death:

"Good citizen, pure patriot, eloquent orator, learned lawyer, able statesman; in the prime of life with great renown won; with a glorious career achieved; with an imperishable name written on the pages of the history of the country, he has gone untimely to his rest. He leaves behind a light which will shine for ages to come. His is a clear, unsullied and a great record. Centuries will pass over the mound of grass where his ashes shall rest and still this city and this State will be his debtors for the great services he performed for the public good.

"We mourn deeply his loss today, but in all coming days Los Angeles and all California will rejoice in the splendid life of the gifted and patriotic soul which has passed away from earth. Not death itself can rob Los Angeles of the glorious record of her noble citizen. Nor will time dim the luster of achievements which leave the State in debt to her most distinguished son, her bravest, most high-souled public servant."

No eulogy was ever more richly earned by an American statesman, and no tribute however eloquent could fitly voice the merits of one of the sweetest, and most human creatures that ever walked among men,— one who ennobled them by his having lived and made the world better therefor.

And as a memorial and a tribute to the man and for the uplifting and betterment of those who are to come after this record of great deeds well done, great words well said, great sentiments set forth in luminous and telling speech is here given to his countrymen that so much of faith and courage, and fidelity and devotion shall not perish from the earth.

LEROY E. MOSHER.

REMONETIZATION OF SILVER

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Thursday, September 21, 1893.

The Senate having under consideration the bill (H. R. 1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."—

Mr. WHITE of California said:

Mr. PRESIDENT: Said Daniel Webster, on December 21, 1838:

Congress has no power granted to it in this respect, but to coin money and to regulate the value of foreign coins. The legal tender, therefore the constitutional standard of value, is established and can not be overthrown. I am certainly of opinion that gold and silver, at rates fixed by Congress, constitute the legal standard of values in this country, and that neither Congress nor any state has authority to establish any other standard or to displace this.

Mr. President, I approach the consideration of the pending measure with considerable diffidence. When the bills to which my remarks shall be addressed were first attracted to my attention I doubted whether, in view of the great experience and the admitted ability of gentlemen upon both sides of this Chamber whom I knew would call to the consideration of the matter their best endeavors, it would be wise for me to obtrude my views. But recollecting that the question is one of paramount importance, and that I have been summoned to this Chamber by the will of a great Commonwealth, I believe that I would not be discharging my duty properly if I did not express the reasons for the faith that is within me.

I am not deterred from this expression by any extraneous assertions of waste of time. A careful observer of everything that has transpired here, I know it to be untrue that any Senator has spoken with any other view than to enlighten those who listen to him and who might read the arguments presented. Those who have heard or read our proceedings know that the interest in this debate has not flagged, and that there has been brought from day to day to the investigation of this important issue not only much ability, but careful and profound study.

At the outset let me suggest that I am not at all oblivious of the ability, honesty, and statesmanship of Senators with whom I am compelled to differ; nor is it right that those gentlemen whose expressions and arguments I shall criticise should entertain the opinion that I am unmindful of the thorough examination which they have given the pending subject, or of the attainments which they have utilized in reaching the judgments which they have announced. Nevertheless, however much greater their experience, although I admire their ability

and readily acknowledge them to be gentlemen of integrity, I can not for these reasons abandon my own views and shall not hesitate to utter them candidly and plainly.

At the same time I beg each Senator here, whether he be a member of the party to which I belong or whether his fortunes have been thrown in other political channels, to recollect that though my expressions may, because of want of power to declare them otherwise, seem to convey reflections, I intend nothing of the sort. I wish Senators to remember that I cast no aspersions upon the motives of any Senator; that I know the aspirations of all are high and worthy of this Chamber and of this Assembly, which you, Mr. President, declared from the chair is the greatest deliberative body upon earth. .

In considering this matter I can not avoid to some extent repeating what has been said by others. Indeed, I hardly hope to present anything new. I might say in the words of some one else that I have gathered a posey of other men's flowers, and only the thread that binds them together is my own. Therefore I deem myself at liberty to discuss this subject freely, and while endeavoring to obtain and deserve the respect of my colleagues, I shall not omit to attack those conclusions which seem to me ill founded and unsupported.

I will argue that we are bound by our platforms to oppose unconditional repeal, and will also attempt to show that independently of those platforms it is our duty, as patriotic citizens having the best interests of our country at heart, to legislate in the interest of silver, and it will be readily understood before I conclude that I prefer free coinage at a ratio of 16 to 1.

I shall first consider the present condition of affairs with reference to the causes of depression.

I believe that the present depression was produced by inflation and overspeculation resulting from tariff legislation, and that the illogical and unnatural treatment which silver has received from us was promotive of disaster. I am not prepared to deny that the prospect of a new tariff law affected matters in a degree, because, as has been truly said, any tariff revision whatever has some bearing upon the markets and creates some disturbance. I know, however well devised such legislation may be, it cannot but be a cause of grave solicitude to those who will be affected by its enforcement; and fairness and candor require, I think, that we should admit that much. That fact leads to a conclusion, which I shall reach later on, that there are before us duties of greater importance than those to which we have been summoned to direct our undivided attention.

I am satisfied, further, that the constant and unremitting assertions by alleged financial authorities and by Wall street newspapers to the effect that we are going to the bad because of the Sherman bill frightened many people, and that the deliberate, preconcerted, and generally arranged programme by which a number of the speculators of the country prevented the loaning of money and promulgated an edict to the effect that nothing would be done, no money permitted to move until the Sherman act was repealed, had much to do with the embarrassment.

I wish, in a few words, to say that it is not true that this country has been in such an intensely prosperous condition in the recent past

as many of our friends on the other side, and several Senators upon our own side, suppose. I claim that, although upon the surface it seemed as if there was general prosperity, the truth is that there were elements in operation which anyone of discernment, and who desired to make careful examination, could discover justifying the anticipation that hard times were at hand.

Enterprises were carried on involving large outlays, and the casual observer would conclude, and people generally did believe, that everyone was getting rich.

In the Fifty-first Congress there was a memorial presented praying for the passage of the Torrey bankruptcy bill. This document was laid before Congress at its second session, after the passage of the Sherman and McKinley laws. It was headed, "Memorial calling attention to the present depressed financial condition of the country." And it began thus:

> The financial affairs of the country are in a perilous condition. Business men in all of the States of the Union are apprehensive that there will be a panic. Citizens in general are alarmed at the outlook. Values of property are decreasing. Persons, firms, and corporations are daily failing, whose assets are largely in excess of their liabilities. There is but a single cause for all the above conditions, and that is want of confidence. As a result of that single cause money is being withdrawn from circulation and the evils which are following and are likely to continue to follow are innumerable.

This was in 1890. Hence before the Sherman law, regarding which we are speaking, could have affected the affairs of this country, before there was any opportunity for its extended operation, men who knew what they were talking about, and in fact all familiar with business affairs were aware that there was a panic in progress, perhaps, less forceful than the present, but nevertheless, as they thought, worthy of serious attention. There are other causes and other reasons leading me to conclude that this difficulty was smoldering, if I may use the expression, and the flame was at that early day almost ready to burst forth.

The census also tells a significant story. During the last twelve years our wealth has increased scarcely 60 per cent., and in making this estimate we credit ourselves with numerous speculative land values.

The bonded railroad indebtedness, according to Poor, increased from $2,530,874,943 in 1880 to $5,463,611,204 in 1892, and the other railroad indebtedness, which was $162,489,939 in 1880 was $285,831,888 in 1892.

During the same period, it is stated upon good authority that the loans and overdrafts of national banks increased from less than a thousand million dollars to $2,171,000,000, while those of other banks, not considering private banks, and of real-estate mortgages, increased from $378,000,000 to $1,189,000,000. This information I get from a table which has been utilized here, and was presented by the Senator from Colorado [Mr. TELLER], and its verity has not been disputed.

But the most surprising and at the same time appalling showing is that which is disclosed with reference to real-estate mortgage indebtedness by the investigations of the last census. These mortgages are not by any means wholly the mortgages of wealthy people, but include the toilers of the country, especially the farmers—the possessors of small homes—industrious, painstaking, economical

people. These are the proprietors to a large extent of the mortgaged premises.

In an estimate made by Mr. Waite, and which has not, as far as I am aware, been contradicted, that gentleman states that in the twenty-one States for which the mortgaged indebtedness has been tabulated, not including Ohio, Texas, California, and many other States, the aggregate amount in force in 1889 was $4,547,000,000, and the grand aggregate, Mr. Waite concludes, will be no less than $6,300,000,000; and I may say that such investigation as I have been able to give the subject, leads me to believe that this estimate is rather under than over the actual figures.

In 1880 the total aggregate was about $2,500,000,000; in 1892 the mortgaged indebtedness increased until it attained a figure in excess of $8,000,000,000.

These disclosures prove that up to 1892 this mortgage indebtedness had increased, as contrasted with its status in 1880, nearly four times the increase in real-estate value.

To summarize:

Amount of private indebtedness of the American people in 1880	$6,750,000,000
Amount of private indebtedness of American people in September, 1892	19,700,000,000

An increase of almost $13,000,000,000 in the short period of twelve years.

At this point it may be well to refer to the amount of money in circulation according to the statement in Senate Miscellaneous Document No. 35, presented by the Senator from Missouri [Mr. COCKERELL].

The total stock of gold in the world is	$3,582,605,000
Total stock of silver	4,042,700,000
Uncovered paper	2,635,873,000
Total	$10,261,178,000
Total of gold and silver	7,625,305,000

The entire stock of gold and silver in the world is not sufficient to pay the net private indebtedness of the American people. This has been the condition of affairs during the period above stated; and yet we are told that we are suffering from too much money.

We are informed by the distinguished Senator from Connecticut [Mr. HAWLEY], that the gold-bond indebtedness of railroads within the United States exceeds $4,600,000,000, and yet this is considerably more than all the gold in the world. (Poor gives the railroad funded debt for 1892 at $5,463,611,204.) This extraordinary increase in the indebtedness of the people occurred during high protection times, and was aggravated apparently by the passage of the McKinley bill.

Of course, Mr. President, no one expects the railroads to pay their indebtedness. It is an impossibility, and hence no expectation of it may be indulged in. Eliminating the railroad indebtedness, eliminating the money transactions of those people who have been spoken of in this Chamber and who were alluded to yesterday as the men who participate in transactions involving millions without practically using a single dollar, we have in many of the States of this

Union, indeed in all of them but especially in the agricultural States, a startling increase of mortgage indebtedness.

Those people, the farmers of this country, cannot do business as the millionaires do business. When they are called upon to deal with anybody, they must deal with money. When their mortgages become due they cannot fund their debts. They sometimes may be able to remortgage, to add the interest to the principal, to start out again; but even in those cases the time comes when the property value is but little in excess, if at all, of the mortgage debt. Then the man to whom the indebtedness is due comes along and forecloses.

No bondholder attempts to foreclose upon railway corporations, because he well knows that he cannot afford to take the property and run it. He relies upon the proposition that those railroad institutions will be able to get enough from their patrons to pay interest on their debt and that satisfies him.

When Senators talk to me of the fact that there is no necessity for more money, because, forsooth, upon Wall street and in the moneyed centers of this country vast transactions are had without the presence of gold or silver or even greenbacks or other currency, I say to them that, while it is true in the instance which they cite, it is not true in the more numerous instances in which the middle classes of this country financially speaking, the farmers and others, those who are not of the wealthy class, every day participate and upon which depend.

I have alluded to tariff legislation as being to a large extent responsible for this. The natural effect of the monetary stimulation thus given to certain lines of business was to induce speculation, and the outcome of speculation, thus induced, was inflation, and large and perilous transactions. Our mortgagors and debtors generally avail themselves of that which was spoken of yesterday, and called credit, to the fullest extent, but the time arrives in many instances when these people, called upon to pay and unable to get time, find themselves without money, and the indebtedness of these producers of the country having thus alarmingly increased, and the indebtedness of the entire nation having augmented, there is nothing to meet the requirements of pay day.

In Europe there was a catastrophe which has been spoken of here very forcibly. I refer to the failure of the Baring Brothers. We are told — and I have heard the argument made here repeatedly — that that failure and the speculations of Great Britain in the Argentine Republic and in Australia cannot afford any explanation of our panic, because the panic has not been experienced there. I think the answer to that argument is plain and shall consider the subject in a few moments. At this point I will content myself with the remark that the financial troubles in Europe caused our many creditors there to call upon us and we were compelled to pay our debts and experienced the usual difficulties incident to such a demand suddenly made in very large sums.

I admit that before the present Administration came into power upon the surface matters looked nicely. It is possible for one who is heavily in debt to live high and excite a great deal of comment, if not admiration, because of his liberality and good fellowship.

Especially is humanity prone to live high when humanity is living upon borrowed cash, but there ever comes an hour when the money must be paid, when the mortgage must be foreclosed, when the gentleman who has lived beyond his means must seek another and less prominent abode when, possibly, he will not be as popular or congenial to the many who have gathered around him.

The selfish and illogical legislation to which we have been treated has resulted in the accumulation of a few very large fortunes, and possibly in the transient benefit of a very limited section of the country. And all this has been done not only at a sacrifice, but in such a manner as to produce ruin where the conditions, independent of legislation, made prosperity not merely probable, but absolutely natural. Then when the McKinley bill was enacted enormous and unreasonable importations were made to escape the new and increased duty, and the country was heavily overstocked; and when times commenced to be rather stringent the auctioneer was called around and these unusual importations were thrown upon the market, catastrophe was the necessary consequence.

The ownership by our farmers of the land upon which they labor indicates prosperity, unless, indeed, the property is mortgaged to such an extent that the occupant is the proprietor only in name. Whenever it comes to pass that our farming communities occupy the position of mere tenants, paying rent to bankers and capitalists, our condition will not differ greatly from that of older and more populous nations to whom we are in the habit of extending our sympathy. The increase of the tenant class is not a good indication.

I have spoken of bankers, and a remark made here yesterday by the very distinguished Senator who addressed the Chamber upon the other side of the question [Mr. GRAY] leads me to say that when I speak of a banker in connection with something of which I do not approve, I do not desire anyone to assume that I am using that word in an invidious sense. I charge no class of my countrymen with crime, and I charge none of them with intentional wrongdoing, save in those exceptional instances which I may note. I differ from many of them in their views and policies, and to some of those differences I am addressing my words.

I believe that we are bound to concede that a portion of excessively wealthy class of this Republic do not treat the Republic as they should; but I do not thereby mean to assert that there are no patriotic men who are rich.

Utilizing statistics furnished by the Census Department, and taking sixteen States pretty well scattered, we find that the percentages of farmers who are tenants are as follows:

States.	1880.	1890.	States.	1880.	1890.
Maine	4.32	7.62	Rhode Island	19.88	25.00
New Hampshire	8.13	10.92	Connecticut	10.22	17.68
Vermont	13.41	17.62	New Jersey	24.60	32.11
Massachusetts	8.18	15.06	Maryland	30.95	37.23
Iowa	23.83	29.57	South Carolina	50.31	61.49
Ohio	24.96	37.10	Georgia	44.85	58.10
Wisconsin	9 05	13.10	Tennessee	34.53	41.88
Montana	5.27	13.40	Kansas	13.13	33.25

Mr. BUTLER. May I inquire of the Senator what particular percentage he is giving?

Mr. WHITE of California. I am speaking of the percentage of the population who are tenant farmers — who occupy farms as tenants — as compared with the whole class.

These are all I have collected. In summing up these figures, Mr. President, it will be noted that the largest increase is found in Kansas, one of the most fertile States in the Union, and one which until lately has been most loyal to the protective system, while in 1880 but little over 13 per cent. of the farming population were tenants, in 1890 over 33 per cent. held under that tenure.

The condition of affairs in the great State of Ohio is almost as bad. Clearly, if the so-called prosperity which commenced in 1880 and culminated with the overthrow of the Republican party in 1892 is to be considered such, it is difficult to determine what condition of affairs will be though other than prosperous. That we are tending towards bankruptcy is obvious. It will not do to escape the force of this argument by the suggestion that land has increased in value, and that therefore it is natural that there should be an increase of mortgage indebtedness, because I have shown that the increase in value bears no proportion whatever to the augmentation of indebtedness.

I alluded a few moments ago to Kansas. The natural resources of that country are best proven by the official governmental reports. In December, 1892, it was there estimated that the wheat crop of Kansas would be 70,831,000 bushels, valued at nearly $37,000,000. This was the largest output reported from any State in the Union. Minnesota comes next in amount with 41,210,000 bushels, and California comes next in the value of her crop, which was worth $26,626,584.

I mention the Minnesota and California figures to show how prominently Kansas led her sister States in the matter of wheat production. She produced of corn during the same year 145,825,000 bushels valued at $45,205,873, and her product in that regard was only exceeded by the States of Nebraska, Missouri, Iowa and Illinois.

The Agricultural Department for the same year reports that the Kansas oat crop was 44,094,000 bushels, valued at $11,464,567. She was only exceeded in this production by Iowa, Wisconsin and Illinois. The same authority for the same year reports Kansas as harvesting 2,600,000 bushels of flaxseed, valued at $1,184,000. Her production in bushels of this crop was only exceeded by two States. Under these conditions the farmers of Kansas ought to be growing rich. But, on the contrary, the statistics show very clearly that they are becoming daily more and more immersed in debt, and this difficulty was in progress long before the Sherman bill matured, and when no one outside of the more faithful Democracy contemplated the entire overthrow of the Republican organization.

I have heard Senators argue upon this floor, and I have heard gentlemen in the other House declare, that the fall in the price of wheat and corn was natural and was due to the law of demand and supply.

The Senator from Kansas stated here a short time ago that it costs the people of his State more to raise corn than they can realize

for it. And it is a matter of common knowledge that corn, because of its cheapness, has been burned in Western States in preference to coal.

When the farmer must harvest his grain in order to get a fire, he is not making much progress in the financial world. No condition is natural or healthy under which the farmers of a nation realize less from their crops than the cost of raising the same. No country can hold its own where such a state of affairs long prevails. I do not know that any one has been bold enough to say that the hard luck of the farmer is wholly due to the Sherman bill, but the gentlemen who speak from Wall street never fail to call attention to the sad fate that awaits the farmer if the advice of the Wall street people is not followed.

The amount of sympathy which has been extended to our granger friends by our capitalists does not find expression in the reduction of interest upon mortgages or in the solution of the farmers' many troubles, which usually result, and which, if the present system lasts, must result in a foreclosure and a sale.

When the McKinley bill was framed my friends on the other side of this Chamber proffered an alluring bait to the farming community. They said, we will raise the tariff upon wheat and corn. A delightful time the foreign producer of corn would have experienced had he gone to Iowa to undersell the farmers of that State.

I refer to these figures and these facts to prove that it is impossible for anyone to correctly establish that this country was in a healthy fiscal condition when Mr. Cleveland was elected.

However we may dispute about various matters which are difficult of ascertainment, such as the issue discussed yesterday as to whether gold has appreciated or whether silver has fallen, however obscure that may be, no one will deny that something is wrong if the farmer, who arises early and goes to bed late, who is industrious and painstaking, intelligent and honest, cannot realize any profit from his toil.

Senators seem to think the depreciated price of wheat is in consequence of some natural and beneficent law, and this fall in price is pointed to by many, as it was pointed to by Mr. Rothschild in the Brussels conference, as being an indication of advancement and prosperity. I absolutely deny the accuracy of such a deduction. It is admitted, as I have said, that there is room for improvement if those who till the soil in this or any other country, derive no profit from their exertion, that something is wrong. Will anyone pretend to say that a system, whatever it may be, which produces this condition not in an isolated instance, but practically all over the United States, is a wise and a good system? Will any one here now affirm that when the Democratic party came into power the country was in a truly prosperous condition? The mortgage records and the financial standing of the producers of this Republic negative such a conclusion and demonstrate that the claim so often made to that effect is wholly unfounded.

Our Republican friends speak of the shipment of gold as an indication of bad government upon the part of the Democracy. Do they not know that gold had commenced to move not only before the inauguration of Mr. Cleveland, but that indications to that effect were not

wanting when they were announcing all over this Republic that their triumph was assured? Do they not know that when Mr. Cleveland left his office at the expiration of his first term he left a plethoric Treasury, and that we are today sitting in this Chamber seeking to so legislate as to replenish that same Treasury, whose coffers are threatened with entire depletion?

It is idle, perhaps, to seek to discern all the causes of this trouble. I do not pretend to say that even tariff legislation has been the sole cause, but I do say that the tendency of that legislation and the speculation and inflation and unnatural conditions which were its legitimate offspring, had much to do with this depression. But this proposition I do confidently announce, that it is not true that this country was in a prosperous condition at the close of the Republican Administration.

Much has been said concerning the necessity of aid from the capitalists of this country. I admit it. I do not know how we could get along at all if it were not for the enterprise of some men of large means, and if it were not for the cupidity which suggests to others the necessity for investing their money; but at the same time the assistance received from our millionaires certainly does not show itself in the reduction of mortgages or in the cancellation of indebtedness or in the restoration of that confidence which the agricultural communities of this country will never feel until they have been brought under a system which will enable them to reduce their monetary obligations and share in legitimate comforts.

Why is it, in spite of the able arguments of the advocates of the single gold standard, that the farmers all over the Republic — of course there are exceptions, but I am speaking of them as a class — and laborers generally are not in favor of legislation which interferes with the circulation of silver or tends to decrease its use? They know that they are in debt, and they believe that gold is appreciating from day to day, and yet, that their mortgages are increasing because of the accumulation of interest which they cannot meet for their powers are taxed to get a bare subsistence, without provision for defraying interest or principal.

I regard it as absurd to claim that the Sherman bill and the presence of so much silver interferes with our prosperity. We have coined silver in circulation and we have uncoined silver in the Treasury. The coined silver, I suppose it will be conceded, does not hurt anyone. It has often been said that a silver dollar buys as much of any commodity as a gold dollar. It has the stamp of the dollar upon it as well as the greenback, and has more intrinsic worth than the paper upon which the greenback is printed. Nor is it likely that the stock of uncoined silver in the Treasury is causing the trouble complained of. It has been well said that if all the uncoined silver were placed upon a ship and sunk in the midst of the Atlantic, the credit of this Government would not be in the slightest degree impaired.

When it was suggested that the losses sustained by England in the Argentine Republic, involving perhaps £200,000,000, and the vast failures in Australia, which caused the closing of Baring Brothers, accounted for our distress, we were met with the answer that if this were true England must have suffered also, and that her financial

attitude should be even more disturbed than ours. We all know that when England felt the necessity of obtaining coin she looked around to get it, and there was but one country in the world able to supply her. Then European investors commenced to withdraw, and without considering the real cause of the situation we imagined that we were losing money when we were simply paying our debts. Our people became scared; the bankers, instead of loaning at higher rates of interest, as they should have done, closed up and refused to permit their deposits to go into circulation. That the national banks in New York violated the law no one denies. The resolution introduced to investigate such violation sleeps the sleep of the just in the bosom of the Committee on Finance.

I cannot bring myself to believe that the Sherman law is responsible for our condition unless to the extent that the public have believed the attacks made upon the measure by the gentlemen who are now urging its repeal. True, the friends of silver, those who are really so, did not and do not believe the Sherman law to be perfect. But they did not and do not like it, because they believed and believe that something better was and is due to silver, and they believed and believe that the obedience to constitutional mandates and organic regulations prescribed by the fathers of this Republic necessitate more favorable legislation.

This measure has caused the consumption of some of the silver of the country. Mines remained in operation because of its provisions, and, above all, its enactment was evidence that we did not intend to abandon silver; it was evidence worth more than a naked promise. The man who has the power to perform and gives promise in lieu of that performance, cannot blame those who refuse to trust him.

THE TARIFF MUST BE REFORMED.

Our Republican friends must not flatter themselves that we do not intend to reform the tariff. I speak upon this subject because but little has been said upon it, and one branch of my presentation is designed to lead to the conclusion that it is our duty as Democrats to stand upon the Democratic platform, and while proceeding in that direction, I wish to illustrate my position, and I also desire to relieve my Republican friends, who have been obviously suffering because they fear we will not reform the tariff. I design to show them that there is no ground for this apprehension; that we do design, or that I at least hope, to alter our tariff laws in accord with our promises. I will not speak for others now.

If I were away from this Chamber, if I had never come here, I should probably have said, speaking of my party, "we" will reform the tariff, but as it is I do not feel authorized to speak for the party for two reasons: first, because I am a very immaterial factor in its policies and administration, and secondly, because platforms are construed by strict-construction Democrats in a most remarkable and liberal manner.

We are constantly hearing suggestions to the effect that we fear to legislate upon the tariff, and I noticed one Senator upon the other side of the Chamber, for whom I have the greatest respect and admiration, shake his finger at us, not of course in anger, but in emphasis,

saying at the same time that we dared not do so. Perhaps he may be right, but I desire him to apply his declaration to others than myself. It is sufficient for my present purpose to note that the Chicago platform positively and emphatically denounces the McKinley law. The language upon the subject is unequivocal, at least I think so. I do not know what the hereafter may develop; I cannot say how the platform may be construed by well-meaning and ingenious, but, as I think, mistaken Senators. It is worded thus:

We denounce Republican protection as a fraud, a robbery of the great majority of the American people for the benefit of the few. We declare it to be a fundamental principle of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purpose of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered.

We denounce the McKinley tariff law enacted by the Fifty-first Congress as the culminating atrocity of class legislation; we indorse the efforts made by the Democrats of the present Congress to modify its most oppressive features in the direction of free raw materials and cheaper manufactured goods that enter into general consumption, and we promise its repeal as one of the beneficent results that will follow the action of the people in intrusting power to the Democratic party. Since the McKinley tariff went into operation there have been ten reductions of the wages of the laboring man to one increase. We deny that there has been any increase of prosperity to the country since that tariff went into operation, and we point to the dullness and distress, the wage reductions and strikes in the iron trade as the best possible evidence that no such prosperity has resulted from the McKinley act.

Then follows another announcement, which I commend to my Democratic brethren who have been psychologicalized by the eloquence of the other side upon the subject of the alleged prosperity of the United States at the close of the late Administration. I read:

We call the attention of thoughtful Americans to the fact that after thirty years of restrictive taxes against the importation of foreign wealth in exchange for our agricultural surplus, the homes and farms of the country have become burdened with a real-estate mortgage debt of over $2,500,000,000, exclusive of all other forms of indebtedness; that in one of the chief agricultural States of the West there appears a real-estate mortgage debt averaging $165 per capita of the total population, and that similar conditions and tendencies are shown to exist in other agricultural exporting States. We denounce a policy which fosters no industry so much as it does that of sheriff.

I presume that, notwithstanding this declaration upon our part, which of course constitutes no estoppel upon members of other parties, we will hear that the Sherman law is solely responsible for the so-called terrible condition of affairs and that none of our woes came on or were anticipated in consequence of any other legislation. We shall have the assertion, as we have had it, that the author of our distress is the Sherman act, although we solemnly proclaimed in the platform upon which we went before the American people that the day of disaster was then upon us, that hard times were coming because of previous tariff laws.

It is sufficient to call attention to the platform already read.

The Democratic party said, "We denounce Republican protection as a fraud, a robbery of the great majority of the American people for the benefit of the few," and the people last November said "amen."

The Chicago platform declared it to be a fundamental principle

of the Democratic party that "the Federal Government has no constitutional power to impose and collect tariff duties, except for the purpose of revenue only;" and it is demanded that "the collection of such taxes should be limited to the necessities of the Government honestly and economically administered."

To this declaration, also, the people said "amen."

The same platform used this expressive phraseology: "We denounce the McKinley tariff law enacted by the Fifty-first Congress as the culminating atrocity of class legislation," and the people after due consideration rendered the verdict, finding as a fact that the McKinley tariff was and is the culminating atrocity of class legislation. There is no appeal from the decree thus entered, and it is therefore not only the duty of the Democratic party but the duty of every member of Congress to immediately get rid of a piece of legislation which the free and incorruptible voters of the United States have branded as an outrage, a fraud, an atrocity.

It is little more than audacity to assert that the people have changed their views. This favorite argument of platform repudiators has no more effect upon my judgment and will have no more effect upon my vote in this instance than in the case of silver. We have come here pledged to do this work.

It is our solemn obligation to immediately proceed to get rid of the McKinley bill or to resign and go home to a people who have trusted us in vain.

Our President, in 1887, by the most convincing logic, satisfied the country that the Republican protection system was wrong. He was ardent in his advocacy of tariff reform. He was emphatic certainly when the votes were counted last November, and although he made but short reference in his recent message to the "culminating atrocity of class legislation," I have no doubt that his enthusiasm has not abated, and believe that he is as anxious as I am to procure the repeal of the McKinley bill, but I suppose he will favor a substitute. I will. I presume that I may be permitted, without danger, to say that a more extended treatment of revenue matters in the President's late message would have been congenial to those whom he converted to the cause of tariff reform. Doubtless, however, Mr. Cleveland concluded that the country, having settled the question in the most direct possible manner, did not care for further argumentation.

When we legislate on the tariff we will be just. We are not seeking to destroy anyone. We wish to promote our country's interests and to make even our Republican brethren happy, wealthy and wise.

I am somewhat astonished at the attitude of my Republican friends concerning the British lion. I have no special affection for the beast, but am not so bigoted that I cannot see anything good in British legislation, and for this reason, I have paid considerable attention to her fiscal laws, and believe with my party that we should not be prevented from reducing the tariff merely because England reached a similar determination when she was upon the verge of bankruptcy. But throughout the last campaign there was not a Republican orator whose voice was heard, or whose words I read, who did not say that the Democratic party was subservient to England. We were assailed in the most savage way. It was charged that British gold

was in our pockets, British policies in our heads. We were un-Republican, un-Democratic, un-American, and fit for any fate. But now I notice that the British lion domestically rubs against my Republican friends. With tender hand they stroke its mighty head, and with soothing balsam they seek to eliminate the irregularity of that appendage which they so lately were so prone to twist. [Laughter.] This reconciliation and conversion is even more startling than the fall of silver men.

I feel more than ordinary interest upon the subject of the tariff. The Republican organization in my State, through its State committee, issued a challenge to me to debate the tariff issue with a Republican of marked ability and reputation, and it was expressly provided in the proposition that no other question should be discussed. The committee declared that to be the leading issue of the day, and although I preferred to consider other subjects as well, my desires in this regard were not heeded, and upon my acceptance the debate was proceeded with as originally proposed. We canvassed the State of California, speaking of the tariff only. Naturally, therefore, I felt somewhat lonesome upon coming here and hearing so little concerning that tariff which both parties seemed to believe was so important up to the date whereon we received the popular verdict in our favor mainly as the consequence of our position upon that question.

THE ACT OF 1873.

Much has been said during this debate as to the demonetization of silver in 1873, and the distinguished senior Senator from Ohio [Mr. SHERMAN] has been criticised here, as well as elsewhere, because of his participancy in that legislation.

Demonetization of silver was a great mistake. It has been called a crime. But I dislike to impute criminality to gentlemen who undoubtedly had the best intentions. The Senator from Ohio has been long an active opponent of silver. He believes that the financial theories of Wall and Lombard street are sound, and he has voted and acted in accordance with his faith. It is undoubted that there was much inadvertent voting when the act of 1873 was passed.

Mr. John P. Young, in several very elaborate and carefully prepared articles in recent numbers of the San Francisco Chronicle, furnishes much information taken from the records calculated to show that the demonetization clause was not noted even by the most prominent of our Government officials. I will utilize in the course of my remarks some of the matter which he has collected, together with his comments thereon. On the 3rd of October, 1873, President Grant, in writing to Mr. Cowdery on resumption of specie payment, said:

> I wonder that silver is not already coming into the market to supply the deficiency in the circulating medium. Experience has proven that it takes about forty millions of fractional currency to make the small change necessary for the transaction of the business of the country. Silver will gradually take the place of this currency, and further, will become the standard of values, which will be hoarded in a small way. I estimate that this will consume from two hundred millions to three hundred millions, in time, of this species of circulating medium. I confess to a desire to see a limited hoarding of money, but I want to see a hoarding of something that is a standard of value the world over. Silver is this.

Mr. Ruggles, President of the New York Chamber of Commerce, reported to the body over which he presided in a manner demonstrating that he did not understand what had been accomplished. The following is an extract from his address:

> The bill as introduced proposes to reduce the weight of the silver dollar from 412½ grains to 384 grains. The Chamber of Commerce of the State of New York, on examining and considering that provision by resolution only transmitted to Congress in June last, respectfully recommended that the weight of the silver dollar should be made precisely equivalent to that of the 5-franc silver coin of Europe.

The frequently cited expression of Mr. Blaine to the effect that he knew nothing with reference to the bill, and the testimony of Judge Thurman, demonstrated a lack of knowledge upon their part.

It is not my purpose to investigate the conduct of those who were engaged in the work of demonetization, and I leave the subject, stating that I do not believe there was as full and complete a declaration of the real effect of the bill presented by those who understand it as its importance required.

I am inclined to conclude that the act of 1873 was, to use the language of an able writer, rather a blunder than a crime. Our people were then discussing an international agreement. Thirty years ago that subject was a matter of common talk. Uniformity of coinage seemed to be sought for. The Senator from Missouri [Mr. COCKRELL] has already mentioned this fact. Some further investigation appears to me to justify the statement that we lost our heads at that time, because of our desire to procure an international agreement. In 1857 Congress passed an act, under which Prof. Alexander was sent to England to try and secure bimetallism in a limited form, but our British cousins were as firm then as they are now and laughed at us.

In 1863 the International Statistical Congress, already mentioned in this debate, convened at Brussels. There were there thirteen or fourteen nations represented. Our delegate was Mr. Samuel Ruggles. Resolutions were adopted under which the first international monetary congress was held at Paris during the Universal Exposition of 1867. Nineteen nations were there represented, Mr. Ruggles appearing in our behalf. The monometallists ruled supreme, and the single gold standard was recommended as an international unit of coinage. This movement Mr. Ruggles headed, and in 1868 bills were introduced to carry out these suggestions. The Senate Finance Committee ordered a favorable report upon one of these bills, and the able Senator from Ohio [Mr. SHERMAN] did not use any equivocal language in the report which he then drew up. He said:

> The single standard of gold is an American idea yielded reluctantly by France and other countries where silver is the chief standard of value. The impossible attempt to maintain two standards of value has given rise to nearly all the debasement of coinage for the last two centuries.

He also remarked:

> The opportunity is now offered to the United States to secure a common international standard in the metal most valuable of all others, best adapted for coinage, mainly the product of our own country and in conformity with the policy constantly urged by our statesmen and now agreed to by the oldest

and wealthiest nations of the world. Surely we should not hesitate for trifling considerations to secure so important an object.

He further said:

France, whose standard is adopted, makes a new coin similar to our half eagles. She yielded to our demand for the sole standard of gold, and during the whole conference evinced the most earnest wish to secure the co-operation of the United States in the great object of the unification of coinage.

Mr. SHERMAN added that he had received assurances that if the United States would lead the way our example would be followed by other nations, and he mentioned England especially. He dwelt upon the object of encouraging the use of gold, which was so largely produced at home.

No wonder international monetary conferences convened at our suggestion have proven failures. The truth is that we are responsible, as I shall attempt to argue further along, for the prevailing conditions with reference to silver. We struck the blow; we did the initial act which has rendered it almost impossible to recuperate so far as international bimetallic agreement is concerned.

Not only are our statesmen responsible for the consequences following the act of 1873, but it appears by indubitable testimony that we primarily suggested in an international conference that there should be a single standard. We have done our best to destroy silver. We have exerted our fullest powers to drive it out of the world's monetary systems, and we have been so potent for evil that we have succeed in inducing the great commercial nations of the earth to acquiesce in our illicit suggestion. Is it not time to reform? Have we not reached a point where it is our duty to retrace our steps?

A majority of the present Congress affirm that they are in favor of bimetallism. If this be true let us act as though we had confidence in ourselves, as though we meant what we say. Let us practice what we preach. The powerful and persistent efforts of the able senior Senator from Ohio, covering more than a quarter of a century, have borne such fruit, that he not only dominates the councils of his own party, but commands a battalion among whose membership are to be found prominent and influential Democratic statesmen. I say this to the credit of the Senator from Ohio and as showing that the country has not estimated him amiss when it has considered him one of its foremost citizens.

At this time, Mr. President, I desire to make a remark, lest I should overlook it, with reference to something said yesterday by the Senator from Delaware [Mr. GRAY].

It was stated that the fact that the business of this country is done largely upon a credit basis is an indication of our advanced civilization. This may be granted without interfering with my position. Remarks were also made at the same time as to our ability to carry on the most extensive transactions without the use of money.

I have said, and I now repeat with reference to the last proposition, that when we apply this statement to the men who control the finances of the United States, who dictate largely its fiscal policies, who make contracts involving twenty, thirty or forty millions of dollars, this may all be done; but when we are brought in contact with persons occupying that station in life which the man of limited

means occupies, then this cannot be done, and the latter class is immense not only in those States where the leading capitalists are to be found, but the membership is greater as we travel westward over those great and fertile plains upon which the farmer tills in vain the productive corn, and strives from morning until night to earn that money which he is compelled to pay in gold dollars to the man who has a mortgage upon his place.

The able Senator cited the condition of France. It was said that the circumstance that the circulation per capita in France was $38, or thereabouts and in this country much less, demonstrates that our civilization is further advanced.

I am not certain whether, if we take into consideration all surrounding circumstances, we can truly say that France is in a backward condition, even if we accept our civilization as a standard. Mr. President, let us remember that France is not of immense area. Let us recollect her population per square mile as compared with ours. Let us reflect upon her history. Her soil has been tilled over and over again by struggling millions during centuries. From the time when Julius Cæsar brought within her confines the standard of Rome to the hour when the great Napoleon took from their various avocations his mighty army to do battle with the combined nations of the time, France was in suffering, turmoil, and bloodshed. The horrors of her revolution, the dull thud of the guillotine's ax, thousands imprisoned, millions in poverty, uncounted numbers in exile, constitute trials through which she passed unknown and never to be known in our country.

Besides all this, she was compelled to pay Germany an immense sum exacted as the issue of a devastating conflict. Many of the ablest financiers believed that she would never be able to pay this tribute and maintain herself; yet she not only accomplished this, but she threw from her the rule of a titled dynasty, and although her people had before sought refuge in vain in republicanism, and notwithstanding the criticisms of historians and thoughtful men, she was able to emerge from disaster, and stands today almost peerless among enlightened and democratic peoples.

While I am not prepared to admit that any country betrays the progress, advancement, and happiness to be found here, notwithstanding all our folly and want of statesmanship, still I am not obvious to the difference in our natural surroundings as contrasted with those of France and other States.

We must not be unmindful of the freedom which we have so long enjoyed, not only with reference to legislative enactments, but that which we derive from a beneficent God; blessings of soil and climate and enlarged jurisdiction, emanating not from human tribunals, but remaining in spite of them.

Again it is a poor rule which does not work both ways.

The Senator who made use of the arguments which I have just been attempting to answer, was asked what he thought of those nations where the circulation was $3 per capita. The truth is, we must take a thousand circumstances into consideration other than the volume of currency in order to arrive at a correct conclusion as to this very interesting matter.

THE PLATFORM OF THE PARTIES.

Much has been said in regard to the duty of the Democratic party with reference to its platform and the corresponding duty of the Republican party. I do not desire to provoke criticism on the other side of this Chamber by a discussion of the Republican platform. I shall allude to it in passing, but I do not consider myself competent to instruct the Senators who occupy seats upon the other side of the Chamber, nor indeed those who occupy seats here. I do not know how my Republican friends may regard their obligations in this respect, but my belief is that each Senator feels that his platform is binding upon him.

Said the Democratic convention:

> We denounce the Republican legislation known as the Sherman act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its speedy repeal.

And I concede that its authors are rather anxious. Continuing, the platform says:

> We hold to the use of both gold and silver as the standard money of the country —

Not the use to which corn or wheat or oats or other things are devoted, but we hold to the use as—

> the standard money of the country, and to the coinage of both gold and silver, without discriminating against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts; and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

Mr. President, it has been suggested that we must take one clause of our law, our political statute, one part of it, the first part of it. It is said this is plain: "We denounce the Republican legislation known as the Sherman act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its speedy repeal."

It is argued, this is clear. Why not act upon it? Mr. President, why not act upon half of a contract? Why not take a legal instrument in which different obligations are imposed and enforce the undisputed portion, leaving the remainder to the future? When we are brought into court and contend as to the meaning of an instrument, why not take the first clause, let the court determine the effect of that, and leave the man who depends upon the second clause to await the charity of the world, or another occasion to be designated by his opponent for the consideration of that portion of the obligation most important to him.

Our platform must be construed *in pari materia*. Unless we read it together and give to every syllable in it that force which we can give we have not read it correctly. As well might we say that we will legislate upon silver without reference to the repeal of the Sher-

man law, and thus ignore the requirement of the platform concerning the repeal, as to state that we will legislate as to repeal and do nothing regarding the remainder of the rule of conduct prescribed for our guidance.

The Republican platform was worded thus:

> The American people from tradition and interest favor bimetallism—

I think I have heard some one announce that from interest the American people should not favor bimetallism, but I am not prepared to say, in view of the prevailing rules of interpretation, whether that gentleman was on or off of the platform—

> and the Republican party demands the use of both gold and silver as standard money—

So we shake hands across this friendly chasm, and we agree that we are all in favor of gold and silver as standard money—

> with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and the debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interest of the producers of the country, its farmers and its workingmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other.

You were all solicitous for the farmers and the workingmen, and you were solicitous in good faith, but you do not seem to be able to satisfy the farmers and the laborers of the country that the peculiar construction for which you contend constitutes a compliance with those promises which brought you their votes. The Senator from Georgia [Mr. GORDON], for whose ability and learning I have always had the greatest regard, avers that the Democratic party is bound to repeal as the consequence of its pledges. Yes, that is true; and it is bound to do something else, concurrently with repeal, as the consequence of its pledges.

Senators upon this side of the Chamber and prominent members of the House have made statements according with that view, and have declared that they stand upon the Democratic platform with both feet. Mr. President, looking at this matter as I do — and understand me, I am criticising no one in unfriendly phrase — the platform looks to me as if it had been trodden upon by a great many with both feet. [Laughter.]

The Chicago platform, in so many words, announced it to be the doctrine of Democracy that gold and silver constitute the standard money of the country, and that *both* must be coined without discriminating against either.

Here let me pause to make a suggestion. However much we may differ upon the construction of this platform, one thing is patent, that both metals must be treated alike. Throughout the plank which I have read permeates this idea, that the Democratic party solemnly pledges itself to treat silver as it treats gold and to treat gold as it treats silver. Can any one deny that?

The advocates of unconditional repeal declare in favor of discrimination, while the platform pronounces against discrimination. How is this to be reconciled? Let us look at it candidly without resorting to technical construction. We officially state that we are opposed to dis-

crimination, and yet every Senator who has argued in favor of unconditional repeal, with the exception of the able chairman of the Committee on Finance, and I think one or two other Senators has urged us to discriminate against silver.

I am not arguing now whether it is right or not right to stand upon the Democratic platform. I am assuming for the immediate occasion that every Senator admits that we should stand upon it, that it is our law; that as we went before the people upon it it is our duty to stand here upon it; and hence I ask how can any Senator argue that he is adhering to that platform when he advocates a policy of discrimination against silver, when the platform is mandatory that he shall not discriminate.

Whatever may be thought of the argument that free coinage is not demanded by our platform, no one who claims to be governed by any of those rules of construction which are suggested without effort to persons of common sense will pretend to maintain that the man who repudiates silver as a standard, and who does not favor its coinage, and who believes in discriminating against silver and in favor of gold, gives the slightest adhesion to those principles of political faith announced in the law which his party has made and to which he has subscribed.

If the advocates of unconditional repeal presented a measure calling for free coinage at an increased ratio, or calling for limited coinage at some ratio, or if they offered any legal substitute recognizing silver (not a mere empty declaration without force or virtue), they might be able to defend their position with considerable plausibility. But we have all listened to arguments declaring that it is absurd to claim that there can be a double standard; that such a thing is impossible; that one standard only is practicable or logical.

Without examining the merits of this affair at all at present, I merely refer not only to the Democratic platform, but likewise to the Republican declaration which is equally specific and in terms favors bimetallism and the double standard.

Gentlemen may talk as much as they please. They may argue that the conventions were wrong. They may proclaim that they know more than their respective parties, but this does not relieve them from the charge of inconsistency, nor will it relieve any one who has gone before the people upon either platform from constant criticism. True there may have been conversions. We know that there have been many changes, but the people of the country do not — and they are right about it — look with much regard upon a victory won by the sudden conversion of so many men of heretofore obstinate and positive temperament. Such changes, if really accomplished bona fide, imply supernatural interposition, and whatever connection our Wall street friends may have with the other world, I have never heard it intimated that they possess the power to utilize superhuman agencies.

I heard a distinguished Senator [Mr. HAWLEY] remark a few days ago that he did not think that either party knew just what was meant by the platforms in question. While there may be equivocal expressions, nevertheless there is no uncertainty as to bimetallism, or as to the double standard, or as to the use of gold and silver *upon equal terms*. I take these words from the platform. Hence the enact-

ment of a bill which merely repeals the Sherman act, but which makes no provision for silver, not only fails to comply with the Chicago platform, but is a direct violation of it. As to the Republican platform, there is nothing said regarding the repeal of the Sherman act. Bimetallism, the double standard, and the maintenance of parity are its leading financial features.

I do not presume to instruct our Republican friends as to the meaning of their platform. It is patent enough to an outsider that the attitude of those members of that organization who attack the friends of silver in this body is not in harmony with their last statement of their principles. There may, however, be something in the organization of the other side or in their conception of their duty which within their own limits may justify their conduct. It can not be requisite to say a great deal with reference to those who claim that the platforms are not binding. A man who will meet the people announcing that he is a candidate upon a certain platform and who thereupon pledges himself and solemnly agrees that he will abide by the propositions upon which he has made his candidacy, if he is successful and he does not carry out his promises is in an unenviable position.

I know every one in this Chamber will concur in this view.

I am aware that it has been argued that times have changed since the political convention. Times change, and we change with them. This is very convenient doctrine, and if generally adopted would enable anyone to disregard any platform whenever he might so elect. If the platform can be repudiated six months after an election, why not repudiate it six days afterward? Why have a platform at all? The true view of the situation undoubtedly is that a platform is the law until it has been repealed by the body which enacted it. It is a law, not enforceable by judicial decree or the infliction of a penalty, but it is binding upon the conscience of the candidate who assumed to act under it, and when his moral condition is such that he can not carry it out because he believes it to be based upon error thereupon it becomes his duty to resign. No other course is open to him. In no other way can he justify himself. Elected to maintain a platform, he proceeds when in office to destroy it, to violate its precepts, and to jeer at its declarations. But whatever may be our monetary embarrassment, our morals are in a worse plight if we are to accept the theories of the repudiators and evasionists.

It may be urged that this great question should be debated upon its intrinsic merits. It is proper to do this, and I am not avoiding that branch of the matter. But the Democrat who subscribed to the Chicago platform and who now legislates for the destruction of silver, who says that he is opposed to a double standard, who votes to discriminate in favor of gold, must seek some other excuse than any consolation which may be afforded him by a discussion of "intrinsic merits." If Democrats believe that there was no merit in their platform as far as silver is concerned, it is their duty, it seems to me, to resign and run upon a new platform. If re-elected by a confiding constituency it will be legitimate for them to support anti-silver legislation, and by resigning whenever they determine to abandon their party principles, they will pursue a course highly conscientious, even though sadly inconsistent.

I do not think that there ever has been a time in the history of this

country when such an effort was being made by the advocates of the single standard to force members of Congress to fall into line. There are rumors of influences emanating from official quarters which I can not consider well founded. Any attempt to coerce this body, or to force any Senator to act differently than his conscience and judgment direct, would be usurpation, and accusations that such an effort is being made should not be uttered unless there is absolute proof. The Democratic platform plainly calls for the repeal of the Federal election laws, the language used being as follows:

> We warn people of our common country, jealous of the preservation of their free institutions, that the policy of Federal control of elections, to which the Republican party has committed itself, is fraught with the gravest dangers, scarcely less momentous than would result from a revolution, practically establishing monarchy upon the ruins of the Republic.

It is common talk that a certain policy is contemplated with reference to that enactment, and to the tariff, and that both are to be sacrificed to the desire to enact a pet measure. But I shall not believe that this charge is true. Circumstantial evidence apparently sustaining it may indeed be cited, but I do not deem it sufficient to warrant such a statement, and I will not credit any rumor that the organization to which I belong designs to repudiate its pledges. I do not entertain the thought that there is any intention on the part of Senators to do aught else than to enforce the three propositions to which we gave our adhesion, that we would legislate, without discriminating against either gold or silver; that we would reform the tariff; that we would repeal the Federal election laws, which our convention denounced and which the people denounced when voting for the Democratic candidates.

It is rumored that those having in charge the pending measure have given the word that it will be unwise to enforce the Democratic platform as far as the same calls for the abrogation of the infamous election laws now existing, because it is said some Republican Senator who desires those enactments maintained may, if the Democratic friends of unconditional repeal seek to carry out the platform, abandon the cause of monometallism and vote with the friends of silver. Certain transactions which have been witnessed in this Capitol within a few days may lend countenance to this theory, but fail, in my judgment, to establish it.

We have heard a good deal about honest dollars and the dishonest silver dollar. But if our promises made to the people of the United States are to be abandoned, it will indeed be strange if an honest dollar, or anything that is honest, comes from our deliberations. I do not believe that any gentleman upon the other side of the Chamber or any Republican member of Congress, would sacrifice his convictions to such an extent that he would decline to vote upon all questions in accordance with his conscience, unless he would effect a trade with the friends of election-law repeal. Still we are living in a peculiar age. Some seem to be going upon the idea that we can not be bound by conventions. All along the political highway and at every corner we encounter numberless instances of suddenly changed views.

When Congress assembled the position of many of its members was assumed to be definitely fixed by antecedent utterances. The assumption, however, proved wholly groundless, and as soon as the President's message was read, demanding as the whole business of this

extra session the immediate repeal of the silver-purchasing clause, there was forthwith a change of base as sudden as it was radical. The dismemberment of the silver forces under the persuasions of this hour reminds me of a combat said to have taken place during the siege of Troy, and the result is summarized by the poet as follows:

> Full twelve, they boldest, in a moment fell,
> Sent by great Ajax to the shades of hell.

I do not desire to disagreeably locate anyone, and the excerpt from Homer just cited does not, as used by me, pretend to fix the destination of those who have so quickly altered their opinions, but is designed to signalize the effectiveness of recent arguments.

The able junior Senator from Kentucky [Mr. LINDSAY], to whose character and ability I am glad to testify, unsuccessfully, it seems to me, charges inconsistency upon those Democrats who have spoken against unconditional repeal. He points out that many of them opposed the Sherman law, and is, therefore, surprised that they now object to eliminating it from the statute book.

It is unnecessary, after the magnificent presentation made by the Senator from Virginia [Mr. DANIEL], to answer this argument in detail. But does not my friend appreciate that the existing legislative conditions are greatly different from those which prevailed when the Sherman bill got into the statute books? Is he not aware that the result of defeating that bill at that time meant at least the retention of the Bland-Allison act? Does he not know that had there been no legislation in 1890, the Bland-Allison law would have remained in operation, and that, therefore, those Senators who voted against the Sherman act and who preferred no legislation at all to the enactment of that measure, placed themselves in a position which simply amounted to this: that they deemed the statute then in force better than the proposed bill?

They were right about that. The Bland-Allison law was better for silver than the Sherman act. But when the Bland-Allison law was struck dead by the same power that summoned the Sherman measure into life, the status of affairs became such that the repeal of the latter meant that the Treasury had no use for more silver. The Senators who voted against the Sherman law because they wanted more favorable terms for silver are not inconsistent when they refuse to repeal that act unless some concession is made to silver.

Mr. COCKRELL. Will the Senator permit just one suggestion?

Mr. WHITE of California. Yes, sir.

Mr. COCKRELL. The question then pending was with reference to a bill for the free and unlimited coinage of silver.

Mr. WHITE of California. I fully appreciate that, but I will say to the Senator that the point I am reaching is this: True, Senators desired free and unlimited coinage, but they found, because of the views of another branch of this Government, that they could not get the free and unlimited coinage of silver. So the issue finally became, so far as they were concerned, whether they would prefer the Sherman bill to the Bland-Allison act. That was the situation as I understand it.

The Senator who professed in the discussion of 1890 to be opposed to the Sherman act because it was not just to silver, and who preferred to depend upon the Bland-Allison law, is decidedly incon-

sistent when at this time he is willing to indorse a proposition which leaves us neither the Bland-Allison nor the Sherman act, nor a substitute therefor. Can we convince the people that we are friends of silver, and at the same time sit here and talk and talk and urge nothing except the destruction of the only legislative provision which provides for the disposition of any new silver? If the Senators who advocate unconditional repeal mean what they say, and we cannot doubt their good faith, it follows that they hold that not only should the Sherman bill have been defeated in 1890, but the Bland-Allison act should have been repealed without a substitute. Such is their position, and the country knows it.

ARE THE CIRCUMSTANCES SUCH AS TO JUSTIFY THE APPREHENSION THAT THERE IS A SURPLUS OF SILVER?

In the course of my address upon this and other topics I will refer to several tables, some of which, and perhaps all, are familiar to the Senate. However, I deem this matter necessary to the intelligent discussion of this important subject.

The majority of those who have advocated unconditional repeal notify us that there is such an enormous supply of silver that the necessary result must be depreciation. The able Senator from Iowa [Mr. ALLISON], who was also a delegate to the Brussels conference, does not share this view. Although his sentiments, as I construe them, are anti-silver, he declares that he does not believe that the question of overproduction of either silver or gold affects the issue. This is a candid statement, but while it destroys the arguments of many of his colleagues, it is a tribute to his integrity and discrimination. Within the last few days the able Acting Superintendent of the Mint has furnished the statement to the Senate showing the amount of silver and gold heretofore produced by the States of California, Nevada, Idaho, Montana, and Colorado, and the Territories of New Mexico, Arizona, and Utah. It is as follows:

Production of gold and silver of Arizona, California, Colorado, Idaho, Montana, Nevada, Utah and New Mexico.

NOTE.—Previous to 1848 the gold product of the United States was estimated to have been $14,440,000, not distributed by States and Territories. (Ures Dictionary of Arts, Mines, etc., Volume II, page 647.) (Raymond, 1874, page 544.)

	California.		Nevada.	
	Gold.	Silver.	Gold.	Silver.
From 1848 to 1873, inclusive	*a*$985,800,000		*a*$63,146,000	*b*$86,462,000
1874	*c*20,300,000		*cd*35,452,000	
1875*e*	*c*17,753,000		*f*10,000,000	21,795,000
1876*e*	15,799,000	$1,505,000	215,000	44,991,000
1877*e*	15,000,000	1,000,000	18,000,000	26,000,000
1778*e*	15,261,000	2,373,000	19,547,000	28,130,000
1879*e*	17,600,000	2,400,000	9,000,000	12,560,000
Total	1,087,513,000	7,278,000	155,360,000	219,938,000

Production of gold and silver of Arizona, California, Colorado, Idaho, Montana, Nevada, Utah and New Mexico. — Continued.

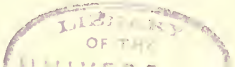
1880	$17,500,000	$1,100,000	$4,800,000	$10,900,000
1881	18,200,000	750,000	2,250,000	7,060,000
1882	16,800,000	845,000	2,000,000	6,750,000
1883	14,120,000	1,460,000	2,520,000	5,430,000
1884	13,000,000	3,000,000	3,500,000	5,600,000
1885	12,700,000	2,500,000	3,100,000	6,000,000
1886	14,725,000	1,400,000	3,090,000	5,000,000
1887	13,400,000	1,500,000	2,500,000	4,900,000
1888	12,750,000	1,400,000	3,525,000	7,000,000
1889	13,000,000	1,034,000	3,000,000	6,206,000
1890	12,500,000	1,164,000	2,800,000	5,754,000
1891	12,600,000	970,000	2,050,000	4,551,000
1892	12,000,000	465,000	1,571,000	2,901,000
Total	183,895,000	17,588,000	36,706,000	78,052,000
	1,087,513,000	7,278,000	155,360,000	219,938,000
Grand total	1,271,408,000	24,866,000	192,066,000	297,990,000

a From 1848 to 1873, inclusive, the gold product of California was estimated to have been $985,800,000 and the product of other States and Territories $254,950,000, and of this amount $63,146,000 was from the Comstock Lode, Nevada. *b* The silver product from 1848 to 1873, inclusive, was estimated to have been $186,050,000, not distributed by States and Territories, and of this amount $86,462,000 was from the Comstock Lode, Nevada. *c* Gold and silver. (Raymond.) *d* Of this amount $8,990,900 gold and $13,486 silver was from the Comstock Lode, Nevada. *e* Fiscal year. *f* Estimate of Dr. H. R. Linderman.

Production of gold and silver of Arizona, California, Colorado, Idaho, Montana, Nevada, Utah and New Mexico. — Continued.

	Colorado.		Montana.		Idaho.	
	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.
1874	$5,189,000	.....	†$4,355,000	†$161,000	*1,880,000	....
1875†	2,800,000	$2,672,000	3,438,000	682,000	2,000,000	$500,000
1876†	3,150,000	3,130,000	3,078,000	1,133,000	1,053,000	307,000
1877†	3,000,000	4,500,000	3,200,000	750,000	1,500,000	250,000
1878†	3,366,000	5,395,000	2,261,000	1,670,000	1,150,000	200,000
1879†	3,225,000	11,700,000	2,500,000	2,225,000	1,200,000	650,000
Total	20,730,000	27,397,000	18,832,000	6,621,000	8,783,000	1,907,000
1880	3,200,000	17,000,000	2,400,000	2,500,000	1,980,000	450,000
1881	3,300,000	17,160,000	2,330,000	2,630,000	1,700,000	1,300,000
1882	3,360,000	16,500,000	2,550,000	4,370,000	1,505,000	2,000,000
1883	4,100,000	17,370,000	1,800,000	6,000,000	1,400,000	2,100,000
1884	4,250,000	16,000,000	2,170,000	7,000,000	1,250,000	2,720,000
1885	4,200,000	15,800,000	3,300,000	10,060,000	1,800,000	3,500,000
1886	4,450,000	16,000,000	4,425,000	12,400,000	1,800,000	3,600,000
1887	4,000,000	15,000,000	5,230,000	15,500,000	1,900,000	3,000,000
1888	3,758,000	19,000,000	4,200,000	17,000,000	2,400,000	3,000,000
1889	3,500,000	20,687,000	3,500,000	19,394,000	2,000,000	4,396,000
1890	4,150,000	24,307,000	3,300,000	20,364,000	1,850,000	4,784,000
1891	4,600,000	27,358,000	2,890,000	21,139,000	1,680,000	5,217,000
1892	5,300,000	31,030,000	2,891,000	22,432,000	1,721,000	4,091,000
Total	52,168,000	53,212,000	40,986,000	160,789,000	22,981,000	40,158,000
	20,730,000	27,397,000	18,832,000	6,621,000	8,783,000	1,907,000
Grand Total	72,898,000	280,609,000	59,818,000	167,410,000	31,764,000	42,065,000

*Gold and silver. (Raymond.) †Fiscal year.



Production of gold and silver of Arizona, California, etc. — Continued.

	Utah.		New Mexico.		Arizona.	
	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.
1874.....	*$3,912,000	....	*500,000	....	*$487,000	....
1875†.....	44,000	$6,801,000	1,000,000	....	700,000	$300,000
1876†.....	65,000	5,829,000	c39,000	‡$2,027,000	1,000,000	500,000
1877†.....	350,000	5,075,000	175,000	500,000	300,000	500,000
1878†.....	392,000	5,208,000	175,000	500,000	500,000	3,000,000
1879†.....	575,000	6,250,000	125,000	600,000	800,000	3,550,000
Total...	5,338,000	29,163,000	2,014,000	3,627,000	3,787,000	7,850,000
1880.....	210,000	4,740,000	130,000	425,000	400,000	2,000,000
1881.....	145,000	6,400,000	185,000	275,000	1,060,000	7,300,000
1882.....	190,000	6,800,000	150,000	1,800,000	1,065,000	7,500,000
1883.....	140,000	5,620,000	280,000	2,845,000	950,000	5,200,000
1884.....	120,000	6,800,000	300,000	3,000,000	930,000	4,500,000
1885.....	180,000	6,750,000	800,000	3,000,000	880,000	3,800,000
1886.....	216,000	6,500,000	400,000	2,300,000	1,110,000	3,400,000
1887.....	220,000	7,000,000	500,000	2,300,000	830,000	3,800,000
1888.....	290,000	7,000,000	602,000	1,200,000	872,000	3,000,000
1889.....	500,000	9,051,000	1,000,000	1,461,000	900,000	1,939,000
1890.....	680,000	10,343,000	850,000	1,681,000	1,000,000	1,293,000
1891.....	650,000	12,313,000	905,000	1,713,000	975,000	1,914,000
1892.....	660,000	10,473,000	950,000	1,390,000	1,070,000	1,373,000
Total...	4,201,000	98,790,000	7,052,000	23,390,000	12,042,000	47,019,000
	5,338,000	29,163,000	2,014,000	3,627,000	3,787,000	7,850,000
Grand Total...	9,539,000	127,953,000	9,066,000	27,017,000	15,829,000	54,869,000

*Gold and silver. (Raymond.) †Fiscal year. ‡Wells, Fargo & Co. statement.

Total gold $1,662,388,000
Total silver 1,022,779,000

R. E. PRESTON,
Acting Director of the Mint.

BUREAU OF THE MINT,
September 6, 1893.

Mr. TELLER. If the Senator will allow me, I will say that according to that table, Colorado is not credited with at least $75,000,000 of gold, if not $100,000,000, produced before 1874.

Mr. DUBOIS. And if the Senator will allow me, I think it will be reasonably safe to say that Idaho produced $100,000,000 of gold before 1874.

Mr. WHITE of California. Whatever the amount may be, it simply emphasizes my argument as showing the excess of gold production. The amount of unreported gold was very large, I have no doubt.

I will add that since that statement was handed in to the Senate I have obtained from the Acting Director of the Mint further information with reference to the gold and silver production in certain other States for 1892, which I shall also append to and make a part of my remarks. This table contains the entire gold and silver output of the United States during 1892, and therefore contains some information not found in Senate Mis. Doc. 52:

Approximate distribution by producing States and Territories of the product of gold and silver in the United States for the calendar year 1892, as estimated by the Director of the Mint.

State or Territory.	Gold.		Silver.		Total value.
	Fine ounces.	Value.	Fine ounces.	Coining value.	
Alaska	48,375	$1,000,000	8,000	$10,343	$1,010,343
Arizona	51,761	1,070,000	1,062,220	1,373,375	2,443,375
California	580,500	12,000,000	360,000	465,455	12,465,455
Colorado	256,387	5,300,000	24,000,000	31,030,303	36,330,303
Georgia	4,583	94,734	400	517	95,251
Idaho	83,271	1,721,364	3,164,269	4,091,176	5,812,540
Michigan	3,386	70,000	60,000	77,576	147,576
Montana	139,871	2,891,386	17,350,000	22,432,323	25,323,709
Nevada	76,021	1,571,500	2,244,000	2,901,333	4,472,833
New Mexico	45,956	950,000	1,075,000	1,389,899	2,339,899
North Carolina	3,800	78,560	9,000	11,636	90,196
Oregon	67,725	1,400,000	50,000	64,646	1,464,646
South Carolina	5,968	123,365	400	517	123,882
South Dakota	178,987	3,700,000	60,000	77,576	3,777,576
Texas	.....	.....	310,000	400,808	400,808
Utah	31,936	660,175	8,100,000	10,472,727	11,132,902
Washington	18,071	373,561	150,000	193,939	567,500
Alabama, Maryland, Tennessee, Virginia, Vermont, Wyoming	500	10,336	1,000	1,293	11,629
Total	1,597,098	33,014,981	58,004,289	74,995,442	108,010,423

BUREAU OF MINT,

September 20, 1893.

It will be observed that that part of the Union embraced within the States and Territories mentioned in the first of these exhibits comprises most of our gold and silver producing mines, and yet it seems that there has been obtained from these sources, since 1848, some six hundred and forty millions of gold in excess of silver, allowing nothing for the unreported amounts mentioned by the Senators from Idaho and Colorado. California has furnished $1,271,000,000 of gold and but $24,866,000 of silver. If any process shall be discovered adequate to enable the miners of California to explore the prehistoric river beds of the Sierras without destroying the valleys and the streams, the output will be strikingly increased. Careful surveys and scientific examinations of the gravel deposits covered by the Sierras justify this assertion. While it is probable that for several years, under the influence of favorable legislation, the production of silver will augment, it is almost certain that this will not be lasting.

Few people understand the thoroughness of the explorations which have taken place in the West. The miners of that region are active in the extreme. Their practiced eyes detect the smallest paying cropping, and there is hardly a yard of country, scarcely a fastness upon which man can rest, in which there is or has been gold or silver-bearing rock which has not been fully prospected. It is known that there are immense deposits of gold untouched in California. It is not known that

there are any silver deposits of magnitude beyond those which have already been worked and are now in operation.

I particularly desire to call the attention of Senators to the enormous amount of gold produced by other States and Territories which are regarded as silver-bearing localities and which are sneeringly referred to by Wall-street newspapers, and if the silver mines are closed the gold output will likewise cease. Thus Idaho shows the following:

Production of silver	$42,065,000
Production of gold	31,764,000
Excess of silver over gold	$10,301,000

Nevada has done a great deal for gold. She produced silver $297,990,000; gold $196,066,000.

We have just been informed by the Senator from Idaho [Mr. DUBOIS] and the Senator from Colorado [Mr. TELLER] that in addition to the gold reported by the Superintendent of the Mint as the product of Idaho and Colorado, that prior to 1874, about one hundred millions of that metal had been extracted from each of those States, then Territories. I very well remember that both were deemed gold-bearing Territories before the date of the first credit appearing in the Treasury report. I know that California miners went to those sections anterior to that date and reported large development, but I have no figures at hand to justify any personal estimate.

The greatest difference in gold and silver production appears in Utah, from which Territory it seems over one hundred and twenty-seven millions of silver were obtained and less than ten millions of gold. If silver mining ceases there will be scarcely any gold production from other States or Territories where the silver output has been so large. It has been said that nature has married these metals. They are certainly found in close relationship the world over, and they were placed in combination by the Almighty as if in defiance of the attempt of man to divorce them.

The statistics compiled by Mr. Soetbeer with reference to the production of gold and silver from the discovery of America to the present time show that there has been no dangerous alteration of the relations of the two metals, even during the last thirty years. The following is an estimate in tons:

Period.	Tons.	
	Gold.	Silver.
1493 to 1800	3,566	117,104
1801 to 1860	3,203	41,681
1861 to 1888	4,667	56,448

From 1861 to 1888 it is obvious that the production of gold was relatively greater than that of silver, the increase being 45 per cent.; that of silver 10 per cent. less. From 1850 to 1890 the world's stock of gold increased 143 per cent., and the world's stock of silver during the same period increased but 45 per cent. Hence there is absolutely nothing in the assertion that over-production has interfered with a ratio which was successfully maintained for two centuries.

Mulhall's table shows that the world's stock of gold and silver in the years 1600, 1700, 1800, 1850, and 1890, were as follows:

Stock of precious metals at various periods.

Year.	Tons.		Percentage of increase.	
	Gold.	Silver.	Gold.	Silver.
1600	830	23,000	.....	.....
1700	1,310	45,000	57	95
1800	2,730	88,000	108	95
1850	3,620	113,000	32	28
1890	8,820	165,000	143	45

This table justifies the statement already made with reference to the present increase in the supply of each metal.

If there was anything in the theory of overproduction, it is certain that the gigantic addition made to the gold supply during past periods would have unsettled the ratio; but it did not do so, although certain nations, from mere fright—what would now be called lack of confidence—demonetized gold.

The conduct of the Austrians and others with relation to the increased supply of that metal may seem peculiar, but was no more irrational than the statement of the distinguished Senator from Vermont [Mr. MORRILL], who seemed to be alarmed at the enormous quantity of silver thrown upon civilization.

There will be no trouble in the solution of the silver question as soon as we are all thoroughly educated. When the facts are fully known the people reflect upon them, and the monometallist advocate will be out of a job.

In this connection I ask leave to submit the statement furnished by the Bureau of the Mint on August 16, 1893:

Production of gold and silver in the world, 1792 to 1892.

Calendar Years.	Gold.	Silver (coining value).	Total.
1792 to 1890	$106,407,000	$328,860.000	$435,267,000
1801 to 1810	118,152,000	371,677,000	489,829,000
1811 to 1820	76,063,000	224,786,000	300.849.000
1821 to 1830	94,479,000	191,444,000	285,923,000
1831 to 1840	134,841,000	274,930,000	409,771,000
1841 to 1848	291,144,000	259,520,000	550,664,000
1849	27,100,000	39,000,000	66,100,000
1850	44,450.000	39,000,000	83,450,000
1851	67,600,000	40,000,000	107,600,000
1852	132,750,000	40,600.000	173,350,000
1853	155,450,000	40,600.000	196.050,000
1854	127,450,000	40,600,000	168,050,000
1855	135,075,000	40,600,000	175,675,000
1856	147,600,000	40,650,000	188,250,000
1857	133,275,000	40,650,000	173,925,000
1858	124,650,000	40,650,000	165,300,000
1859	128,850,000	40,750,000	165,600,000
1860	119,250,000	40,800,000	160,050,000
1861	113,800,000	44,700,000	158,500,000
1862	107,750,000	45,200,000	152,950,000
1863	106,690,000	49,200,000	156,150,000
Total	2,492,726,000	2,274,217,000	4,793,304,000

Production of gold and silver in the world, 1792 to 1892. — Continued.

Forward	2,492,726,000	2,274,217,000	4,793,304,000
1864	113,000,000	51,700,000	164,700,000
1865	120,200,000	51,950,000	172,150,000
1866	121,100,000	50,750,000	171,850,000
1867	104,025,000	54,225,000	158,250,000
1868	109,725,000	50,225,000	159,950,000
1869	106,225,000	47,500,000	153,725,000
1870	106,850,000	51,575,000	158,425,000
1871	107,000,000	61,050,000	168,050,000
1872	99,600,000	65,250,000	164,850,000
1873	96,200,000	81,800,000	178,000,000
1874	90,750,000	71,500,000	162,250,000
1875	97,500,000	80,500,000	178,000,000
1876	103,700,000	87,600,000	191,300,000
1877	114,000,000	81,000,000	195,000,000
1878	119,000,000	95,000,000	214,000,000
1879	109,000,000	96,000,000	205,000,000
1880	106,500,000	96,700,000	203,200,000
1881	103,000,000	102,000,000	205,000,000
1882	102,000,000	111,800,000	213,800,000
1883	95,400,000	115,300,000	210,700,000
1884	101,700,000	105,500,000	207,200,000
1885	108,400,000	118,500,000	226,900,000
1886	106,000,000	120,600,000	226,600,000
1887	105,775,000	124,281,000	230,056,000
1888	110,197,000	140,706,000	250,903,000
1889	123,489,000	162,159,000	285,648,000
1890	113,150,000	172,235,000	285,385,000
1891	120,519,000	186,733,000	307,252,000
1892	130,817,000	196,605,000	327,422,000
Total	5,633,908,000	5,104,961,000	0,738,769,000

TREASURY DEPARTMENT,

Bureau of the Mint, August 16, 1893.

In this table the output for various years is set forth, and proves the production of gold to have been $528,947,000 in excess of silver. It is true that silver has been advancing of late, but there is no more assurance that this gain will be lasting than there was that the gain of gold between 1850 and 1860 would be continuous. From 1850 to 1861, both inclusive, the annual product of gold always exceeded that of silver, and the difference since silver has taken the lead has not been nearly as pronounced as the discrepancy which was disclosed during a large portion of the time during which gold disclosed a surplus. The greatest difference shown in favor of silver was manifested in 1891, during which year there was produced $66,214,000 more of silver than of gold.

Production from 1792 to 1848, inclusive:

Silver	$1,651,217,000
Gold	821,086,000
Excess of silver	$1,830,131,000

Production from 1849 to 1892, inclusive:

Gold	$4,812,722,000
Silver	3,453,744,000
Excess of gold	$1,358,978,000

From 1851 to 1860, both years inclusive, the product was as follows:

Gold	$1,267,950,000
Silver	405,900,000
Excess of gold	$ 862,050,000

From 1883 to 1892, both years inclusive, the result appears to be as follows:

Silver	$1,442,619,000
Gold	1,115,437,000
Excess of silver	$ 327,182,000

It is clear that the Senator from Iowa [Mr. ALLISON] is correct when he says that the overproduction of silver is not the cause of the difficulty which we are experiencing. His statement is of great importance, because it is the result of much thought and of the investigations made by a gentleman of attainments who is favorable to the pending bill and who went abroad to meet and deliberate with the most distinguished financiers of the world, and who attended the Brussels conference practically without instructions, and was compelled to devote himself assiduously to the difficult problems which he felt bound to solve if it were possible to do so.

Right here let me make a remark suggested yesterday by the argument of the Senator from Delaware [Mr. GRAY]. He spoke of the so-called panic and mentioned that bank depositors had withdrawn their money. This no one denies. He further informed us that these parties were frightened. This is conceded. A Senator upon the other side of the Chamber asked what these depositors feared, and there seemed to be a little hesitancy, but it was finally said that they were afraid they would be paid in a depreciated currency, to wit, silver. Now, although we are formed upon the same general plan, it is true that we differ greatly. It may be, and as the Senator said so, I assume it undoubtedly to be the fact, that the people upon the great Atlantic seaboard were alarmed lest they should be paid in silver. It may be that the depositor who frantically moved upon the bank, and who went there with trembling hand so that his signature was scarcely legible, was afraid that he would be paid in silver.

But that was not my experience during the panic upon the other side of this continent, and I saw much of it. I was interested personally to this extent, that I lived in a community where there was much temporary and foolish excitement which I was anxious to mollify, and I had some connection with the reopening of certain institutions which, though perfectly solvent, closed their doors for a few days. In all that experience, and in all the conversations which I have heretofore had with gentlemen from other parts of the United States, I have never heard of a depositor who was afraid that he would be paid in silver. They were afraid, Mr. President, that they would not be paid at all.

It was not the presence of silver that scared them. I believe a compromise could have been effected which, however startling to gentlemen upon the other side of this question, would have been satisfactory to the parties who charged upon those banks. People were

irrational. It is aptly said that it makes no difference what the cause of excitement may be the material proposition is the presence of alarm. That is undoubtedly true, but is it not our duty to attempt to reach the real cause of the disturbance, and having found that cause is it not our duty to explain the same to the people so that they, knowing the evil, may acquiesce in the remedy?

At the time my friend from Delaware was making his statement the Senator from Louisiana [Mr. WHITE] interrupted him and said that as the effect of the enactment of the Bland-Allison act and the Sherman law, people in this part of the country demanded that there should be a gold clause inserted in their contracts. I do not think that any of these propositions are in the slightest degree pertinent to this discussion; but let me say to the Senator from Louisiana that in the State from which I come it has been a common thing for years to insert a gold clause in contracts. I have never seen a contract of importance in which a covenant of that kind was not inserted.

The custom arose, I presume, during the war. I have never drawn a contract or an obligation of magnitude involving money payments in which the word "gold" was not used; and that custom surely was not attributable to the Sherman law, because however many bad things that law has done and committed, however many crimes are to be laid at its door, however many tornadoes it has produced, and however much disaster it has caused upon land and ocean, shores remote and countries near, it certainly can not be said of it that it is responsible for those things that were done long, long before it was ever heard of.

It may be said why is it that people prefer to put the word "gold" in their contracts. Mr. President, the people outside of as well as within this Chamber and this building and this city, throughout the Republic generally, are intelligent and observing. They have witnessed this Government for twenty years endeavoring to ruin the cause of silver. They have witnessed this Government challenging the purchasing power of silver in every part of the world. They have witnessed policy after policy adopted by Administration after Administration antagonistic to silver. Hence they name gold in their contracts, not because they have no confidence in silver, but because they have no confidence in the sagacity of those who represent them and make and execute the law.

Here I might interject a thought lest I should forget it. We hear much regarding honest dollars. Our friends are afraid of a dishonest dollar. So am I. They say, do you wish to give the poor laboring man a dishonest dollar? They say, why do you not give him a dollar that is really worth a dollar? Why is the silver dollar worth less than the so-called honest dollar? Assume for the sake of argument only that the silver dollar will buy less than the gold dollar, if the reason must be given it is found in the fact that the legislation of this country has been directed against silver. Until we demonetized the white metal the commercial ratios showed no discrepancy save in favor of silver.

We have willfully discredited silver, and having so discredited it we audaciously speak of the dishonest dollar. Give the silver dollar a chance, and if it does not take care of itself, then call it a dishonest dollar. Do what your platform demands shall be done, treat it as you treat gold.

Permit me to inquire whether gold advocates have not become

tired of constantly declaring that they desire to legislate in favor of the honest dollar that the workingmen may not be cheated? The average laboring man receives but a small sum for his daily toil, and he can buy as much with that sum in silver as he can buy in gold. He finds no difficulty in disposing of one, two, or three dollars a day in silver, and the grocer, the butcher, the baker give him as large quantities of sugar, meat, and bread for his silver as they would give him if he brought gold or paper currency. In fact, they prefer $5 in silver to the same sum in gold, since the gold is liable to depreciate by reason of abrasion.

The laboring man gives full credit, or at least as much credit as is due, to these professions of golden sympathy; but in this struggle he is manifestly upon the side of silver.

HAS GOLD APPRECIATED?

I now approach a very interesting inquiry. Has gold appreciated or has silver depreciated? I listened with much pleasure to the argument of the learned Senator from Delaware upon this subject yesterday, but I can not adopt his view of the situation. As a logician he concedes that if it be true that gold has appreciated, then a condition is presented calling for affirmative action. But in approaching that argument he assumes that the burden of proof is upon those who advocate silver. While the rules of law prescribed for the government of courts in the trial of causes are wise, they are not at all times applicable to proceedings in a legislative body. I do not think it is accurate to say that in considering a question like this there is any occasion for rules regarding the burden of proof. We are here to elicit the truth. In this case there can be no such a thing as a judgment *pro confesso*. There can be no default. The silence of the friends of silver would not justify an enactment against silver which the intrinsic merits of the subject would not warrant.

Let us consider this issue upon its merits. It must not be forgotten that my argument is intended to induce two conclusions: First, that because of our platform obligations we should protect silver; secondly, that the welfare of the people so demands.

It is the habit of the monometallists to assert that silver is constantly falling, and they deny that gold is appreciating. There are very respectable people who are of this way of thinking. A large number of able gentlemen, during the present session, have so argued, and Sir John Lubbock strenuously contends to the same purport in the current number of the North American Review.

To begin with, these gentlemen all admit that a certain quantity of gold will now buy about 50 per cent. more of the necessaries of life than could have been purchased with the same amount of the same metal at the time of the demonetization of silver in 1873. But they contend that this is due to improved machinery, to new and more economical methods of production. I think that the address made by the able Senator from Missouri [Mr. VEST] at the opening of this discussion, disposed of this subject, and I will not spend much time discussing it. I have had the pleasure of listening to arguments wherein it was stated that wages had not fallen. It may well be doubted whether there is any foundation for this assertion, save in a very limited classification, but assuming it to be true that wages

are higher with reference to certain industries, that increase is obviously attributable to other causes.

But if wages have increased, is such increase due to the monometallic standard, and must wages depreciate because of the Sherman law? Are we to suppose that no other cause or causes influenced wages in this country than the action of our Government regarding currency? During the last campaign gentlemen who now sit in this Chamber were preaching Democracy to assembled multitudes, and they never gave as a reason for appreciation of wages the argument they rely upon here. Do they still hold to their older and oft-asserted view? Is it true that wages have appreciated merely because we demonetized silver?

I well remember that we all contended, and I think with much force, that the well-organized exertions of trades unions had much to do with keeping up labor prices. No general rule can be applied to this matter from which any such deduction as that insisted upon by the Senator from Delaware is authorized. In the same States for the same class of labor and the same number of hours, different rates are charged. North, South, East, and West prices vary, depending often upon the mere ability of the laborer to obtain his rights, and in some instances of the employer to procure his work to be done at a reasonable rate.

I have heard it said that we are suffering in this country from a redundancy, from an overplus, an extravagant quantity of circulating medium; that the great difficulty is, we have too much. I have seen nothing to indicate that the experience of others has been less sad than my own. Not for me have there been strewn along the highways during this panic golden dollars.

No redundancy have I observed.

It has been said, and truly, that if money is not in circulation it makes no difference whether or not there is much of it in the country. That is a fact. I admit that when gold is hoarded, if it is hoarded never to be taken out, it might as well have remained buried in the everlasting hills. But if there is a considerable quantity of money about it is easier to acquire it than when there is a very small amount in sight. I presume that if there were but a million dollars in gold in all the world some Senators here might be able occasionally to grasp a piece of the coveted metal. But all would feel the contraction. The difficulty would be increased as the amount of the metal decreased. If there were but $100 in gold in all the world I do not suppose that I would know any more about the metal than I do with reference to the rarest, largest and most brilliant diamonds and rubies. Nor would I use more of the article than I do of attar of roses, which I believe our friends upon the other side put upon the free list. [Laughter.]

One of the most distinguished monometallists of Great Britain is Mr. Giffen, chief of the statistical department of the board of trade, and although he has not seen fit in his later work to republish the views I am about to quote, I desire, nevertheless, to quote an abstract from his paper entitled "Recent Changes in Prices and Incomes Compared." He there positively places himself upon record in support of the proposition that gold has notably appreciated, and moreover he argued that this appreciation was likely to continue, and that therein was found the true explanation of the fall in the price of commodities.

In 1879 he pointed out that this rise would soon become evident. Let me quote:

> If the test of prophecy be the event, there was never surely a better forecast. The fall of prices in such a general way as to amount to what is known as a rise in the purchasing power of gold is generally, I might almost say universally admitted. Measured by any commodity, or group of commodities, usually taken as the measure for such a purpose, gold is undoubtedly possessed of more purchasing power than was the case fifteen or twenty years ago, and this high purchasing power has been continued over a long enough period to allow for all minor oscillations.

It is unnecessary to read Sauerbeck's Index-numbers, which I have here, but I commend them to the perusal of Senators who have not already read them. I commend them to the investigation of any one who is studying this question as showing the basis of forty-five of the principal commodities—a large number surely—selected some time ago and subjected successfully to the intelligent criticism of the world.

Years.	Mr. Sauerbeck's index numbers—		Years.	Mr. Sauerbeck's index numbers—	
	Of 45 principal commodities.	Of Silver.		Of 45 principal commodities.	Of Silver.
1874	102	95.8	1884	76	83.3
1875	96	93.3	1885	72	79.9
1876	95	86.7	1886	69	74.6
1877	94	90.2	1887	68	73.3
1878	87	86.4	1888	70	70.4
1879	83	84.2	1889	72	70.2
1880	88	85.9	1890	72	78.4
1881	85	85.0	1891	72	74.1
1882	84	84.9	1892	68	65.4
1883	82	83.1			

This table is worthy of more study that it has received. It shows, taking the silver and the commodity numbers and comparing them, the most remarkable results. It appears to me that it affords a demonstration of the truth of our assertion that gold has appreciated. I am aware of the existence of that other table, compiled by the learned gentleman who resides in Massachusetts, and which was read here yesterday.

I fully understand that he there calls attention to the circumstance that plows and certain other articles can be bought today with fewer bushels of wheat than some years ago; but I do not believe that the table constitutes a fair test.

The Senator from Delaware argues, as do many of the authorities, that the fall in the value of the various commodities is due to the great development which has been made in the arts, and he calls attention to Bessemer steel as a notable instance. So it is a notable instance, and so far as steel is concerned, it is clearly established that improved methods have lessened the cost; and there are many similar cases.

If the fall in prices was due to improvements in machinery the prices would be maintained with reference to those articles regarding which there had been no improvements affecting production, and in cases where inventions and new appliances had diminished the cost the

depreciation would be noticed. But we know that there has been a uniform fall of prices all along the line, and the tables and charts prepared by eminent statisticians clearly prove that the drop has been general and is therefore due to some cause utterly different from that to which Sir John Lubbock and others attribute it. For instance, let us take wool, at present very low. My Republican friends may say that this is because our people are afraid of tariff changes. Let us so assume, and take a date anterior to the triumph of the Democratic ticket, and it will be found that then wool was exceedingly dull throughout the country, and on the Pacific coast, where the staple is short, owing to the circumstances that we are compelled to clip twice a year, wool was so low prior to Mr. Cleveland's election that it did not even reach the duty line.

It is untrue that the expense of wool-growing has become less and less as years have rolled by. When a child I have seen thousands of sheep roaming over the public domain, the pasturage of which cost the man who owned them not a cent. Gradually as the progressive American moved over this territory and took it up under the homestead and pre-emption laws, the ranges were curtailed and the sheep were driven back, so that now many of them subsist at certain seasons on the mountain sides, sometimes at an altitude of from 8000 to 10,000 feet above the sea, there seeking with difficulty that support before readily obtained. Hence the expense of maintenance has increased. Besides, lands have become useful for other purposes, and the sheep in the West is becoming more and more a burden.

Therefore there is depression not alone in those lines concerning which the cost of production is lessened, but it is found all throughout the list, demonstrating to you as legislative physicians that some other prescription must be applied than that suggested by the Senators who are opposed to me.

I believe that a careful analysis of the situation will show numerous examples which can not be explained upon the basis expressed in the ably conducted argument of the Senator from Delaware. I have not had time to carefully scan this branch of our dispute, but have said enough to suggest a conclusion. In the matter of eggs there has not been any invention promoting production. The ancient methods are still utilized. And yet I find there the same depreciation.

It has been frequently stated, and truly, that the gold price of silver prior to 1873 was remarkably stable, and that since that time it has been utterly unstable. But the theory that silver has depreciated and gold remained stable does not account for admitted phenomena. I refer to the phenomena which I have just recited. Suppose that we adopt a gold standard, pure and simple, manifestly when gold is very plentiful it will buy fewer things, and this is called a rise in prices. When gold is scarce it will buy more of everything. This means a fall in prices. There is no mystery as to this. The experience of every gold-standard country in the world discloses a universal fall in the prices of commodities.

An let it be remembered—and it is a most cogent circumstance —that this depreciation does not antedate 1873. If we are trying this case upon its merits, and are to enter a judgment upon it, let us look at the evidence. The rule suggested by the other side does

not apply, because the fall is universal and the diminished cost of production is not universal.

Then we have this other significant feature, that the fall in the price of commodities dates from 1873, or thereabouts—the date of the demonetization of silver. Why is this remarkable coincidence presented? There may be some means other than that hinted at to account for it. I am not here to withhold any information. I know that I am obliged to bring forth every fact that will tend to elucidate. The truth should be known that we may legislate wisely and in the interest of the people whom we represent. I can not find and have not heard any explanation in harmony with the gold appreciation theory, of the incidents which I have cited.

In China, where gold is a mere commodity and is sold just as lead or tin would be in this country, prices have not varied in twenty years. This information I derive from an article quoted in the San Francisco Chronicle, and written by W. S. Wetmore, for the Hong-Kong papers. Mr. Wetmore selected some twenty articles for his index numbers and discovered that the prices had been practically stationary since 1873, while gold had risen nearly 50 per cent.

In a recent article by the same gentleman, printed in the North China News, he shows that notwithstanding the enormous depreciation in the gold price of silver in Europe, America, and India, there has been no variation of importance in either China or Japan. He gives an instance within his own personal experience to illustrate his meaning. Seventeen years ago he employed a boy at a salary of twenty-one Mexican dollars a month, and although at the present time silver is worth in gold less than a third of its former price, Mr. Wetmore has discovered that his servant is able to live now just as well as he did in 1876 and has not deprived himself of any of the advantages which he then enjoyed, although, as I have said, commodities have not fallen.

At the risk of being tautological, I will say that in all the great silver-using countries of the world an ounce of silver will buy just as much of the necessities of life at this day as could have been bought twenty years ago. If gold is declared to be the standard of the world, and if it is said that there is no other kind of money, gold will be more sought for, there will be greater need for it, its purchasing power will necessarily increase.

If half the stock of gold were destroyed, no one doubts that the remaining portion would be more valuable. And so, if the use to which gold is applied be made more extended, if it becomes more essential to the public comfort, so will we be more anxious to get it, so will its purchasing power develop. This subject was very ably and thoroughly discussed by the distinguished Senator from Nevada in his argument before the Brussels conference. Indeed, he left nothing to be said upon the subject. The man who insists that the less money we have in the world the better off we are is no more inconsistent than the party who admits, as he must, that the legislation of the world has been in favor of gold, and that metal has been cornered and placed in a few hands, and still insists that its purchasing power has not increased. Mr. Balfour declares that—

> An appreciation of the standard of value is probably the most deadening

and benumbing influence which can touch the springs of enterprise in a nation.

The same authority says:

I have no hesitation now in asserting what I have often asserted before, that if you cannot attain this absolutely theoretical perfection it is better for the community at large that your standard should be a depreciating standard than that it should be an appreciating standard.

IS A DOUBLE STANDARD PRACTICABLE?

I have heard gentlemen who declare that they stand upon the Democratic platform declare that there is no such possibility as a double standard. I have said enough with reference to those who criticise the platform upon which they were elected and will address myself to the merits of this proposition exclusively.

Speaking upon this subject on February 15, 1878, the Senator from Nevada [Mr. JONES], whose remarks at the Brussels conference gained him such wide commendation, said:

Our money system was not based upon the idea that we should have both metals always and concurrently in circulation, but upon the idea that there might occur occasional variations in their value, and that it would always be to our advantage in every respect to make avail of the cheaper of the two. The great feature of the double or optional standard is not the actual use of both metals, but the right to use either. The option of using either metal was enjoyed by the United States without let or hindrance until 1873-'74. This right of option of choosing either metal in which to make payment sufficiently accounts for the fact that after 1840 gold, then practically having become the cheaper metal, largely predominated in the coinage. It was upon this very theory that our coinage laws were framed, and when silver became the dearer metal the demand for its coinage diminished. Was it ever charged in 1873 that the gold dollar was a depreciated dollar, a 97-cent dollar, because at that time its value was 3 per cent. below the value of the silver dollar?

Mr. Balfour handles the subject very ably. He says:

I am well aware that there is a vast mass of opinion—I think not well-informed opinion—to the effect that a man who maintains the possibility of bimetallism should be ranked with those who think that the sun goes round the earth or that the earth itself is a flat disc. But I may say without offense that those who hold this opinion show themselves but little instructed in the recent history of the subject. It is permissible for those who base their opinion on these matters upon the imperfectly remembered scraps of economic knowledge picked up fifty years ago—it is permissible for them still to hold the view that a bimetallist is a harmless lunatic who if he only confines his lunacy to this particular question cannot be regarded as more dangerous to the public peace than any other confirmed bore. But I do not think that any man who has seriously considered the literature of this subject during the last generation holds this opinion or can possibly hold it.

I doubt whether there is a single economist of reputation under 60 years of age who will commit himself to the view that it is impossible to maintain the double standard. If there be such a man I do not know his name, and if it be, indeed, an absurdity to suppose that this double standard can be maintained, then, indeed, we are in a bad case, because from every chair of political economy in this country and America, not to speak of Holland and other continental nations, I believe it is taught that the bimetallic theory is a theory which will stand critical examination.

Remember, I am not asserting that every distinguished economist is a bimetallist; I am not asserting that they would if they could establish a double instead of a single standard; but no economist of repute will lend his name to the idiotic objections—if I may use the expression without offense—to bimetallism which you will see in some of the daily newspapers, objections which

appear to be founded on the view that to hold that a stable ratio can be maintained between silver and gold is something like holding that value is not determined by the laws of supply and demand or the cost of production, but that it can be settled by the mere fiat of government.

Those who hold that view show an ignorance of the very elements of the question which make it — I do not wish to say anything offensive — hardly worth while arguing with them. They do not appear to have realized that as it rests and must rest with the government, with every government, to say what shall be legal tender within the limits of the state, so it must rest with the government to determine what shall be the greatest cause of demand for that which it says is legal tender; and therefore, to suppose that you can dismiss this doctrine by saying it is inconsistent with the law of supply and demand is to ignore the main element of the problem.

In fact, I should say that the bimetallic theory affords the most beautiful illustration known to me from a theoretic point of view, of the operation of the laws of supply and demand, in a specially interesting and instructive case; but I have usually found that those who most denounce theory, at all events are usually convinced by what they regard as practice. But even practice and experience in this case are not enough to convince the theoretic monometallists. They absolutely shut their eyes to the fact that, so far from bimetallism being an impossibility, it has been the actual system in force over a long period of time and over great districts, and that when it was in force it produced every effect which every bimetallist has ever claimed for the employment of the double standard.

The same distinguished man also remarked:

If you have a joint standard — if, in other words, you can count for your supply of currency not merely upon the gold supply of the world, but upon the gold supply plus the silver supply — it is evident that the effect of any single cause of change is diminished, because it is spread over a wider area. If you have a cistern holding, let us say, a thousand gallons, and you choose to divide that cistern into halves, each holding 500 gallons, then it is evident that to withdraw from one of those compartments 100 gallons will made a far greater change in the level of that compartment than if the whole cistern were one and you withdrew your hundred gallons, not from the 500 gallons, but from the undivided mass of a thousand gallons. That is an elementary way of looking at it, which, elementary though it be, will probably bring conviction to those who will carefully consider it. So much for the first cause of variation of the standard, on which, I think, you will admit that a double standard has the advantages over a single standard.

Prof. Francis Walker, of the Sheffield Scientific School, said:

The extensive fall in the value of silver since 1873, which is often referred to as proving the unfitness of silver to be joined with gold in the office of moneys, appears to me to show most strikingly the power of legislation in keeping the two metals together. If gold and silver actually held a course through three centuries so nearly parallel, yet when silver was demonetized by the United States and Germany, and the Latin Union ceased to coin silver in unrestricted amount, the price of gold expressed in terms of silver mounted upward in four years from 15.63 to 17.77, rising momentarily even to 20.17 — these two facts taken in connection would seem to afford a very strong proof of their interchangeable use as money in keeping their market values together.

I believe that these references are sufficient to meet the objections which I have been considering.

CAN THE UNITED STATES MAINTAIN FREE COINAGE WITHOUT INTERNATIONAL AGREEMENT ?

It is only necessary to examine the proceedings of the Brussels Conference to thoroughly appreciate the difficulties in the path of international agreement.

Mr. Cramer-Frey, delegate from Switzerland, said:

I should be an unworthy disciple of the lamented M. Feer Herzog, who represented Switzerland at the conference of 1878, and an unworthy successor to M. Burckhardt Bischoff, whose interesting work on Bimetallism and the Conference of 1881, at which he was a Swiss delegate, will have been duly esteemed by many of you, if I ever entertained the idea that bimetallism would be admissible for us. My colleague, M. Rivier, and myself have received the most formal instructions to this effect from our government.

Mr. Zeppa, delegate of Italy, said:

It is astonishing that persons of admittedly high intelligence and general culture are to be found who would wish to lead nations backward and to re-establish bimetallism.

Mr. Weber, delegate of Belgium, closes his remarks with these words:

The forced circulation of silver appears iniquitous, from whichever standpoint the question is regarded, and, in seeking to favor the expansion of industry and commerce by international means, we must not look for help to the mint, but to the custom-house.

Mr. Boissevain, delegate of the Netherlands, did not agree with his more radical brethren.

Mr. Tirard, delegate of France, expresses himself as believing that France was satisfied with the prevailing conditions, and his remarks were so positive that they were construed at the time by Mr. Cannon, one of our delegates, as meaning that France was less favorable to bimetallism than England, a view, however, which Mr. Tirard repudiated.

Mr. Raffalovich, delegate of Russia, strongly favors gold.

Mr. Rothschild expressed himself, as we all know, in the most positive terms, approving of the financial policy of England, though he did venture the assertion that he saw no objection to silver being made a legal tender in England up to £5 instead of £2, as at present. And he made a suggestion which is of considerable importance, as follows:

It seems to me that the European powers, holding as they do large amounts of coined and uncoined silver, cannot be indifferent to the market price of that metal; and, as to England, we have no right to look at one side of the question only and to ignore the complaints of a powerful minority.

He also said:

Gentlemen, I need hardly remind you that the stock of silver in the world is estimated at some thousands of millions, and if this conference were to break up without arriving at any definite result there would be a depreciation in the value of that commodity which it would be frightful to contemplate and out of which a monetary panic would ensue, the far-spreading effects of which it would be impossible to foretell.

The conference did break up, or adjourned without day, and it is now proposed to choke the last breath out of silver. International bimetallism may be accomplished if the United States stands firm, but if we throw up our hands as the advocates of unconditional repeal request us to do, the fight is determined. If one engaged in personal contest, conscious that his strength is failing, throws himself at the feet of his adversary and, placing his foeman's heel upon

his neck, suggests a compromise, his attitude is ridiculous. Much better for him would it have been to prolong the struggle and rely for a favorable proposition upon his adversary's desire to avoid a culmination, the exact nature of which could not be foretold.

I am aware of the answer made time and time again to this argument. It is insisted that the way to bring about an international agreement is to absolutely demonetize silver. We all admit that silver money is necessary, and we are told that if we put ourselves in the position now occupied by England, France, and other countries, in time they will suffer so much that we will be able to force concessions. Thus we are asked to undergo the Dr. Tanner process. We are to put ourselves upon a starvation basis, and must rest our hopes upon our ability to endure privations longer than others.

Mr. PEFFER. And then begin with watermelons to recover.

Mr. WHITE of California. I scarcely think that the influence of watermelons would cure us under such circumstances. I believe that it would take more stimulation than even this wonderful country has within its bosom.

Mr. HOAR. The difference between the Democratic party and Populists is the question of stimulation.

Mr. WHITE of California. The Senator from Massachusetts refers to the difference between the Populists and the Democratic party, which he says is a matter of stimulation. My experience, acquired not only here but elsewhere, is that we can gather our Republican friends upon that issue into a common fold; upon such a platform they will not refuse to stand. We are not differing greatly upon that proposition; and I really think that a majority of our friends the Populists, sympathize with us in a degree at least.

We have sent our delegates to Europe and have urged upon the world that there should be a bimetallic agreement between the powers, and we have declared that silver should be accepted as money and that it is good money; and while making all this talk, and in the midst of our argument, we propose by a solemn act of Congress to take away all the potentiality of a metal which we produce and flatter ourselves that an empty declaration which has no place in the body of the act, and which is simply apologetic, will influence other nations to change their system and will be a substitute for, if not better than, positive legislation. To say that the policy recommended is cowardly, is to express the situation in very moderate terms.

The chairman of the Committee on Finance has introduced, as I have said, in the proposed measure an announcement that silver is good; that we should have silver; that silver should be coined at the mints free of charge, and that it should be treated in all respects as gold is treated. While making that declaration we decline to signify our faith in it. We absolutely abandon silver and surrender in the midst of a great financial struggle with foreign powers. We bow before them and cast ourselves trembling at their feet, and with their feet upon our necks we expect a compromise and concession.

I do not look at this affair from a sentimental standpoint merely, nor have I any false pride as to my country. I regard her and cherish her as sincerely as any man can, for I feel that I owe much more to her than she will ever obtain from me. But I assert that

if we do not show our faith by our acts, if we do not stand by the principles in which we assert we believe, we can not expect others to credit us with good faith, and we can not anticipate favorable action from those upon whom it is important that our influence should be made effective.

Remember, Mr. President, that the history of this subject which I have already narrated makes it obvious that we have been derelict not merely in passing the so-called demonetizing act, but in our conduct and declarations in the international councils that have been held regarding silver years ago. When we sent men to represent us, and when those men themselves expressed a lack of faith in silver, did we not then and there teach the lesson of wrong, and so deeply impress it upon the minds and consciences of other peoples that they are unwilling to abandon the customs and policies begotten by our instruction? Can we add any force to our position, can we expect to gain more favorable audience if we desert silver and present to other powers the debates that have been had in this Chamber? Will they not find every argument that was ever utilized by a gold monometallist in speeches which have been made in the present Congress? Will they not encounter the solemn declarations of more than one Chief Executive and of the men nearest Administrations to the effect that we do not after all have so high a regard for silver? When we confront these foreign financiers with the statement in our bill that we are in favor of doing something which we are not prepared to do will not these statesmen, those men of thought and experience in human affairs, smile at us as they have smiled before?

But, as I remarked, I do not consider it essential that we shall have the concurrence of foreign powers. If I did I should regard the task as difficult in the extreme. I should wait, perhaps, with glimmering faith for the future, but I would rely more upon hope than upon faith, for I do not believe that if we abandon silver we can reasonably look during our generation for its adoption as a money metal by the principal nations. In some countries perhaps it may be necessary. In India it is probable that no matter what we do the necessities of the case and the loss which England has already sustained in her Eastern trade may lead to a reversal of her policy, but the way to obtain proper standing for silver is to stand by it ourselves. It is not, as I have frequently said, to cast it by the wayside as unworthy of contact, or to relegate it to an obscurity from which it can never emerge.

Great Britain has been a gold-standard country ever since 1816, and that very year she made a strenuous effort to discard silver, but failed to succeed in doing so. This is demonstrated by an inspection of the table of ratios already in evidence.

Thus in 1815 the ratio of silver to gold was 15.26, in 1816 it was 15.28, in 1817 it was 15.11.

Silver ruled a little more than three-quarters of a cent higher per ounce in 1817 than in 1816. There was subsequently a decline which did not exceed 3 cents in thirty years. And it has been said that the fluctuations during that period were not greater than the rate of discount in the Bank of England.

I wish to say that I have heard many remarks in reference to the declarations of Lord Liverpool, whose Treatise on Coins of

the Realm had so much to do with the British fiscal legislation of 1816. Sir David Barbour says:

> In no portion of Lord Liverpool's Treatise on Coins of the Realm is there any illusion to —
>
> I. The Treasury order of 25th of October, 1697, directing that the guineas should be taken at *22s.* each.
>
> II. The Council order of 8th of September, 1698, referring the question of the high rate of the guinea to the Council of Trade.
>
> III. The report of the Council of Trade, dated 22nd of September, 1689.
>
> IV. The resolution of the House of Commons on that report.
>
> V. The orders of the Treasury to receive the guineas on public account at *21s. 6d.* each, "and not otherwise."
>
> With the publication of these documents, falls Lord Liverpool's statement that the English people, by general consent and without any interposition of public authority, attached a higher value to the guinea after the great recoinage than the market value of gold would justify; and with the fall of the alleged fact must disappear the conclusion drawn from it, namely, that with the increase of wealth and commerce the English people in 1698 had come to prefer gold to silver. And with the disappearing of this hypothesis there disappears the only evidence brough forward in support of the theory regarding the progress of wealthy countries from silver to gold, which Lord Liverpool invented in order to overthrow Locke's opinion that "gold is not the money of the world or measure of commerce, nor fit to be so."

In Germany and Austria in 1857 a determined effort was made to demonetize gold. Singularly enough sometimes we are dissatisfied with silver and sometimes we are not satisfied with gold. But this attempt to discredit gold did not affect the ratio. The Director of the Mint informs us that fine silver was quoted in 1857 at 1.353 per ounce; in 1858, at 1.344; in 1859, at 1.36; in 1860, 1.352. So that the unaided policies of Austria and Germany, to which I have adverted, were not sufficiently potential to produce the conditions against which we are contending.

Of course, such action tended in an ulterior direction, but were insufficient to produce the change. The last straw destined to break the camel's back, *i. e.,* our improvident legislation, had not been imposed.

Germany exacted an enormous gold indemnity from France and thereupon proceeded to demonetize silver.

In 1871 silver was quoted on an average at 1.326 per ounce. In 1872 the quotation was 1.322, and there was no sign of a fall until 1873, when the enactment concerning which my friend from Nevada [Mr. STEWART] has said so much slipped through.

If the market quotations are worth anything at all they show that silver received its severest blow and that its depreciation was mainly caused by the action of this Government.

And if we were potential for destruction, may not our efforts in the contrary direction be productive of good ?

I admit that the legislation of Europe has influenced matters. I claim that legislation has its effect upon financial affairs, but I say that if we had been faithful to our trust even the power of Europe would not have been able to bring about the perils which menace our financial integrity. This is not sentimentality, but a mathematical deduction derived from the quotations and figures which I have given and from the demonstrations of that great teacher, experience.

Mr. HIGGINS. Will the Senator permit me to ask him a question ?

Mr. WHITE of California. Certainly.

Mr. HIGGINS. I ask the Senator from California if it is not a fact that the United States at the time of the act of 1873 was upon a paper basis, using only paper and not coin at all, and that therefore any effect which might arise from the act of 1873 could only have a possible future bearing, that future bearing being then beyond the ken of man to know ?

Mr. WHITE of California. My answer to the Senator from Delaware is, that up to the date mentioned the commercial ratio remained without impairment; and that when the fell blow was struck the result which I am now relating took place at once, and from that time to this the same tendency continues.

Mr. HIGGINS. Then I ask the Senator if that was not coincident in time with the large sales of German silver upon the market, and if that was not the cause of silver going down ?

Mr. WHITE of California. Mr. President, let facts speak for themselves. I admit that when we are reasoning from circumstances one circumstance alone is not sufficient to justify a conclusion; and it may be that in all the array which I have presented and in all the experience narrated there may be other things coincident which it may be said may suggest a result; but when I take the history of this country and the history of other countries and find that the demonetization acts and the transactions with reference to gold and silver did not produce the unfortunate conditions of which we complain, and when I see that the moment we upon our statute books abandoned silver that then the difference of ratio became manifest, I claim that I have made a case; that the presumption is upon my side.

Besides, I care not whether paper was used in the markets of this country at the dates mentioned by the Senator; there was then no law in existence striking at silver. There was then no man who doubted that when the resumption time came gold and silver would be the money of the people. Our citizens had learned from Hamilton, from Webster, from the great teachers who stood around the cradle of this Republic, to believe that gold and silver constituted our money, and they so thought, and in accord with that faith and the experience of civilization the commercial ratio mentioned was easily sustained.

I have ever doubted whether we have the power to adopt a gold standard. Mr. Webster's argument upon this question seems strong and sensible.

Said Mr. Hamilton:

> To annul the use of either of the metals as money is to abridge the quantity of circulating medium and is liable to all the objections which arise from a comparison of benefits of a full with the evils of a scanty circulation.

No man of patriotism until recently supposed that silver and gold would be divorced. It was known that they were married by nature's ceremony in the Sierras' recesses. It was known that generally wherever these metals existed that the disclosure of one meant the procurement of the other. Experience had demon-

strated that while for a time one might be produced in larger volume than the other, yet, that averaging the whole, going back to the earlier days, parity was well maintained.

No argument can be sustained which has for its object the enforcement of the contention that the present state of affairs has been brought about otherwise than by legislation, and by the legislation of this country and the action of those whom we have placed in power. The venerable and able Senator from Vermont declares that we must find a new market for silver. This is not very cheering. The recent expeditions to the antartic regions have resulted in the discovery of a fine stock of seals, and it is supposed that a new field will be opened there for our poaching friends. But no hope is thrown out that that country will consume much silver.

The investigations that have been going on in the interior of Africa do not indicate the opening of any new market there, and our flying machines are not sufficiently perfected to justify the hope that we may be able to vend our products to residents of other planets. Hence, if we wait for the new market suggested by the Senator from Vermont, we must tarry long and tearfully. But I fail to note the necessity for a new market. The world's output of silver is steadily absorbed. Says the Britannica:

> The total production of silver in the Western world, from the discovery of America to the present time, has been in value about £1,400,000,000, of which £300,000,000 remains in coins. On the whole, it appears quite safe to estimate the average consumption of silver in the arts and through wear, tear, and loss, as fully equal to three-fourths the production. Lowe in 1822 estimated it at two-thirds.

So great has been the consumption of the precious metals in the arts that according to the statement made by Senator JONES in the Brussels conference, Sir Lyon Playfair, in a speech in the House of Commons, April 18, 1890, expressed the conviction that the demand for gold for purposes outside of minting amounted to at least 75 per cent. of the annual production. And Mr. Giffen (who by the way is often quoted by monometallists) has expressed the belief that substantially all the current products of the mines are used in the arts.

It appears to be settled that sixty millions of money per annum is required in the arts and that thirty millions more must be allowed for abrasion and loss of coin. And Mr. McCulloch estimates that there should be an annual addition to the stock in Europe, Australia, and America of fifty millions to keep pace with the increase in business. Thus we have an annual total for all interests of $140,000,000, and it must be evident to the most casual observer that China, which is not considered in this estimate, has for ages absorbed an immense amount of silver.

It has been proven by eminent statisticans that during a period of two hundred years the price of silver in the world's markets averaged only 12 cents an ounce from the legal ratio of 15 to 1.

In 1760 the price realized for silver was $1.45 per ounce, or about 12 cents more than the amount called for by the legally-established ratio.

In 1813 the ruling price was about $1.26, or 7 cents an ounce less than it would have commanded if the legal and commercial ratio had maintained parity. And it must be remarked that these changes

were not sudden and did not unsettle values to the slightest extent, and were much less than the fluctuation of the very best commercial paper.

An able writer in the Encyclopædia Britannica, in discussing silver and considering ancient and modern ratios, refers to those established by Portugal in 1688, Spain in 1755, and France in 1785. He says:

> These three historical ratios, and the bearing of each upon the other, have influenced all legislation upon the subject, and, where there was no legislation have governed the bullion markets for more than two centuries.

But we need not travel for information upon this topic, because the history of silver from the time of its demonetization in 1873 settles the question.

The commercial ratios from 1687 to 1873 were as follows:

Commercial ratio of silver to gold, 1687 to 1873.

Year	Ratio	Year	Ratio	Year	Ratio	Year	Ratio
1687	14.94	1734	15.39	1781	14.78	1828	15.78
1688	14.94	1735	15.41	1782	14.42	1829	15.78
1689	15.02	1736	15.18	1783	14.48	1830	15.82
1690	15.02	1737	15.02	1784	14.70	1831	15.72
1691	14.98	1738	14.91	1785	14.92	1832	15.73
1692	14.92	1739	14.91	1786	14.96	1833	15.93
1693	14.83	1740	14.94	1787	14.92	1834	15.73
1694	14.87	1741	14.92	1788	14.65	1835	15.80
1695	15.02	1742	14.85	1789	14.75	1836	15.72
1696	15.00	1743	14.85	1790	15.04	1837	15.83
1697	15.20	1744	14.87	1791	15.05	1838	15.85
1698	15.07	1745	14.98	1792	15.17	1839	15.62
1699	14.94	1746	15.13	1793	15.00	1840	15.62
1700	14.81	1747	15.26	1794	15.37	1841	15.70
1701	15.07	1748	15.11	1795	15.55	1842	15.87
1702	15.52	1749	14.80	1796	16.65	1843	15.93
1703	15.17	1750	14.55	1797	15.41	1844	15.85
1704	14.22	1751	14.39	1798	15.59	1845	15.92
1705	15.11	1752	14.54	1799	15.74	1846	15.90
1706	15.27	1753	14.54	1800	15.68	1847	15.80
1707	15.44	1754	14.48	1801	15.46	1848	15.85
1708	15.41	1755	14.68	1802	15.26	1849	15.78
1709	15.31	1756	14.94	1803	15.41	1850	15.70
1710	15.22	1757	14.87	1804	15.41	1851	15.46
1711	15.29	1758	14.85	1805	15.79	1852	15.59
1712	15.31	1759	14.15	1806	15.52	1853	15.33
1713	15.24	1760	14.14	1807	15.43	1854	15.33
1714	15.13	1761	14.54	1808	16.08	1855	15.38
1715	15.11	1762	15.27	1809	15.96	1856	15.38
1716	15.09	1763	14.99	1810	15.77	1857	15.27
1717	15.13	1764	14.70	1811	15.53	1858	15.38
1718	15.11	1765	14.83	1812	16.11	1859	15.19
1719	15.09	1766	14.80	1813	16.25	1860	15.29
1720	15.04	1767	14.85	1814	15.04	1861	15.50
1721	15.05	1768	14.80	1815	15.26	1862	15.35
1722	15.17	1769	14.72	1816	15.28	1863	15.37
1723	15.20	1770	14.62	1817	16.11	1864	15.37
1724	15.11	1771	14.66	1818	15.35	1865	15.44
1725	15.11	1772	14.52	1819	15.33	1866	15.43
1726	15.15	1773	14.62	1820	15.62	1867	15.57
1727	15.24	1774	14.62	1821	15.95	1868	15.59
1728	15.11	1775	14.72	1822	15.80	1869	15.60
1729	14.92	1776	14.55	1823	15.84	1870	15.57
1730	14.81	1777	14.54	1824	15.82	1871	15.57
1731	14.94	1778	14.68	1825	15.70	1872	15.63
1732	15.09	1779	14.80	1826	15.76	1873	15.92
1733	15.18	1780	14.72	1827	15.74		

From 1874 to 1878 the ratios were as follows:

Commercial ratio, 1874 to 1888.

Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.
1874.....	16.17	1878.....	17.94	1882.....	18.19	1886.....	20.78
1875.....	16.59	1879.....	18.40	1883.....	18.64	1887.....	21.13
1876.....	17.88	1880.....	18.05	1884.....	18.57	1888.....	21.99
1877.....	17.22	1881.....	18.16	1885.....	19.41		

These ratios have widened since that time, with the exception of a brief period during which it appeared that the United States intended to return to sensible legislation (an ill-founded assumption, I am sorry to say), and the mere rumor that we intended to do so, baseless indeed, though it was, helped silver to a marked extent.

Prof. Francis A. Walker, writing in 1876 and noting the slight and unimportant fluctuations for a period of more than a century preceding 1873, uses these significant words:

> That the changes in the comparative purchasing power of the two metals between 1873 and 1876 were wholly or mainly due to the changes in supply or changes in demand disconnected from the acts of governments dealing with the legal relations of gold and silver I really cannot conceive any intelligent and candid man is now maintaining.

To argue any further for the purpose of showing that silver was holding its own up to the demonetization of 1873 would be violence to the common sense of the Senate and the country. The tables heretofore referred to constitute a demonstration of the correctness of this proposition.

Since 1873 the fluctuation so often mentioned has certainly taken place in an exceedingly aggravated form. From these facts, not susceptible, I take it, of denial, it follows that silver for generations was successfully used as money and held its own with gold and continued to do this until the United States demonetized it. If the United States had not done this the relative situation of the metals would not have been changed. This final proposition must be correct if experience is worth anything. Nor is there anything unreasonable, independent of the argument based upon experience, in the conclusion which I have just reached that when England, Germany, and other European countries declared that silver was not worthy of consideration as standard money, it was natural that the situation should be somewhat perturbed. But when the United States adds its voice in the same direction and, wholly regardless of her own interests, announces to the world and proclaims from housetops of civilization that silver is worthless, it is certain that the usefulness of the metal will be to a great extent impaired.

If I should circulate a rumor that the real property that the chairman of the Committee on Finance owns, and to which he has good title, was so involved as to render it impossible for him to convey the fee, and if this assertion, made in obvious disregard of the truth to some one who intended to purchase that property, influenced the latter so as to prevent a sale, I would be guilty

of slander of title; an action could be maintained against me to recover damages for my ill-advised talk.

This right of action is given upon the theory that men are influenced by ungrounded reports. And if this be true in the case of an individual, how much more potent does the slander become when it is made officially by a great nation; when it is made not with reference to the property of another, but regarding our own product. When we who produce silver declare against silver, when we who insist in our political platforms that bimetallism is desirable, inconsistently print upon our statute books the declaration that we have no confidence in silver, is it to be wondered at that there is lack of confidence elsewhere? Is it not evidence of imbecility to wonder that silver should be discredited when we have thus treated it?

Give silver a chance. Do what you solemnly said you would do when you subscribed to your party platforms. Put it upon the same basis as gold. Treat it as fairly as gold. Give it an equally honorable place at the governmental table, and see that a fair portion of the choicest legislative viands is allotted to the white metal. The man who is so treated that starvation threatens him, finds no difficulty in assigning a reason for the difference in physical development manifest as between himself and one who has been well fed. Act toward gold as you have acted towards silver, and a large portion of our most distinguished inhabitants would demand the demonetization of the former. Let us be consistent; let us be reasonable; let us be liberal; let us act in good faith.

When our Government speaks discreditably of silver the statement excites more than common attention. It is said of us that our interests should naturally be for silver, as we produce large quantities of that metal, and that therefore we are very much in the same attitude as a suitor whose expressions adverse to his own interests are proven with telling effect by his opponent.

It has been argued that many Senators upon other occasions called attention to India as a silver consumer, and contended that because of our large absorption we could afford to go to free coinage, but that now, this argument being taken away, the case falls.

I think it has been shown with sufficient clearness that there is not an extravagant quantity of silver in the world; that there is not enough to destroy parity; and that while the absorption of silver in India furnished an argument on the silver side of the question, its elimination does not justify the conclusion that we should do our utmost to destroy the purchasing power of a metal of which we produce so much. It has been demonstrated that until we made the most vicious attack possible on silver, it took good care of itself, and there is not a man in the country who has any right to assume that silver will not be self-sustaining if Congress restores it to the position which it occupied in 1873, in which position it maintained itself without difficulty.

Besides, we have the authority of the Senator from Iowa [Mr. ALLISON] that England will be forced to restore silver in India, and the indications go far to sustain his anticipation.

It is claimed that if we have free coinage our silver must all leave the country. It has been well remarked that this metal can not leave us unless we receive an equivalent. A few days ago a

Senator who advocates the gold standard declared that he did not mean to say that gold would in such an event be withdrawn from the country, but that it would be withdrawn from circulation.

Says an English writer:

> If a gold coin could be exchanged for a heavier weight of silver coins in one country than another, gold would be sent there to buy up the heavier silver coins. This very mistake was made at the English mint before the year 1698, so gold came from other countries to buy up the heavy English silver coins, and in spite of Sir Isaac Newton's teaching to the contrary, people generally supposed that the gold came of itself through greater suitability; consequently it was pronounced to be the fittest for coinage, and was decreed in 1816 to be alone fit for unlimited coinage, silver being banished, except for small payments under 40 shillings.

Even Sir Thomas Gresham never pretended that one metal would drive out another. He did say that the inferior would drive out the superior if they were allowed to circulate together. He was led to make this remark because of the currency of light and full weight coins. Prof. Jevons says:

> Gresham's remarks concerning the inability of good money to drive out bad only referred to money's of one kind of metal.

It is untrue that because coins of a certain metal depart from a particular country that that fact proves that the coin withdrawn is superior.

It is said that if we have silver only we will be involved beyond redemption. When we had a sole gold currency, owing to the fact that silver was dearer, ruin did not appear imminent. Sensible men paid no attention to the often-heard remark that we would become bankrupt if we allowed the free coinage of gold, because it was cheaper than silver. The subject was, however, discussed.

Thirty years ago the Illustrated London News reported certain proceedings of the British Association for the Advancement of Science. Among other interesting matter the following is given:

> Mr. H. Fawcett read a paper "On the Effects of the Recent Gold Discoveries," which attracted considerable attention, and led to a very animated discussion. Mr. Fawcett reckons that the amount of our whole existing gold currency is £300,000,000. The next ten years will introduce £200,000,000 of fresh gold from Australia, California, and other quarters. He subtracts from this latter amount £60,000,000, which he sacrifices to "absorption." This leaves £140,000,000 as the addition to our gold currency in ten years' time. But gold is depreciated and lessened in value according to its abundance. Did it promise, then, to be twice as abundant at the end of ten years as it is now, it would threaten the loss of half its present value, and therefore promising, as it does, an addition of nearly a fourth to its present amount at the end of that period, it threatens a loss by that time of nearly one-fourth of its present value. Mr. Fawcett thinks this depreciation sufficiently probable to induce any prudent person to take every precaution to obviate its consequences.

Mr. Fawcett followed the line of argument adopted by present advocates of the gold standard, but no one paid great attention to him.

But I do not believe that with proper legislation there is any danger that gold and silver will be at variance at the ratio of 16 to 1. If we will desist from our own onslaughts upon silver the world will do likewise. We can not get all the silver of the world if we desired

it. Without some silver even the gold-standard countries would find themselves in peril.

We certainly will not give our gold to any one; we can make good bargains as well as others.

But all the silver of the world could not be thrown upon the American market without bringing other nations to a standstill. It is admitted that a vast quantity of silver is needed everywhere. It is conceded that there is not enough of gold in the world to go around. Does any one suppose that France would yield up her immense stock of silver? She could not replace it with gold, for there is no gold to replace it. If our silver supply was augmented by remonetization, such increased amount would be readily absorbed and would constitute no menace to our business integrity.

But, Mr. President, as I have already repeatedly urged, as soon as silver is treated properly there will be no object in attempting to capture silver or to capture gold.

The assertion that silver is too bulky for use is not worthy of much consideration. I do not find many people in this part of the world carrying double eagles in their pockets. I think it probable that a very large portion of my Eastern friends who are so wild upon the subject of gold would not know gold if they saw it. In California we know something of gold because we handle it.

A few years ago, upon the occasion of my first visit to the Eastern portion of the United States, I came to Washington sightseeing. I then had some ambition to come here in an official capacity, and entertaining the idea that no one could be really capable of participating in the affairs of his Government intelligently unless he had to some extent familiarized himself by actual observation with the necessities and peculiarities of each State, I traveled from State to State on a tour of observation, and having a small supply of gold on hand, I went to a Washington theater with some friends and presented a newly coined twenty-dollar piece at the box office. The young man in charge, who was a New Yorker, and violently in favor of the single standard gold, looked at the piece critically and told me he would rather not take it. I told him that it was gold, and he called in attachés of the office, and finally the general manager, and after extended deliberation, my twenty-dollar piece was accepted. I do not believe that it would have been taken had it not been that I twitted them upon the inconsistency of Eastern people with reference to gold and silver, and while I was engaged in utilizing my diplomatic powers, I noticed other amusement seekers buying tickets and paying silver without objection. It is just as unnecessary to lug silver around as it is to take gold about. Silver certificates weigh no more than gold certificates. The balance of my gold supply I found it hard to get rid of. There was a lack of confidence in gold.

I certainly feel justified in saying that there is nothing in the proposition that silver is too bulky. In the great commercial transactions to which gentlemen have alluded neither metal is actually present, and in smaller affairs of business currency is uniformly utilized; and whatever may be the legislation upon the subject, it will not be difficult to avoid actually handling large quantities of either metal.

At this point I desire to say a word with reference to a policy

which this Government adopted some time ago, and which, it appears to me, was wholly uncalled for.

I refer to our practice as to the redemption of bonds payable in coin.

I believe in paying our creditors all that we owe them and paying them in the money designated in the bond. But when this Government, owing money payable in coin — payable, in other words, in that coin designated by the Constitution and described therein as gold and silver, refused to pay silver, but did pay gold because the creditors preferred it, a great mistake, if not a crime, was committed. In all private transactions it has universally been admitted that where coin is called for that either metal will satisfy the obligation. Such was the law known by all parties when bonds were issued. With reference to the greenback matter which has been spoken of, no one ever pretended that anyone who entered into a contract after the decision of the Supreme Court of the United States, and after greenbacks were declared to be currency, providing for payment in lawful money, could not satisfy the indebtedness with greenbacks.

The proposition sustained in the greenback cases, which excited so much comment and such an amount of adverse criticism, was that one who entered into a contract involving a money promise prior to the issuance of the greenback could be forced to accept currency unknown when the agreement was made. No court ever held to the view which the Secretaries of the Treasury seem to have uniformly followed, that our coin indebtedness should be paid in gold only. What right have the bondholders of this country ever had to ask for the enforcement of a condition undisclosed in their contract? May they plead ignorance of the law? Such a plea is not tenable. Were they deceived by any mistake of fact? Obviously not. They knew the Constitution of this country just as well as we know it, and they knew when they insisted upon gold payments that they were not entitled to the same. They knew the attendant circumstances fully. But they have procured various Administrations to ignore the interests of the people, that the feelings of the bondholder may not be hurt. These men have been more exacting than Shylock. He demanded the letter of his bond; he asked for nothing else. He wished a pound of flesh close to the heart. Had the modern bondholder been in his place he would have demanded the heart itself.

Legally as well as morally the United States Government erred when it paid out gold when its promise would have been satisfied by the payment of silver. It is well known that the bondholders have always bitterly opposed free coinage. They were especially active when the Bland act was passed. That measure was not congenial to any of the silver men. Mr. Bland said when he was compelled to accept it:

> I say, I protest against this bill while I vote for it under that protest. I want, in this House, to give notice and the understanding to go forth that this is no compromise and no settlement. It is not what the country expects or desires, but we vote for it now to secure what we can at this time, intending to continue the necessary legislation hereafter.

Although the bondholders did not obtain the exact legislation which they desired, still they made an enormous profit out of the work as it was done. The loss to the Government has been immense.

Between 1862 and 1868, it is stated upon reliable authority that the United States marketed bonds to the value of $2,049,975,700 and only obtained from those who took these bonds up $1,371,424,238. So the bondholders were not very badly treated. They do not belong to the injured innocent class.

Thus we again discredited silver. We manifested our want of faith in its debt-paying power when we permitted those whose indebtedness could have been legally and morally satisfied by the payment of silver to take gold from our Treasury.

I presume Senators will yet be found who will still say that we have treated silver as we have treated gold. One of the most disastrous consequences of this mistaken policy consists in the establishment of a rule from which it is difficult to depart.

Mr. HAWLEY. Will the Senator pardon a single question?

Mr. WHITE of California. Certainly.

Mr. HAWLEY. Did not California and the whole coast there make exactly such bonds? Did they not keep themselves on a gold basis during the whole war, and ever since?

Mr. WHITE of California. I am glad that the Senator has mentioned this, because I can show the utter want of resemblance between the situation to which he refers and that which I am considering. We made contracts in gold for the reasons I have stated, and we paid them in gold because we agreed in terms to do so; but when we made a contract payable in lawful money of the United States we paid it in lawful money, the debtor determining the kind of lawful money. We never permitted the creditor who had entered into a contract with us which was by its terms to be satisfied by payment "in coin" to dictate the character of coin that we shall give him, and we have never known an instance of anyone having the audacity to make such a demand.

I have said, Mr. President, that our own legislation is responsible for much of our present trouble. I find in support of my position a letter quoted as having been written by the senior Senator from Ohio [Mr. SHERMAN]. I know nothing as to its authenticity except that I find it in a respectable paper and I assume it is correct. I will read it. It was written in 1868, regarding the question of which I am now speaking. It is said to have been received by Hon. A. Mann, of Brooklyn Heights, N. Y.:

DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours, but, like you, I do not intend to be influenced by them. My construction of the law is the result of careful examination, and I feel quite sure an impartial court would confirm it if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is that we propose to repudiate or violate a promise when we offer to redeem the principal in legal tenders.

I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by the law, I am right; if it is to be tested by Jay Cooke's advertisements, I am wrong. I hate repudiation or anything like it, but we ought not to be deterred from doing what is right by the fear of undeserved epithets. If, under the law as it stands, the holders of the five-twenties can only be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valuable than he gave.

Truly yours,

JOHN SHERMAN.

I have collected, or rather there has been collected by Mr. Young, whom I before quoted, and published in the San Francisco Chronicle, excerpts from a debate which was had in this Chamber, together with remarks thereon, which I adopt. It reads thus:

Not only did the monometallists in the Senate betray their tender considerations for the bondholder by insisting that he should receive payment in a dollar not used by the common people, but being beaten on that point they attempted to secure for him a silver dollar containing about 42 grains more than the dollar they would have cheerfully given to the people. After roundly denouncing the silver dollar of 412½ grains as a cumbrous and undesirable coin various monometallist Senators proposed amendments to increase its weight. Senator MORRILL of Vermont, for instance, proposed a dollar of 454 grains and antagonized the adoption of an amendment offered by Booth, which was subsequently incorporated in the bill. Mr. Booth, explaining the amendment, said:

"It is constantly objected that silver is not a proper material of which to make money because it is too cumbersome; but certificates of deposit for silver will circulate just as freely as certificates of deposit for gold, and just as easily. And in reply to the suggestion of the Senator from Maryland [Mr. WHYTE] allow me to say that this section is copied substantially from the section of the existing law which allows deposits of gold and makes the United States the safe depository for gold on the same terms that this proposes to make it for silver."

Senator Blaine, whose attitude on the bill was on the whole against bimetallism, was too logical to oppose Booth's amendment, and in the course of the debate took occasion to express his approval of the silver certificate plan. He was interrupted when speaking, and the following colloquy ensued:

"MR. MORRILL. May I ask the Senator from Maine if he does not consider it (proposition to issue silver certificates) a confession that silver is a cumbrous and inconvenient article to carry, and that this is a mode to obviate it?

"MR. BLAINE. Not at all.

"MR. MORRILL. A mode of getting paper instead?

"MR. BLAINE. No more than it is as to gold. You do that for gold today. You give exactly the same certificate for gold.

"MR. BOOTH. It is seldom I intrude upon the Senate, but the junior Senator from Vermont [Mr. MORRILL], if I am right, is in favor of a very heavy silver dollar. He favors a dollar of 454 grains."

The amendment, which reads as follows, was opposed by every gold advocate in the Senate and almost unanimously accepted by the advocates of remonetization. We give it place here and lay stress upon it because there are in California alleged friends of silver who are constantly asserting that the standard dollar will not circulate and are lying idle in the Treasury, in willful disregard of the fact that there are certificates outstanding against nearly every dollar of silver reposing in the Government vaults:

"That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States in sums of not less than $10 and receive therefor certificates of not less than $10 each, corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued."

Mr. MORRILL, who had at one stage of the proceedings denounced the silver dollar of 412½ grains as cumbrous and undesirable, and who rather inconsistently proposed to increase its weight to 454 grains, instead of accepting his defeat gracefully, proposed the following amendment:

"*And provided further,* That for any amount of silver dollars which may be issued under this act there shall be reserved and cancelled by the Secretary of the Treasury an equal amount of United States notes of denominations less than $5."

Mr. MORRILL stated that the object of his amendment was to get the silver dollar into circulation, but the Senate recognized the fact that its purpose was

to contract the currency, or at least prevent its expansion by retiring legal-tender dollars as rapidly as standard silver dollars were coined. The Senate promptly rejected the amendment, all of the gold men voting for it.

Mr. President, I have said that I did not intend to wage war upon any class; and the criticisms which I have made and shall make, are not directed at those who carry on any particular business, unless they come within the statement which I present.

In the queen city of the Empire state—a city which largely influences the affairs of this Republic and to some extent controls its destiny—there are to be found in proportion to population as many able and patriotic men and women as can be encountered elsewhere; and it is probable that the proportion of wealthy men who are otherwise than as they should be, is not greater there than in other portions of the country.

When the nation was in peril, when she was threatened with dismemberment, the brave men of New York did more than utter patriotic expressions. Their state contributed to the cause of the Union her full quota and made a record for valor and leadership second to none. Still, it is undeniable that there are within that busy city a number of immensely affluent people who, while expressing much solicitude for the laborer and farmer, and while hoping that every man will get an honest dollar, and that the poor may be clothed and fed, do not act as if they were sincere in their professions. We have been informed, and the statement is no doubt true, that during the panic thousands of depositors were unpaid, and the reason given for this non-payment was the inability of those who held the money to meet their obligations; and thus national bank after national bank committed admitted acts of bankruptcy.

It has been demonstrated that at that period there were in the vaults of those institutions an enormous amount of money which would have done much to alleviate the suffering which prevailed in New York.

No one will charge the New York World with partiality in favor of silver people. No one will say that that journal attempted to raise a commotion or create feeling against the moneyed interests of the metropolis. Yet I learn from that paper that there were thousands of people of that great city out of employment and hundreds needing bread. I quote the following from the World of the 6th.

"THE BREAD GAVE OUT."

For two days this cry has ended the story of the distribution of The World's Free Bread Fund.

After 9,000 had been fed the door was reluctantly shut in the faces of 500 hungry poor.

This should not be permitted to happen again. It is a pity, and if continued it would be a shame for any to be turned away empty-handed who ask only a loaf of bread.

Five hundred dollars will feed 10,000 people. In this city of luxury and liberality that small sum daily surely should not be lacking.

The contributions from the benefit performance to-morrow by star actors — always quick in sympathy and prompt in charity — will give the fund a lift. But the individual subscriptions ought not to slacken.

With the improvement of the times the need is likely to diminish. While it lasts it must be met.

I lately noticed two illustrations in that paper which, blended, represented the following: There was a miserable hovel. The walls

were apparently broken. Mould oozed through the cracks; the floor seemed ill-suited to the use made of it. In one corner was a bed scarcely competent to maintain its burden, and upon it was stretched a miserably covered woman. Her despairing countenance told the sad story of hunger unappeased. The skin seemed to be drawn tightly and closely to her frame. Not old, she was worn from suffering. Her hands were clasped upon her breast, from which an infant then crying upon the floor, had drawn almost the last drop of her life. Her glassy eyes were turned upward in mute appeal for that justice which had never been awarded her here. Near the door stood a man poorly clad. Upon his cheek there was a tear. He looked in bitter anguish upon his suffering family. The artist had written across his breast the words, "No work." Near the bed paused a girl, perhaps 14 or 15 years of age. Her face was that of a woman, and she was obviously thoroughly conscious of the terrible character of her situation. A toddling boy weeping, embraced his father's leg, and looking up into his parent's face seemed to say, "I want something to eat."

The reporter who saw all this passed perhaps several blocks away from the sad scene and there encountered a magnificent mansion. He delayed, responsive to the enchantment of music.

There was a sound of revelry by night.

Had he looked beyond the externals of this grand abode, he would have beheld all the splendor and delight of a New York financier's home. He would have noticed beautiful women in gorgeous attire, attractive and attracted. He would have seen costly furnishings before which the fabled glories of antiquity would have seemed as nothing, liveried servants parading in styles borrowed from insolvent lords and barons. Perhaps the proprietor of this palace, the gentleman who thus entertained his friends, is one of those who has urged his newspaper representatives to attack this Senate upon the ground that the repeal of the Sherman law would make the poor happy. Perhaps he has closed his bank and refused to pay a dollar to his depositors. Perhaps he is one of those who have determined to create misery that Congress may come to time.

During the enactment of all these bewildering scenes, and while these very variant circumstances are displayed behind the curtain of life which I have sought to lift, we are told by the New York World that it has been difficult in that center of enlightenment and worth to secure enough money to supply the poor with loaves of bread. And mid these happenings in the great harbor of New York, with face turned toward the sea, seeming to look over the ocean, upon which ride, and must for ages ride, the ships of civilization, freighted with the mighty wealth that commerce moves, stands a colossal statue, presented to this Republic in token of her superiority and as proof of her right to claim pre-eminence in the councils of freedom: In its right hand that statue holds, extended far above its massive front, a brilliant and flashing torch—it is Liberty enlightening the world!

But those of whom I am treating otherwise than in praise, unfortunately exert or have exerted a vast influence upon the affairs of this country. There has never been a time of monetary stringency when they have not pinched this Government. They have dared to use the National Treasury for their personal aggrandizement. Not only

that, but they assume to control the policy of the Government where financial affairs are in any wise concerned. As citizens of the United States they have a right to express their views and criticise their public officers, and to this no sensible man will object. But they do not, either in fact or in theory, thus limit themselves. They wish to rule and desire that those who ought to be the servants of the people shall be their servants only.

To illustrate the peculiar tendencies of this class I will call attention to the remarks of one of the wealthiest men who has ever been in our country, and who was called upon two or three years back to give such information as he possessed concerning certain combinations and stock operations supposed to be injurious to the public. After those who were examining him had made several suggestions and had interrogated him as to whether in his judgment some of his dealings were not contrary to public policy, he said with some asperity in substance: "If these things that I do are against public policy and wrong, why do you not make *your* laws so as to prevent me from accomplishing them? As long as your laws are as they are I will act as I have acted."

The expression "your laws" impressed me as exceedingly significant. This man was a citizen of the United States, was supposed to exert much influence upon our elections because of his unlimited means, and yet he said "your laws," indicating that he considered himself without the pale of Republican fraternity. Then his remark, that he would act as he had acted until prevented by punitive legislation, amounted to saying that his deeds could not be controlled by anything binding only in the forum of his conscience. Nothing but a penal enactment could hold him to moral rectitude. His attitude was indeed piratical. While he did not sail upon the ocean flying the black flag, the platform upon which he thus stood, the sentiments he thus announced, and the course of conduct he pursued justified the assertion that he was *hostis humani generis.*

In the present controversy we have familiar instances of similar arrogance. A few days ago a New York dispatch announced that a prominent banker had been waited on by a reporter for the purpose of ascertaining his views with reference to a rumored conversation said to have taken place between the President, the Secretary of the Treasury and other officials concerning the State-bank tax. The reporter asked this Wall street financier his opinion of the proposed measure. "Well," said the latter, "I have not examined the proposition very closely, but do not think I would like it. However, there need not be any solicitude, because the Administration will not pass any financial legislation without consulting us; hence there need be no anxiety upon the part of the public regarding the subject."

Another Wall street man was also reported as having been interviewed, and he expressed himself in much the same way; adding, however, that the country would never be satisfied with any bill that did not meet approval of the fraternity to which he belonged. Such men claim to know the sentiment of the people.

A telegram in the Washington Post of Monday tells us that certain bankers in New York City have censured the chairman of the Finance Committee because he has yielded too much to the silver men, and the chairman is spoken of in anything but complimentary

terms. His censors declare that he is unfit for the position that he occupies because he has made concessions. The same paper also announces that the Senator from Indiana acted wrongfully in "refusing to consult us."

I have no doubt but that if such a request was made, the chairman of the Finance Committee would refuse to pay any attention to it. I know that he would much rather consult a gathering of farmers residing at a point distant from this capitol and who are unable to come here, than to visit the New York magnates who are now attempting to dictate to him. These people do not appreciate the situation or dignity of the man whom they assail—the chairman of the committee which at this juncture is the most important of this body; a man who has served in the Congress of his country for a large portion of a generation; who has had the confidence of his constituents and of the public; who has labored thus long and earnestly, sacrificing numerous opportunities for advancing his fortune, and above all a Senator of the United States whose obligation to the people is paramount to his duty to any individual.

This man is abused because he will not take his gospel from men whom he has justly criticised and for whom he has properly expressed his contempt for these many years, and regarding whom in his opening speech he told many truths, most unpalatable, no doubt, to them. Nor do they appreciate that the Senator from Indiana has been placed in an attitude which cannot be agreeable to him, because he is antagonizing the views of a large number of gentlemen whose opinions upon the real merits of the silver question do not differ from those which he has long entertained, and vigorously and eloquently championed. If the chairman of the Committee on Finance needs any proof that he is still a good silver man, it is furnished by the opposition of his Wall street critics and their newspaper subordinates.

Whenever I conclude that the Senator from Indiana has abandoned the cause to which he has given the best days of his life I will have no confidence in myself. I differ from him in this instance, but I do not doubt his good faith.

I am aware, of course, that it is idle to dwell upon the wealth of one person and the poverty of another. Legislation can never obviate this difficulty.

It has often been said that if we were to commence on any given day upon an equal footing, the evening would find us in varying circumstances.

But I have cited the instances mentioned and have referred to want of patriotism of a limited but very powerful class that the country might appreciate the necessity for the maintenance of those rules which have ever guided this body, and that the Senate of the United States is not subject to the dictation of a dishonest element, however strong it may be.

But a few days ago it was said by the newspaper critics that there was not a Senator on this floor who had anything to contribute who had not been fully heard; yet we know that Senators who have spoken more recently, as well as others who gave expression to their views earlier in this debate, all contributed to our instruction, and the instruction of the country, and each of them spoke upon his conscience, with dignity and with advantage to those who would listen or who

may read. I, in common with each Senator am present because I consider it to be my duty. I am acting in accordance with what I deem to be the sentiments of the masses of my countrymen.

There is an honest difference as to the wishes of the people. I am absolutely of the opinion that my State is with me. My views upon this subject are not unknown. I nave expressed them many times. They have been crystallized at my instigation in the platform of more than one Democratic convention in the State of California. I have never retracted a word that I have said upon the subject of free coinage, and I am here taking the position which I have occupied for years. I believe that we are all endeavoring to do our best, fully aware of the great responsibility resting upon us, and which is not resting upon those individuals who are attacking us; and it might as well be understood now as at any other time that our obligations will be performed regardless of such assaults.

If there is at this time any matter the chairman of the Committee on Finance thinks of sufficient importance to dispose of, I have no objection, though I can proceed if it will suit better. It is convenient either way as far as I am concerned. I do not wish to disturb the regular business of the Senate. It is agreeable to me to yield, and it is perfectly agreeable to me to continue.

I lately asked a gentleman who favors unconditional repeal whether he thought we are suffering from a lack of currency, and he said "undoubtedly."

I asked another gentleman, also an enthusiast in the same cause, his opinion, and he stated that we were not suffering from a want of currency. Yet both of them agreed that there should be unconditional repeal.

The Secretary of the Treasury informs us that—

> No greater mistake could be committed than to assume that the present financial embarrassment is caused by an actual scarcity of money in the country.

One of the most eloquent, unconditional repealers, who has spoken during the present Congress, says:

> I venture the assertion that we are not suffering to-day from a lack of money, but from a redundancy of money.

"Redundancy" is defined as being "anything superfluous exceeding what is natural or necessary. Superabundant, exuberant." So that we are suffering from superfluous, superabundant, and perhaps exuberant money.

The cause of our difficulty seems to be, according to this theory, that we have too much of a good thing, a proposition which, however much it may be appreciated by others, and I and my friends decline to believe, for not only do we discover that money is not superabundant, but that it is uncommonly difficult to procure. Or, if there be such a redundancy, the elusive character of the metal may account for our failure to hold it. The more common view taken by the friends of the pending bill seems to be that money is scarce, and consequently that business can not be done.

I mention these conflicting views to show that our opponents can not reconcile their arguments. It is plain that the repeal of the Sherman bill can not be insisted upon on the theory that our circulation is

too contracted, because the effect of that measure has necessarily been to increase the circulation. And it is equally obvious that no argument based upon the hypothesis that we have too much money will ever be considered sound by men who have not enough to transact their daily affairs.

It is a fact, as stated by one of the very able speakers who has addressed the present Congress, "that one dollar in actual circulation, moving about in business circles with rapidity, is worth any number of dollars fastened up in a safe or located in a bureau drawer." He might have added that one dollar in circulation is of greater commercial importance than any amount of precious metal which may be buried under the Sierra Nevada Mountains. It ought not to be difficult to convince a man who is ready to recognize the effect of a logical statement—that it is much easier to get a dollar when there are a million dollars in circulation than to obtain such dollar when there are only a thousand in existence.

If not novel it is at least worth noting that in this day and generation an ample circulating medium is a bad thing. Why can not we support as large a circulation as France? We need a more liberal circulation than that country.

Taking the position of our opponents, it may be summarized this way: If contraction is bad, the Sherman law caused contraction; if expansion is bad, the Sherman law caused expansion. The Sherman law is indeed a most unfortunate enactment. It excites my pity. I feel for the unfortunate measure. It has no friends. According to the statements of those who voted for it it never had any friends. Most of them supported it because in its absence silver would be more liberally dealt with. These gentlemen, who were far-seeing, if not particularly candid, knew that the Bland-Allison act was more favorable to silver, and hence they were willing to substitute. The Democrats were aware of the same thing, and they voted against the Sherman bill, because, although they preferred free coinage to any such measure, they nevertheless desired the Bland-Allison act rather than the Sherman act.

Under these conditions it is suggested by a Democratic Administration that the latter act be repealed. The Bland-Allison act having already departed this life, silver is to be hopelessly abandoned.

Said the author of the bill under consideration, in speaking of the same:

> The bill proposed here would not demonetize a single silver dollar now circulating in any part of the country; the bill has come, not to destroy but to save; it has come not to strike down silver but to place it at once and forever on an impregnable basis with gold in the circulation of the country.

Says the President of the United States, in his message to Congress:

> At this stage gold and silver must part company, and the Government must fail in its established policy to maintain the two metals on a parity with each other.

So the author of the bill introduced it for the purpose of saving silver; and the President recommends, urges, and insists upon its passage, so that silver and gold shall part company.

I do not desire to convey the idea that I doubt the good intentions

of those who here hold opinions differing from my own, but good intentions will not suffice. Said Mr. Webster:

> Good intentions will always be pleaded for assumption of power, but they cannot justify it even if we were sure that it existed. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions, real or pretended.

It has been charged that those who are opposed to unconditional repeal are endeavoring to attach something in the nature of what is commonly called "a rider" to the bill. This is entirely unfounded. The act in question proposes to amend the Sherman law by repealing one of its clauses. It is admitted that there must be further financial legislation, and yet it is sought to first accomplish a repeal and then afterwards to prepare that which logically should be an amendment or a substitute. The argument that because people are frightened and have been deluded by monometallists into the belief that the Sherman law is in some way connected with their misfortunes we should vote contrary to that which we hold to be common sense, is unworthy of consideration.

It is our obligation to explain to the people the bearing of the Sherman law upon the country, and thus restore confidence. Instead of pandering to a meaningless panic we should reason with those who have participated in it. It is palpable that the addresses that have been made in this Chamber and elsewhere have done much to convince the public that there is nothing in the pretense that the Sherman act is at the bottom of all our misfortunes.

It is true that some capitalists threaten to get up another panic, but I do not believe they can succeed. At all events, it is not a bad idea to find out who controls this Government.

Those who are opposed to unconditional repeal have appreciated the pleasant references made to their exertions by the New York World. I remember seeing some articles a short time since in the St. Louis Republic. That newspaper was edited, as we all know, by the distinguished gentlemen whose pen now writes from day to day our obituaries in the World.

Mr. COCKRELL. In the New York World?

Mr. WHITE of California. In the New York World. I believe about the middle of last May he transferred his services to that journal and from that stand he is writing to us and of us.

I have been looking up the St. Louis Republic during the period of this gentleman's occupancy of the editorial chair. I am about to report the result, not to make him experience unpleasant sensations, for that I would not do, but because he was the chairman of the committee on resolutions of the last Democratic national convention, and from the platform he read to the assembled Democracy the party principles there adopted, with the exception of the change in the tariff plank, which was made upon the floor. As to the silver plank, it came from the committee over which he presided, and he personally read it. His declarations now are valuable for another purpose.

Senators have been annoyed at his remarks, but I desire to assure them that the New York World does not mean a word it says upon this subject. The harsh expressions therein contained are used in a Pickwickian sense, and when Senators are charged with a violation of

duty by this gentleman, he merely acts as the instrument of another. He is there to write for that side. He does not pen his real sentiments. I am endeavoring to vindicate him, and hence, I wish to show you his actual opinions, not only to exonerate him, but likewise to present the arguments to the Senate which he formerly utilized and which are deserving of consideration.

In the St. Louis Republic of April 4, he said:

A Senator is quoted as saying that Mr. Cleveland is amazed at the strength of the free-silver element in his party. That is nonsense. Mr. Cleveland knows very well that nine hundred and ninety-nine Democrats in every thousand are standing squarely on the declaration of their party platform in favor of the coinage of silver and gold without mint charge and without discrimination against either metal.

NINE HUNDRED AND NINETY-NINE DEMOCRATS IN EVERY THOUSAND.

It is good news that the proportion is thus large, but I am led to fear that it has been reduced somewhat hereabouts. I have never doubted that the mass of the people were that way. I presume that this article may be considered accurate as applying to the people rather than to Congress.

Again, he said in the same paper on April 26 of this present year, but a very few days before the World articles were put before us:

The financial platform adopted at the Chicago convention as part of the platform on which the Democratic party defeated Harrison, would form the basis for an admirable Treasury policy — a policy of bimetallism, first, last, and all the time. It would furnish admirable reading for Secretary Carlisle whenever a few dozen millionaires and a few hundred speculators try to convince him that they are the people.

This is solid reading. There is truth in it, I admit; but such an announcement would not look well in the New York World.

In an editorial appearing in the Republic less than a week before the gentleman quoted commenced work upon the World, under the heading, "Against a ruinous contraction," we find the following:

It ought to be generally understood that the present policy of redeeming the Sherman silver-bullion notes in gold only is temporary, and that the Democratic party is so far from being committed to it that it disproves and condemns it. This is borne out by the party's record since 1873, as well as by the national platform adopted last year at Chicago. Democrats have never ceased to denounce the demonetization of silver.

Then follow some references to the Senator from Ohio [Mr. SHERMAN], which I shall not read.

In the Republic of May 9 our friend makes the following savage declaration:

Secretary Carlisle has demonstrated that with the aid of the West and the South he can maintain the Treasury reserve fund, and the New York banks can go to thunder.

That the Republic had but little faith in the panic is illustrated by the following, taken from the issue of May 8:

Having discovered that the rest of the country pays no attention to a "panic" among its gamblers, and that Secretary Carlisle can not be stampeded by a speculative "squeeze," Wall street may be expected to pull itself together this week and indulge in some wholesome meditation upon the fact that its control of the finances and trade of the country is errevocably lost.

The course since pursued by our editor implies that Wall street has pulled itself together and has pulled the editor of the World.

In the issue of May 8 I find this:

> Well, Wall street has had its threatened "panic," and what is the result? A few lame ducks are fluttering from additional wounds, some of the water has been squeezed out of the inflated stocks, and the legitimate business of the country goes on steadily and prosperously. The time when a flurry among Wall street speculators could bring on a crash in the finances and trade of the country is gone forever and the country's business is all the healthier for it.

That this teacher of the people was right in his faith as to the brief life of the panic is corroborated by the views of our very excellent and able Comptroller of the Currency, who in an address delivered at a dinner tendered to him by the bankers of Chicago on the 14th of this month, said:

> One of the greatest dailies of New York, in the introductory to an account of a dinner there given two months since, at which I had the honor to be the guest, said: "Amid the crashing and toppling of Western banks the bankers of New York, Republicans and Democrats alike, met last night and gave expression to their faith in the financial stability of our country. It can be but a source of natural congratulation that the gathering of to-night is under other and different circumstances. The disasters then threatening, happily for us have all passed away. No longer banks are suspending and factories closing, but instead, reopenings are the order of the day, and whirling spindles and smoking forges are furnishing labor for the army of unemployed."

But I am digressing. Some one may say that there is no inconsistency in the attitude of the editor of the New York World, because he may be in favor of silver and yet desire to repeal the purchasing clause. But that he was a vigorous opponent of unconditional repeal is manifest from the St. Louis Republic of May 8, where occurs the following:

> It is reported from Washington that a poll of the House of Representatives shows a majority of 35 in favor of free coinage of silver. In such a House it will be easy to redeem the pledges of the Democratic platform to repeal the Sherman law and to substitute for it the coinage of both gold and silver, without discriminating against either metal and without charge for mintage.

This is very important, not because it illustrates the inconsistency of a gentleman who was expressing his sentiments in the St. Louis Republic on May 8, and who, though he writes editorials for the New York World, does not express the same views therein—for the question of his consistency or inconsistency is not vital and is only valuable as evidence tending to show the exact situation of the contest—but because he is a prominent member of the Democratic party. He certified to the silver plank in his party's platform. Not only did he certify to it, but he was chairman of the committee which framed it, and he actually read it to the assembled Democracy, and it is with pleasure that I refer to his construction of that platform, and that I call attention of Senators to the circumstance that he agrees that the Sherman law should be repealed, and that there should be a substitute for that law providing for the coinage of both gold and silver without discriminating against either metal and without charge of mintage. "So say we all."

Mr. PALMER. If the Senator will allow me to interrupt him,

I wish to say that Mr. Jones did not read the declaration of principles, according to my remembrance, I was on the platform at the time, and I think it was read by the Senator from Wisconsin [Mr. VILAS.]

Mr. WHITE of California. My impression is that Mr. Jones went up to read it; but that is quite unimportant.

Mr. PALMER. I know that.

Mr. WHITE of California. My impression is that the Senator is mistaken, but I may be in error about it. I am not at all dogmatic on that point. My recollection was that way, but it is a matter which did not impress me very much then.

Mr. BATE. I would say to the Senator from California that the gentleman, to whom he is referring was the chairman of the committee on resolutions.

Mr. WHITE of California. Yes, the chairman of the committee. On reflection, I think the gentleman took the stand with the platform and then the Senator from Wisconsin read them.

Mr. PALMER. Yes, that is my recollection.

Mr. WHITE of California. Well, he stood by it. [Laughter.]

Mr. PALMER. Oh, yes.

Mr. McPHERSON. The Senator may remember another thing which perhaps may be of importance in that connection. The gentleman to whom the Senator from California refers was not the chairman of the subcommittee which formulated the draft of the platform, nor a member of the subcommittee.

Mr. WHITE of California. I spoke not of a subcommittee, for a subcommittee is not the committee. I spoke of the committee. Hence I do not concede that I have been corrected. The gentleman I referred to was chairman of the committee. I do not mean to say that he wrote this particular plank; that he actually sat down and penned it. I do not know who penned it. It has a composite appearance in some aspects; but let us not be too technical in this matter. He was chairman of that committee. He came into the convention, and another gentleman, it seems, took the resolutions and read them to the convention.

We are now told that a subcommittee drafted this plank. All right, but that gentleman was chairman of that committee. He was not only as responsible as any one of the members, but was under all rules, more directly concerned than anyone else with reference to its framing. It suited him, Mr. President, for in his paper he declared for that construction which we here contend for, and which is justified by the terms of the instrument.

On May 5 the same editor remarked in the Republic:

> Gold is not heavily exported from the Mississippi Valley, because it loses in value by abrasion so that it is not worth its face, and because its weight makes the expense of freight a very considerable item. To secure its exportation, however, the Federal Treasury can pay the freight on it and store it in the New York subtreasury, giving Western and Southern holders greenbacks and silver certificates in exchange. These will answer every purpose of money, and by continuing this process of collecting at public expense as much gold as possible in the New York subtreasury it will be comparatively easy to get it out of the country. Perhaps after all this would be the best way of solving the gold question.

And now he is afraid that gold may leave us. In the issue of May 2 there is a very pointed editorial attacking Wall street and com-

menting upon the ability of Mr. Carlisle to resist the importunities of the speculators. On that day, among other wise utterances, the Republic said:

> The quicker the extra session of Congress is called the better. In no other way can Secretary Carlisle be so well defended from the Wall street speculators and money dealers, who are determined to control the Treasury in spite of the Democratic platform.

But, sad to relate, Mr. Editor, the extra session was called, and the Democratic majority of 35 to which you referred passed away, and because of influences, the nature of which I do not absolutely know, but which have been surmised to be various, this majority was obliterated, and the cause that was in the ascendant failed of support, and the Senate of the United States at this moment is striving to resist the Wall street speculators and the money dealers who are determined to control the Treasury in spite of the Democratic platform, a platform which you, Mr. Editor, helped to make and for which, as far as this plank is concerned, it afforded me pleasure to vote.

Again, in an editorial of May 12, just on the eve of his departure to New York, the gentleman already quoted says:

> In the first place let us dispose of all questions about the Democratic national platform adopted at Chicago by pointing out that the policy on which the Federal Treasury is now conducted is Harrison's policy as carried out by Mr. Foster, of Fostoria, late Secretary of the Treasury, as the representative of Wall street ideas illustrated in the careers of Messrs. JOHN SHERMAN and ZIMRI DWIGGINS. As this policy was adopted by the Harrison Administration considerably before the meeting of the Democratic national convention, as that convention condemned in sweeping terms the entire financial policy of the Harrison Administration, as from that day to this there has been no change in the policy so condemned, it is evident that neither the Democratic platform nor the Democratic party is in any way responsible for it. Democrats have not yet been able to rally to the support of Mr. Cleveland in such numbers as to force a change, but they will do so, and that in the near future.

"In the near future," did you say? I should fix it "in the sweet by and by."

It is a matter of regret that the "rally" has not been had, or if had, that it has been ineffectual.

Continuing in the same editorial, this ex-chairman of the committee on resolutions of the Chicago convention says—and this is *ex cathedra*:

> The bimetallism of the Democratic party means that silver and gold shall be freely coined at the legal ratio and treated by the Government as legal tenders of equal value when so coined. Under this policy silver would be paid out at the convenience of the Treasury and we would hear nothing more of the talk about the drain of gold.

This committee chairman ought to know.

Why do not the advocates of unconditional repeal change their tactics, and while amending the Sherman law substitute in lieu of the purchasing clause legislation that will allow silver and gold to be freely coined at the legal ratio? Is it necessary to hold meetings of committees and to deliberate weeks and weeks in the preparation of such a silver measure? If the promises made in the bill introduced by the Finance Committee are to be realized, let the realization be had.

I desire to say here that the honesty and elevated character of several well-known bimetallists, who have been induced by readily

made promises to support unconditional repeal, render these gentlemen incapable of suspecting that which I feel confident is a fact, to wit, that they will not be allowed to give us any financial relief. Why not introduce a bill in the House of Representatives covering this subject? Why not do something, gentlemen? Move a little. We yearn for your proposition which is to be crystallized into a financial law. "Hope deferred maketh the heart sick."

We have made promises *ad nauseam,* but promises are always unsubstantial if there is a lack of faith in the intention or a want of ability to perform.

Said the St. Louis Republic on April 30:

> An esteemed and acute reader of the Republic writes that in less than a week after the Boston bankers have been kind enough to give Mr. Carlisle their gold for greenbacks they will send some one with the greenbacks around to the New York subtreasury to draw out the gold again. This is entirely within the range of possibilities. In fact, it is greatly to be feared that these people are having fun with Mr. Carlisle. But he is entirely too high-minded to suspect them of it.

I fear that these people are having fun with a great many able, distinguished, and conscientious gentlemen.

In a late issue of the World the junior Senator from Kentucky is referred to as a worthy successor of Mr. Carlisle. In this I agree; but let me say to him and to the chairman of the Finance Committee, and to other Senators who are and for years have been friends of bimetallism and the earnest advocates of free coinage, that it is greatly to be feared that these people are having fun with them, and permit me to urge in tones of caution, that it will not do to have too much regard for the promises of men whose lives have been devoted to making of fortunes because of the mistakes, inadvertences, and confiding manliness of those with whom they have dealt. And such are the persons who are seeking to delude us by assurances of relief to come.

From the Republic, May 9:

> The only sound money for America is a currency of gold and silver, freely coined. Any sort of bank note is unsound money. Any delegation of the sovereign power of issuing money or tokens of exchange to any corporation or individual, to any bank, State or national, is one of the worst forms of robbery ever devised against the people, and it ought to be resisted by them to the last extremity.

How would that editorial read in the New York World? It is a sound editorial. I indorse it. I also agree with the Republic in its editorial of May 10, wherein the following advice was given:

> The talk of humiliating Mr. BLAND of Missouri merely because he insists on representing the rank and file of the Democratic party will end in talk and nothing else. The people who undertake to turn Mr. BLAND out of the Democratic party will have to turn the party out with him.

That is severe.

In the Republic of May 9, there is an editorial entitled "Money and Sovereignty," wherein, among other things the editor in commenting upon the attempt of the national banks to control the Government, says:

> If the Democrats of the Valley allow their flank to be turned by the plutocrats of Boston and Wall street; if they surrender the principle of bimetallic currency, freely coined; if they fall in with the Northeastern plutocratic policy

of contraction of the national currency; if they sell the birthright of the people for the concession of getting into local circulation a lot of stuff counterfeiting money and passing as money with the ignorant, though under the Federal Constitution a wagon load of it cannot be made to pay a dollar of the enormous debt we owe to the Northeast — if this is to be done and the sovereignty of the people is to be delegated to corporations which with such a delegation will be the people's masters, then we will have in the United States such a condition of complete collapse and ruin as will show what folly it is to try to divorce finance from common sense and common justice.

I wish it to be understood that I do not press these utterances upon the Senate for the purpose of inconveniencing or injuring in the slightest degree the gentleman who promulgated them. But in addition to the reasons that I have already given I regard his arguments while he was upon the Republic as cogent, and am willing to adopt the greater portion of them, certainly those which I have cited. As he was the leader of those who made the national platform, I am delighted to know that his view of the meaning of that platform wholly coincides with mine. I am confident that he will be grateful to me for my explanation. His present employment embarrasses his opinions and if perchance he should say aught seemingly harsh you must not forget that he can not help himself. Some, not all of our Eastern metropolitan newspapers have pursued in many instances a course that can bring them no credit. It was truly said by the Senator from Colorado [Mr. TELLER] that the days of great editors, who molded the opinion of the country by their honest and brainy arguments, seems to have departed in many parts of the country. The Hessian there holds the boards. Of course we have an able, honest, and fearless press. I am not speaking of that press.

I have heard it stated that the effect of an increase of currency will be to injure the poor depositors whose money is being kept by the New York and other banks. It is true that the banks are in debt to the depositors. When one of the advocates of the pending measure, who claimed that its defeat will enrich the New York bankers, was asked why do not the New York bankers favor it if its passage would be of such vast assistance to their depositors, he responded that the New York bankers would not take this money because they had learned that "honesty is the best policy." I confess I do not credit this. I do not think that the New York bankers refused to make $20,000,000 because "honesty is the best policy." They may be very good men, but they have not been subjected to this temptation.

It sought to persuade us that the bankers of the country are in debt, and that farming communities especially are all right because they produce something, and the world at large must buy their products. But the farmers are very largely mortgaged. I have shown that the percentage of tenants is increasing. The more corn and wheat they raise the poorer they get, because it costs more to produce the crop than it brings in market. Of course they can eat some of their wheat and corn—and I presume that this satisfaction is deemed sufficient to afford them happiness—but when they are all reduced to a condition of tenancy, they may be denied even this right.

THE UNCONDITIONAL REPEAL OF THE SHERMAN LAW MEANS NO LEGISLATION IN THE INTEREST OF SILVER OR IN THE INTEREST OF ANY CURRENCY EXCEPT GOLD.

Delenda est Carthago! thundered the imperious Roman. Silver must be destroyed, declare the monometallists of today.

The bill reported to the Senate by the committee on Finance contains, in addition to the ordinary legislative matter, a promise that Congress will do better than the terms of the bill indicate.

It is a Congressional function to enact a law which becomes effectual when signed by the President, or when passed notwithstanding his dissent. Beyond this the Senate has no power to go. A resolution such as that contained in the Finance Committee's bill may be aptly denominated a *brutum fulmen*—it is without the jurisdiction of this body. Its incorporation into a law is the mere injection of extraneous matter wholly illogical and trifles with the public.

It is the function of Congress to enact laws, not to promise such enactment. We have no jurisdiction to enter into a contract to enact such a measure. Such a promise will not bind our successors, nor can it bind us.

The man who will accept that declaration in lieu of that to which the declaration admits silver is entitled, would be willing to subsist upon assertion in lieu of substantial nutriment.

I can not question, as I have said, the good faith of the chairman of the Committee on Finance. His eloquent address in advocacy of the bill which he reported demonstrates that he is not in sympathy with what I believe must be the effect of such legislation. That he has been induced to report and support it is no argument reflecting upon his integrity. He is acting *bona fide*. He thinks that if Congress repeals the Sherman law, that a measure akin to free coinage will be passed and signed by the President. That the chairman of the Committee on Finance has faith no one will deny, in view of this condition of affairs. I am aware that he favors the free coinage of silver.

I know this, because he has said so often and splendidly. He has been led to believe that if this bill becomes a law, silver will find advocates in the ranks of the repealers. I am not without confidence, notwithstanding the times, but I hesitate before this decidedly testing proposition. To be candid, I think that the unconditional repeal of the Sherman act is the end of financial legislation for the present. While I know that many gentlemen think there is a financial system approaching, I nevertheless assert that those who are dictating the present movement aspire to ruin silver. It is sought to delude the Senate into the belief that the Administration is utilizing its utmost brain work to put silver upon its proper level; and it is supposed that the Chief Executive is engaged in this arduous task, notwithstanding the fact that he has squarely declared that the hour has arrived when gold and silver must part company. He does not equivocate. He is now, as always, positive and direct. He has not said a word calculated to deceive anyone.

There should be no question in the mind of any gentleman here that the unconditional repeal of the Sherman bill ends financial legislation for this session. This is true for several reasons. First, because Congress, under present influences, will not pass any remedial legislation; secondly, because if such legislation were enacted the Presidential veto would be interposed.

I will say now that I have no patience with the view of duty which practically concedes the right of the Executive to do the thinking of the Senate. It is his duty to recommend. This he has done.

It is our duty to consider his recommendations without fear, favor, or affection. This I am endeavoring to do. The Senator from Texas [Mr. MILLS], said tersely and forcibly the other day that the departments of government must be kept strictly apart. I agree with him, but do not concur in the inferences properly deducible from his more recent remarks upon a kindred question.

Some one has said that he has followed the President's leadership. So have I. I did my best to promote his election in my State in 1884 without results. In 1888 I had the honor to preside for half the time over the national convention which nominated him for President of the United States. I was a member of the last national convention, and my delegation voted for him solidly.

In my State exertions were made last year independent of the slightest aid from the national committee in any way whatever, which brought California into the Democratic fold. I have always defended him and know him to be fearless and honest. Hence I say that my attitude towards him can not be questioned when I speak of it as being friendly. But as a Senator I criticise Executive declarations as a matter of duty, and because I deem it right so to do. I have taken a position from which I do not propose to retreat until satisfied that I have made a mistake.

IF THE INTRINSIC MERITS OF THIS CASE ARE NOT SUFFICIENT TO SATISFY A FRIEND OF SILVER THAT UNCONDITIONAL REPEAL IS A DEVICE OF THE GOLD MONOMETALLISTS, THE SURROUNDINGS OUGHT TO SUPPLY ABSOLUTE PROOF.

We find the Republican party practically solid in favor of unconditional repeal. We discover the authors of the demonetization of 1873 and all the admitted monometallists insisting that unconditional repeal is the salvation of the country. But we find the President of the United States, who positively declares that gold and silver must part company, appearing here through his message and urging us to unconditional repeal as the means of carrying out his policy—that is to say, that gold and silver may part company, Mr. Cleveland asks us to unconditionally repeal this law. If the consequence of unconditional repeal is to force silver away from gold's companionship, no one who believes in silver can support the scheme.

Mr. Cleveland's ability is conceded, and he tells us flatly that he asks for this repeal so that the divorce of the metals shall be rendered effectual; no conditional decree does he propose; it must be absolute and complete. For my part I prefer to stand with the masses of the Democratic party, who, I am persuaded, approve of the course of whose leadership I am following. I regret that the Democracy of the Chamber is not united. I know that there are able and conscientious gentlemen on the other side, but I think I can see Democracy standing with a tear upon her cheek and looking reproachfully at those who have long been her champions and wearing an expression that seems to say:

> Shall we then meet as strangers,
> After our dreams of joy?

Permit me to ask the friend of silver who urges unconditional repeal to consider his associates in this matter; to remember the history and sentiments of the majority of those who are acting with him. There are in that advocacy able and loyal men upon this side of the

Chamber who have been in many a Democratic campaign and whose integrity is indisputable. There are enlisted in the same cause Republicans who have done great service to their country and whose names are linked with the story of her greatness; but let me ask the advocate of unconditional repeal to point out a Senator or any individual in or out of this Chamber who is an absolute gold monometallist who is not in favor of the pending measure.

IS IT UNNATURAL THAT THE SILVER STATES SHOULD APPEAL TO CONGRESS TO DO THEM JUSTICE, AND HAS CONGRESS ANY RIGHT TO REFUSE THE APPEAL?

Colorado became a State before the Hayes-Tilden election. Had it not been for Colorado Mr. Tilden would have been President. The Electorial Commission would not have been heard of.

I have attempted to present the questions involved here without reference to the interests or desires of any particular State. I recognize that the legislation which Congress is called upon to enact involves something beyond personal profit; that it comprehends more than the advancement of individual views, or the vindication of personal theories. Hence, I have sought to argue the pending issue regardless of advantages which might be conferred upon a particular person or section by the adoption of the sentiments to which I subscribe; because I have recognized and do recognize the truth that it is the duty of the Government to do that which is for the benefit of the greatest number and to adopt that policy from which will flow the largest amount of happiness.

Colorado was admitted to the Union at a time when she was able to accomplish the triumph of a Republican President. Wyoming, Montana, and Idaho were also admitted, mainly by Republican endeavor.

I do not mention these circumstances because I have any doubt of the right or duty of Congress to admit these States. Had I been here I would have voted for admission. In this struggle Colorado and Montana find that they are the principal silver producing States. Idaho relies largely upon the same industry. Wyoming is tributary in a degree to the territory covered by these States, and Colorado, by whose vote Mr. Hayes became president, finds itself in direct antagonism to the Republican party. I am a Democrat, firmly convinced of the correctness of my party's principles, and yet I stand here and defend the cause in which the efforts of Colorado and Montana and Idaho and other silver producing regions and their dependencies are enlisted. I do this not because I believe that silver should be sold to the Government for the benefit of silver-producers, but I hold to my present view because I am satisfied that the cause of silver is not restricted to silver States and is not bounded even by the confines of this Republic, but is circumscribed alone by the limits of enlightenment.

I have attempted to show why this country should maintain silver coinage, and I have not said one word in support of the notion that the United States should assist in the use of this metal because certain States were greatly interested in its production. But I confess at this time to a feeling for the silver States. They were called into the sisterhood of the American Union by the Republican party, which at this moment laughs at their distress, smiles at their ruin, and

plans their disintegration. These States come to this Congress possessing the same sovereignty enjoyed by Massachusetts and New York. They ask for friendly, nay, they have a right to expect affectionate treatment. They are met with the cold blooded announcement that their inhabitants are few in number, their taxable property immaterial, and that for such reasons it is not a mistake to immolate them upon the pyre erected by the magnates of Wall street.

Here I pause to set my foot firmly and immovably. I ask for the enforcement of no policy destructive to our common country, but I demand square behavior toward every member of that Union whose permanency has been decreed in the storm of battle and proclaimed by constitutional declaration. Colorado, Montana, and Idaho may not dictate to their American sisters, but they cannot be ignored or repudiated. If there are any bright pages in the story of the Republican party, they are to be found in the record of that great struggle which culminated in the organic announcement which inhibits secession. My Republican friends, you wooed Colorado, Idaho, and Montana into the fold; you brought them here upon the implied promise that they would be benefited by the affiliation. You solicited them to enter into a government contract from whose obligations they might never be discharged, and having thus tied them to you, you are crowding them to the wall.

Here in this hour, when the sunlight of liberty illumines the afternoon of the nineteenth century, you tell us that these States have no rights which you are bound to respect. This I deny. I am a believer in the reformation of the tariff. I am perhaps radical in my theories, and yet when I am brought to the task of altering an instrument based upon a different plan, which is the result of the legislation of a generation, I will not hesitate to consider the status of those whose property has been invested and whose experience has been had under another policy supposed to be fixed and lasting. I comprehend what the destruction of the silver industry means to Colorado, Montana, and Idaho. I have no interest in either one of those Commonwealths except the interest which ought to be felt by each citizen of the United States.

But I know that the enactment which is contemplated means the ruin of the silver-mining States. You object because those States produce. Why should they not produce? Why should their citizens not demur to a programme which must degrade and bankrupt them? Throughout all nature the oppressed protests against the oppressor. History is pregnant with such examples. But reasonable beings do not monopolize this characteristic. The least of God's creatures yield obedience to the same law. Scarcely a worm crawls that does not resent the heel of the intruder; the serpent strikes, the poisonous adder hisses when man places upon them the pressure of unfriendly contact; the sheep fiercely defends its offspring; the trembling and wounded deer strikes the hound with deadly power. The harmless dove, spending its powers to their utmost tension to escape its destroyer, and spending its ultimate energies to elude the pursuit of its dreaded adversary, screams in pain and terror as it falls beneath the talons of the kite. And shall we wonder if a Commonwealth, organized under our Constitution and conformable to our laws, shall protest against the enactment of a statute which shall substitute ruin for prosperity, sad-

ness for joy, and which shall render her incompetent for existence; which shall exile business from her cities, drive the miner from his home, and leave to the eagle, the emblem of our liberty, to signal desolation from its mountain eyrie?

Mr. President, if it is desired to aid the cause of silver, why can we not incorporate in this bill an effective recognition of that metal? It is idle to pretend that the subject must be more fully considered. Complaint is made by parties within this body, and parties without, to the effect that the Senate is taking up too much time.

Why do not the gentlemen who are becoming restive utilize their industry and their talents in suggesting a financial measure such as will meet the admitted demands of the country? Why is it that they are incapable of doing this now, when, according to their theory, they will be able to bring about the wished-for scheme later on?

What hope can the people of the United States justly entertain that a body incompetent to devise ways and means, in the month of September, 1893, will develop proper qualifications later in the season? Does the climate affect the financial ability of the anti-silver people, and if the weather is not favorable to the solution of the broader question, I cannot understand the point that this is a good time for the enactment of the pending measure.

The President of the United States holds out no hope to those who are upon our side of this question. He flatly repudiates silver, and those who know Mr. Cleveland and are aware of his firmness of character, do not doubt that he will, as I have said, at once veto any measure designed to accomplish any of the results for which the friends of silver are struggling. I am no prophet, and I do not claim to possess any kindred gift; but the most ordinary intellectuality can safely be depended upon to foretell the action of the President should a separate measure extending the circulation of silver be presented to him. He is anxious to repeal the Sherman act, and while he would not favor an amendment recognizing the two metals as money, still, if he could not obtain the repeal of the purchasing clause in any other mode, it is probable that he would acquiesce in a fair compromise—a compromise in public interest.

Senators may ask, What plan do you suggest? Mr. President, we are not in a position to suggest an amendment, because it is openly stated that those who have this bill in charge will not accept any amendment. They are absolute repealers—nothing else. If we defeat unconditional repeal, they will perhaps descend from their lofty eminence and talk fair. As it is now, we are informed in advance that there is no midway place of meeting; that we must cross the street and present ourselves in humble homage before the unmoved champions of absolute repeal.

The law does not require that which is useless. If, owing to business relations with you, Mr. President, it is my duty to make you a tender before a cause of action arises in my favor, and if you notify me that it is not worth while to make such tender—that you will not accept it—then I am exonerated from the obligation and am not forced to do that which must necessarily be vain. Such is our position here, and such must it continue to be as long as our opponents declare that they will accept no compromise.

I may be permitted to urge that there should be no doubt of the

good faith of those who are contending upon either side of this subject; and that being so—and I address these remarks particularly to those of my own political faith—it is obviously our duty to come together and make a reasonable and rational arrangement, one that can be accepted without humiliation by all parties. Unless the Democratic members of the Senate shall come together, the consequences to the party, and therefore to the country, must inevitably be disastrous. The personal ambition or interests of one individual or of a few individuals ought not, it is true, obstruct the course of party policy.

But here, where probably a majority of the Democratic Senators are firmly convinced that the unconditional repeal of the purchasing clause of the Sherman act should not be carried out, it is not only rational, but common sense, to say that their opinions ought to be respected, at least to the extent heretofore indicated. I do not think that the wildest man on Wall street is foolish enough to claim now that the bad times, regarding which we have talked, have been brought about by the Sherman act, or that good times will come because of the repeal of that act. Such an argument will be considered puerile in the near future. Such is the general verdict.

I have brought to the consideration of this subject no feeling of personal advantage. The statistics before the Senate demonstrate that California's interest in silver is but little more than that of any other State in the Union. As far as the metals are concerned—and they constitute but a small part of her wealth—she is a gold producer, and will remain so for many years. In fact, I doubt whether half of her mineral wealth has been extracted. But the masses of our people, and I truly believe the masses of the people of the United States, favor the freer use of silver and its fair and liberal treatment. I am for dealing justly by every State within the Union, and as one of the representatives of California, I would feel derelict if I did not express myself fully and freely upon the issues here pending, regardless of the stupid assertions of certain newspapers who seek to dictate our conduct.

Mr. President, I do not desire that anything I have said shall be construed into an intimation that I fear that this Republic has anything but a glorious future. I have sought to point out rocks in the pathway of her progress, and have endeavored to picture and combat those evils which I consider for the moment threaten her. I have every confidence in the honesty of the masses of our electors, and do not permit myself to question that they will in the end solve all problems rightly. Our country has met and has overcome dangers seemingly insurmountable. After she threw off her allegiance to the British Crown, and when she had but partially recovered from the effort of her birth, she was assailed by her former antagonist, the most powerful of nations; but the bravery that had been sufficient to win her emancipation and to make good the declaration of her independence was fully adequate to the task of defending her institutions.

Without speaking of her war with Mexico, I may refer in demonstration of her wonderful capacity not only to the great civil strife, wherein the lives of thousands of her bravest sons and millions of her treasure were yielded that she might not be dismembered; but more remarkable to me even than this has been her recuperation since that struggle, not so much financially, because her resources are imparalleled

and the result natural, but I speak of the Union, not merely in theory but the union in fact. When I behold men who have bravely fought in opposing armies, and who bear upon their bodies the proof of that valor to which unborn generations will turn with pride and amazement, sitting together in this Chamber and mingling with each other and acting in common endeavor to promote the happiness of the people, I am driven to the conclusion that we may err for a time and may suffer as the penalty of our error, but we can not follow mistaken counsels to destruction.

Nor is my faith in the perpetuity of this Republic dependent only upon the ability and patriotism of her people, but the natural advantages which God has given her afford assurances of indestructibility. While Europe has been endeavoring to solve the problems of life for many hundred years, her population has increased until its extent has begotten the gravest apprehension; while contending armies have passed and repassed, have gone forward and have retreated over almost every inch of her soil; while for ages the oppressor has cruelly disregarded the most sacred privileges of his subjects; while laws have been so framed as to increase the disparity between the rich and the poor; while hereditary titles and so-called inherited respectability have impeded the progress of the masses and maintained in places of power those who have neither the ability nor the integrity to justify promotion, this great continent was undergoing a process of preparation fitting itself for the citizens of today. Upon its vast plains the loam of ages accumulated in anxiety for the husbandman's industry. Within its mountains the Giver of all deposited vast stocks of those metals useful to mankind and filled the gravel and rock of the Sierras with gold and silver—the money of the ages. Great rivers pierced this mighty domain qualified to bear the burdens of commerce and to carry from market to market goods and products to sustain civilization. Lakes second only to the ocean were impounded as if in anticipation of their usefulness to posterity. The eastern and western shores held back the ocean storms of the world, and nature seemed to look toward the rising and setting sun, beckoning Progress to America's arms and tempting her with the choicest offerings. This is the heritage which we have received, and which it is ours to faithfully guard; and while I believe that the step which the supporters of the pending bill demand that we shall take is retrogressive, I do not doubt that whatever may be done here this Republic will march on and on. (Applause in the galleries.)

CHINESE EXCLUSION

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Thursday, Nov. 2, 1893.

The Senate having under consideration the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892—

Mr. WHITE of California, said:

Mr. President: I shall detain the Senate but a few moments with reference to the pending measure, as I deem it essential, if we desire to transact any business at all concerning it, that the matter should be brought to a head at once.

I have listened to all of the arguments made by the disinguished Senators who have addressed themselves to this bill, and I have heard many things regarding the Chinese which I never heard before. Perhaps this is because I know something about the race, while Senators who have furnished the information have never been brought in contact with those of whom they have treated.

A gentleman was once asked whether he had ever seen the Allegheny Mountains. He replied: "Why, sir; of course I have. Did not I work for the contractor who built them?" There are remarks made here with relation to the Chinese which give me the impression that Senators who have addressed us upon the subject, while acting innocently, have nevertheless committed themselves without full knowledge or correct advice.

I do not intend to describe the condition of the Chinese. This has been done here so often by those thoroughly competent for the task that I should deem it an intimation that Senators were unable to appreciate facts when presented plainly, if I endeavored to travel over the ground again.

It is admitted that the people of California have succeeded in obtaining a major portion of this undesirable element. The Chinese have come to us. We have them. We who are side by side with them, who move among them, who necessarily learn something about them, are told by Senators who have had no such opportunity, who view them from afar, that they constitute an immigration that is rather valuable and that after all they are a desirable people to cultivate.

In Harper's Weekly, of date July 23, and in another number of the same weekly dated July 30, 1870, I find illustrations accompanied by an article in which we are informed that a certain gentleman, Mr. Sampson, residing in North Adams, Mass., who was conducting a boot and shoe business in that enterprising locality, found himself unable, or at least unwilling, to pay to his white employees the sums

which they demanded; he accordingly sent an agent to California and imported a number of Chinese operatives.

The pictures to which I allude illustrate the Mongolians at work in a Massachusetts shoe shop. But, Mr. President, it turned out in a very few days that there was a commotion in that good old Commonwealth, and the Chinamen who had been thus imported found it well to leave at a speed much greater than that displayed at the time of their advent.

Hence, I may be permitted to remark that unless there has been a change of opinion the gentlemen who regard the Chinamen as advantageous for California do not regard them as very desirable for themselves.

In the city of San Francisco there are congregated an immense number of Chinese. The Senator from Minnesota [Mr. DAVIS] who so ably and eloquently championed their cause here, has stated that he has witnessed transactions or sights in that locality of a horrible character. Indeed no one can visit the place without being made aware that a Chinaman differs from anyone ever before brought within the scope of his observation.

The Senator also referred to the circumstance that Chinamen send their countrymen's bones to Asia, thus indicating, I suppose, a belief that this country is scarcely good enough to hold the relicts. No special objection is made to the deportation of Chinamen's bones, but the people of California prefer that the Chinaman should go to China before he has reached a state where it is impossible to transport more than a portion of his being.

In this connection, and as illustrative of Chinese habits, I might mention the fact that some years ago an officer was walking upon his beat on Dupont street, San Francisco, when he detected a peculiar odor permeating the atmosphere. While he was tolerably familiar with the flavor of the effluvia of Chinatown, as he had been in the habit of taking care of that somewhat singular locality, yet there was something unusual about this, something differing from the ordinary. He procured one of his associates to accompany him, and entering an adjacent Chinese dwelling and, passing three or four stories underground, they came to a room beneath the sidewalk wherein the air was unendurably corrupt.

There they found a great caldron in which there were bodies of deceased Chinamen, and these were being boiled for the purpose of extracting the bones for shipment. The chef who seemed to preside over the operation smiled as the officers entered, and explained to them quite fully that this was by far the most approved method of preparing the proposed consignment. Of course the institution was suppressed as a nuisance.

Mr. President, Senators have probably heard of highbinders. A highbinder, as we understand the matter, is an individual whose business it is to murder for hire. Commotions in Chinese society caused by highbinder warfare are not infrequent. Such a contest simply means that conflicting associations of those whose business is assassination have determined to settle in blood issues arising as the result of their nefarious trade. In San Francisco it is common knowledge that the highbinder executes the edicts and commands of his employer. A highbinder is occasionally caught after he has killed

some one, and upon conviction is hanged. His shirt of mail, suspended as a trophy in the police department, indicates that he was an individual of considerable enterprise and that he possessed the inventive genius which is so greatly admired by his American advocates.

We have sought to deal with the Chinese in a humane manner. We have done our best to shield them from violence. Charges to the contrary are baseless; and while we have been criticised because of our attitude towards the Chinese, the fact remains that they prefer to stay in California rather than to go anywhere else. With all our faults they enjoy residence with us. They have no confidence that they will be well and profitably received in the bosoms of those who loudly demand unrestricted immigration and who appear to consult Chinese convenience rather than the interests of our own race.

Mr. President, it has been said that the legislation proposed here is peculiar. So it is peculiar because it deals with a peculiar subject and a peculiar people. It deals with a race differing from all others in essential particulars. The Senator from Minnesota eloquently referred to the antiquity of the Chinese Empire and spoke of its ancient greatness. He prophesied that it will stand when existing empires, republics, and dynasties have passed from the earth. Perhaps this may prove true; but the Chinese Empire of to-day is not a model of progression. On the contrary, it presents the worst features of modern society. It is incapable of absorbing knowledge and oblivious to the demands of enlightenment.

Born in a State where Chinamen have been from the time of the organization of the government; witnessing them and their conduct as a boy, as a man, in a professional and in other capacities, I am thoroughly familiar with their habits, with their capabilities, and their moral status. When Senators condemn this bill because it discredits the Chinaman as a witness, they forget that such a rule merely recognizes the existence of a characteristic, to disregard which would be to assert that it is impossible for this Government to maintain or enforce its laws. Never — and I say it unqualifiedly — never have I known a Chinaman whom I would believe under oath in a matter in which he was interested. Can that be said of any other class or of any other people? It is not for me to philosophize, to analyze the Chinese disposition, or to seek to draw from their history anything accounting for these deficiencies. I am speaking of things as they exist. This clause is essential to the efficiency of the measure.

So true is it, Mr. President, that a Chinaman can not be believed on oath, that when to tell the truth in a court of justice would be beneficial to him it is often almost impossible to induce him to fully declare it because he does not believe that there can be any association of rectitude with his interests. When a Chinaman is presented before a judge or a jury, and there is no testimony explanatory of his declarations, it is often impossible to reach a satisfactory conclusion. It is generally difficult to discern which of two contesting Mongolians approaches to the truth. They have absolutely no conception of their duties in this regard.

When acting in an official capacity upon a certain occasion I was called into court to attend to the public interest in a small case. A battery charge was involved. The prosecutor and the defendant were Chinamen. The former's face was discolored, showing evidence of

injurious contact. He had been somewhat disfigured. He claimed that a member of another company, a Chinaman, had attacked him upon the public street. A trial was had. As prosecuting officer I introduced the complaining Chinaman and six other Chinese witnesses. The defendant's counsel asked each of them to which company he belonged, and each swore that he was a member of the company of the prosecuting witness. Then came the defendant, and he introduced six Chinese witnesses; each of whom was a member of the company to which the defendant belonged, and each swore absolutely and positively that defendant was not present when the assault was said to have taken place, though the other seven witnesses had testified emphatically that defendant committed the battery.

I mention this as illustrating the proposition that a Chinaman will swear according to the interest and orders of his company. If there is litigation among Chinamen, and there are 75 Chinese witnesses upon one side and 75 Chinese witnesses upon the other side, upon investigation you will find that all the plaintiff's witnesses belong to one company and that all the defendant's witnesses recognize another company. Their habits and customs are not such as to make them either valuable or tolerable residents of any civilized community.

Upon another occasion I was called upon to prosecute a Chinaman for the murder of another Chinaman. I succeeded in procuring a conviction. The court believed that there had been an error in the trial, some misruling upon a question connected with the testimony, and a new trial was granted.

When the time for the new trial approached I visited the Chinaman representing the company to which the decedent had pertained, and told him that I desired the witnesses who had been present at the former trial to appear once more in court as witnesses. He shook his head and said that they could not be found.

I said "Where are they?" He did not know. I pressed him and he advised me to dismiss the case. After considerable interrogation I arrived at this state of facts: The Chinaman who had been killed was a member of the company which the man with whom I was conversing represented, and the Chinaman who did the killing was a member of another company; and the two companies came together and appraised the dead Chinaman at $1,000, and had passed the money and the receipts. Therefore the witnesses could no longer be found.

Is it for a class of people to whom this is an every-day and monotonous transaction that we are asked to sacrifice the wishes and the comfort of the citizens of the American Republic?

Mr. President, I am as charitable and kind-hearted, I trust, as any man who is within this Chamber or elsewhere. I would as quickly, I hope, as any one else put myself out to alleviate suffering and perform those duties which charity enjoins upon a Christian. But I am confronted with a situation that threatens ruin to my own people; and when I am called upon to choose between them and an alien race incapable of virtue and unappreciative of vice, then I stand by my own hearthstone and guard my own home.

Senators who know but little of these things say much to the effect that we have been disregarding a treaty. Mr. President, the Chinese Government has never in good faith attempted to stand by its treaty. When it appeared to this Government and to the Congress

of the United States that the treaty that had been adopted and ratified in 1880 needed revision, there was an effort made by us to accomplish such revision. As stated in the very able message of Mr. Cleveland, presented to this body when he was formerly President of the United States, this Government, through its commissioners, prepared a treaty which was acceptable to the Chinese minister here, and which every one supposed would be ratified. This proposed engagement was submitted to the Chinese Government and there it rested for a period of about six months without any action whatever.

Our minister repeatedly and urgently called the attention of the imperial government to the pendency of that treaty, to the demand upon the part of the citizens of the United States that it should be acted on. No response whatever was given. Thereupon Mr. Cleveland signed the act of 1888 and sent to Congress the message to which I have referred upon another occasion.

It is as follows:

To the Congress:

I have this day approved House bill No. 11,336, supplementary to an act entitled "An act to execute treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

It seems to me that some suggestions and recommendations may properly accompany my approval of this bill.

Its object is to more effectually accomplish by legislation the exclusion from this country of Chinese laborers.

The experiment of blending the social habits and mutual race idiosyncracies of the Chinese laboring classes with those of the great body of the people of the United States has been proved by the experience of twenty years, and ever since the Burlingame treaty of 1868, to be in every sense unwise, impolitic and injurious to both nations. With the lapse of time the necessity for its abandonment has grown in force, until those having in charge the government of the respective countries have resolved to modify and sufficiently abrogate all those features of prior conventional arrangements which permitted the coming of Chinese laborers to the United States.

In modification of prior conventions the treaty of November 17, 1880, was concluded, whereby, in the first article thereof, it was agreed that the United States should at will regulate, limit, or suspend the coming of Chinese laborers to the United States, but not absolutely prohibit it; and under this article an act of Congress approved on May 6, 1882 (see volume 22, page 58, Statutes at Large), and amended July 5, 1884 (volume 23, page 115, Statutes at Large), suspended for ten years the coming of Chinese laborers to the United States, and regulated the going and coming of such Chinese laborers as were at that time in the United States.

It was, however, soon made evident that the mercenary greed of the parties who were trading in the labor of this class of the Chinese population was proving too strong for the just execution of the law, and that the virtual defeat of the object and intent of both law and treaty was being fraudulently accomplished by false pretense and perjury, contrary to the expressed will of both Governments.

To such an extent has the successful violation of the treaty and the laws enacted for its execution progressed that the courts of the Pacific States have been for some time past overwhelmed by the examination of cases of Chinese laborers who are charged with having entered our ports under fraudulent certificates of return or seek to establish by perjury the claim of prior residence.

Such demonstration of the inoperative and inefficient condition of the treaty and law has produced deep-seated and increasing discontent among the people of the United States, and especially with those resident on the Pacific coast. This has induced me to omit no effort to find an effectual remedy for the evils complained of, and to answer the earnest popular demand for the absolute exclusion of Chinese laborers having objects and purposes unlike our own, and wholly disconnected with American citizenship.

Aided by the presence in this country of able and intelligent diplomatic and consular officers of the Chinese Government, and the representations made from time to time by our minister in China under instructions of the Department of State, the actual condition of public sentiment and the status of affairs in the United States has been fully made known to the Government of China.

The necessity for remedy has been fully appreciated by that Government, and in August, 1886, our minister at Peking received from the Chinese foreign office a communication announcing that China, of her own accord proposed to establish a system of strict and absolute prohibition of her laborers, under heavy penalties, from coming to the United States, and likewise to prohibit the return to the United States of any Chinese laborer who had at any time gone back to China "in order" (in the words of the communication) "that the Chinese laborers may gradually be reduced in number and causes of danger averted and lives preserved."

This view of the Chinese Government, so completely in harmony with that of the United States, was by my direction speedily formulated in a treaty draft between the two nations, embodying the propositions so presented by the Chinese foreign office.

The deliberations, frequent oral discussions, and correspondence on the general questions that ensued have been fully communicated by me to the Senate at the present session, and, as contained in Senate Executive Document O, parts 1 and 2, and in Senate Executive Document No. 272, may be properly referred to as containing a complete history of the transaction.

It is thus easy to learn how the joint desires and unequivocal mutual understanding of the two Governments were brought into articulated form in the treaty which after a mutual exhibition of plenary powers from the respective Governments was signed and concluded by the plenipotentiaries of the United States and China at this capital on March 12 last.

Being submitted for the advice and consent of the Senate, its confirmation on the 7th day of May last, was accompanied by two amendments, which that body ingrafted upon it.

On the 12th day of the same month the Chinese minister, who was the plenipotentiary of his Government in the negotiation and the conclusion of the treaty, in a note to the Secretary of State gave his approval of these amendments, "as they did not alter the terms of the treaty," and the amendments were at once telegraphed to China, whither the original treaty had previously been sent immediately after its signature on March 12.

On the 13th day of last month I approved Senate bill No. 3304, "to prohibit the coming of Chinese laborers to the United States." This bill was intended to supplement the treaty, and was approved in the confident anticipation of an early exchange of ratifications of the treaty and its amendments and the proclamation of the same, upon which event the legislation so approved was by its terms to take effect.

No information of any definite action upon the treaty by the Chinese Government was received until the 21st ultimo — the day the bill which I have just approved was presented to me — when a telegram from our minister at Peking to the Secretary of State announced the refusal of the Chinese Government to exchange ratifications of the treaty, unless further discussion should be had with a view to shorten the period stipulated in the treaty for the exclusion of Chinese laborers, and to change the conditions agreed on, which should entitle any Chinese laborer who might go back to China to return again to the United States.

By a note from the chargé d'affaires *ad interim* of China to the Secretary of State, received on the evening of the 25th ultimo (a copy of which is herewith transmitted, together with the reply thereto), a third amendment is proposed whereby the certificate, under which any departing Chinese laborer alleging the possession of property in the United States would be enabled to return to this country, should be granted by the Chinese consul instead of the United States collector, as had been provided in the treaty.

The obvious and necessary effect of this last proposition would be practically to place the execution of the treaty beyond the control of the United States.

Article I, of the treaty proposed to be so materially altered had, in the course of the negotiations, been settled in acquiescence with the request of the Chinese plenipotentiary and to his expressed satisfaction.

In 1886, as appears in the documents heretofore referred to, the Chinese foreign office had formally proposed to our minister strict exclusion of Chinese laborers from the United States without limitation; and had otherwise and more definitely stated that no term whatever for exclusion was necessary, for the reason that China would of itself take steps to prevent its laborers from coming to the United States.

In the course of the negotiations that followed suggestions from the same quarter led to the insertion in behalf of the United States of a term of "thirty years," and this term, upon the representations of the Chinese plenipotentiary, was reduced to "twenty years," and finally so agreed upon.

Article II was wholly of Chinese origin, and to that alone owes its presence in the treaty.

And it is here pertinent to remark that everywhere in the United States laws for the collection of debts are equally available to all creditors without respect to race, sex, nationality, or place of residence, and equally with the citizens or subjects of the most favored nations and with the citizens of the United States recovery can be had in any court of justice in the United States by a subject of China, whether of the laboring or any other class.

No disability accrues from nonresidence of a plaintiff whose claim can be enforced in the usual way by him or his assignee or attorney in our courts of justice.

In this respect it can not be alleged that there exists the slightest discrimination against Chinese subjects, and it is a notable fact that large trading firms and companies and individual merchants and traders of that nation are profitably established at numerous points throughout the Union, in whose hands every claim transmitted by an absent Chinaman of a just and lawful nature could be completely enforced.

The admitted and paramount right and duty of every government to exclude from its borders all elements of foreign population which for any reason retard its prosperity or are detrimental to the moral and physical health of its people, must be regarded as a recognized canon of international law and intercourse. China herself has not dissented from this doctrine, but has, by the expressions to which I have referred, led us confidently to rely upon such action on her part in co-operation with us as would enforce the exclusion of Chinese laborers from our country.

This co-operation has not, however, been accorded us. Thus from the unexpected and disappointing refusal of the Chinese Government to confirm the acts of its authorized agent and to carry into effect an international agreement, the main feature of which was voluntarily presented by that Government for our acceptance, and which had been the subject of long and careful deliberation, an emergency has arisen, in which the Government of the United States is called upon to act in self-defense by the exercise of its legislative power. I can not but regard the expressed demand on the part of China for a re-examination and renewed discussion of the topics so completely covered by mutual treaty stipulations as an indefinite postponement and practical abandonment of the objects we have in view, to which the Government of China may justly be considered as pledged.

The facts and circumstances which I have narrated lead me, in the performance of what seems to me to be my official duty, to join the Congress in dealing legislatively with the question of the exclusion of Chinese laborers, in lieu of further attempts to adjust it by international agreement.

But while thus exercising our undoubted rights in the interests of our people and for the general welfare of our country, justice and fairness seem to require that some provision should be made by act or joint resolution, under which such Chinese laborers as shall actually have embarked on their return to the United States before the passage of the law this day approved, and are now on their way, may be permitted to land, provided they have duly and lawfully obtained and shall present certificates heretofore issued permitting them to return in accordance with the provisions of existing law.

Nor should our recourse to legislative measures of exclusion cause us to retire from the offer we have made to indemnify such Chinese subjects as have suffered damage through violence in the remote and comparatively unsettled portions of our country at the hands of lawless men. Therefore I recommend that, without acknowledging legal liability therefor, but because it was stipulated in the treaty which has failed to take effect, and in a spirit of humanity befitting our nation, there be appropriated the sum of $276,619.75, payable to

the Chinese minister at this capital, on behalf of his Government, as full indemnity for all losses and injuries sustained by Chinese subjects in the manner and under the circumstances mentioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, October 1, 1888.

Mr. WHITE of California. In that message the President tersely states ample reasons for the belief that China had absolutely refused to enter into any stipulation with us at all. She stood without action, inert and impassive, determined to do nothing that we wished her to do, defiant and morose. It is true that a treaty is an obligation, binding at least in the forum of the national conscience; but it is not a fact that a nation is bound to stand by a treaty forever, and to see its own interests and the interests which it was organized to conserve sacrificed upon the altar of sentimentality.

When China refused to reasonably modify this treaty; when her people, in violation of the terms of a preceding compact were constantly coming to this country, intruding upon shores upon which it was not lawful for them to tread; when Chinese officials aided and abetted these transactions, then I assert the time had come when it was but justice to our own citizens to enact such laws as might be deemed adequate for our defense. Under this condition of affairs the statutes mentioned were passed—lawfully, justly, and properly.

No doubt exists of the power of the Congress of the United States to legislate notwithstanding a treaty. It is true that the power should be rarely exercised. It is a fact, Mr. President, that we should under all circumstances endeavor to adhere to the engagements which we may have made. But there are times, as every writer upon such subjects concedes, when a nation is justified in paying no further attention to a treaty. One of these occasions, recognized by all authorities upon international law, is disclosed when one party violates the terms of a treaty. Such behavior warrants the other party in regarding the contract terminated.

The principal object of the legislation which is now sought to be enacted here, and of the legislation which we have heretofore adopted, has been to prevent the coming to this country of the Chinamen whom China herself admitted should not be permitted among us, but who have been allowed to come by China in spite of the solemn obligations into which that nation entered. This violation of treaty stipulations by China was long anterior to the legislation of 1888, was provocative of that legislation, and made that necessary.

Therefore, Mr. President, this Government stands absolutely acquitted of the accusations made against it. It is not with good grace that these charges should be made upon this floor by Senators who themselves have participated in the enactment of the legislation which they now denounce. If Senators have done nothing worse and nothing which will more subject them to criticism than that which they performed in voting for the legislation sought by the people of the Pacific Coast, they will never have occasion for sorrow or pain.

This act, Mr. President, as I have said, is justifiable where it demands testimony other than Chinese; with reference to the burden of proof it is also justifiable. It is a familiar principle that the party who has in his possession the best evidence must produce it upon demand. A Chinaman defends himself by saying: "You can not deport me because I have a good excuse for non-registration." If so,

he must establish that fact. It is impossible for this Government to prove the contrary at the outset. If every Chinaman in California is presumed to have registered, or if he concedes that he did not register, if he is presumed to have a good excuse for non-registration it will be impossible for the Government ever to make a case for deportation against a Chinaman.

If, in defiance of the opinion of the Supreme Court of the United States, you treat this as penal legislation, if you declare that it is in effect the enactment of a penal statute, and that the Chinaman is entitled to the presumption of innocence so called as to each and every proposition necessary to be established in order to justify his deportation, then he must be presumed to be a person exempt from liability to deportation, and this presumption can not be rebutted no matter what the merits may be.

When once the certificate provided for by this statute has been given to a Chinaman he has in his pocket the very best evidence that he can have and the best evidence that exists of his right to be in the country, and he can readily supply it.

There is no disgrace in the photograph requirement of this bill. Is it a disgrace to have our photographs taken? Have not Senators at some time in their lives been proud and happy when asked for a photograph? Is it not a fact that some candidates for office occasionally send photographs about for the purpose of exhibiting their features? Is it not true throughout all the avenues of business, over which today travel the most enterprising and energetic of our people, that the photograph is used by the man who wishes to make himself known?

In our daily transactions we subject ourselves to personal descriptions. I have in my pocket a railroad ticket which I bought in Los Angeles for the round trip from that city to Washington, and thence to California, and upon which ticket, by means of certain designations made by punching the ticket, I am described. I never thought of saying to the railroad corporation selling the ticket that it had no authority to so punch the same as to indicate whether I am tall or short, stout or otherwise; whether I am old or young, whether I have gray or black hair, or whether my head is bald. Yet they took that liberty with me, and I did not feel offended; and the Chinaman, whose tender heart seems to appeal with such effect to Senators here, is the last man on earth to be insulted because he is asked to sign his name and have his personal appearance taken down.

I have spoken to many Chinamen with reference to this registration, and they have uniformly told me that they were willing to register, but that their leaders had informed them or advised them not to do so. By their leaders, they refer to the Six Companies—those wonderful organizations, whose exact constitution is unknown, as far as I am aware, to any of us. Today the Chinamen in California are, in my opinion, anxious for any opportunity to register under the provisions of this bill. They do not detect any hardship.

Primarily my disposition was to oppose the granting of any extension whatever; I believed that when the Congress of the United States had enacted a measure which was approved by the Executive, and when the supreme tribunal, whose organization fitted it for a final adjudication of the issue, have held that that legislation was valid and

constitutional, it should have been enforced; but I found that the temper and desires of the majority of the American people were in favor of an extension, and I have not therefore hesitated to come here and to advocate the adoption of this bill.

I doubt whether in the second section the definition of the word "laborer" is as broad as it should be. I would rather define laborer as meaning all those who are not expressly permitted to land. I would rather, perhaps, amend the bill for the purpose of perfecting it in one or two respects, but I am satisfied that in these last hours of the session there is nothing to do but to pass it as it has come here.

There is a provision that the parties may go before a United States judge, and it is my opinion that there should have been added "the judge of a Territory," it having been held by the Supreme Court of the United States in the case of the United States *vs.* McAllister, 141 U. S., that a judge of a Territory is not a United States judge, but we shall probably be able to supplement that later on if necessity arises. Hence I have presented no amendment.

While I thoroughly agree with the Senator from Washington [Mr. SQUIRE] that there should be an appropriation to carry out the provisions of this act, yet I do not believe it advisable to submit that amendment now, for the reason assigned with reference to the other amendments. Therefore I shall vote for the bill as it stands.

Let me say to those who for whatsoever reason see fit to stand here as the advocates of those people, against whom the citizens of the State of California, regardless of party and with astounding unanimity, protest that if they defeat this bill they leave the matter standing in that State thus: Today Chinamen are in hiding, they are in the willow patches, the marshes, and in the hills seeking to avoid the enforcement of the law which is still in effect, and if those who feel friendly disposed toward the Chinese desired to do something to relieve their present condition let me remind them, in all earnestness and with the utmost sincerity, that they should at once desist from their efforts to repeal the wise legislation upon this subject heretofore passed. The enactment now desired is an extraordinarily liberal measure. When 100,000, perhaps 200,000, members of an alien race, permitted to be within the confines of this Republic, defy our laws and boldly announce that they will not obey the statute, I think they should be well satisfied if this Government permits them an opportunity to do that which they should have done long ago.

Senators speak of the imprisonment of these Chinamen. How can a man be deported unless there is some harshness used with reference to him? The necessity of his deportation being settled by the Government, and the power conceded and affirmed by the highest tribunal which may pass upon it, there remains nothing for the Government to do but to execute its well-considered edict, and in executing it, in deporting him, if the Chinaman will not go of his own motion, if he must be compelled to go, it may be that the maxim *molliter manus imposuit* should apply to him, but there must be some force used, as little as may be, but he must be taken; the marshal must not be required to keep him in his parlor, but when once sentenced, when once ordered deported, then the day of grace has passed and there is nothing to do but to execute the order.

"But you deny the right of *habeas corpus*," says somebody.

Where do we deny it? There is no appeal, says another. Is there anything wonderful with reference to the denial of an appeal? In some tribunal must be lodged the power to finally adjudicate every question. It is of no moment, constitutionally considered, whether in such a case as this the ultimate power is vested in a judge of the United States district court or the Supreme Court of the United States. In each case it is within the power of Congress, and if each one of these Chinamen were given an opportunity to enable the Supreme Court of the United States to pass upon a simple question of fact there would arise the necessity of creating a thousand tribunals with the result that the legislation could not be enforced.

Senators speak of the danger of men being deported who should not be. What tribunal more safe than that over which a United States judge presides? If we eliminate the court, and refer to it the judge alone, nevertheless he is the same conscientious officer in whatever part of this Republic he may be. He has been selected by the President of the United States and his nomination confirmed by the Senate of the United States. The judge of a United States court has been made the arbiter with the full knowledge upon the part of Congress that in no other hands can the authority be more safely lodged; and when once a Chinaman is found unregistered, whose duty it was to register under the provisions of the act, he is subject to be deported. Then why, let me ask, should there be any further steps, any further delay, any appeal bonds, or why permit the release of one admittedly not entitled to be at large within the United States?

Some one has said an American, a white man, might be arrested under this law. Mr. President, yes, it may be that an officer of the law might take a white man and bring him before a United States judge and that the United States judge might decide him to be a Chinaman. But are we to suppose that our tribunals have become so incompetent, so foolish, so corrupt? Are we to indulge in a presumption against the officers of our Government, in whom we have ourselves lodged this power? Are we to assume that they are incapable of exercising their authority, either reasonably or honestly? There is no danger, Senators, of the abuse of power in this case. No such instance has ever arisen or will arise.

There is no disposition upon the part of the people of the State of California to misuse authority, or to ill treat Chinamen, or to do anything else than to live within the pale of the law. The people of California appealed to Congress, and not in vain, for the enactment of the measure to which this is an amendment. It was not their fault that the trouble was not settled, but it was because of the turpitude of those whose obligation it was to register; and now that they manifest a disposition to register, and while we accord them the privilege —and whether they demand it or not, it is certainly a gratuity on our part—let us not hesitate to incorporate in the enactment such provisions which will make it efficacious and final.

No hardship will be done. The Chinese will seek and be sought by the officers whose duty it is to register them, and they will register, placing their names and their photographs on record. No better credentials can the Chinese have to defend their right to stay within this country than the photograph and the certificate. These will constitute

their protection. It will guard their interests as well as the interests of the people.

We know, notwithstanding the legislation which has been had here, that, although thousands of Chinamen have gone home, yet that population has not been reduced, and we appreciate, therefore, that the failure to reduce it under such circumstances is due necessarily to the coming into this country of Chinese who have no right whatever to be here.

The Senator from Minnesota [Mr. DAVIS] alluded to the language of the act signifying that certain Chinamen are entitled to be here, and he spoke harshly of the additional burdens imposed upon them. Shall an alien within the United States refuse to register, to give us his name if we see fit to ask it of him? Is it undue severity to solicit him to put his name of record where it may be useful to us and of benefit to him? Is there any outrage committed when going to the Republic of France the visitor finds that he must record his name? Is there anything outrageous in carrying a passport and having it inspected? Is there anything vicious in legislation which demands that when a reasonable provision is made with reference to aliens in this country that that provision shall be enforced?

This is not legislation in any manner like that to which Senators have alluded. The Jews of Russia have been expelled by an imperial order without any reference to their rights or any opportunity to perform any rational requirement giving them the privilege of remaining. The revocation of the edict of Nantes, mentioned by the Senator from Minnesota, and kindred harsh assertions of power were all peremptory mandates, unconditional and unreasonable orders inhibiting the presence of the hated individual and demanding his summary expulsion. But this nation has done no parallel act.

I am astonished that in this Chamber a Senator should rise and declare that we have enacted a law in any manner similar to those commented upon. Such statements are wholly unsupported. The power which we have invoked is the power of sovereignty. The Republic, within its own confines, guarding the welfare of her people and discharging that trust received from them, and which must be well and perfectly discharged if she shall live and command the respect of man, has simply exacted of these people to do something involving no expense, but little trouble, and no disgrace. This demand of the sovereign tolerating their presence is refused and they declare they will not comply. Then this Government, whose laws have been repudiated and whose authority has been challenged, merely says to those who have thus defied her, "No penalty shall be inflicted upon you as the consequence of your willful transgressions, except this, if you will not obey my laws you shall not live within the reach of their jurisdiction." Surely no nation can be asked to harbor those who boldly refuse to acquiesce in reasonable regulations; and no nation can be called unjust if it demands that those who so refuse shall be driven without its walls. This is all that we attempt to do. How wanton, then, are the attacks made upon the friends of this legislation.

I know an appeal has been made to us by well-meaning and charitable and honest people, representing a portion of the Christian community of this country. But these good folks do not understand the

subject. Some time ago the Senator from Oregon [Mr. DOLPH] very well expressed the situation of these ladies and gentlemen, and explained their want of knowledge. I wish the light of Christianity might penetrate the Chinese heart and control their actions, and dictate to them the proper policy to pursue, the mode of life to follow. But in spite of all that has been said to the contrary, the efforts of our missionaries have not been a success. Of the one hundred thousand Chinamen who dwell in this country, amidst our churches and our Christian influence, and our goodness, and our piety, how many are really Christians?

Some of them go to Sunday-school, and their presence there was well explained by a Chinese interpreter with whom I was once acquainted. He came to my office and said, "I can not act longer for you or the county" (I was then a prosecuting officer, and had used him as an interpreter), "because I am going to China." "Well," I said, "Jim, will you return." He said, "No." I remarked, "You are a Christian, are you not? I know you are a member of the Rev. Mr. So-and-So's Sunday-school." He said, "Oh, yes; I am a Christian here." "Well," I said, "when you get back to China, will you not be a Christian there?" "Oh, no," he responded, "you know there are not many Christians in China, but this is a Christian country, and I like to do everything here that the Christians do. I am a Christian here, but when I go back to China, of course, I shall be the same as the Chinese are there." So that his theory was that religion was a kind of state institution, which it was his duty as rather a good-natured man to follow while he was here, and especially, in consideration of observing it, he was able to get an education, enabling him to speak the English language.

In all my experience, as I have said—and I have had a good deal of it—I have never been able to find a solitary Chinaman who, in my opinion, was a *bona fide* Christian.

When journeying here the other day from the city of Los Angeles I met a very estimable gentleman from Massachusetts, a member of the Episcopal Church, and he told me that he had gone to school in New England many years ago with a bright young Chinaman, who had been graduated and who remained in this country and studied law for some years, and was a member of a Christian denomination. He went to church here very regularly. The gentleman with whom I was conversing said he heard from the Chinese student soon after his arrival in China; that there he withdrew his claim to Christianity and resumed his ancient practices and donned his antediluvian garb. What the reason may be I do not pretend to state. My trust is that at some date the Almighty will enlighten these people, but I do not wish that my life and the lives of those whom I am here to represent shall pass away waiting, waiting, waiting for Divine interposition to make possible that policy which is advocated by the opponents of this bill. I have faith that the change will come, but I do not desire that my fellow-citizens shall be offered up as sacrifices, and unwilling ones at that, while we are pausing for the accomplishment of a miracle. It is our plain duty to legislate upon matters as they stand.

I do not regard as sufficient to control our action the glowing protests of those gentlemen who, standing upon a lofty pedestal and free from the presence of the Chinese curse and speaking of the

rights of man, seek to instruct California as to the propriety of her conduct. If I could present some of these distinguished gentlemen and their constituents with twenty-five or fifty thousand Chinamen, I would fold my cloak and watch with confidence that so far as they are concerned, the problem would soon be solved, and that among them I would find my most enthusiastic allies. There is evidently a want of education upon this topic.

This is not a party question in California, or the suggestion of any clique, of any creed, or of any class of men. It is the universal judgment of an intelligent people. One hundred and fifty-four thousand votes against eight hundred upon a secret ballot constitute an expression the like of which can not be recorded in any State of this Union upon any issue or alleged issue.

With this before us, with the knowledge which we of the coast possess, we, the representatives of that section, appeal to the Senate and to Congress, to those who occupy a common vantage ground, we appeal to them to do that justice which we should do if we were in their position; to treat us as brethren entitled to their active co-operation in our struggle of self-defense.

Senators refer to the possible conduct of China in relation to our missionaries. She will not, Mr. President, take any course differing from that already adopted because of this measure. I am willing speaking for myself, that she should ask our missionaries in China to register and present their photographs. What an outrage would thus be perpetrated on the missionary who has gone forth prepared to die, ready to be tied to the stake or sliced by the well-known Chinese slicing process! Would he not be willing to stipulate that in lieu of the dangers which he supposed he might meet, he should be called upon to sign his name and give a photograph?

We hear that there is danger that China may retaliate, and we are told "Do unto others as you would have others do unto you." Yes, Mr. President, let China require every American within her walls to register and present his photograph, and I do not believe one will be found to object. Our missionaries will not defy the law of China, and China will, in that event, have done to them just as we are doing to her subjects, and no American will be silly enough to protest against the regulation.

Mr. DOLPH. Will the Senator allow me to ask him if it is not true that every American citizen in China is compelled to register in some manner?

Mr. WHITE of California. Undoubtedly.

Mr. DOLPH. And are not American citizens obliged to take out some evidence of their right to stay there?

Mr. WHITE of California. I understand so; but I am speaking of the special provisions of the pending bill. My understanding is, though I am not prepared to give the terms of the order, that much more stringent measures are enforced in China than here in that regard.

The Chinamen at the World's Fair, one of whose certificates I have in my pocket, have not found it very difficult to register and present their photographs. I hold in my hand Mr. Wee Hay's card and his photograph and the various tickets appended thereto. He is an actor, a professional man, and he has not objected to furnishing

his photograph so far as I have heard. In fact there is not, as I said before, a single Chinaman in the State of California who on personal grounds objects to this proposition.

Mr. President, I shall not detain the Senate further. I have made these remarks because it has seemed to me that opposing Senators have not presented this question upon its real merits, and that they have misconceived the attitude of California and of the inhabitants of that State. It appears to me that if Senators resided on the Pacific coast for even a brief period their sentiments would be identical with those of their own flesh and blood who, brought into immediate contact with this repellant influence, have made the demands which I am attempting to enforce. The legislation proposed is wise, necessary, just. The criticisms which I have sought to answer are the outcome of a total misapprehension of the matter, and the disasters suggested will prove entirely imaginative.

THE TARIFF

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Friday, July 23, 1897.

The Senate having under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 379) to provide revenue for the Government and to encourage the industries of the United States—

Mr. WHITE said:

Mr. PRESIDENT: As we are approaching the termination of this discussion and, I hope, of this session, I deem it proper to present a summary of the situation, which may possibly be of some value to those who, unlike certain intimate friends of mine not very far away, are in search of the truth.

While a great deal has been said in criticism of the majority of the Finance Committee, I wish to remark for myself, and I know my associates agree with me, that if our opponents have taken extreme measures, the fault is with the system of which they are a part and of the policies which they have seen fit to pursue.

The exclusion of the minority from participancy in tariff conferences is, in my judgment, a grave mistake. I believe that if the minority managers had been permitted to be present and to actually share in the deliberations of this conference, much good would have been accomplished, and that many of the provisions of the bill which are now justly subjected to criticism would have been otherwise framed and beneficially altered.

I say this not because we assume the possession of great ability or remarkable attainments, but because the expression of divergent sentiment often, if not invariably, leads to an elucidation of the situation which can not occur when the proceeding is entirely *ex parte*.

It is a fact, as stated by the Senator from Arkansas [Mr. JONES], that the Democratic conferees had nothing at all to do with this measure in conference, and I am gratified, I may add, that I can make this statement, though I do not approve of the method adopted. Had we been permitted to act, some of the articles which the Senate placed upon the free list and which were dropped out by the conferees might still be found where the Senate placed them; injustice elsewhere might have been avoided.

Comments have been made upon the conduct of the Republican managers upon the part of the Senate because it is said they did not adhere with sufficient pertinacity to the amendments which the Senate voted into the bill.

The managers on the part of the House were familiar with the proceedings of this body. They knew that each Republican Senate manager had voted against free matting and free cotton bagging

and free grain bags. The manager upon the part of the House doubtless said to the manager on the part of the Senate, "Mr. Manager, surely you do not personally believe in free grain bags," etc. Thereupon the manager upon the part of the Senate, being of diplomatic tendency and not caring to commit himself particularly, probably replied, "Well, I am instructed, you observe, to stand by this amendment; further than this I have nothing to say." As personal conviction did not accompany the Senate instructions, it is not astonishing that the consciences of our Republican managers prevailed and the Senate managers fell prone by the wayside, and our amendments with them. Our sugar amendments inserted by Republican votes fared better.

This is a subject of regret, Mr. President, but it is due to the vice of the system. For instance, the Senate decides that a certain provision ought to be inserted in a bill, and appoints a conferee who has voted that that identical item ought not to be adopted. This conferee, thus thinly armored, seeks a conflict with a House conferee who is not only instructed the other way, but who believes the other way, and whose opinions really accord with the personal views of the Senate conferee. A contest of that kind is a contest only in name, and the result will always be as it has been in this instance. The Senate representative will give way.

I hope when the next tariff bill is framed (and I am sorry that we will have to prepare another tariff bill soon) that the defective practice which I have criticised will be abandoned, and that there will be a real conference, as there is with reference to other bills. In that way we may be able to obtain the legislation which the majority of each body actually desires. If conferees who hold a particular political tenet wish to consult privately, they can do so, but all real conferences should be truly free.

There is another feature of this case that ought not to be overlooked. Usually, in the matter of large appropriation bills, the conferees agree as to certain matters of difference and report the same to their respective bodies for action. When these propositions are concurred in, the issues involved are out of the way.

The sword is not held over the head of anybody. Finally the whole subject is reduced to perhaps two or three or a dozen leading items; everything else is disposed of. Then the Senate or the House is in a condition of comparative freedom and may reject the report at once as to the undecided items if the Senate or House, as the case may be, does not approve the conduct of its managers. To illustrate: If the Senate managers in the matter of this bill had reported from time to time as to various subjects agreed upon, their suggestions would have been reduced to cotton bagging, cotton ties, grain bags, matting, etc., and in that event the report would have been remanded to conference by the Senate.

But the whole bill is thrown upon us by design. Each Republican is appealed to. It is conceded that he has been outraged, but he is required to take the measure entire or to reject it. He can not resist the importunities and demands of party friends. It is even intimated that if the conference again seizes the bill, his pet provisions will be emasculated. Hence it is that we are confronted now with a situation which involves the necessity of the repudiation of the entire report or the swallowing of many an obnoxious item, and I

know my Republican friends here well enough to assert, in view of the quantity of political medicine which they have heretofore willingly taken, they will be found ready to absorb this dose, and will declare that they like it, notwithstanding the taste.

Mr. President, I wish to say a word in relation to the attitude of the Republican party when the extra session was called. The election of Mr Cleveland in 1892 was generally attributed to public disapprobation of the unreasonable and extravagant provisions of the McKinley bill. After the Chicago convention of 1896. when it was learned that it was the determination of the controlling element of the Democratic party to adhere to the bimetallic traditions of that organization, Gold Democrats flocked to the standard of McKinley. Many of these were in theory free traders. As far as they had any representation in either branch of Congress this was obviously true. In order to allay the fear of this important element and the more numerous conservative Republicans that the triumph of the Republican party meant high tariff, the agents of the national committee of that organization appeared all over the United States, assuring the thousands who were hostile to extravagant rates that the impositions of the McKinley bill would not be repeated.

This view obtained until after the election. The St. Louis platform carefully avoided indorsement of the McKinley bill. The Speaker of the House and other dominating Republican influences furnished numerous intimations that after all a very moderate tariff would be enacted. It was common talk during the campaign that permanency was preferable to unduly high and short-lived rates. Before the newly elected House of Representatives convened, the members of the Ways and Means Committee of the old House were at work framing a bill. This measure was ready for the novices of the Fifty-fifth Congress. Quite a percentage of the present House of Representatives never served in Congress before, yet they were not permitted to contribute their attainments and had but meager opportunity to officially communicate the wishes of their constituents to the Ways and Means Committee.

The extra session having been called, these lately chosen Representatives came to Washington. They were not appointed upon committees, they were not informed as to whether they would be called upon to serve upon any important committee. When the Speaker was urged to fill the committee list, he declined. There was no pretense that Congress as now organized might not go on and transact any business legitimately coming before it. No one pretended to say that if a bill was meritorious and ought to be passed it would be less efficacious if enacted at this session. Many a measure of vital interest to our constituents has passed here and is somnolent elsewhere.

It is said that some one somewhere who has power to enforce his views concerning committee appointments dryly remarked that it was necessary to consider the qualifications of the several individuals composing the flock. This authority, whoever he may be, well knew that if those to whom he referred felt independent, if they were all located so that the general character of their committee work could be discerned, they would be less embarrassed. He also knew that while a condition of expectancy, or doubt, or hope, or fear existed, the infirmities of subserviency would be noticeable. Hence

the failure to fill committees. This condition exists today. The present bill is the result of the partisan action of a few men. It is the offspring of the trusts. Its flagitious character in this respect was not imparted to it by the Senate. The inoculation occurred in the first draft. It appeared here bearing a luxuriant growth of "combine" fungi.

The Republican members of the Finance Committee, to their credit be it said, sought to improve the bill, and they presented a measure to the Senate containing between one and two thousand amendments, many of which slightly reduced the number and extent of the iniquities proposed. The bill was finally reported to the Senate. The astute and skilled senior Senator from Rhode Island, whose abilities no one doubts, and whose remarkable familiarity with tariff schedules excites the admiration of his decided opponents, thoroughly appreciated the situation, and in his opening address, delivered May 25, 1897 (RECORD, page 1553), used this expression:

> The majority of the committee believe that if a thorough revision of our revenue laws, such as is contemplated by the House bill, is necessary, it should be carried out in a conservative spirit, and that such a moderate and reasonable measure should be adopted as will insure a much greater degree of permanence to our tariff legislation. Frequent revisions of the tariff are productive of long periods of uncertainty and arrested development. The radical change in policy in 1894 proved disastrous to the business interests of the country.
>
> It was, I believe, thoroughly understood throughout the country in the last political campaign that if the Republican party should be again intrusted with power, no extreme tariff legislation would follow.

The Senator from Rhode Island concurs exactly in what I have said to the effect that the Republican promise was that resort would not be had to extreme rates. He continues:

> It was believed that in the changed conditions of the country a return to the duties imposed by the act of 1890 would not be necessary, even from a protective standpoint. It was with these facts constantly in view that the majority of the Finance Committee prepared the amendments which they have submitted for your consideration. Nothing could be more conducive to the return and maintenance of real prosperity in this country than the well-grounded belief that there were to be no violent changes in our revenue policy for some years to come.
>
> The true friends of a protective policy do not insist upon extreme rates, or any that are not necessary to equalize conditions. While it is true that rates above this line are often inoperative, yet it must be admitted that they furnish needless opportunities for destructive attacks. The committee believe that in the reductions they have suggested from the rates imposed in the House bill they have not gone in any instance below the protective point, and if the bill should become a law in the form presented by them, every American industry would be enabled to meet foreign competition on equal terms; this is, so far as this equality can be secured by tariff legislation. The rates suggested by the committee's amendments are considerably below those imposed by the House bill, and in most instances below those contained in the act of 1890.

Thus spoke the Senator who at that time represented the Republican members of the Committee on Finance. These were his conservative words; these his promises of conservative action. The result, I sorrow to say, is to be found in the conference report, and shows that the Senator from Rhode Island did not properly estimate the temper of his associates or the capacity and demands of those who control the majority on this floor.

When those of us who were supposed to have charge of the bill upon this side of the Chamber heard these declarations of the Senator

from Rhode Island, we trusted that the time had at length arrived when cupidity would not be regnant in the council chambers of a Republican tariff committee, and we hoped that the solicitude which possessed us all, that the vast outlay known to have been made by the great corporations and trusts of this country in order that the Republican party should succeed during the last campaign was to be reimbursed out of the people's pockets, would prove groundless, and that, after all, those who made this speculation would fail to realize their anticipations.

I regret that this hope proved delusive. It is with pain that I concede that the monetary combinations of this country knew what they were doing when they invested last fall in the Republican party, and it is with pain that I admit that they will not only enjoy their principal, but that compound interest at extortionate rates will constitute but a part of their unholy gain.

Some days since I presented a table showing the comparative ad valorem rates of the Senate and House bills and the present laws under the importations of 1896. While changes have been made, it is substantially correct now. I should add, Mr. President, that in so far as any changes are to be noted, they tend to the increase of the rates in the bill reported by the committee of conference. The table is as follows:

Table showing the ad valorems upon the importations in 1896 of each of the schedules.

	Values.	Duties.	Ad valorem.
A.—Chemicals:			*Per cent.*
1896	$19,694,037.69	$ 5,619,239.63	28.53
House	26,876,772.62	8,557,937.59	31.84
Senate	28,221,956.92	8,601,857.91	30.48
B.—Earths:			
1896	22,896,254.23	8,006,839.71	35
House	23,264,869.38	12,257,128.37	52.64
Senate	23,264,869.38	12,277,993.59	52.77
C.—Metals:			
1896	34,634,562.06	13,197,312.72	38.10
House	35,512,595.02	17,246,685.54	48.56
Senate	36,597,637.25	17,283,467.96	47.22
D.—Wood:			
1896	1,800,307.41	413,727,50	22.98
House	13,307,443,67	2,213,330.92	16,63
Senate	13,307,443.67	1,955,418.55	14.69
E.—Sugar:			
1896	73,068,811.76	29,910,703.55	40.94
House	73,092,178.76	51,970,910.54	71.10
Senate	73,092,178.76	52,173,574.27	71.38
F.—Tobacco:			
1896	13,625,272.51	14,859,117.02	109.06
House	13,625,272.51	22,352,697.34	164.05
Senate	13,625,272.51	15,962,979.85	117.15
G.—Agricultural:			
1896	35,077,980.62	7,919,636.46	22.58
House	38,873,592.01	15,540,188.92	40
Senate	46,362,671.78	17,132,865.18	36.95
H.—Spirits:			
1896	11,270,965.24	6,935,648.08	61.54
House	11,940,732.20	9,197,473.32	77.03
Senate	11,856,658.95	7,213,633.53	60.84

Table showing the ad valorems upon the importations in 1896 of each of the schedules. — Continued.

	Values.	Duties.	Ad valorem.
I.—Cotton:			
1896	21,279,498.43	9,311,701.76	43.75
House	21,279,498.43	11,049,410.61	51.92
Senate	21,279,498.43	11,134,764.08	52.33
J.—Flax:			
1896	29,756,631.02	12,018,082.78	40.38
House	42,880,772.00	20,151,816.69	46.94
Senate	31,986,109.02	16,036,929.64	50.14
K.—Wool:			
1896	48,352,049.90	23,027,569.87	47.62
House	82,816,564.19	72,800,400.92	87.91
Senate	82,816,564.19	67,061,119.16	80.98
L.—Silks:			
1896	26,627,731.71	12,504,006.17	46.96
House	26,627,731.71	14,208,435.32	53.36
Senate	26,627,731.71	14,195,205.82	53.32
M.—Pulp, paper, etc.:			
1896	5,599,939.55	1,242,198.92	22.18
House	7,122,543.61	2,130,497.16	29.91
Senate	5,599,839.45	1,730,460.32	30.92
N.—Sundries:			
1896	42,895,050.21	10,635,098.70	24 79
House	55,895,082.59	17,137,762.91	30.66
Senate	73,425.164.35	18,949,926.07	25.81
Total—1896	386,579,182.34	155,600,882.87	40.25
House	473,115,648.70	276,804,676.15	58.51
Senate	488,063,596.37	261,710,195.93	53.62

The ad valorem rate of the McKinley bill was less than 50 per cent.

I herewith present a partial list of articles upon which a duty is to be levied in excess of the McKinley rates. This is corrected up to today.

The following list shows some of the articles on which the duty imposed by the Dingley bill exceeds the rate in the McKinley Act:

A.

Lactic acid
Gallic acid.
Perfumery.
Alcoholic compounds.
Bleaching powder.
Borate of lime.
Camphor.
Chalk.
Mirbane.
Chicle.
Alizarin.
Fusel oil.
Opium.
Morphine.
Spirit varnishes.
Crayons.
Smalts.
Browns.
Chlorate of potash.
Alcohol medicines.
Chlorate of soda.
Soda ash.

B.

Plaster rock.
Plaster of paris, ground.
Magnesic brick.
Pumice stone.
Asphalt.
Clock cases.
Chemical glassware.
Decanters, etc.
Plate Glass:
16 by 24.
24 by 30.
Polished—
16 by 24.
24 by 30.
Silvered—
16 by 24.
24 by 30.
Cylinder glass:
16 by 24.
24 by 30.
Ground—
24 by 36.
Beveled—
13 by 24.
24 by 30.
Plate glass:
16 by 24.
24 by 30.
Beveled—
16 by 24.
24 by 30.
Glass paste.
Glass, broken.
Agate.
Alabaster.
Jet.
Freestone.
Granite.
Granite, dressed.

C.

Scissors and shears.
Tinsel wire.
Wire cloth.
Shotguns.
Saws.

Mica.
Chronometer.
Watches.
Watch cases.

D.

Railroad ties.
Clapboards.
Shingles.

E.

Sugar.
Molasses.
Glucose.
Saccharine.

G.

Orchids lily of the valley, etc.
Garden seed.
Straw.
Smoked fish.
Fruits preserved in their own juice.
Zante currants.
Dates.
Oranges.
Lemons.
Meats.
Olives.
Cocoanut meat or copra.
Pineapples.
Chocolate.
Cocoa.
Dandelion root.

H.

Ginger ale.
Mineral waters, natural.

I.

Plushes and corduroys.
Manufactures, cotton, n. o. p. f.

J.

Hemp, tow of.
Flax tow.
Hemp and jute carpets.
Jute yarn.
Cordage.
Twine.
Oilcloth.
Hemp.
Other manufactures.
Jute manufactures.
Gunny bags, old, etc.

K.

Carpets.
Hats.

L.

Spun silk.

M.

Paper manufactures.

N.

Beads.
Hats.
Braids, plaits, laces etc.
Coal, anthracite.
Corks.
Feathers, crude.
Precious stones.
Buttons.
Metal buttons.
Feathers and down for beds.
Skins.
Fans.
Haircloth.
Hats.
Jewelry.
Jewelry, set.
Hides.
Leather.
Laces.
Coral.
Spar.
Musical instruments.
Umbrellas.
Sticks for umbrellas.

The enormous duties imposed by this bill are not justified by any protective theory or by any political platform or public campaign promise. They are levied probably in redemption of secret political engagements.

PROSPERITY AND THE TARIFF.

Before proceeding to discuss the schedules I am compelled to admit I do not believe that any tariff law will of itself produce prosperity. I think that the financial policy of the present Administration must be wholly inadequate to the needs of the hour, and that while there may be, and indeed I think must be, some relief from the prostrate conditions involving us, we will not find ourselves on safe or solid ground until we escape from the evils of the gold standard.

Good crops here, poor crops elsewhere, and other similar possible and even probable conditions will beneficially affect certain interests, and must promote the well-being of many. But when I speak of prosperity, I mean something more than these transitory effects. The Dingley bill is enough to defeat any organization, but those who will assume the reins of power when the Republican party is relegated to obscurity must not expect to realize the hopes of their adherents by mere disputations upon tariff schedules. Trade has been so long and generally depressed that a rally is reasonably anticipated, but the evils of the financial system to which the Republican party is committed will be more and more evident as time passes. Voters of all parties must recognize this. The proper management of our finances will be the dominant issue until bimetallism is restored.

Mr. President, as stated by the Senator from Colorado [Mr. TELLER], it is said that the President of the United States, after

having procured—or looked with satisfaction upon, I prefer to say—the passage of this tariff bill, and discovering that we are not becoming rich at a rate calculated to disturb our mentality or to excite world-wide interest, has determined to send in a message asking for authority to appoint a currency commission. It was commonly reported that the President would have sent this message in at an earlier hour had he not supposed that to do so might interfere with the enactment of this precious bill. It was thought that unless the currency message was placed upon the desks of Senators, they would be unaware of the Presidential conception, although the world at large might be informed with reference thereto.

It was feared that if the Senate really believed that such a movement was contemplated, we would not permit the tariff bill to make the people blessed, and that we might all seek to borrow that historic time consumer, the oft-mentioned document of my distinguished friend the senior Senator from Pennsylvania [Mr. QUAY]. But, Mr. President, I may be pardoned if I insinuate that every member of this Senate has heard as much about the currency proposition as the average citizen of the United States, and if the same does not appear in this Capitol today or tomorrow it will not astonish anybody, nor will its nonappearance cause excitement.

Mr. President, I fail to understand the necessity for the appointment of this commission. They can not enact a currency bill. Even the celebrated fourth section of the reciprocity clause, found in the pending conference report, with all of its peculiar delegations and subtractions and conglomerations of power, contains nothing equal to the theory that a commission appointed, even under an act of Congress, can decree a financial scheme binding to any extent on the Congress or the country. If we authorize the appointment of a commission, if we give authority to proceed under the direction of the President of the United States, a report may be made to us, but that report will not constitute even a *prima facie* case.

It will be even necessary to prepare a bill, and to introduce it here; such bill must come from a member of the body; and it will actually be essential to read the measure three times, and there will be nothing so sacred about it that it will not be subject to a motion to lay on the table; and if the bill should repose in the bosom of the Senate Committee on Finance for a period necessary for its careful examination, there will be no unusual procedure for its recall. It will be subject to ordinary processes of the Senate.

Such a bill will amount to absolutely nothing, except that if such a commission is appointed with salary under a law of Congress, then its members can perform the pleasant feat of drawing compensation. If the President appoints without legislative warrant, no salary will be paid. The commission's legal functions, save in so far as drawing salary is concerned, will be the same in either contingency. It will be an innocent affair, except as it may aid in disposing of the surplus which will be found in the Treasury after the passage of this bill—as we are told.

REVENUE.

Mr. President, from the beginning of the present debate Democratic members of the Finance Committee and other Senators have constantly sought to obtain from their Republican brethren some statement as to the probable revenue to be realized from this bill.

While aware that the measure must become odious as a taxing instrument, we hoped that its infirmities might to some extent be compensated for by a demonstration of its ability to fully supply the Treasury. Our efforts in this direction have not been successful. The Senator from Rhode Island, when announcing the platform of his committee and his party, flatly told us that the House bill was inadequate. The tenor of his address demonstrated that he did not wish to be held accountable for the bill as it reached the Senate.

At various times we have endeavored to elicit the views of the able and affable senior Senator from Iowa as to the producing qualities of this alleged promoter of prosperity. The information given has not been valuable. Indeed, the meager solace which has been vouchsafed us by our reserved friends of the opposition has not been of a reassuring nature, and when we doubted we referred to Congressional history, and to our dismay discovered that even the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Maine [Mr. HALE]—two of our more experienced members—prophesied to us in 1894 regarding the revenue capacity of the Wilson bill so inaccurately as to cause us to lose faith in their qualifications in that regard. Thus the Senator from Maine said (CONGRESSIONAL RECORD, May 21, 1894, volume 26, part 5, page 5020):

> The Senator knows that by the bill he has presented here, * * * without reckoning the income tax and the tax that they lay upon sugar, the two thus increasing the House bill over $80,000,000, there will not be a deficit obliging them to resort to protective duties in order to raise a revenue, but there will be a surplus.

The Senator from Rhode Island [Mr. ALDRICH], skilled in tariff diplomacy, familiar with differentials, profoundly cognizant of compound duties, accustomed to divert himself and seek relaxation in those tariff mystifications which annoy and exasperate most of us, added the weight of his authority to the calculation of the Senator from Maine, and I find (CONGRESSIONAL RECORD, volume 26, part 5, page 4753, May 15, 1894) that that Senator remarked:

> If, as I believe, it can be shown, and shown beyond a fear of contradiction, upon the other side of the Chamber that we are to have by this bill, if it become a law, one hundred millions or more of surplus, then it is pertinent in every part of the bill and in every paragraph to ask as to what will be its effect upon the revenue, etc.

On the same page and referring to the same computation, he says:

> And this estimate does not include the income tax. It is based upon the revenue duties alone.

It appears that these Republican Senators, these educated political and financial experts, did not guess aright. I confess that I, being then even less advised than now and relying upon these gentlemen more than now, was worried lest the Wilson bill might fill the Treasury with an enormous and deadly surplus. This experience induces me to question the infallibility of Republican experts as to the productiveness of a tariff bill, especially when the bill is of Republican parentage.

The last full fiscal year during which the McKinley bill was in operation terminated June 30, 1894. That measure produced in that year:

Customs	$131,807,758.88
Internal revenue	146,722,760.17
Miscellaneous	15,133,841.84
Total	$293,664,360.89

The first full year of the operation of the Wilson bill ended June 30, 1896. The revenue received for that period was as follows:

Customs	$159,516,275.50
Internal revenues	145,850,780.29
Miscellaneous	18,441,083.92
Total	$323,803,139.71

It is therefore plain that although there was a slight falling off in the internal revenue in the fiscal year last noted as compared with that first referred to, nevertheless during the first fiscal year during which the Wilson bill was in absolute and entire operation there was collected, in excess of the revenue of the last fiscal year under the McKinley bill, $30,143,778.82.

A reference to the receipts of the year ending June 30, 1897, shows the following:

Customs	$176,316,393.18
Internal revenue	146,241,263.97
Miscellaneous	24,627,071.47
Total	$365,807,836.32

It will thus be observed that the total revenue for the year just closed on the accounts above mentioned exceeds the revenue produced by the McKinley bill during its last fiscal year in the sum of $53,520,367.73. Notwithstanding the enormous income last above noted, there was a deficiency for the fiscal year 1896-97 amounting to $18,623,107.70. It is proper to remark that had the Supreme Court of the United States adhered to its views as laid down during its antecedent history with regard to the income tax, the Wilson bill would have produced a surplus amounting to between $35,000,000 and $50,000,000, and the burden would have been largely placed upon those best able to bear it.

Some of the parties who would have been compelled to pay taxes on their incomes have realized within the last three months from sugar stock alone, and because of the increased value of that stock, between $35,000,000 and $40,000,000. These people, by processes which I can not fathom, have succeeded in eliminating the carefully prepared Senate amendment providing for a tax upon stock issues. The only reason given for the extraordinary performance of the Senate managers is that the gentlemen who conducted the proceedings upon the part of the House made the Senate conferees familiar with some provision of the National Constitution rendering the tax invalid because of the exemption of homestead associations.

While neither of the able Republican lawyers in this Chamber discovered this so-called invalidity during the consideration of an amendment which was suggested, carefully digested, and subsequently introduced and passed here pursuant to a Republican caucus decree,

nevertheless, if the argument is sufficient to show the unconstitutionality of the plan, which I deny, the conferees could readily have adjusted the trouble, and could have removed the discrimination by merely exscinding the few words referring to homesteads. I fear that the real reason for the action of our Republican friends is discovered in their gratitude to late campaign contributors.

At this point it may not be out of place to refer concisely to the effect of the Wilson bill upon the trade of the United States.

Our merchandise exports for twelve months ending June 30, 1897, aggregated $1,051,987,091—the largest in the history of the country, even exceeding the remarkable showing of 1892. Our imports for the same period reached $764,373,905, showing an excess of exports over imports and a favorable trade balance of $287,613,186. While the percentage of profit upon the commodities thus exported may not have been very large, still the payment to citizens of this country of the enormous sum noted tended in no small degree to mitigate prevailing evils.

It is not easy to compute the revenue value of the Dingley bill. Much will, no doubt, depend upon the general state of trade. If that prosperity which has been due so long visits us, large collections may be expected; but the bill contains so many prohibitive rates and is so permeated by the spirit of imposition and so much of the tax levied goes into the pockets of the favored few that the prospects for surplus are not as encouraging as generally imagined. In any ordinary financial weather the Wilson bill would produce ample revenue.

SUGAR.

So much has been said with reference to this subject that it is hardly necessary to enter into great detail. In 1890 the Republican party announced that sugar, being a necessary of life, ought not to be taxed, and that the cultivation of cane and beet and maple sugar deserved encouragement to be given by means of bounty. In 1894 the Democratic party repudiated this idea and imposed a tax upon sugar in substance 40 per cent. ad valorem, one-eighth differential and one-tenth countervailing. When the bill now under consideration came from the House, a specific duty was levied, which was changed by the insertion of an ad valorem element by the Senate Committee on Finance; but before a vote could be taken, the Republican members of that committee who were responsible for the schedules introduced upon that subject abandoned their previous work and adopted the principle of the House bill, raising the rates, however, materially.

Thus the matter went to conference, and a report was finally made modifying both Senate and House provisions upon this subject in such a manner as to slightly decrease the differential on certain grades and to raise it on others, preserving, however, the high rate on refined sugars. I herewith present a table with reference to all the bills, prepared by Mr. Schoenhof, showing the differential and duty-paid price of German granulated. In this computation the drawback allowance fixed by the Treasury is allowed. I think it has been quite clearly demonstrated by the Senator from Louisiana [Mr. CAFFERY] that this drawback table is grossly inaccurate, and if this be true the trust's profits will be much greater.

The tables referred to are as follows:

Dingley bill:

Granulated	$2.30
Duty	1.875
German bounty	.383
	4.558

Amended Senate bill:

Granulated	$2.30
Duty	1.95
German bounty	.383
	4.633

Degrees.	Price given by sugar dealers.	Duty per 100 pounds.	Duty-paid price per 100 pounds.	Draw-back allowance.	Duty-paid price of sugar in refined	Difference between duty-paid raw and refined under Dingley bill.	Centrifugal and muscovado—difference between duty-paid raw and refined under amended Senate bill.	Molasses sugar, jaggery, etc.				
								Price of molasses jaggery, etc.	Duty per 100 pounds.	Duty-paid price per 100 pounds.	Duty-paid price of sugar in refined	Difference between duty-paid raw and refined.
				Pounds.								
75	$1.19	$1.00	$2.19	146.68	$3.212	$1.346	$1.426	$0.99	$1.00	$1.99	$2.925	$1.713
76	1.25	1.03	2.28	144.82	3.301	1.257	1.337	1.05	1 02	2.01	3.00	1.638
77	1.31	1.06	2.37	142.95	3.389	1.169	1.249	1.11	1.04	2.15	3.07	1.568
78	1.37	1.09	2.46	141.08	3.468	1.090	1.170	1.17	1.06	2.23	3.144	1.494
79	1.43	1.12	2.55	139.21	3.55	1.008	1.088	1.23	1.08	2.31	3.21	1.428
80	1.49	1.15	2.64	137.35	3.62	.938	1.018	1.29	1.10	2.39	3.28	1.357
81	1.55	1.18	2.73	135.48	3.70	.858	.938	1.35	1.12	2.47	3.347	1.29
82	1.61	1.21	2.82	133.61	3.867	.791	.871	1.41	1.14	2.55	3.407	1.231
83	1.67	1.24	2.91	131.74	3.824	.734	.814	1.47	1.16	2.63	3.45	1.168
84	1.73	1.27	3.00	129.88	3.897	.661	.741	1.53	1.18	2.71	3.52	1.118
85	1.78	1.30	3.08	128.01	3.94	.618	.698	1.58	1.20	2.78	3.558	1.08
86	1.83	1.33	3.16	126.14	3.981	.577	.657	1.63	1.22	2.85	3.591	1.047
87	1.88	1.36	3.24	124.27	4.027	.531	.611	1.68	1.24	2.92	3.62	1.018
88	1.92	1.39	3.31	122.41	4.051	.507	.587					
89	1.96	1.42	3.38	120.54	4.073	.485	.582					
90	2.00	1.45	3.45	118.67	4.095	.463	.543					
91	2.04	1.48	3.52	116.81	4.111	.447	.527					
92	2.08	1.51	3.59	114.94	4.129	429	.509					
93	2.11	1.54	3.65	113.07	4.128	.430	.505					
94	2.14	1.57	3.71	111.20	4.125	.433	.508					

95	2.17	1.60	3.77	109.34	4.120	.438	.513						
96	2.20	1.63	3.83	107.47	4.117	.441	.516						
97	2.23	1.66	3.89	105.6	4.108	.450	.536						
98	2.26	1.69	3.95	103.73	4.096	.462	.537						
99	2.29	1.72	4.01	101.87	4.086	.472	.548						

Senate bill:

Granulated	$2.30
Duty, 35 per cent	.805
Duty, specific	1.16
German bounty	.383
	4.648

Wilson Act:

Granulated	$2.30
Duty, 40 per cent	.92
Specific	.125
Bounty tax	.10
	3.445

Degrees.	Price given by sugar dealers.	Ad valorem per Senate bill.	Specific per Senate bill.	Total duty per Senate bill.	Duty-paid price per 100 pounds.	Drawback allowance.	Duty-paid price of sugar in refined.	Difference between duty-paid raw and refined.	40 per cent. advalorem.	Duty-paid price of 100 pounds.	Duty-paid price of sugar in 100 pounds refined.	Difference between duty-paid raw and refined.
						Pounds.						
75	$1.19	$0.8925		$0.8925	$2.0825	146.68	$3.055	$1.593	$0.476	$1.666	$2.445	$1.000
76	1.25	.9375		.9375	2.1875	144.82	3.169	1.479	.50	1.75	2.535	.91
77	1.31	.9825		.9825	2.2925	142.95	3.289	1.359	.524	1.834	2.617	.828
78	1.37	1.0275		1.0275	2.3975	141.08	3.384	1.264	.548	1.918	2.704	.741
79	1.43	1.0725		1.0725	2.5025	139.21	3.475	1.173	.572	2.002	2.78	.665
80	1.49	1.1175		1 1175	2.6075	137.35	3.586	1.062	.596	2.086	2.872	.573
81	1.55	1.1625		1.1625	2.7125	135.48	3.672	.976	.62	2.17	2.94	.505
82	1.61	1.2075		1.2075	2.8175	133.61	3.779	.869	.644	2.254	3.01	.435
83	1.67	1.2525		1.2525	2.9225	131.74	3.854	.794	.668	2.338	3.096	.349
84	1.73	1.2975		1.2975	3.0275	129.88	3.939	.709	.692	2.422	3.148	.297
85	1.78	1.335		1.335	3.115	128.01	3.98	.668	.712	2.492	3.19	.255
86	1.83	1.3725		1.3725	3.2025	126.14	4.03	.618	.732	2.562	3.228	.217
87	1.88	1.41		1.41	3.29	124.27	4.088	.56	.752	2.632	3.263	.182
88	1.92	.672	.79	1.462	3.382	122.41	4.14	.508	.768	2.688	3.28	.165
89	1 96	.686	.81	1.496	3.456	120.54	4.164	.484	.784	2.74	3.293	.152
90	2.00	.70	.83	1.53	3.53	118.67	4.196	.452	.80	2.80	3.323	.122
91	2.04	.714	.85	1.564	3.604	116.81	4.21	.438	.816	2.856	3.342	.103
92	2.08	.728	.87	1.598	3.678	114.94	4.23	.418	.832	2.912	3.348	.097

Senate bill:		Wilson Act:	
Granulated	$2.30	Granulated	$2.30
Duty, 35 per cent	.805	Duty, 40 per cent	.92
Duty specific	1.16	Specific	1.25
German bounty	.383	Bounty tax	.10
	4.648		3.445

Degrees.	Price given by sugar dealers.	Advalorem per Senate bill.	Specific per Senate bill.	Total duty per Senate bill.	Duty-paid price per 100 pounds.	Drawback allowance.	Duty-paid price of sugar in refined.	Difference between duty-paid raw and refined.	40 per cent. ad valorem.	Duty-paid price of 100 pounds.	Duty-paid price of sugar in 100 pounds refined.	Difference between duty-paid raw and refined.
						Pounds.						
93	2.11	.738	.89	1.628	3.738	113.07	4.224	.424	.844	2.954	3.338	.107
94	2.14	.745	.91	1.655	3.795	111.20	4.215	.433	.856	2.996	3.325	.12
95	2.17	.759	.93	1.689	3.859	109.34	4.218	.43	.868	3.038	3.32	.125
96	2.20	.77	.95	1.72	3.92	107.47	4.214	.434	.88	3.08	3.31	.135
97	2.23	.78	.97	1.75	3.98	105.6	2.203	.445	.892	3.122	3.297	.148
98	2.26	.791	.99	1.781	4.041	103.73	4.2	.448	.904	3.164	3.28	.165
99	2.29	.801	1.01	1.802	4.092	101.87	4.17	.478	.916	3.206	3.27	.175

Conference Committee Bill.

Degrees.	Difference under Dingley bill.	Difference under Senate bill.	Difference under amended Senate bill	Difference under amended Senate bill (molasses, sugars, etc.).	Difference under conference report bill.	Difference under present tariff law.
75	$1.346	$1.593	$1.426	$1.713	$1.494	$1.00
76	1.257	1.479	1.337	1.638	1.287	.918
77	1.169	1.359	1.249	1.568	1.301	.828
78	1.090	1.264	1.170	1.494	1.212	.741
79	1.008	1.173	1.088	1.428	1.125	.665
80	.938	1.062	1.018	1.357	1.044	.573
81	.858	.976	.938	1.29	.961	.505
82	.791	.869	.871	1.231	.893	.435
83	.734	.794	.814	1.168	.813	.349
84	.661	.709	.741	1.118	.74	.297
85	.618	.668	.698	1.08	.691	.255
86	.577	.618	.657	1.047	.642	.217
87	.531	.56	.611	1.018	.593	.182
88	.483	.508	.587	.....	.557	.165
89	.502	.484	.582	.....	.533	.152
90	.463	.452	.543	.....	.502	.122
91	.447	.438	.527	.....	.487	.103
92	.429	.418	.509	.....	.464	.097
93	.430	.424	.505	.....	.4596	.107
94	.433	.433	.508	.....	.457	.12
95	.438	.43	.513	.....	.4578	.125
96	.441	.434	.516	.....	.4578	.135
97	.450	.445	.536	.....	.4618	.148
98	.462	.448	.537	.....	.4695	.165
99	.472	.478	.548	.....	.4755	.175

Degrees.	Price given by sugar dealers (100 pounds).	Duty per 100 pounds).	Duty-paid price per 100 pounds.	Drawback allowance for 100 pounds of refined.	Duty-paid price of raw sugar in 100 pounds of refined.	Difference between duty-paid raw in refined and duty-paid refined.
				Pounds.		
75	$1.19	$0.95	$2.14	146.68	$3.139	$1.494
76	1.25	.985	2.235	144.82	3.346	1.287
77	1.31	1.02	2.33	142.95	3.332	1.301
78	1.37	1.055	2.425	141.08	3.421	1.212
79	1.43	1.09	2.52	139.21	3.508	1.125
80	1.49	1.125	2.615	137.35	3.589	1.044
81	1.55	1.16	2.71	135.48	3.672	.961
82	1.61	1.195	2.805	133.61	3.74	.893
83	1.67	1.23	2.90	131.74	3.82	.813
84	1.73	1.265	2.995	129.88	3.893	.74
85	1.78	1.30	3.08	128.01	3.942	.691
86	1.83	1.335	3.165	126.14	3.991	.642
87	1.88	1.37	3.25	124.27	4.04	.593
88	1.92	1.405	3.325	122.41	4.076	.557
89	1.96	1.44	3.40	120.54	4.10	.533
90	2.00	1.475	3.475	118.67	4.131	.502
91	2.04	1.51	3.55	116.81	4.146	.487
92	2.08	1.545	3.625	114.94	4.169	.464
93	2.11	1.58	3.69	113.07	4.1734	.4596
94	2.14	1.615	3.755	111.20	4.176	.457
95	2.17	1.65	3.82	109.34	4.1752	.4578
96	2.20	1.685	3.885	107.47	4.1752	.4578
97	2.23	1.72	3.95	105.6	4.1712	.4618
98	2.26	1.755	4.015	103.73	4.1635	.4695
99	2.29	1.79	4.08	101.87	4.1575	.4755

A table upon this subject was presented by me to the Senate on the 20th of this month. I then made certain statements with reference thereto, as follows:

Mr. WHITE. It appears to me that the more this sugar schedule is investigated and this conference report is studied by the impartial mind, the more thoroughly will the Republican Senate conferees be acquitted of the charge of submission.

I have a table which is short and relates only to certain grades, but as far as it goes it will throw a light upon the subject. I will ask the Secretary to read it.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The SECRETARY read as follows:

"According to the table furnished by the Senator from Iowa [Mr. ALLISON] (see CONGRESSIONAL RECORD, page 2066, June 15), together with the value of 89-degree sugar established by the sugar dealers at New York of similar date, the following comparison will show that instead of the House having gained a victory in the sugar schedule agreed on in conference the reduction from the Senate's differential is trifling as to refined sugar and made from 89-degree raw sugar, and that on refined sugar made from sugars testing less than 83 degrees the amount of protection given to the trust, instead of being less, is greater under the schedule agreed to in conference than under either the House bill or the Senate amendments thereto."

Value of 120.54 pounds of 89-degree sugar necessary to make 100 pounds of granulated, at $1.96 per 100 pounds	$2.3626
Duty at 40 per cent. ad valorem	.9450
Value of 100 pounds of granulated, as estimated by the Senator from Iowa	2.47
Duty at 40 per cent ad valorem	.9450
Deduct duty on raw	.945
Differential	.168

HOUSE BILL.

Duty on 100 pounds of granulated	1.875
Duty on 120.54 pounds of 89-degree sugar	1.711
Differential	.164

SENATE AMENDMENT.

Duty on 100 pounds of granulated	1.95
Duty on 120.54 pounds	1.711
Differential	.239

CONFERENCE SCHEDULE.

Duty on 100 pounds of granulated	$1.95
Duty on 120.54 pounds of 89-degree sugar	1.736
Differential	.214

Comparison of the Senate rates and conference rates on raw sugars.

Senate duty on sugars testing 75 degrees, per 100 pounds	1.00
Conference	.95
Senate duty on sugars testing 80 degrees, per 100 pounds	1.15
Conference	1.125
Senate duty on sugars testing 83 degrees, per 100 pounds	1.24
Conference	1.23

Senate duty on sugars testing 85 degrees, per 100 pounds	1.30
Conference	1.30
Senate duty on sugars testing 89 degrees, per 100 pounds	1.42
Conference	1.44

It will thus be seen that on all sugars testing below 85 degrees the trust will have to pay less duty than under the Senate amendments, and as the duty on refined sugar is the same in both the Senate and conference schedules, the conference schedule is far more favorable to the trust than the Senate schedule.

Mr. WHITE. When the distinguished Senator from Rhode Island was in the Senate, and before his illness, which we all so much regretted, he presented on the part of the committee a tabulated statement, incorporating it in his very able speech, from which he showed that the schedule prepared by him, or by the committee of which he was a member, was not only a more equitable schedule than that presented by the House, but that it was, in fact, lower. To use his own language:

"This table shows that the differential between raw and refined sugars by the Senate proposition varies from 9.77 to 15.40 cents per 100 pounds, while the differential in the House bill varies from 12.20 to 17.35 cents per 100 pounds."

Taking the basis which he assumed, I have not been able to find any expert who has disputed his conclusion. Yet, Mr. President, we have now a bill which is an advance upon the schedule proposed by the Senator from Rhode Island. No wonder the sugar market trembled and brought forth increased prices.

Mr. President, I have before me an official statement showing the importations of sugar during the first six months of the present year. The aggregate for those months was 3,240,967,568 pounds, and the statistician informs me that there is still omitted perhaps 4 per cent of the importations of last June.

I must call attention to a matter which I noted, I think, at an earlier stage of the discussion, namely, that under the Wilson act—the prevailing law—the duty-paid price of sugar is 3.445; that is, taking 2.30 as the price of German granulated, 40 per cent ad valorem amounts to ninety-two one-hundredths. We add one hundred and twenty-five one-thousandths, which is the one-eighth differential, and ten one-hundredths as the countervailing duty. The result is 3.445.

On the other hand, take the price of German granulated at 1.95 and three hundred and eighty-three one-thousandths as the countervailing duty, and we have 4.633 as the duty-paid price of German granulated in this country, showing that it will cost 1.188 cents more under this reform, reduced, and triumphal-march schedule to buy a pound of sugar than under the present prevailing law.

If we have in this country 70,000,000 people, and if the average consumption is 66 pounds per capita, and if it be true that the price of sugar must increase 1.18, we have a difference of cost alone imposed on the free breakfast table of over $54,000,000; more, Mr. President, I fear, than that fragile structure can bear, because, relying upon the promise of our friends on the other side, the breakfast table has not been lately constructed of material sufficiently resistant to stand such an enormous imposition.

We therefore find that our Republican friends have favored the sugar trust as it was never favored before; and whatever may be the protestations emanating from the majority in either branch of Congress, the enormous rise in market values tells the tale. Some one has said to me in this discussion, "You will find no indication of the effect of the sugar schedule in the price of sugar stock." This was not the phraseology or argument employed by our Republican friends during the debate of 1894.

When the Wilson bill was under consideration, the distinguished Senator from Connecticut [Mr. PLATT] said, regarding the sugar schedule:

It is clothed in language that requires an expert to determine, but it was sufficient to put up the price of common sugar stock in New York $15 a

share. It is enough to prevent the introduction of refined sugar into this country, and anybody who has studied this matter knows it whether he be Senator or whether he be speculator in Wall street in sugar-trust stock. The bill has been changed, increasing the proposed duty upon refined sugar, simply because it could not be passed unless that concession was made to the sugar trust.—*Congressional Record*, volume 26, part 5, page 4706, May 14, 1894.

These are quoted words, and their applicability is sufficiently obvious to foreclose the necessity of discussion.

In the present instance sugar stock has risen about 35 points, and it is calculated that it has increased in value about one-third. The situation is peculiarly disagreeable when we learn from the opening address of the Senator from Rhode Island [Mr. ALDRICH] that the schedule which he prepared and which the Republican party abandoned accorded a lighter differential than any since suggested. Who doubts that the sugar trust contributed enormously to the last campaign? The disposition of Mr. Havemeyer was demonstrated by his testimony before the Senate investigation committee. I quote:

Senator ALLEN. Had you or the Sugar Refining Company contributed anything to the campaign fund in New York last year—the Democratic State campaign fund of last year?

Mr. HAVEMEYER. I will have to answer that in the affirmative.

Senator ALLEN. Did you also contribute something to the Republican campaign fund—that is, for the State campaign?

Mr. HAVEMEYER. We always do that. I have not the amount in my mind.

Senator ALLEN. In 1892 did you contribute to either party?

Mr. HAVEMEYER. The local parties?

Senator ALLEN. The national parties.

Mr. HAVEMEYER. No, sir; but always to the local parties. Let that be distinct.

Senator ALLEN. And you contribute to both parties with the expectation that, whichever party succeeds, your interests will be guarded?

Mr. HAVEMEYER. We have a good deal of protection for our contribution.

Senator ALLEN. Therefore you feel at liberty to contribute to both parties?

Mr. HAVEMEYER. It depends. In the State of New York, where the Democratic majority is between 40,000 and 50,000 we throw it their way. In the State of Massachusetts, where the Republican majority is doubtful, they probably have the call.

Senator ALLEN. However, in the State of New York you contribute to the Democratic party, and in the Commonwealth of Massachusetts you contribute to the Republican party?

Mr. HAVEMEYER. It is my impression that wherever there is a dominant party, wherever the majority is very large, that is the party that gets the contribution, because it is the party that controls local matters.

Senator ALLEN. Then the sugar trust is a Democrat in a Democratic State and a Republican in a Republican State?

Mr. HAVEMEYER. As far as local matters are concerned, I think that is about it.

Senator ALLEN. In the State of Maine, you control the refineries at Portland, do you not?

Mr. HAVEMEYER. That is defunct. We would not give anything to the State of Maine.

Senator ALLEN. In the State of Pennsylvania, where do your contributions go?

Mr. HAVEMEYER. I will have to look that up.

Senator ALLEN. In the State of your nativity, of the nativity of your corporation, New Jersey, where do your contributions go?

MR. HAVEMEYER. I will have to look that up.

Senator ALLEN. I understand that New Jersey is invariably a Democratic State. It would probably go the Democratic party?

Mr. HAVEMEYER. Under the theory I have suggested, if they were there, it would naturally go to them.

* * * * * * *

Senator ALLEN. And this money that you contribute to these different parties for campaign purposes, local campaign purposes—that money comes out of the corporation of the sugar refining company?

Mr. HAVEMEYER. Yes, sir.

Senator ALLEN. And is a part of the expenses of that company?

Mr. HAVEMEYER. Yes, sir.

Senator ALLEN. Charged up on your books as expenses?

Mr. HAVEMEYER. Yes, sir.

Senator ALLEN. How would it show—as so much money?

Mr. HAVEMEYER. It would show that a payment was made, and that payment would have to be explained by the party who made it.

Senator ALLEN. The manner in which he did explain it actually would not appear upon your books?

Mr. HAVEMEYER. No, sir.

He certainly did not advance funds to the Democratic party, and if he told the truth when he said, "We have a good deal of protection for our contribution," he might emphasize the statement now; for though he may have yielded many thousands to the Republican campaign committee, he has been most amply rewarded. How can my Republican friends explain their change of base upon the sugar issue? They often spoke of the free breakfast table and of the outrage committed by the Democracy in imposing such a heavy tax upon the consumer of sugar. And here let it be remembered that under the prevailing law the duty-paid price of German granulated is 3.444, and under the conference bill it is 4.633, or 1.188 in excess of the sum so often and bitterly referred to by Republican Senators in the debate of 1894.

I here insert remarks made by some of the distinguished Senators upon the other side of the Chamber, to which I have already directed attention. I do not wish to trespass upon the time of the Senate or to further harrow the feelings of anyone by rereading the same. My main object in placing these excerpts in the RECORD is to enable my friends upon the other side to readily ascertain what they believed or said they believed in the year 1894. I was about to cite a quotation from the Senator from New Hampshire, commencing, "The sugar show is about to close," but I will forbear.

The Senator from New Hampshire [Mr. GALLINGER] said:

The advantage which the new tariff act—

It was the McKinley Act of which he then spoke—

gives to the country in the matter of sugar for one year can be seen at a glance:

Amount of duty taken off	$60,000,000
Amount paid for bounties	9,000,000
Amount saved to the people by the new reciprocity treaty alone	51,000,000

(CONGRESSIONAL RECORD, page 4972, volume 26, part 5, May 19, 1894.)

The then senator from Ohio [Mr. SHERMAN], now the distinguished Secretary of State, elaborated upon this subject, and he laid down the proposition that it was absolutely unnecessary to give any differential to the refiners; that any allowance made to the refiners

was not only injudicious, but was a contribution to the most oppressive monopoly of the day. During the entire course of that debate it was charged that we were under the influence of the trust, and that the ad valorem tariff of 40 per cent. was placed in the bill especially for the benefit of that institution, so loyal to Democracy's opponents. I refer to the proceedings of May 31, 1894, of this body, to be found in volume 26, part 6, pages 5517 and 5518, when the then Senator from Ohio, the present distinguished Secretary of State, said upon this subject:

The quotations I have marked in the report made by the Committee on Finance show that it is an industry (sugar refining) which needs no protection; and when they come here and secure a benefit to be conferred upon them, it seems to me that the time has come to call a halt. I had rather cut off my right hand than vote a single cent of bounty to a corporation which has dealt with the Government as these corporations have done.

The same able Senator further stated, speaking of the McKinley bill:

It has some demerits. It adopted bounties for sugar instead of protection, which I believed at the time was a bad policy. It favored unduly, I think, the great sugar trust, then not known, and which had not grown to the importance which it has assumed since.—*Congressional Record,* page 5510, volume 26, part 6, May 31, 1894.

I would not be true to myself if I did not state that although I voted for the passage of the McKinley bill, I was not at any period of its pendency in favor of the disposition it proposed of the sugar question.—*Congressional Record,* page 5514, volume 26, part 6, May 31, 1894.

I beg leave also to cite a few remarks made by the distinguished Senator from New Hampshire [Mr. GALLINGER] upon the same interesting occasion, and with reference to the same subject.

On sugar—

Said that distinguished Senator—

the tariff strikes a blow at every man, woman, and child in the land, and especially in the families of the poor. It protects and fattens the great sugar trust, while at the same time it imposes an additional burden upon every consumer of sugar in the United States.—*Congressional Record,* page 3893, volume 26, part 4, April 20, 1894.

Is it not sad, even pathetic, to reflect that the present bill is an exaggeration of the Wilson Act in this ulterior regard?

I also have another extract from the able and diplomatic Senator from Maine [Mr. HALE]. He said:

The Republican party has a policy that, as the years go by, will be sanctioned, and our people will be grateful for the building up in this country of industry in every form and of the production of sugar that in the end will relieve us from the tribute that we pay to other nations. There is no more beneficent thing, Mr. President, that the Republican party has been engaged in for years in all its missions, since it has taken into consideration the great financial and fiscal questions of this country, than the two things which were embodied in that proposition upon sugar that was free sugar for the breakfast table and a system of bounties which would encourage and build up in this country an industry by which within twelve years we should raise all the sugar consumed by the American people. I am willing in the future to stand upon that proposition. I am willing to contrast that with the attitude that the Democratic party is in, either in the other House or in the Senate, as will be shown by future votes in that body and by votes in this body upon the question of sugar.—*Congressional Record,* page 5020, volume 26, part 5, May 21, 1894.

Yet, Mr. President, these very Senators are here today ready to vote for a differential greater than that which they then denounced in unsparing terms and which they even insinuated challenged the honesty of the men who supported it.

But I am told this is ancient literature. It is not so very old. It is new enough to be important and instructive.

The distinguished Senator from New Hampshire [Mr. CHANDLER] commented upon the situation thus:

I wish again to show (1) that duties on sugar have failed to develop the home industry, because cane sugar can not possibly be supplied in quantities to meet more than one-fifth of the American consumption; (2) that under the bounty system the growth of the cane-sugar and beet industry is rapidly increasing our home production, and (3) that the abolition of the bounty and the return of the duty system, the duty to be 40 per cent ad valorem and one-eight of a cent a pound in addition on refined sugar, will tend to check the American production of sugar and stop the growth of the beet-sugar industry, while unnecessarily taxing the American consumers over $60,000,000 annually, and enriching the monopoly known as the sugar trust by devices which will enrich its owners nearly $75,000,000 profits during the next year and permanently fasten the trust upon the households of America at a cost of $70,000,000, one-half of which will go as an unfair profit to the trust and the other half into the Treasury as a tax, not needed, upon one of the necessaries of life.—*Congressional Record*, page 5719, volume 26, part 6, June 4, 1894.

This speech surely could not be made upon that side of the Chamber now, for our Republican friends tender us a direct proposition to impose the tax which they formerly repudiated. They now threaten to inflict it in a more obnoxious form and to an exaggerated extent.

The "American breakfast table" was a source of great solicitude on the other side of the Chamber during that debate. We were told that the poor man was entitled to have his sugar without any tariff mixture. Untaxed sugar was something that the Republican party guaranteed to every American consumer.

He must have sugar, and he must have it free from tax. Yet, Mr. President, the same distinguished gentlemen, I repeat, who at that time so roundly denounced the Democracy in this Chamber because of the imposition of a small sugar tariff, are here today levying a greater tax, as the result of all their experience and in the face of their own advertised promises and record. Even the Senator from Iowa [Mr. ALLISON], whom we all know to be an extremely conservative man and an able Senator, made this remark:

Mr. President, if I had my way, I should strike from this bill every vestige which provides a duty upon sugar, and I would continue the bounty, as we are bound under our contract until 1905 by a moral obligation which is as binding on the United States as any contract that I may make can be binding upon me. And if additional revenue is required, I would look around among the luxuries that are consumed by our people and find that revenue.—*Congressional Record*, page 5703, volume 26, part 6, June 6, 1894.

The Senator from Maine [Mr. HALE] complained often of the tax upon the breakfast table, and he truly said, "High duty on sugar puts up the price to the consumer." (CONGRESSIONAL RECORD, volume 26, part 5, May 18, 1894.)

Then the Senator from Rhode Island [Mr. ALDRICH] made this comment, to be found on page 4670, volume 26, part 5, of the CONGRESSIONAL RECORD, May 12, 1894:

If it is to be the principle of the Democratic party and of the majority of the committee in this Chamber that the duty upon luxuries is to be decreased for

the purpose of furnishing an excuse to increase the duties upon necessaries of life like sugar, then we had better understand it at once.

If now we are to have a superlatively high duty upon sugar, we had better understand it at once.

The following colloquy occurred. It appears on page 4914, volume 26, part 5, of the CONGRESSIONAL RECORD, May 18, 1894. The Senator from Maine [Mr. HALE] said:

> The duty upon sugar will be paid by every man, woman and child in the United States.

That is true; there is no doubt about it. I affirm it. Then the Senator from Rhode Island [Mr. ALDRICH] said:

> The increase of taxation and revenue from sugar will be at least $50,000,000.

We become most thoughtful in the presence of that proposition. The prospect of the imposition of $50,000,000 of taxation upon the American people was not cheerful. Then the Senator from Maine [Mr. HALE] said:

> So that a part of this scheme is to take off $38,000,000 upon imports which are pure luxuries and not used in everyday life, and to make up for that reduction the committee propose to add $50,000,000 to the sugar duties and tax the breakfast table of every man, woman and child in the United States. Is that true?
>
> Mr. ALDRICH. That is true.

And it is true now; it is true of this bill; it is just as true now as it was then, and with this bill superlatively so—if I may use such an expression—in this, that the rates of duty are so much higher that every hundred pounds of sugar under the provisions of this bill will cost probably $1.18 or $1.20 more than it does under the prevailing Wilson bill.

I now refer to a statement made by the Senator from Connecticut [Mr. PLATT], which I wish to read—a very pertinent statement, to be found on page 4707, volume 36, part 5, of the CONGRESSIONAL RECORD, in the proceedings of May 14, 1894. He said:

> How are you who have denounced this duty upon refined sugar—this concession to the sugar trust—going to vote for it now? How great must be the compulsion which obliges Senators thus to swallow not only the words but the opinions of years and vote for a prohibitive duty on refined sugar.

The Senator from Maine [Mr. HALE] also remarked:

> Mr. President, there is one thing that is as certain as the coming of tides and sunrise, and that is that whatever happens to be put finally into the bill and is comprehended in its features when it passes, the American people will not go long without a return to the feature of free sugar for the breakfast tables of the people, thereby saving to those breakfast tables an annual tax of between $60,000,000 and $70,000,000.—*Congressional Record,* page 5764, volume 26, part 6, June 5, 1894.

Again, Mr. President, I must say my feelings are outraged. This breakfast table, around which our Republican brethren rallied in 1894, is turned over to its modern autocrat—the sugar trust.

The Senator from New Hampshire [Mr. CHANDLER] commented at the same time upon the bill as follows:

> Mr. President, the sugar show is about to close—

We are now very near the end of the conference, Mr. President, it will be observed—

The Populists have got free barbed wire and free lumber. The Democrats have got the Populists, and the sugar trust has got them all. The American people are to be taxed next year, and year by year, $60,000,000 annually upon a necessity of life solely in order that the shameless boast of the sugar trust in the Sugar Trade Journal, that the trust controls Congress, may be carried out. (Page 5774, volume 26, part 6, June 5, 1894.)

The Senator from Rhode Island [Mr. ALDRICH] likewise made the following contribution to the debate of 1894 (CONGRESSIONAL RECORD, volume 26, part 6, page 5775, June 5, 1894):

And I say to you now that when this question is reached in the Senate, we shall try on this side of the Chamber to secure, if possible, a vote for free sugar.

Let me ask Republican Senators whether they are prepared to secure a vote for free sugar at this time?

This struggle will not end—

The Senator continues—

This struggle will not end today in the Senate; it certainly will be continued before the American people and their judgment taken. I tell you, Senators, that no act of yours, no provision in this bill, will be so certain to bring upon you and your party the condemnation of the American people as this one; and when I say "your party" I include also the representatives of the Third Party. Those gentlemen have always asserted that they were the friends of the people. They have signalized that friendship today by joining their Democratic allies in forcing upon the people of the United States this unjustifiable, indefensible and infamous [sugar] tax. I said this tax [sugar] was infamous, and if I could employ any stronger word than that in characterizing it, I should be glad to do so.

Is it not sad to reflect, Mr. President, that a great party, within whose ranks these patriotic sentiments were born, should change its tactics and adopt the very policy which it then characterized as infamous?

In a general way, and as peculiarly relevant here, I add the following history, written by our opponents during this same discussion. I again quote from the Senator last cited:

Mr. President, it is evident that the die is cast—

Evident!—

The spectacle of a great party responsible for legislation, but hopelessly and helplessly under the control of influences outside of this Chamber, must be a humiliating one to the American people.

I confess to some diffidence in continuing this, but as a matter of duty I will proceed:

If the Senators upon the other side of this aisle should vote upon the propositions contained in this schedule according to their conscience and judgment, it would receive the almost universal condemnation of Democratic Senators.

A substitution of party name should be made here.

Not over six Senators upon that side believe in the justice or equity of the propositions now to be approved in the Committee of the Whole. Certain persons not known to the Constitution or the laws, not recognized as any part of the National Government, have demanded that certain provisions shall be written in the statutes of the United States, and the members of a great party cravenly submit to these demands.—*Congressional Record,* page 5775, volume 26, part 6, June 5, 1894.

And yet the same organization, the representatives of which stood by, and if they did not applaud the sentiments it was because

the decorum of the body prevented it, is today not only sanctioning a bill containing larger differentials than the Wilson and House bills, but which likewise imposes a double tax upon the American people.

And yet here we have this tremendous duty upon sugar, and the bounties, where are they?

The Senator from Massachusetts [Mr. HOAR] used language which exactly fits the case, if I am permitted to eliminate from it the word "Democratic" and substitute "Republican." As thus revised, I will read it:

> Stand up, Republican Senators, if you will, and say that you are personally in favor of this bill—the whole of you, a majority of you, a tenth part of you. You will not do it. "We are going to vote for this bill and stop your mouths, if we can," you tell us—"not because we believe in it"—they say it is wicked through and through—"not because the American people believe in it"—they say it is wicked through and through—but because two or three gentlemen have got together in a committee room or a corner somewhere, like the three witches in Macbeth, and concocted this hellbroth which we have promised them to swallow.—*Congressional Record,* page 5062, volume 26, part 6, May 22, 1894.

I find a very interesting statement from the honorable Senator from Vermont [Mr. MORRILL] concerning the methods of preparing the Wilson bill, and especially the sugar schedule. It is singularly pertinent to the present proceedings, and will be found on page 3811, volume 26, part 4, of the CONGRESSIONAL RECORD, in the proceedings of April 18, 1894:

> Concerning the rates of duties reported in the tariff bill, it is no violation of the confidential relations of the Senate Committee on Finance to state now that they were all fixed and determined without the votes of the Republican members, and even against the votes of any hesitating or divergent minority of Democratic members. Thus many of the most important questions may have been determined by the small fraction of three or four of a committee of eleven.

Sad to say, these comments apply with greater force to the situation which now surrounds us.

I also find the distinguished Senator from Massachusetts [Mr. LODGE] commenting graphically upon the outrages assumed to have been perpetrated by the Democratic majority of the Finance Committee upon their unfortunate brethren. On page 4350, volume 26, page 5, of the CONGRESSIONAL RECORD, in the proceedings of May 2, 1894, that Senator said:

> It must be remembered that there have been practically no public hearings upon the bill. There have not been the usual opportunities to the persons affected by it to present their views before committees in regard to its provisions. No hearings have been given here.

The able senior Senator from Massachusetts [Mr. HOAR] added his significant criticism thus:

> I never before heard of a financier who made up a budget and did not have some expectation of the amount he could depend upon from particular sources. —*Congressional Record,* volume 26, part 5, page 4483.

The Senator from Rhode Island said (RECORD, volume 26, part 5, page 4823):

> And I hope that in this particular case some of the Senators upon the other side, representing some of the Southern States, may break away from this iron-bound caucus rule and vote for one thing which they believe in and not submit

their consciences entirely to the keeping of the Senator from Arkansas; but once a day at least, merely for a change, that they shall vote for amendments or suggestions which commend themselves to their judgment and which are in the interests of the people whom they represent.

Mr. President, I am not unfeeling enough to again read this article and substitute the names of the distinguished Senators on the other side in charge of the present bill for that of the Senator from Arkansas. The pertinency of the citation is manifest.

I wish also to quote the language of the Senator from New Hampshire [Mr. CHANDLER]:

There is not a word or a line in this bill from beginning to end that was constructed in the sunlight. It has been constructed in the deep holes of this Capitol; it has been constructed in dark by-places; it has been constructed in secret, out-of-sight places, and, Mr. President, it ought to be smitten to death, if not by the sunlight of heaven, by lightning that ought to flash from the heavens and utterly tear it to pieces and destroy it.—*Congressional Record*, page 5775, volume 26, part 6, June 5, 1894.

While the distinguished Senator otherwise declares, I must deem it probable when he thus spoke that he foresaw the present malconduct of his party.

Certainly there has been much secret work here. I do not doubt that the Senator would like to know how the stock-transfer tax came to be eliminated by the Republican conferees.

I will not further discuss this feature of pending legislation. I think the American people understand it; and when the next tariff bill is framed, it is more than probable that no differential at all will be accorded the sugar trust. The country is weary because of the interference in legislation of those who hold so much of the wealth of the world. Their greed, selfishness, and corruption should exclude them from participancy in any advantages possible to attend tariff legislation.

THE DUTY ON WINES.

The tariff act of 1894 contained the following provision with reference to that class of liquors which include clarets:

Still wines, including ginger wine or ginger cordial and vermuth, in casks or packages other than bottles or jugs (1), if containing 14 per cent. or less of absolute alcohol, 30 cents per gallon; if containing more than 14 per cent. of absolute alcohol, 50 cents per gallon. In bottles or jugs, per case of one dozen bottles or jugs, containing each not more than 1 quart and more than 1 pint, or twenty-four bottles or jugs containing each not more than 1 pint (2), $1.60 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 5 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs.

The pending bill as it passed the House (eliminating a proviso not important to this discussion) was as follows:

Still wines, including ginger wine or ginger cordial and vermuth, in casks, 60 cents per gallon; in bottles or jugs, per case of 1 dozen bottles or jugs, containing each not more than 1 quart and more than 1 pint, or 24 bottles or jugs containing each not more than 1 pint, $2 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 7 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs.

The Senate amended this provision by reducing the tax from 60 cents per gallon to a much lower rate. The language was as follows:

296. Still wines, including ginger wine or ginger cordial and vermuth, in casks or packages other than bottles or jugs, if containing 14 per cent. or less of absolute alcohol, 30 cents per gallon; if containing more than 14 per cent. of absolute alcohol, 50 cents per gallon. In bottles or jugs, per case of 1 dozen bottles or jugs, containing each not more than 1 quart and more than 1 pint, or 24 bottles or jugs containing each not more than 1 pint, $1.60 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 5 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs.

The conferees reported an amendment exactly accordant with the Senate proposition except that 30 was raised to 40. (Conference report, page 99.) It is understood that one of the members of the bimetallic diplomatic commission asked that this sacrifice of California industries might be made in order that he might more easily persuade the French Government to come to terms. This statement would seem absurd, or rather it would seem too absurd for credence, were it not for the presence of proof. We find a similarly silly declaration in the so-called reciprocity clause agreed upon by the conference.

The President is there given authority to reduce the tariff on champagne 25 per cent., or from $8 per dozen quarts to $6 per dozen quarts, and he is also permitted to reduce the tariff on still wines and vermuth in casks to 35 cents per gallon. Ordinarily, alcoholic beverages have been considered the proper subject for a high tariff. This ought especially to be the case when these articles are produced in the United States. When this subject was before the Senate earlier in the discussion, I inserted in the RECORD a letter from Hon. M. M. Estee, of California, which I deemed and still deem exceedingly pertinent. It is as follows:

SAN FRANCISCO, May 24, 1897.

MY DEAR SENATOR: The tariff schedule adopted by the United States Senate, so far as it relates to American wines, is unjust, and the grape growers of California are practically a unit in opposition to it. By request of some of the leading producers of our State, I venture to write you on this topic.

You are aware that personally I have ceased to be interested in grape culture in California, but, in common with all of our people, I am deeply interested in whatever secures the prosperity of the producers of our State and country.

1. There is but a very small portion of the earth's surface where the finer qualities of the European grape can be raised. These grapes never will prosper in the Tropics, nor, indeed, in the temperate zones, except in especially favorable localities. California is the only part of the American Union where the European vine has thus far been largely cultivated. The culture of the grape is an infant industry so far as our country is concerned, and if the principle of protection means anything, it means that infant or undeveloped industries shall be protected against unfair foreign competition.

That is what we ask, and all we expect. The inquiry then arises, What should be done to accomplish this purpose? It goes without saying that all foreign wines brought to the United States are a luxury which none but the wealthy can enjoy, and this is so whether high import duties are imposed on them or not, as the American consumer of the middle classes uses American wines only; and hence the question of protection to American wines resolves itself into a contest between the rich American consumer and the foreign

producer on the one hand and the industrious American producer and the poor American consumer on the other.

2. It is claimed that under the Senate amendments of the Dingley tariff bill this American industry will be destroyed. Ought this to be done? The amount invested in vineyards in California now exceeds $50,000,000. This is divided between the raisin, the wine, and the brandy industries. During the last four years there has been a great depression in the grape culture, caused largely by the so-called Wilson tariff bill, which placed the duty on dry wines at 30 cents per gallon. This was raised in the Dingley bill to 60 cents; but the Senate Finance Committee has cut it down to the old figure of 30 cents; and not only that, but it has changed the duty on imported wines in glass to $1 a case of a dozen bottles.

This is an actual discrimination in favor of the foreign product, because the one-dollar duty does not meet the difference in the price of wages in France and America. To illustrate, in the wine districts of France the average wages paid to labor is from 1½ to 3 francs a day, the laborer boarding himself, except his lunch. In California the price of labor for the same work is from 75 cents to $1 a day and board. It will thus be seen that if it were a mere matter of the value of labor in cultivating the vine, America could not on even terms compete with France in the making of wine. In this connection, it ought also to be observed that the interest on money in California is from 7 to 10 per cent. per annum; in France, Germany and Italy it is from 3 to 4 per cent. per annum. And it should also be noted that Germany charges an import duty on wines brought into that country in glass of $1.95 a case; Italy, $1.44 a case and France, on all wines above 10.9 of alcoholic strength, the same proportionate duty she imposes on spirits.

The Senate amendments to the Dingley bill are not only wrong to the producers, but are unjust to the whole people. For instance, the duty on wines of an absolute alcoholic strength of from 14 to 24 degrees is 50 cents a gallon, while the duty on spirits whose absolute alcoholic strength is 50 is $2.25 a gallon. Thus the duty on twenty-four fiftieths of a gallon of spirits, when blended with wine, is only 50 cents; but when it comes into the country in the form of pure spirits the duty would be over a dollar, thus discriminating in favor of foreign wines. And, again, this would encourage adulteration, because the ordinary strength of California wines is about 11½ degrees of alcohol, while under this bill the importer could bring in wine braced up to 24 in spirits, and by the use of water and other substances dilute it until it was down to the usual strength of 11½ degrees of spirits, and thus make more than two gallons of wine out of one.

And, again, it is a notorious fact that the French officials have recently reported to the French Government that a considerable portion of the wines of France are adulterated. Whatever may be said of California wines by people who underrate our own productions, yet no one ever doubted but what they were pure.

3. As a revenue proposition the Senate amendments to the Dingley bill in relation to wines would prove a failure. As before stated, it is well understood that imported wines of the better grades are drank only by wealthy people, and it is also a fact that the chief test of the value of these wines with the American user is the cost of such wines, rather than their quality and purity, and thus 50 cents a gallon duty on dry wines (that is, those under 12 per cent. of alcoholic strength) will not perceptibly affect the amount of the importation of wine. Such a duty would, however, protect our own producers, and would throw into the market in competition with imported wines an absolutely pure article, and which is improving in quality every year, and thus, while a 50-cent duty would increase American revenue, it would at the same time sustain an American industry.

It must be noted also in this connection that the duties on wines and liquors are high in all countries where any duty at all is imposed. As a rule, this duty is imposed for the single purpose of producing revenue. The contention that a lower rate of duty on imported wines would stimulate the importation, and thus increase the revenue, has by the experiences of the past proven to be an error. For instance, the importation of wines in the United States in 1893 was 3,354,078 gallons. The duty on these wines at 50 cents per gallon amounted to $1,727,039.14, while the amount of wine imported in 1896, when the duty was 30 and 50 cents a gallon, was 2,768,485 gallons, and the duty col-

lected amounted to $1,420,251.90. So you can readily see that if these Senate amendments to the Dingley bill were prompted for the purpose of increasing the revenue, they will prove a failure.

The fact is, France never has been a good market for American productions. We therefore owe no commercial obligations to France that we have not thrice paid; but even if we did, is it either fair or wise for our brethren in the more populous portions of our country to pass laws which will protect the industries in which they are engaged, but at the same time forget their kindred in the remoter portions of this Republic? They should remember that while their wool and iron and coal and their products of the farm are protected, our fruits and wines should be equally protected; and thus by developing all the resources of every part of the country they will increase the average wealth of the people, maintain prices for labor, give to capital remunerative investments, and make our country self-supporting by producing nearly everything that our people consume.

Yours, sincerely, MORRIS M. ESTEE.

Hon. STEPHEN M. WHITE,
United States Senator, Washington, D. C.

In California, Republican orators have burdened the air with their denunciations of those Democrats who have favored a moderate tariff upon wines. I have always contended that 50 cents per gallon on clarets was eminently reasonable and served only to exclude concoctions unfit for consumption. The animus in this respect of the so-called reciprocity clause is further found in the provision contained in section 3, which allows the President to agree to a reduction upon the tariff on brandy to $1.75 per proof gallon, as against $2.25. (Section 288, page 94, conference report.) Grape brandy is produced to a large extent in California, and this reciprocity provision is designated to further interfere with an industry by no means overprofitable.

COAL.

California has for many years paid practically all the tariff that has been collected on account of the importation of coal. Heretofore anthracite has been admitted free. The Senate amended the free list and practically imposed a duty upon anthracite. A large amount of this variety of coal has been brought to San Francisco during the last few years by way of ballast. We produce no coal of that quality in California or in the immediate neighborhood, and our people, I believe, are entitled to the benefit of the lowest-priced fuel obtainable. I opposed the duty upon coal, believing it to be entirely unjustifiable and knowing that the people of California paid not less than $600,000 per annum on this account alone. The conference committee modified the Senate amendment slightly, and permitted the admission of anthracite testing above 92 degrees carbon free of duty.

The influence of the coal barons of the East has been felt in this connection. This is especially noticeable in the provisions affecting the use of coal for fuel on vessels propelled by steam. Until the enactment of the McKinley bill vessels of this description engaged in trade with foreign countries, and also in the coastwise trade, were entitled, if of American register, to coal for fuel free of duty. That is to say, full drawback was allowed.

When the McKinley bill became a law, it was not intended to change this regulation, but the Government claimed that as the drawback provision was not repeated in the McKinley law it was repealed by implication. This contention was overruled by the circuit court

and court of appeals of the Ninth circuit, but the judgment of the latter tribunal was reversed by the Supreme Court of the United States, one of the justices dissenting, and the vessels referred to were held to be not entitled to free coal.

I suggested the restoration of the old law, which had been thus inadvertently abrogated. But a few interested people of influence compelled the Republican majority to deprive coastwise vessels of this privilege, but permitted the amendment tendered by me to stand as far as it concerned steamers engaged in foreign trade, or in trade between the Atlantic and Pacific ports of the United States. Here, again, the trust power manifested itself, and the subordination of public to private interests was once more disclosed.

ANTITOXIN.

For years vaccine virus has been upon the free list. It is a matter of common knowledge that the discovery of antitoxin furnished to the world a specific for diphtheria. The General Board of Appraisers of the United States decided that this most valuable and beneficial article was admissible, under the "vaccine-virus" clause, free of duty. American manufacturers, or those who intended to manufacture this medicine, differed from the Board of Appraisers, and the matter was finally submitted to and decided by the United States district court.

The opinion is exceedingly brief. I read from 77 Federal Reporter, page 607:

> This was an appeal by the Government from a decision of the Board of General Appraisers, reversing the decision of the collector of the port of New York as to the classification of certain merchandise, imported by Schulze, Berge & Koechl. The merchandise was invoiced as "blood serum—diphtheria remedy," and it was shown to be an agent for the prevention and cure of diphtheria, produced from the blood of horses by treatment with the diphtheria poison. The collector assessed a duty of 25 per cent. ad valorem, as upon a medicinal preparation. The importers claimed an exemption from duty directly or by similitude, or component of chief value, under paragraphs 367, 404, 470, or 664, act 1894.

Judge Wheeler, in deciding the case, said:

> The tariff act of 1894 places a duty, by paragraph 59, on "all medicinal preparations not specially provided for," and by paragraph 664 puts on the free list "vaccine virus." This importation is of antitoxin. It was classified under the former paragraph, and the protest raised the question whether it should be free under the latter. Antitoxin is a different thing from vaccine virus. It comes from a different source, is used for a different, although somewhat similar, purpose, and operates in a different way. The former seems to cure disease, and the latter introduces a milder form to obviate what would be worse. The latter has such a well-defined meaning, applicable to one thing, that, against a first impression, it does not now seem capable of covering, by any implication, such a different thing as the former. Decision of General Appraisers reversed.

It will be noticed that according to this statement antitoxin is manufactured—if it can be called a manufactured article at all—from the blood of the horse. In other words, the diphtheria poison is infused and the blood drawn from the animal, and, without any other processes than those which naturally follow, the antidote results.

While engaged in the investigation of another matter I noticed this adjudication and found myself compelled to doubt its accuracy, and since I have examined into the subject of the production of

antitoxin I have made up my mind that it is in no sense a medicinal preparation. It can not be said that the giving of healthy food to a healthy horse and the drawing of blood from the animal and the subsequent evolution of the material thus pruduced is the "preparation" of a medicine. However, the court has so held and no appeal has been taken. It seemed to me that if vaccine virus may be given to the people regardless of wealth or station free of duty, the same policy ought to be pursued with reference to antitoxin. One would rather find smallpox in his family than diphtheria unless he might use antitoxin to eradicate the malady.

The imposition of a tax upon this article will not be felt by the wealthy nor by those in medium station, but will be noted within the unfortunately large domain occupied by poverty. The best quality of antitoxin is expensive. Under the decision already noted the article will come under the medicinal-preparation clause—page 15, section 68, last print—the duty being 25 per cent. ad valorem.

Think of this. Think of the suffering infant struggling for breath in the abode of poverty. Perhaps the domestic finances are such as to make the addition of 25 per cent. or 75 cents material. Yet this child must die that an infant industry may live!

Such cases may be rare, though poverty is not rare; but, however unusual, the conclusiveness of the objection remains. A tariff bill which will obstruct efforts to cure diphtheria, which will encourage speculation on life, which will call upon the poor to wait, notwithstanding the death of innocents, until a new industry has been established, is based upon barbarian doctrines. These objections might not appeal to the King of Benim, but ought to be regarded by American Senators, and even by American trusts, who have heretofore been contented to realize their profits from sugar, lead, iron, etc.

GRAIN BAGS.

When this matter was before the Senate, a majority voted to put the article on the free list, where the Wilson bill located it. This was done after vigorous discussion. But the conferees have given away the Senate as they did in the matter of matting, cotton bagging, and cotton ties. The farmers of California are interested in procuring cheap grain bags. All the grain which we ship to Liverpool is forwarded in bags of this character. Local manufacturers insist that they are entitled to protection against the cheap labor of Calcutta. I answer that the farmer derives so little benefit from tariff taxes that I favor giving him a chance as against all others when it comes to grain bags. The Wilson bill cheapened grain bags to the consumer. In 1891, when bags were dutiable, the cost to the California farmer was from 7 to 7½ cents; in 1892, when there was also a duty, the cost was from 7½ to 8 cents, and in 1893, the duty being still in effect, the cost was from 6½ to 7 cents. In 1894, when bags were free, the cost was from 4 to 4½ cents; in 1895, under same conditions, from 4½ to 5 cents; and in 1896, the article being still on the free list, from 4¼ to 4½ cents. As soon as this bill was reported to the House, the bag market stiffened, and no doubt the price will again be from 6½ to 8 cents, and the farmers of California will be taxed upon this single item from $300,000 to $500,000 per annum. It is true that a tariff has been placed upon grain. No

one is silly enough to be deceived as to the effect of this sort of legislation. Our prices are fixed abroad. Grain can not be brought here profitably. When an importation is made, it is for seed purposes, and then the farmer pays a duty. In the matter of grain bags an opportunity was afforded to do something of substantial benefit to the agriculturist, but again the manufacturer had his way and the granger was ignored as usual.

Mr. President, I propose to offer several exceedingly brief criticisms upon many paragraphs of the bill. I will not attempt to elaborate.

SOME ADDITIONAL REFERENCES TO THE OPPRESSIONS OF THE PENDING BILL.

Argols—Put on dutiable list; destroys opportunity to secure foreign trade.

Glue—Large increase over present law.

White lead and other lead products—Rates about doubled over present law.

Paints—Increase over McKinley bill.

Potashes—Several taken from free list.

Medicines—Increased above McKinley rates.

Soaps—Rates doubled.

Sea moss—Even sea moss can not float in upon our shores without paying a customs duty.

Chinaware and crockery—Increased from 30 and 35 to 55 and 60 per cent.

Engraved glassware—Increased from 40 to 60 per cent.

Window glass—Rates increased all the way from 25 per cent. to 100 per cent. Especially is the rate increased on common window glass. Indeed, it is prohibitive.

Looking-glass plates for cheap furniture—Largely increased, so the plate-glass trust can force the purchase of plate glass.

Spectacles—Increased enormously over the Wilson and McKinley laws. For instance, a cheap pair of spectacles can not pay less than 65 per cent., and from that up to over 120 per cent.

Marble—Think of a duty of $1.10 per cubic foot for gravestones. This is nearly double the duty under the present law, and there were only 147,000 cubic feet brought in during 1896.

Cotton ties—Free under present law. Only $102,327 worth imported in 1896, but the price was cut in half, from twenty-six one-thousandths in 1893 to thirteen one-thousandths in 1896.

Steel rails—Seven dollars and eighty-four cents per ton, when contracts have been made in the past year to supply rails in England for a less price than English ironmasters demand.

Tin plates—The duty on tin plates is increased, notwithstanding the fact that the importations have decreased one-half since 1893 under the present law and the domestic output has risen from 139,000,000 pounds in 1894 to 307,000,000 pounds in 1896.

Sheet iron or steel, polished, planished, or glanced (in common phrase, Russia sheet iron)—The present rate of 2 cents per pound is maintained, notwithstanding there were only $26,000 worth imported in 1896 as against $49,000 in 1893.

Card clothing (used in all Southern mills for carding cotton)—The rate is advanced to 56 per cent. ad valorem.

Sporting guns—It is difficult to estimate, but in many cases the rates have been more than trebled. The duty on a sporting rifle, valued at above $10, is 95 per cent., as against 30 per cent. under the present law.

Granite ware is 35 per cent. under the present law, and the importations have fallen off from $86,000 to $31,000. The rate is increased to 40 per cent.

Nails—There were $4000 worth of horseshoe nails imported in 1896 under a duty of 30 per cent.; so, in order to check this enormous importation, the rate is made a specific of 2¼ cents, equal to over 35 per cent.

Cut nails—The rate is made six-tenths of a cent per pound, or 25 per cent., notwithstanding only $143 worth were imported in 1896.

Wire nails are increased from 25 per cent. to 60 per cent., while there was only $25,000 imported in 1896—not enough to stock one wholesale dealer.

Horseshoes—There were $102 worth imported in 1896, at a duty of 25 per cent., and this rate is maintained in a specific form.

Tacks—Twelve thousand dollars' worth came in in 1896 on a basis of 25 per cent. The increased duty is cunningly concealed by making it 1¼ cents per 1000, which will probably treble existing rates.

Saws—There was a revenue of $20.70 derived from mill saws in 1896, with a duty of 10 cents per foot. This rate is continued. It amounts to over 50 per cent. ad valorem.

Other saws—The duty is increased from 25 per cent. to 30 per cent., and on band saws it is made compound; is very likely 100 per cent.

Screws—Very fine work has been done in this paragraph, and while there is an apparent decrease, there is in reality a large increase of duty. The total revenues derived in 1896 from all screws was $18!

Dutch metal leaf—Present law, 40 per cent. Proposed law, 6 cents per 100 leaves. This is equivalent to over 100 per cent. on an article not one sheet of which is made in this country and never will be. It is the raw material of bookbinders, lithographic and other printers, picture-frame and furniture makers, etc.

Watches—Enormous advance of duty, at a time when American watches are the world's standard.

Zinc—Increase, when we are large exporters.

Lumber—Duty imposed for benefit of trusts.

Toothpicks—Even these are advanced to a 50 to 75 per cent. duty.

Kindling wood is taxed for the first time.

Fruits—Are largely advanced.

Nuts—Are largely advanced.

Salt—Is now free, but is taxed by this bill. Again does the breakfast table suffer.

Starch—A duty of nearly 100 per cent. is maintained, although the importations are steadily declining.

Paragraph 81. Vanillin—The duty on this substance is 115 per cent. Under the House provision the rate was fixed at 70 cents per ounce, or 100 per cent., the value per ounce being about 70 cents. The Senate reduced the rate to 50 per cent, but subsequently advanced the duty to 80 cents per ounce, which was adopted by the conference. This substance is controlled by one party in the United

States, who bids fair to soon become a millionaire at the expense of the people of this country.

The provision in paragraph 128 for steel bands or strips suitable for making band saws is a stupendous job. Who can tell what steel is suitable for making band saws, the same steel being suitable for almost any other use? The duty on this material will equal 75 per cent, and the provision is conflicting with the two other paragraphs which provide for sheet steel in strips and saw plates, respectively.

Paragraph 151. Table cutlery, 90 per cent of which is made in this country under the present duty of 35 per cent, has been advanced to an equivalent ad valorem duty of 225 per cent on some grades. It is self-evident that this advance in duty will not produce any considerable amount of revenue from the small proportion hitherto imported.

Paragraph 344. There is not a city, village, or town in the land that has not been called on to pay tribute to a theoretical industry, not yet and never to be established, 100 per cent duty on linen fabrics of the description used by the poor, who will be required to pay as much or more duty on the goods than they are sold for to the farmer, mechanic, and laborer in other countries, a tribute levied on them in order that the cheaper linens may be made experimentally in this country. The sale of such fabrics will be so greatly diminished that the effect will be felt by dealers all over the land.

A reasonable schedule was submitted by importers and such domestic manufacturers as are in existence; but that schedule was rejected. Raw flax was advanced over the House rates; flax yarns were then advanced on the strength of such advance, and finally the finished fabrics were proportionately increased, the excuse being given that such advance was made necessary on account of the higher duty on yarns. In conference the duty on yarns was reduced, but no corresponding reduction was made on finished fabrics. This is one of the rank injustices of this bill.

Another injustice is in placing a duty varying from 100 to 700 per cent on light-weight silk goods in the piece, and providing for articles made therefrom at 60 per cent. The operation of this schedule of duties will be to throw out of employment at least 10,000 poor sewing women in New York and the leading cities throughout the country. I am credibly informed that already several large firms in New York are arranging to remove their establishments to Europe in order to ship the products thereof to this country in a finished condition.

Straw matting, which is not made in this country (and which, in order to promote reciprocal trade with China and Japan, who are large and growing purchasers of wheat and flour produced on the Pacific Coast, should be free), has been taxed 75 per cent, a tax that was levied admittedly and solely to deprive the poorer classes of straw matting and compel them to purchase in lieu thereof cheap carpets.

The daily journals from time to time have spoken of the growing demand for American bicycles in foreign markets. The conference committee have earned the gratitude of our domestic manufacturers of these articles by increasing the duty on bicycle tubing beyond the rates provided in the McKinley bill or the Senate amendments to the House bill, notwithstanding the fact that said tubing has to be imported. The duty on window glass has been advanced to

over 125 per cent, and, indeed, except as to the sugar schedule, there is not a schedule in the whole act that some one or more paragraphs do not show rates of duty exceeding 100 per cent.

When the silk schedule was under consideration it was charged on this side of the Chamber that the complicated rates, when reduced to the ad valorem standard, ranged all the way from 50 per cent to 700 per cent. This was denied by the majority, and it was affirmed by the member of the Finance Committee having the matter in charge that the duty did not exceed 75 per cent. Thereupon we took the distinguished Senator at his word and an amendment was offered providing that the duty should not in any case exceed 75 per cent. This was voted down by the majority, and similar action was had as to two other proposed amendments limiting the tax to 100 per cent and 200 per cent, respectively.

This schedule is particularly offensive, as already stated, to China and Japan, with which countries we are now doing quite a business in breadstuffs. One of the leading vices of this bill is the commercial warfare which it challenges. Now that our exports are increasing so much, it would seem desirable to obtain an avenue through which our surplus might be profitably transmitted, but the tendency seems to be in a contrary direction. In the silk as in the linen schedule, and indeed throughout the whole bill, we find high rates upon cheap articles and low rates upon expensive articles; the poorer class taxed high, the richer class taxed low.

DISCRIMINATIONS IN FAVOR OF THE TRUSTS.

The present bill is thronged with high rates imposed for the benefit of trusts. I insert a list which I believe to be correct, so far as it goes, although it does not by any means cover the subject.

Trusts—Existing and proposed duties.

Trust.	Present duty.	Proposed duty. (Dingley bill.)
Anthracite coal (bituminous competes).	40 cents	67 cents.
Ax	35 per cent	45 per cent.
Barbed wire	2½ cents per pound	2½ to 3 cents.
Bolt and nut	1½ cents per pound	1½ cents per pound.
Borax	2 cents per pound	5 cents per pound.
Broom	20 per cent	40 per cent.
Carbon candle	20 per cent	20 per cent.
Cartridge	....do	Do.
Casket	25 per cent	35 per cent.
Castor oil	35 cents per gallon	35 cents per gallon.
Celluloid	45 per cent	65 cents and 25 per cent.
Cigarette	$4 per pound and 25 per cent.	$4.50 per pound and 25 per cent.
Condensed milk	2 cents per pound	2 cents per pound.
Copper ingot	Free	Free.
Copper, sheet	....do	Do.
Cordage	Binding free; 10 per cent and 1 cent per pound.	1 cent and 2 cents per pound.
Cotton-seed oil	Free	4 cents per gallon.
Cotton thread	5½ cents per dozen	6 cents per dozen.

Trusts—Existing and proposed duties.—Continued.

Trust.	Present Duty.	Proposed Duty. (Dingley Bill.)
Electric supply	35 per cent	45 per cent.
Flint glass	40 per cent	60 per cent.
Fork and hoe	35 per cent	45 per cent.
Fruit jar	40 per cent	Do.
Harrow	Free	20 per cent.
Hinge	1½ cents per pound.	1½ cents per pound.
Indurated fiber	30 per cent	35 per cent.
Lead	1 cent per pound	2⅛ cents per pound.
Leather board	20 per cent	35 per cent.
Lime	5 cents per 100 pounds.	5 cents per 100 pounds.
Linseed oil	20 cents per gallon.	20 cents per gallon.
Lithograph	13 to 28 per cent.	26 to 41 per cent.
Locomotive tire	1¼ cents per pound.	1½ cents per pound.
Marble	85 cents per cubic foot.	$1.10 per cubic foot.
Match	20 per cent	8 cents per gross.
Morocco leather	.....do	20 per cent.
Oilcloth	25 and 40 per cent.	35 to 50 per cent.
Paper bag	20 per cent	35 per cent.
Pitch	Free	Free.
Plate glass	5 to 35 cents per square foot.	8 to 35 cents per square foot.
Pocket cutlery	25 to 75 per cent.	To 160 per cent.
Powder	5 to 8 cents	4 to 6 cents.
Pulp	10 per cent	$1.50 to $5 per ton.
Rubber gossamer	45 to 50 per cent.	50 cents and 55 per cent.
Rubber, general	25 per cent	30 per cent.
Safe	35 per cent	45 per cent.
Salt	Free	8 and 12 cents per 100 pounds.
Sanitary ware	30 per cent	55 per cent.
Sandpaper	20 per cent	35 per cent.
Saw	12 to 50 per cent.	12 to 50 per cent; band, 10 cents and 20 per cent.
Schoolbook	25 per cent	25 per cent.
School furniture	.....do	35 per cent.
Sewer pipe	20 per cent	25 per cent.
Shot and lead	1¼ cents per pound.	2½ cents per pound.
Skewer	25 per cent	35 per cent.
Smelters	35 per cent.	45 per cent.
Snath	25 per cent	35 per cent.
Soap	10 to 35 per cent.	20 to 50 per cent.
Soda-water machinery	35 per cent	45 per cent.
Spool, bobbin, and shuttle	25 per cent	35 per cent.
Starch	1½ cents per pound.	1½ cents per pound.
Steel	35 per cent	45 per cent.
Steel rail	$7.84 per ton	$7.84 per ton.
Stove board	35 per cent	45 per cent.
Strawboard	25 per cent	30 per cent.
Sugar	40 per cent. + ⅛ cent	1.95 cents per pound.
Teasel	15 per cent	30 per cent.
Tin plate	1⅕ cents	1 4-10 cents.
Tombstone	45 per cent	50 per cent.
Trunk	30 per cent	35 per cent.
Tube	25 per cent	2 cents per pound.
Type	15 per cent	25 per cent.
Umbrella	45 per cent.	50 per cent.

Trusts—Existing and proposed duties.—Continued.

Trust.	Present duty.	Proposed duty. (Dingley bill.)
Vapor stove	.....do	0.8 cent per pound.
Wall paper	20 per cent	25 per cent.
Watch	25 per cent	35 cents to $3 and 25 per cent.
Wheel	.....do	35 per cent.
Whip	30 per cent	Do.
Window glass	1 to 2⅛ cents	1¼ to 4⅜ cents.
Wire	1¼ cents to 40 per cent	1¼ to 2 cents.
Wood screw	3 to 10 cents	4 to 12 cents.
Wrapping paper	20 per cent	25 per cent.
Yellow pine	Free	$2 per M feet.
Petroleum	do	Free.
Pearl barley	20 per cent	2 cents per pound.
Lard	1 cent per pound....	Do.
School slate	20 per cent	20 per cent.
Gas	do	do
Whisky	$1.80 per gallon.....	$2.25 per gallon.
Nails	22½ to 25 per cent..	½ to 1 cent.
Wrought pipe	25 per cent	2 cents.
Stoves	0.088 cent per pound	0.8 cent per pound.
Coke	15 per cent	20 per cent.
Jute bagging	Free	⅜ cent per pound and 15 per cent.
Lumber	do	$1 per M feet.
Shingles	do	30 cents per M.
Beef	20 per cent	2 cents per pound.
Felt	25 to 50 per cent....	To 40 cents and 55 per cent.
Lead pencils	50 per cent	45 cents per gross and 25 per cent.
Clothes wringers	35 per cent	45 per cent.
Carpets	30 to 40 per cent....	To 60½ cents and 40 per cent.
Dental tools	35 per cent	45 per cent.
Milk	Free	2 cents per gallon.
Patent leather	20 per cent	20 cents per pound and 10 per cent.
Flour	do	25 per cent.
Bread	do	20 per cent.

Had there been any disposition on the part of the majority to curtail the power of the trusts, a provision to that effect might have been placed in this bill. While the subject is complicated by reason of the difficulties pertaining to Federal jurisdiction, nevertheless the adoption of an amendment such as that proposed by the Senator from Texas [Mr. CHILTON] would have been most timely, and I think that the trusts would have found it difficult to evade its plain terms. The Senator from Nebraska [Mr. THURSTON] has introduced a bill leveled at the trusts. It is understood that he made an effort to obtain the caucus indorsement. In this he was not successful. How can the Republican party, without violating its promises and without ingratitude to its friends, the combines of the country, father any legislation which will make those institutions uncomfortable?

A striking instance of the dominating influence of the trusts here is found in the action of the conference committee in eliminating the

Senate amendment providing for a duty on incandescent lamps amounting to 35 per cent ad valorem. The Senator from Iowa, upon being interrogated with reference to this subject, conceded that in the absence of this amendment these lamps will pay a duty of 45 per cent ad valorem. Heretofore the duty has been but 35 per cent, and without any justification whatever the Senate conferees permitted a "combine" to regulate the tax. When this subject was formerly considered, on the 3d of July, 1897, I presented documents which demonstrated not only that this trust existed, but that it was explicitly conceded that the object of the institution was to raise rates, and a very large increase in prices has been made in consequence of the power of the combination. Yet this body, dominated by the Republican party, deliberately legislates money into the pockets of this unscrupulous and extortionate alliance. The proof introduced by me can be found on the above date, page 2629, CONGRESSIONAL RECORD. The present rate (35 per cent) is almost prohibitive, but the trust, finding itself able to do so, has determined, with the aid of Congress, to absolutely shut out competition.

Not only do the trusts realize enormously by reason of increased rates, but in many instances they will reap a rich harvest because of the large stocks which they have accumulated. It stands admitted on this floor that there is a year's supply of wool on hand on which no duty has been paid, and still the manufacturer is allowed a compensating duty on this identical article, on which he has not paid and never will pay any duty whatever. When we proposed to suspend the compensating duty for twelve months, the Republican Senators voted us down. Sugar is another example.

The Secretary of the Treasury proposed an excise tax on sugar now in the United States. The majority declined to act on the advice. There is an immense amount on hand. The importations for 1895, 1896, and 1897, ending with and including June of the latter year, are to be found in No. 11, series 1896-97, Monthly Summary of Finance and Commerce of the United States, May, 1897, page 1905, under heading "Totals." The statistician, Mr. Ford, informs me that the returns above shown for June contain about 96 per cent of the entire importation for that month. On every pound of this sugar now on hand the trust will net at least 1.188 cents per pound in excess of the price heretofore prevailing.

The table is as follows:

Pounds.	Value.	Pounds.	Value.
189,201,829	$3,542,059	388,381,830	$ 9,991,876
235,488,605	4,609,702	544,106,452	13,817,477
396,020,254	4,438,728	472,637,376	11,863,068
377,937,280	6,976,220	320,175,291	7,364,079
538,664,910	10,484,230	292,507,454	6,341,541
388,808,648	7,760,751	387,747,896	8,385,641
364,712,668	7,211,960	308,694,399	6,524,904
256,778,388	4,887,103	172,312,018	3,625,180
204,519,984	4,000,286	184,122,514	3,709,432
285,563,135	5,711,030	208,480,753	3,997,937
159,658,142	3,406,344	286,605,450	5,633,513
182,470,911	3,739,460	485,525,990	9,413,910
263,995,129	5,897,178	773,527,477	15,125,409
337,992,660	7,885,441	790,653,995	15,054,777
435,501,882	10,807,738	696,174,103	13,560,125

This table shows monthly importations commencing January, 1895, and ending June 30, 1897.

Mr. President, I must say a word in conclusion regarding

THE SELFISHNESS OF THE PENDING MEASURE.

This is obviously a manufacturers' bill. When the tax was imposed upon wool a compensating duty with concealed advantages was added to the already high rate fixed for the manufacturer's welfare. It has been amply shown throughout this debate that our manufacturers defy competition. Some of the extraordinary advances in exports can be studied with advantage in this regard. Sufficient is it to-day that the burdens thus imposed are wholly unnecessary and result from the avariciousness of those who have most largely gained by reason of protective enactments. Mr. Sherman in his Recollections says that —

> The New England States have twelve able and experienced Senators, with a population, according to the census of 1890, of 4,700,745, or one Senator for less than 400,000 inhabitants. * * * This inequality of representation can not be avoided. It was especially manifest in framing the tariff of 1883, when New England carried a measure that was condemned by public opinion from the date of its passage.

In discussing the McKinley bill in the same work, Mr. Sherman remarks:

> The McKinley tariff bill was not improved in the Senate. The compact and influential delegation from New England made its influence felt in support of industries pursued in that section, while the delegations from other sections were divided on party lines.

This was the language of a Republican leader. It is in the nature of a confession.

It would be interesting to obtain the views of the distinguished Secretary of State upon the Dingley bill — the worst of its kind. But I will not prolong this discussion. The arguments made from time to time in the Senate while the bill has been before us are sufficient to fully expose its nefariousness. I know that but few Republican Senators really approve of the bill throughout. They feel that the business of the country will suffer because of its exactions and with reason dread the day of reckoning. Unquestionably demands were often difficult to avoid, and I am persuaded that each Republican member of the Finance Committee, when he recalls the importunate army by which he has been pursued, is disposed to say, "I will rejoice when I am relieved of 'these yelling monsters that with ceaseless cries surround me.'"

It is no doubt disappointing to those who are responsible for this legislation that a milder measure, more conservative schedules have not been produced. But however much as an individual I may sympathize with my friends in their trouble, I know that the country will not excuse them. When they declare that they could do no better, that various people and certain powers could not be ignored, they will be told that no such plea can be accepted. To admit that they were unable to resist is to concede unfitness.

> So spake the fiend, and with necessity,
> The tyrant's plea, excused his devilish deeds.

SILVER COINAGE AND COIN REDEMPTION

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Friday, January 31, 1896.

(Legislative day, Thursday, January 30).

The Senate having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. WHITE said:

Mr. PRESIDENT: This discussion has elicited so many of the arguments upon which the majority of the Committee on Finance have deemed controlling that I do not regard it essential to delay proceedings for the purpose of making any extended dissertation. As far as the silver question is concerned, I have seen no reason to alter the opinions which I expressed in an address delivered in this Chamber on September 21, 1893. The Senator from Colorado [Mr. TELLER] recently called the attention of the country to the circumstance that gold monometallists, who are ably represented by the minority of the Committee on Finance, have presented nothing; that they are here without a policy and without a suggestion worthy of consideration as a financial plan. They declare that all national obligations must be paid in gold; that although our bonds, notes, etc., are clearly otherwise worded that still, in deference to the sensibilities of the financial world, we must yield our convictions and forego our contractual rights. Perhaps some of us might be willing to give all that we now possess in testimony of our good faith, but even then we would be constrained to entertain gloomy forebodings as to the future.

Everyone concedes that the present financial system is bad. Everyone knows that the sale of bonds in times of peace indicates governmental inefficiency. Were our country void of resources, were our people indolent and brainless, our present embarrassment might be accounted for. No one will claim that silver advocates have had their way. Not only has the legislative department discredited silver, but the executive has practically announced that while gold is constitutional money silver, though similarly mentioned in that instrument, is not to be so considered. And after thus contributing every effort to convince the world that silver can not be used in common with gold we hear complaint that there is a difference in the actual value of the two metals, a difference that does not depend upon production and what has no apparent or actual relationship to the amount of metal in circulation or existence the world over.

The President proposes to retire the greenbacks and to trust the financial affairs of the Government to the national banks. If I read the history of my party correctly, its greatest men, its ablest teachers, have always declared a public debt to be a curse, and have advised the payment of governmental obligations at the earliest practicable

moment. The historical reference made by the Senator from Texas [Mr. MILLS] some days since I shall annex to my remarks in demonstration of this proposition. Whenever the financial affairs of this country are placed absolutely in the keeping of national banks or of any private banking system, free government will cease, and wealth resulting from our deliberate misfeasance will rule imperilously and indisputably. Are we prepared to disregard the advice of our revered and patriotic statesmen? The distinguished Senator from Ohio [Mr. SHERMAN], if I understand him, does not agree that greenbacks should be destroyed. He would store them in the Treasury. I agree with the Senator from Colorado [Mr. TELLER] that as between the two propositions that of the Administration is the more logical, and I notice that the advocates of the gold standard throughout the United States quite generally accept Mr. Cleveland's view.

In his address delivered at the annual meeting of the Board of Trade in the city of Chicago, Mr. William T. Baker, the president of the board, and who referred to the free-coinage advocates as persons afflicted with free-silver lunacy, said:

> In order to maintain the credit of the Government by keeping the parity between gold and silver as required by law, the Treasury must redeem greenbacks and Sherman notes in gold, and this redemption is accompanied by the absurd requirement that such notes must be paid out again and kept in circulation, to be again and again redeemed in gold. This imbecile legislative contrivance has placed us at the mercy of foreign enemies or alien speculators in bullion, and recent events have shown us that such enemies and speculators know their advantage and are not slow to profit by our weakness. There is but one remedy for this deplorable condition of affairs. Provision must be made for the permanent retirement of the five hundred millions of greenbacks and Sherman notes. Long-time bonds, bearing a low rate of interest and payable in gold, should be authorized for this purpose, and if such bonds were permitted to be used by national banks as security for circulation redeemable in gold, they would be quickly absorbed, and the transition would be easily and safely made. All the hoarded gold in the country would immediately come back into circulation, and this country would enter upon an era of unexampled prosperity. There is no politics in this proposition. There is only partisanship, ignorance, and greed opposed to it.

The gentleman whose comments I have read uses this expression: "There is only partisanship, ignorance, and greed opposed to it"—the proposition which he advocates. So-called conservative expressions of this kind with reference to those who in good faith favor the free coinage of silver are heard wherever gold monometallists promulgate their dogmas. We daily peruse in the great newspapers of the gold center of the United States extravagant denunciation of this type. Indeed, Senators who faithfully advocate the principles which for years they have openly avowed and who honestly act in redemption of their promises are derided and accused of misrepresenting the very constituents who elected them because of the opinions which they here reiterate. Because of certain reflections of this nature, I wish to make a few citations from platforms adopted by the Democracy of California.

> The money of the Constitution, gold and silver, the only legal tender.—*Democratic State Platform, 1876.*
>
> That this convention recommends the passage of an act of Congress providing for the free coinage of both gold and silver, by the terms of which act all gold and silver bullion offered at the several mints of the United States shall be received in exchange for money, or gold or silver certificates at the rate now

fixed by law for standard dollars of gold or silver, which certificates shall be receivable for all public purposes and interchangeable for gold or silver, as the case may be.—*Democratic State Platform, 1886.*

That this convention recommends the passage of an act of Congress providing for the free coinage of both gold and silver, by the terms of which act all gold and silver bullion offered at the several mints of the United States shall be received in exchange for money, or gold or silver certificates at the rate now fixed by law for standard dollars of gold or silver, which certificates shall be receivable for public purposes and interchangeable for gold and silver, as the case may be.—*Democratic State Platform, 1888.*

A depleted Treasury, the imposition of unequal and oppressive taxes, the effort to enact coercive legislation, the arbitrary disregard by the Speaker of the House of Representatives of all parliamentary rules, and the shameless servility displayed by the majority in the House of Representatives in yielding ready obedience to his tyrannical mandates, their refusal to join the Democracy in its efforts to procure the passage of a measure permitting the free coinage of silver. —*Democratic State Platform, 1890.*

Over one of these conventions I had the honor to preside, and in another instance I was the chairman of the committee on resolutions. In every instance I voted for the platforms from which these citations are made.

I take it to be a fact that the only proposition offered for the rehabilitation of our financial system by those who are opposed to the views held by the majority of the Finance Committee is that which involves either the retiring or hoarding of greenbacks, the withdrawal from circulation and the substitution of the national bank for the Government in the regulation and control of our financial system. I will not elaborate upon the consequences of this condition. The obviously fatal tendency of such a scheme has been most fully presented here. In the first place we would suffer from a most ruinous contraction. Notwithstanding all the inducements that have been heretofore offered to the national banks, they have but a comparatively small amount of circulation, and many of them have manifested a disposition to retire much of this. It is certain that they would never, if they procured the contemplated additional privilege, supply money equal in amount to that which our friends proposed to destroy or withdraw; and the utter futility of maintaining a gold basis in this country would give rise to disaster and bring about the further centralization of gold and all the direful consequences of a congested and inadequate currency.

Speaking from Democratic ground, I may be permitted to say that I do not understand how any follower of Jefferson or Jackson can stand the new departure which the Administration insists we shall adopt. Platform after platform of our party, year in and year out, has been so drawn as to call the attention of the world to the criminal subserviency of the Republican organization to the national banking system, and yet now we are to meekly follow not only the financial leaders of that organization, but are to submit ourselves absolutely to the dictation of those who have thus been selected to determine the volume of our currency and whether we shall have an adequate money supply. I know of no tyranny more odious than that which has thus been partially established and which it is proposed to deliberately fasten upon the people of the United States.

I have before me a work called the Democratic Campaign Book. It is a document which was issued by the Congressional Committee of the Democratic party in 1890, and contains the arguments upon which it was hoped the party might gain an important contest.

REPUBLICAN FAVORITISM FOR NATIONAL BANKS—AN ACT TO CREATE AND DONATE $15,000,000 TO THESE PETS—INCREASING CIRCULATION TO PAR VALUE OF BONDS DEPOSITED.

Mr. Dorsey, Republican (Nebraska), introduced in this Congress the following bill:

"A substitute for bill No. 537 to provide for the issue of circulating notes to national banking associations.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon any deposit already or hereafter made by any United States bonds bearing interest in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided,* That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock. And that all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed."

January 29 an attempt was made to push the bill through without discussion. Mr. Bland objected to the consideration of the bill, and the ayes and noes were taken, which resulted in the bill being then taken up for one hour's discussion. The vote on the question of consideration stood thus:

Yeas—Democrats, 18; Republicans, 125.

Nays—Democrats, 103; Republicans, 9.

Under the present law national banks are allowed to issue circulation up to 90 per cent. of the par value of Government bonds held by them. This bill is to allow them to increase their circulation to the full par value of the bonds.

Under existing law these banks are the owners of $145,000,000 of bonds, and their circulation, based on these bonds, is $128,000,000. Bonds are far above par, due in a large measure to the demand upon the part of banks for these securities as a basis of circulation, and the immediate and intended effect of this bill is to increase the value of the assets of the banks.

Upon the passage of the bill the banks could, without the purchase of another bond, issue $15,000,000 more of notes. That is to say, the bill is a Republican proposition to make the banks a present of $15,000,000 to be loaned out to borrowers at any rate of interest that necessity may compel the borrowers to pay.

The further and necessary effect is, of course, to increase to the extent of the increase of circulation the power of the banks to expand and contract the currency.

This is another instance of Republican friendship toward the banks, and a corresponding act of unfriendliness toward silver.

This bill has not been finally voted upon in the House, but it and several others containing like propositions are still pending there, while in the Senate JOHN SHERMAN has another on the Calendar awaiting the coming of the second session of this Congress.

The following Republican expressions made during the hour's debate on this bill are sufficiently indicative of the purpose of the Republican party to enable the people to judge as to the probable result should that party be retained in power.

Mr. Dorsey of Nebraska: Now, if the House passes this bill it will be an encouragement for the national banks to continue to hold the bonds that they are holding today at a positive loss and it will give them cause to hope that this Congress will pass such a measure as will perpetuate the national banking system of the country. I know it was popular some years ago, especially in the West, to cry out against national banks, but I am happy to say that day has passed.

Mr. Conger of Iowa, chairman of Coinage, Weights and Measures: Why, gentlemen, I am in favor of any measure that will do any public good in this country, even if it should make a few men rich.

Suppose the national banks do receive some benefit from this proposition. The national banking system, in my judgment and in that of the civilized people of this world, is the best that history has ever known. This will tend in some measure to perpetuate that system. But, gentlemen, I know you do not like the

national banking system; you never did like it; I do not suppose you ever will. It was a Republican measure; and it is the highest compliment that has ever been made to the history of the Republican government of this country.

So far the Democrats have, with the assistance of a very few Republicans, been able to prevent the passage of any of these bills, but the Republican who was most in sympathy with them has not been renominated, and should they be in the minority in the coming election the bill will certainly pass.

A proposition of like nature was made in the Fiftieth Congress, but the Democratic majority ignored it entirely, and it was never even considered.

Those upon whom Democratic orators thus instructed impressed these views are not disposed to abandon their convictions, no matter from whom the solicitation or mandate may come.

Mr. President, I desire to say at this point that in my judgment no compromise is possible. The Sherman and Bland-Allison acts were failures. These were compromises. A bill which I might almost call immaterial regarding the coinage of the seigniorage was vetoed, thus indicating that the Executive did not believe that any concession whatever should be made, and after all, with the views which that distinguished officer entertains, his veto of that bill should have been anticipated. His sentiments have been expressed uniformly. He has not changed. He has been consistent. This is more than can be said of many who have followed in the pathway which he has, as far as the Democracy is concerned, pioneered.

Now and then some one comes upon the scene who thinks he has a programme which will solve all difficulties. An idea of this kind is embodied in a resolution offered by the Senator from Kansas [Mr. BAKER] concerning the coinage of the American product.

Upon principle no free-coinage man can vote for such a proposition, because the moment that a discrimination of any kind or character is made against silver, the moment its use is limited or a peculiar burden imposed upon it, whenever an avenue of usefulness is opened to one metal not permitted to the other, that moment bimetallism as we understand it ceases and the true theory is abandoned.

But there is another reason independent of this which absolutely interdicts the success of the idea advanced in the amendment of the Senator from Kansas [Mr. BAKER]. This I will illustrate by the following quotation from the Coinage Laws of the United States, 1792-1894. The article has reference to the significant experience of Venezuela:

PROHIBITION OF THE IMPORTATION OF SILVER COIN.

The Venezuelan Government issued the following decree on the 14th of August, 1893:

1. From and after this date the importation of Venezuelan silver coin through the customs stations of the Republic is prohibited, except when the same is imported by the Government. The import of all foreign silver coin is also prohibited by law.

2. The collectors of customs in seaport towns shall consider all silver coins, inclusive of Venezuelan silver coins, which it is sought to import into the country as articles whose importation is prohibited, and persons found guilty of such attempted importation shall be punished by the confiscation of the coin and a fine equal to 50 per cent. of its value.

The reasons for the issuance of this decree are explained by Mr. E. A. Plumacher, our consul at Maracaibo, in the following words:

"At this moment, when the silver question is attracting universal attention, it may interest the Department to know that for some time past there have been imported into this country large quantities of Venezuelan silver coins which have been discovered to be of unauthorized coinage.

"Since 1886 the importation of foreign silver of all nationalities has been prohibited, but all classes of gold coins and Venezuelan silver have until now been allowed free entry and are constantly being introduced through the custom-houses. It now appears that parties abroad, taking advantage of the low price of silver bullion, have coined hundreds of thousands of Venezuelan silver dollars, exact facsimiles of the emission authorized by the Government, and containing an equal, or, as it is said, even a greater amount of pure silver.

"The Government has acted promptly in the matter and issued a decree prohibiting the importation from abroad, except by the government, of Venezuelan silver coins, and declaring them contraband should efforts be made to introduce them. This will put a stop to the business through the custom-houses, but large amounts will no doubt continue to be successfully smuggled.

"It is a striking commentary on the situation that such a speculation is possible, producing, it is said, nearly 40 per cent. profit, although it is freely admitted that the surreptitious coins are in all respects equal to those authorized by law.

"Advices from Curacao, which is and always has been a dumping ground for money of all nationalities, show that Venezuelan silver, since the late developments, is received at only one-half its face value; moreover, it is intimated that it will soon be rejected entirely."—*Consular Reports,* November, 1892, p. 321.

In the last Congress we reduced the tariff upon opium 50 per cent because of the circumstance that opium was readily and most successfully smuggled — the profit of the illegal traffic being so great. Silver, of course, would be much more easily brought into this country, and the evils resulting would be intolerable. But the main objection is that first stated. It ought to be conclusive upon those who are really anxious for the restoration of silver.

It has been said that the remedy for all our ills is an increased revenue, and that the passage of a bill to add $40,000,000 to the income of the Government will put us upon a satisfactory basis. The same individuals who favor the tariff bill favor the bond bill. They say that we must have the revenue and also the proceeds of the bonds, and still they tell us that if we have the revenue we do not need the bonds. The records plainly show that the deficiency is something less for the last year than the amount proposed to be raised by the new emergency horizontal tariff bill, and still we must, it is declared (and this sentiment is echoed by all the gold monometallists), have both bonds and revenue. And now comes the Republican section of the gold monometallists and informs us that the difficulty consists wholly in a lack of revenue. I think that a majority on this floor are opposed to issuing bonds at all. These Senators believe that such issuance is entirely unnecessary, and that there is enough of coin at the disposition of the Government, or which can be made available to meet current demands. If it is undesirable to raise money by issuing bonds because of the burden to be thus put upon the people, is it not also undesirable to tax the people to such an extent that the same amount of money will, in fact, be squeezed out of them? If a hundred millions of dollars is necessary it is a question how that money should be obtained. Are the people of the United States prepared to supply it by means of taxation? Is it not a fact that the general sentiment is that gold obtained either as the result of taxation or the issuance of bonds is not needed? Our friends assert that gold is essential; that we must have gold, and that we will have plenty of it if the revenue laws are amended properly. After all, the money is to come from the people. The burden is to be imposed in one form or the other. If we do not run in debt it will be because we contribute cash from our own individual resources instead of supplying

it upon the strength of governmental promise. If we are to have a gold standard, and if we are to further debase silver, Mr. Cleveland is right. He should have authority to issue gold bonds; he should retire all greenbacks and Sherman notes, and the crisis will then have been reached. Where the gold is to come from to maintain us in such a contingency is to me a mystery.

Our friends of the opposition assert and reiterate that those who favor free coinage are really silver monometallists. This accusation is unfounded, in view of the fact that we ask nothing for silver that is not accorded to gold. We seek to impose no new money upon this country or upon the world. We ask that the gold and silver which constitutes the coin referred to, not only in the Constitution, but also in our obligations, shall be used honestly and carefully and patriotically by the Treasury in such a way as to maintain the parity of both by ignoring the potency of neither. To assert that the Government is aiding the cause of silver when it announces that silver is not money save in a restricted sense, and by continually warning Congress against its recognition, is as unreasonable as it is contrary to instruction of the Constitution. The attempt to evade the explicit wording of our bonds and the force of the Matthews resolution, by the pretense that the act declaring that the parity must be maintained requires the Treasurer to ignore silver, can not be entertained in good faith by sensible men.

Those who favor the committee's amendment admit that it would be difficult under an Administration holding the financial views which dominate Mr. Cleveland's Cabinet and which controlled Mr. Harrison's management of public affairs, to fairly enforce a free-coinage law. Such a law should be dealt with by its friends. Day by day, hour by hour, the return to what can be truly called sound money is made more and more embarrassing, though such return is certain and the continuance of existing conditions impossible. I have no doubt that free coinage, supplemented by efforts made in good faith by officers honestly and earnestly seeking to establish bimetallism, would be rewarded by the accomplishment of every promise made by the advocates of silver, and that the results of such exertions would be that coin would be paid on demand, and gold and silver taken indiscriminately and without injury to the condition of the Treasury. It is not the aim of the silver advocates to force silver only upon a creditor, but we believe that the debtor has some rights, and that when there is a deliberate attempt by speculators, backed by tributary newspapers, to bankrupt the national Treasury through such invasions as we have recently witnessed, the Government should announce that it will exercise its option for its own interest, as of right it may do. It is true that money is timid and that financiers must often be treated in the most tender and careful manner to avoid harrowing their feelings. They are touchy. But while recognizing this situation we must draw the line somewhere. There is a point beyond which self-respect and self-defense forbid us to go, and a time must come when the Government will control money matters and will refuse to subject itself to the personal and private demands of those whose impudent dictations it now tolerates.

In an address delivered in this Chamber on the 22d of last month the Senator from Colorado [Mr. TELLER] made several very interesting statements regarding the foreign trade of England, and showed

from publications contained in the Statist and London Economist that the foreign trade of the United Kingdom was more profitable in 1895 than at any time in the history of that country. The Senator upon the same occasion called attention to the fact that our policy is building up in Asiatic countries a competition which can not be met. As bearing upon this proposition, I call the attention of the Senate to a report made by our consul-general at Shanghai, Mr. Jernigan, and contained on pages 93 and following, of volume 50, No. 184, Consular Reports. The article is entitled "Labor and Wages in China." I quote:

LABOR AND WAGES IN CHINA.

No country in the world is more abundantly supplied with labor than China, and in no country in the world does the laborer receive less compensation. A Chinese laborer will save money on wages that would hardly be sufficient to supply the absolute necessities of an American laborer. This is made possible by the cheapness of the vegetable diet on which the Chinese laborer is content to live; the small cost of house accommodations, for several families will subdivide one room of a house and live in contentment in it, and the low price paid for clothing, which is made of the coarsest cottons. But the cheapness of labor in China does not mean that the products of that labor are inferior in quality. The Japanese laborer, receiving higher wages, is more artistic in his work—his productions are more finished; in dyes and in the blending of colors he is superior to his Chinese rival, but in substantial and lasting quality the latter is fully the equal and in some instances the superior.

The silk that comes from the looms of Japan compares in gloss and fineness with any in the world, and Japanese crapes have a reputation in almost every market for softness of beauty and harmony of color; but for substantial wear, for lasting quality, the silk goods of China are most favorably known to the merchants of all lands.

Among western nations the impression prevailed at one time that Asiatic races were more imitative than original, and that in the industrial departments, where originality was the chief element of success, the Occident need not fear the Orient as a rival. The test has been made, and the result has greatly modified if not entirely removed the impression. Within the last quarter of a century Japan has thrown off a most oppressive form of feudalism and advanced to the forefront as a nation of progressive ideas. Twenty-five years ago a system of government obtained in Japan which discouraged all liberal enterprise. Centuries of political slavery, intrenched in formidable prejudices, seemed to have crushed out the very soul of the Japanese people, and the Empire was dominated by the tyranny of great feudal chiefs, the remains of whose castles, now scattered over Japan, attest to the traveler the strength and wealth of the former owners and the servitude and poverty of their retainers.

All has given place to an enlarged liberty. With the adoption of a written constitution, the Japanese mind began to develop more rapidly, and in defining, by a written law, the organic structure of his Empire, the Emperor of Japan not only did what no other Asiatic ruler has ever done, but caused a new era to dawn upon Japan.

The gates of the Empire of Japan, so long closed to the Westerner, were opened to his coming, and the Japanese soon learned to appreciate and utilize the productions of Western thought and skill. Today, the navy yards, arsenals, factories, banks, and large commercial houses of Japan prove that there is in Japanese character a reserve force which is destined, if judiciously regulated and directed, to assure still greater achievements in industrial fields. The attestations are too numerous to leave doubt that the Japanese are not only original in conception, but possess the power of concentration and execution.

* * * * * * *

And the problem of China's awakening should not be solved without the intelligent influence of the business men of the United States. The solution will involve more intimate and valuable trade relations with western nations, as well as define such relations in their future extent and value. Occupying the more favored geographical position, the United States can and should send to China

much of their overproductions in exchange, if not absolute sales, for those of China's products that may be needed.

During the last fiscal year the value of the trade relations between Japan and the United States was estimated, in round numbers, at $28,000,000, but the figures show a balance against the United States of $19,000,000. Japan is nearer to the United States than any other Western nation, and several thousand miles nearer than Great Britain, and yet the balance sheet, for comparison, between Japan and Great Britain shows a balance in favor of the latter about as large as the balance against the United States.

During the same period, the value of the aggregate trade relations between China and the United States was estimated at $24,000,000, with a balance against the United States of $16,000,000, while in China, as in Japan, Great Britain checks off large balances in her favor, although more remote from China by thousands of miles.

The population of China is many times larger than the population of Japan, and with the varied productions of the United States there ought to be a much more valuable trade with China. This consideration should be regarded as of special importance at a time when the symptoms of political and commercial changes in China appear so clearly, even on the surface. When the 400,000,000 Chinese feel the influence of Western civilization they will, as their Japanese neighbors have done, acquire and assimilate in many respects the habits and desires of the Westerner, and the United States should be prepared to supply their share of the demands.

European nations are sustaining the efforts of European merchants more substantially than the American merchant is sustained. The latter, in the competition for Asiatic trade, has to rely upon his own skill and energy, while the merchants of Europe are encouraged by the aid given to the great steamship lines which carry their flags and pour the productions of Europe into Asiatic ports. At the port of Shanghai, the great commercial and distributing center of Asiatic trade, Great Britain, France, and Germany have direct mail and commercial communication—the steamers entering and leaving the port every week, carrying the flags of their respective nationalities, while no ship carrying the American mail and flying the Stars and Stripes touches at Shanghai at all. The American merchant must often unduly wait for his mail after its arrival at Yokohama, and send his purchases in foreign bottoms to the ports of his native land. The trade relations of the United States with China can not be satisfactorily enlarged until American merchants are secured a more advantageous position. They can not successfully compete for Asiatic trade, even with the natural advantages of their geographical position, when such advantages are so greatly neutralized by such resources and means at the command of their competitors as referred to.

* * * * * * *

These observations have been suggested by the following table showing the price of Chinese labor:

Wages of Chinese at Shanghai September 30, 1895, reduced to American currency.

Description	Wages with food.	
	Per day.	Per month.
Blacksmith	$0.13	.....
Brass worker	.16	.....
Barber	.03	.....
Bootmaker:		
Native	.10	.....
Foreign	.....	$5.28
Bamboo cabinetmaker	.11	.....
Bricklayer	.10	.....
Compositor:		
Native	.....	5.28
Foreign	.....	7.92 to 15.84
Carpenter	.11	.....

Wages of Chinese at Shanghai September 30, 1895, reduced to American Currency—Continued.

Description.	Wages with food.	
	Per Day.	Per Month.
Cabinetmaker	.13	.....
Cooly*	.13	.....
Bookbinder:		
Native	.....	4.22
Foreign*	.....	6.34
Lithographer*	.....	10.56
Furniture polisher	.21	.....
Tailor:		
Native	.10	.....
Foreign	.....	6.34
Pressman	.....	6.34
Coachman:		
Native	.....	3.17
Foreign	.....	6.84
House boy:		
Native*	.....	2.11
Foreign	.....	4.75
Cotton-mill machinist	.11 to .22	.....
Cotton-factory hands	.18	.....

*Without food.

Mr. President, it is too late at this time to enter into a discussion of the arguments made yesterday and at different times during this debate to the effect that gold has not appreciated. In this connection I beg leave to quote certain remarks made by me when speaking upon this same subject in the address delivered in the Senate in 1893. I then said:

To begin with, these gentlemen all admit that a certain quantity of gold will now buy about 50 per cent. more of the necessaries of life than could have been purchased with the same amount of the same metal at the time of the demonetization of silver in 1873. But they contend that this is due to improved machinery, to new and more economical methods of production. I think that the address made by the able Senator from Missouri [Mr. VEST] at the opening of this discussion disposes of this subject, and I will not spend much time discussing it. I have had the pleasure of listening to arguments wherein it was stated that wages are higher now than ever, and that hence it follows that gold had not fallen. It may well be doubted whether there is any foundation for this assertion, save in a very limited classification, but assuming it to be true that wages are higher with reference to certain industries, that increase is obviously attributable to other causes.

But if wages have increased, is such increase due to the monometallic standard, and must wages depreciate because of the Sherman law? Are we to suppose that no other cause or causes influenced wages in this country than the action of our Government regarding currency? During the last campaign gentlemen who now sit in this Chamber were preaching Democracy to assembled multitudes, and they never gave as a reason for appreciation of wages the argument they rely upon here. Do they still hold to their older and oft-asserted view? Is it true that wages have appreciated merely because we demonetized silver?

I well remember that we all contended, and I think with much force, that the well-organized exertions of trades unions had much to do with keeping up labor prices. No general rule can be applied to this matter from which any such deduction as that insisted upon by the Senator from Delaware is authorized. In the same States for the same class of labor and the same number of hours different rates are charged. North, South, East and West prices vary, depending

often upon the mere ability of the laborer to obtain his rights, and in some instances of the employer to procure his work to be done at a reasonable rate.

* * * * * * *

One of the most distinguished monometallists of Great Britain is Mr. Giffen, chief of the statistical department of the board of trade, and although he has not seen fit in his later work to republish the views I am about to quote, I desire, nevertheless, to quote an abstract from his paper entitled, "Recent changes in prices and incomes compared." He there positively places himself upon record in support of the proposition that gold has notably appreciated, and, moreover, he argued that this appreciation was likely to continue, and that therein was found the true explanation of the fall in the price of commodities.

In 1879 he pointed out that this rise would soon become evident. Let me quote:

"If the test of prophecy be the event, there was never surely a better forecast. The fall of prices in such a general way as to amount to what is known as a rise in the purchasing power of gold is generally, I might almost say universally, admitted. Measured by any commodity or group of commodities usually taken as the measure for such a purpose, gold is undoubtedly possessed of more purchasing power than was the case fifteen or twenty years ago, and this high purchasing power has been continued over a long enough period to allow for all minor oscillations."

* * * * * * *

The Senator from Delaware argues, as do many of the authorities, that the fall in the value of the various commodities is due to the great development which has been made in the arts, and he calls attention to Bessemer steel as a notable instance. So it is a notable instance, and so far as steel is concerned, it is clearly established that improved methods have lessened the cost; and there are many similar cases.

If the fall in prices was due to improvements in machinery the prices would be maintained with reference to those articles regarding which there had been no improvements affecting production, and in cases where inventions and new appliances had diminished the cost the depreciation would be noticed. But we know that there has been a uniform fall of prices all along the line, and the tables and charts prepared by eminent statisticians clearly prove that the drop has been general and is therefore due to some cause utterly different from that to which Sir John Lubbock and others attribute it. For instance, let us take wool, at present very low. My Republican friends may say that this is because our people are afraid of tariff changes. Let us assume, and take a date anterior to the triumph of the Democratic ticket, and it will be found that when wool was exceedingly dull throughout the country, and on the Pacific Coast, where the staple is short, owing to the circumstance that we are compelled to clip twice a year, wool was so low prior to Mr. Cleveland's election that it did not even reach the duty line.

It is untrue that the expense of woolgrowing has become less and less as years have rolled by. When a child I have seen thousands of sheep roaming over the public domain, the pasturage of which cost the man who owned them not a cent. Gradually, as the progressive American moved over this territory and took it up under the homestead and pre-emption laws, the ranges were curtailed and the sheep were driven back, so that now many of them subsist at certain seasons on the mountain sides, sometimes at an altitude of from 8,000 to 10,000 feet above the sea, there seeking with difficulty that support before readily obtained. Hence the expense of maintenance has increased. Besides, lands have become useful for other purposes, and the sheep in the West is becoming more and more a burden.

Therefore there is depression not alone in those lines concerning which the cost of production is lessened, but it is found all throughout the list, demonstrating to you as legislative physicians that some other prescription must be applied than was suggested by the Senators who are opposed to me.

I believe that a careful analysis of the situation will show numerous examples which can not be explained upon the basis expressed in the ably conducted argument of the Senator from Delaware. I have not had time to carefully scan this branch of our dispute, but have said enough to suggest a conclusion. In the matter of eggs there has not been any invention promoting production. The ancient methods are still utilized. And yet I find there the same depreciation.

It has been frequently stated, and truly, that the gold price of silver prior to 1873 was remarkably stable, and that since that time it has been utterly unstable. But the theory that silver has depreciated and gold remained stable does not account for admitted phenomena. I refer to the phenomena which I have just recited. Suppose that we adopt a gold standard, pure and simple, manifestly when gold is very plentiful it will buy fewer things, and this is called a rise in prices. When gold is scarce it will buy more of everything. This means a fall in prices. There is no mystery as to this. The experience of every gold-standard country in the world discloses a universal fall in the prices of commodities.

And let be remembered—and it is a most cogent circumstance—that this depreciation does not antedate 1873. If we are trying this case upon its merits, and are to enter a judgment upon it, let us look at the evidence. The rule suggested by the other side does not apply, because the fall is universal and the diminished cost of production is not universal.

Then we have this other significant feature, that the fall in the price of commodities dates from 1873 or thereabouts—the date of the demonetization of silver. Why is this remarkable coincidence presented? There may be some means other than that hinted at to account for it. I am not here to withhold any information. I know that I am obliged to bring forth every fact that will tend to elucidate. The truth should be known that we may legislate wisely and in the interest of the people whom we represent. I can not find and have not heard any explanation, in harmony with the gold-appreciation theory, of the incidents which I have cited.

In China, where gold is a mere commodity and is sold just as lead or tin would be in this country, prices have not varied in twenty years. This information I derive from an article quoted in the San Francisco Chronicle and written by W. S. Wetmore. for the Hongkong papers. Wr. Wetmore selected some twenty articles for his index numbers and discovered that the prices had been practically stationary since 1873, while gold had risen nearly 50 per cent.

In a recent article by the same gentleman, printed in the North China News, he shows that notwithstanding the enormous depreciation in the gold price of silver in Europe, America and India, there has been no variation of importance in either China or Japan. He gives an instance within his own personal experience to illustrate his meaning. Seventeen years ago he employed a boy, at a salary of twenty-one Mexican dollars a month, and although at the present time silver is worth in gold less than a third of its former price, Mr. Wetmore has discovered that his servant is able to live now just as well as he did in 1876, and has not deprived himself of any of the advantages which he then enjoyed, although, as I have said, commodities have not fallen.

At the risk of being tautological, I will say that in all the great silver-using countries of the world an ounce of silver will buy just as much of the necessities of life at this day as could have been bought twenty years ago. If gold is declared to be the standard of the world, and if it is said that there is no other kind of money, gold will be more sought for, there will be greater need for it, its purchasing power will necessarily increase.

If half the stock of gold were destroyed, no one doubts that the remaining portion would be more valuable. And so if the use to which gold is applied be made more extended, if it becomes more essential to the public comfort, so will we be more anxious to get it, so will its purchasing power develop. This subject was very ably and thoroughly discussed by the distinguished Senator from Nevada in his argument before the Brussels conference. Indeed, he left nothing to be said upon the subject. The man who insists that the less money we have in the world the better off we are is no more inconsistent than the party who admits, as he must, that the legislation of the world has been in favor of gold, and that metal has been cornered and placed in a few hands, and still insists that its purchasing power has not increased.

A very instructive and interesting article on this topic by the Mexican minister, Mr. Romero, can be found in the June (1895) number of the North American Review.

It is sufficient to say in general of this measure that no doubt there are large interests in the United States which might be affected adversely by the free coinage of silver. Those whose business it has

been to reduce the value of that metal and who have been growing wealthier day by day in consequence of that policy will realize reduced profits with corresponding gain to the public at large. Those whose monetary and selfish programme has been thus far followed, and whose power has been, unfortunately and I trust but temporarily, fastened upon the American people, can not be expected to willingly release the great advantages which have accrued to them. They necessarily struggle; they necessarily denounce. The newspapers which they own and to whose support they largely contribute also join in the calumniating cry. But those of us who believe in free coinage, and who have uniformly and fearlessly asserted our views in that direction, are not to be deterred from the discharge of our duties by either threats or prophecies of personal calamity.

While the change proposed would bring about some disturbance, we must recollect that business affairs are far from settled now. The great gulf that separates the poor and the rich is daily becoming more and more pronounced. While not interfering with property rights, we must recognize prevailing conditions. I do not apprehend anarchy, revolution, or kindred horrors. Milder remedies are within reach. If the wrongs to which I refer really prevail, if my conclusions are well founded, the people have the power in their hands to redress their grievances.

It is to be hoped that the true solution will be reached, that those arguments upon which we have relied and in which we have full faith will be controlling at the polls. The American people, Mr. President, have not lost their right to vote. If they are suffering it is their own fault, not deliberate, perhaps, not wilfull; it is true, but nevertheless the consequences of misconception because of inattention or the result of neglect.

The true American who has faith in the system under which he lives has the utmost confidence that all political issues, whether economic or other, will be solved justly and patriotically. Even those whom the Senator from Wisconsin [Mr. VILAS] informs us do not understand financial problems because of engrossing cares and arduous occupation, have, I think, more knowledge of the real nature of our troubles and certainly more disposition to redress them than many more favorably surrounded. The masses will soon unite, not for blood and lawlessness, but in the peaceful and determined effort to enforce at the ballot box those policies which, however odious to gold monopolists, are essential to the happiness and comfort of the people.

APPENDIX.

DEMOCRATIC AUTHORITY ON BONDS AND NATIONAL BANKS.

National-bank notes shall be retired, their further issue prohibited, and United States Treasury notes substituted therefor. The power to issue paper money and coin as a legal tender is only vested in the National Government.
Arkansas, 1878.

COLORADO.

In 1878 Colorado denounced "the retirement and destruction of legal-tender notes and the maintainance of the national banking system," and said:
"No further increase in the bonded debt and no further sale of bonds for the purchase of coin for resumption purposes; a gradual extinction of the public debt by the redemption of the interest-bearing portion thereof in such currency as the law will permit."

ILLINOIS.

That the present system of national banks can and should be abolished at once, and the notes of such institutions redeemed and their place relieved by non-interest bearing notes of the Government, thus saving to the people annually $20,000,000.—*Illinois State Democratic Platform,* 1868.

That it is the exclusive prerogative of the United States to issue all bills to circulate as money, and a right which ought not to be exercised by any State or corporation. That the national-bank notes should be redeemed, and instead thereof there should be issued by the Government an equal amount of Treasury notes.—*Illinois State Democratic platform,* 1878.

INDIANA.

That the national bank system organized in the interest of bondholders ought to be abolished and United States notes substituted in lieu of the national-bank currency, thus saving to the people in interest alone more than $18,000,000 a year; and, until such system of banks be abolished, we demand that the shares of such banks in Indiana shall be subject to the same taxation, State and municipal, as other property of the State.—*Indiana Democratic State platform,* 1868.

We are in favor of the repeal of the national-bank law and the substitution of greenbacks for the national-bank currency.—*Indiana State Democratic platform,* 1874.

1876: We declare in favor of the adoption of measures looking to the gradual retirement of the circulation of the national banks and the substitution therefor of circulating notes issued by the authorities of Government.

1878: The right to issue paper money as well as coin is the exclusive prerogative of the Government. * * * We demand that the national-bank-notes shall be retired, and in lieu thereof shall be issued by the Government an equal amount of Treasury notes with full legal-tender quality.

IOWA.

That the national-bank system, organized in the interest of bondholders, ought to be abolished and United States notes substituted in lieu of the national-bank currency, thus saving the people in interest alone more than $18,000,000 annually; and, until such system of banks shall be abolished, we demand that the shares of such banks in Iowa shall be subject to the same taxes, State and municipal, as other property of the State.—*Iowa State Democratic platform,* 1868.

1869: A national debt is a national curse.

1875: We favor a sufficient supply of national currency for business purposes. Opposition to the present national banking law.

1876: The resumption law should at once be repealed.

1877: We favor the retention of a greenback currency, and declare against any further contraction, and we favor substitution of greenbacks for national-bank bills.

We deprecate the funding of our non-interest-bearing debt. * * * We oppose any further retirement of the United States notes now in circulation, and favor the substitution of national Treasury notes for national-bank bills.—*Iowa State Democratic platform,* 1878.

1879: We are in favor of the substitution of United States Treasury notes for national-bank notes, and of the abolition of national banks as banks of issue. * * * We favor a reduction of the bonded debt as fast as practicable and the application of the idle money in the Treasury to that purpose.

KANSAS.

We demand the repeal of the national-bank law, and that the Government shall issue a legal-tender currency direct from the Treasury.—*Kansas State Democratic platform,* 1874.

1876: We demand that the act of Congress creating the national banking system be repealed; that the notes of the national banks be withdrawn from circulation, and in lieu thereof the paper of the Government of the United States be substituted. That as Congress has the sole power to coin money and regulate the value thereof, it should also have the sole power to provide a paper currency for the people.

1876: We are opposed to all banks of issue, whether chartered by Congress or the State legislature, and we desire that banking on the part of corporations or private individuals shall be confined by law exclusively to exchange, discounts, and deposit.

That as Congress has sole power to coin money and regulate the value thereof under the Constitution, it should also exercise the sole power of providing a paper currency to be used as money. * * * That we favor the retirement of national-bank notes and substitution of Treasury notes, commonly called greenbacks, in their stead.—*Kansas State Democratic platform,* 1878.

LOUISIANA.

1878: The Louisiana Democracy demands that the national banking system should be abolished and national-bank notes retired, and in lieu thereof that the Government of the United States should issue an equal amount of Treasury notes, commonly known as greenbacks.

MASSACHUSETTS.

1868. Every dollar received by taxation from the people not absolutely necessary for the economical and legitimate expenses of the Government to be applied to the payment of the public debt.

1877: *Resolved,* That the practice of borrowing money for other objects than those of strict public necessity has generated schemes of extravagant expenditure, until taxation has become well-nigh an intolerable burden. Honesty, economy, and "pay as we go" should be the rule in all the appropriations of the peoples' money. The power of the State, counties, cities, and towns to borrow money ought to be rigidly limited, so that an end may be put to the system which "anticipates the labor of coming ages and appropriates the fruits of it in advance; which coins the industry of future generations into cash and snatches the inheritance from children yet unborn."

MICHIGAN.

1879: We demand that all money, whether paper or metallic, shall be issued by the General Government only, and made a full legal tender for all debts, public and private, except as to such contracts heretofore made as were originally payable in coin. We are opposed to all banks of issue, and demand that greenbacks shall be substituted in place of national-bank bills.

MINNESOTA.

1878: We are opposed to any increase of the bonded debt, and to the sale of bonds for the purpose of obtaining coin for resumption purposes. We are in favor of the gradual substitution of national Treasury notes for national-bank notes and making such Treasury notes the sole paper currency of the country, and placed on such basis as that the same shall be equal in value with coin, and as a legal tender the same as coin.

MISSOURI.

We regard the national banking system as being oppressive and burdensome, and demand the abolition and retirement from circulation of all national-bank notes and the issue of legal-tender notes in lieu thereof, and in quantities from time to time sufficient to supply the wholesome and necessary business demands of the entire country, and that all greenbacks so issued shall be used in the purchase and retirement of the bonds of the United States, so that the interest-bearing debt of the country may be lessened to the extent of the greenbacks thus put into circulation.—*Missouri State Democratic platform,* 1878.

MAINE.

That so long as the currency consists in whole or in part of paper money, issued under the authority of the National Government, such paper should be issued directly by the Government itself, and that the great and valuable privilege of issuing three hundred millions of this money, yielding a profit equal to eighteen millions annually in gold, has been too long enjoyed by favored individuals associated under the national-bank law, and should be forth-

with assumed by the people represented by the political authority of the United States.—*Maine State Democratic platform*, 1868.

1878: The payment of the bonded debt of the United States as rapidly as practicable. No further issue of Government bonds whereby equal taxation with the other property of the country is avoided. * * * We are opposed to an irredeemable currency, but believe in a currency for the Government and people, the laborer and officeholder, the pensioner and soldier, the producer and the bondholder. We are opposed to the present national banking system and in favor of the gradual substitution of greenbacks for national bank bills.

NEBRASKA.

1878: We demand the gradual substitution of United States legal-tender paper for national bank notes and its permanent establishment as the sole paper money of the country; the immediate repeal of the national banking act; no further issue of interest-bearing bonds; no further sale of bonds for the purchase of coin for resumption purposes, but a gradual extinction of the public debt.

NEVADA.

The substitution of the United States currency for the national bank notes. No further sale of interest-bearing bonds for coin for resumption purposes, but the gradual reduction of the public debt.—*Nevada State Democratic platform*, 1878.

NEW HAMPSHIRE.

1878: One currency for the Government and the people, the laborer and the officeholder, the pensioner and the soldier, the producer and the bondholder. That whatever currency is issued by the Government should be issued for the benefit of the whole people, and not for the benefit of capitalists at the expense of the people.

OHIO.

1869: We denounce the national banking system as one of the worst outgrowths of the bonded debt, which unnecessarily increases the burden of the people $30,000,000 annually, and we demand its immediate repeal.

1870: We are opposed to the system of national banks, and demand the immediate repeal of the law creating them, and that in place of the notes of such banks Treasury notes of the United States should be substituted.

1871: Honor and duty alike require the honest payment of the public debt. Believing that a better system can be devised, and one that will be free from unjust privileges, we are in favor of abolishing the franchises of the national banks to issue a paper currency as soon as the same can safely and prudently be done, and that the notes so withdrawn by the banks be replaced by the Government with legal tender currency.—*Ohio State Democratic platform*, 1874.

1875: That the policy already initiated by the Republican party of abolishing the legal tender and giving national banks the power to furnish all the currency will increase the power of an already dangerous monopoly and the enormous burden now oppressing the people, without any corresponding advantage, and that we oppose the policy and demand that all the national bank circulation be promptly and permanently retired, and legal tenders be issued in their place. * * * No paper currency except such as may be issued directly by and upon the faith of the General Government.

1876: The gradual but early substitution of legal tender for national bank notes. * * * The issue by the General Government alone of all the circulating medium, whether paper or metallic.

1877: We favor the retention of greenback currency as the best paper money we have ever had, and declare against any further contraction. * * * We favor the issue by the General Government alone of all circulating mediums, whether paper or metallic, to be always of equal tender and interconvertible.

1878: The gradual substitution of United States legal tender paper for national bank notes and its permanent establishment as the sole paper money of the country. * * * No further increase in the bonded debt and no further

sale of bonds for the purchase of coin for resumption purposes, but the gradual extinction of the public debt.

1879: The issue of money in any form and the regulation thereof belong to the General Government alone, and ought not to be delegated or intrusted to individuals or corporations. We oppose the perpetuation of the present national banking system as a means of control over the currency of the country, and demand the gradual substitution of Treasury notes for national bank currency.

OREGON.

1875: The institution of the system of national banks was a fraud upon the country and injustice upon the laboring classes, and we demand such prudent legislation as will gradually bring this vicious system to a close; that all currency which may be issued shall be convertible into coin upon demand and be issued directly by the Government.

That the gratuity of nearly $24,000,000 now paid to national banks by the Government is simply levying tribute upon the people for the benefit of the capitalists. We, therefore, favor the repeal of the law under which they were established and the direct issue by the Government of currency, receivable for all public dues, sufficient to supply the place of the present bank-note circulation. —*Oregon State Democratic platform,* 1878.

PENNSYLVANIA.

1875: That the policy already indicated by the Republican party of abolishing legal tenders and giving the national banks the power to furnish all the currency will increase the power of an already dangerous monopoly and the enormous burden now oppressing the people without compensating advantage, and that all the national bank circulation be promptly and permanently retired and full legal tenders be issued in their place.

1875: The honest payment of our just debts and the sacred preservation of the public faith.

1876: The honest payment of the public debt.

1878: Gold, silver and United States legal tender notes at par therewith are a just basis for paper circulation.

NEW YORK.

1874: Honest payment of the public debt in coin.

TENNESSEE.

That we favor the abolition of the present odious national bank system and the payment of the bonds of the Government by issuance of its non-interest-bearing notes, according to the contract expressed and implied at the time of the creation of such obligations.—*Tennessee Democratic State platform,* 1874.

The substitution of Treasury notes for national bank currency at the earliest moment practicable.—*Tennessee State Democratic platform,* 1876.

1878: The odious national banking act be repealed and greenbacks be substituted for the circulation of national banks. * * * That no more interest-bearing bonds be issued; that all loans required by the Government be raised by the issuance of non-interest-bearing Treasury notes.

TEXAS.

1878: We favor one currency for the Government and the people, the laborer and the officeholder, the pensioner and the soldier, the producer and the bondholder. * * * The substitution of United States legal tender for national bank notes and its permanent re-establishment as the sole paper money of the country.

No further increase in the bonded debt; no further sale of bonds for the purchase of coin for redemption purposes, but a gradual reduction of the public debt by payment according to the original contract by which it was created.

VERMONT.

1878: The honest payment of the public debt in such currency as its terms imply, and the preservation of the public faith.

One currency for all. We oppose the present national banking system and recommend the gradual substitution of greenbacks for national bank bills.

WISCONSIN.

1887: Declares its opposition to a longer continuance of the national bank currency and demands that the Government furnish its own notes in the place thereof.

UTTERANCES OF EMINENT STATESMEN.

These are the words of Mr. Jefferson:

"It is a wise rule and should be fundamental in a government disposed to cherish its credit, but at the same time to restrain the use of it within the limits of its faculties, 'never to borrow a dollar without laying a tax on the same instant for paying the interest annually, and the principal within a given term; and to consider that tax as pledged to the creditors on the public faith.' On such a pledge as this, sacredly observed, a government may always command, on a reasonable interest, all the lendable money of their citizens, while the necessity of equivalent tax is a salutary warning to them and their constituents against oppression, bankruptcy, and its inevitable consequence, revolution. But the term of redemption must be moderate and at any rate within the limits of their rightful powers. But what limits, it will be asked, does this prescribe to their powers? What is to hinder them from creating a perpetual debt? The laws of nature, I answer. The earth belongs to the living, not to the dead. The will and the power of man expire with his life, by nature's law."

* * * * * * *

"In seeking, then, for an ultimate term for the redemption of our debts, let us rally to this principle and provide for their payment within the term of nineteen years at the furthest." (Volume 6, pages 136, 137.)

"We must raise, then, ourselves the money for this war, either by taxes within the year, or by loans; and if by loans, we must repay them ourselves, proscribing forever the English practice of perpetual funding, the ruinous consequences of which, putting right out of the question, should be a sufficient warning to a considerate nation to avoid the example." (Volume 6, page 197.)

"At the time we were funding our national debt, we heard much about a 'public debt being a public blessing;' that the stock representing it was a creation of active capital for the aliment of commerce, manufactures, and agriculture. This paradox was well adapted to the minds of believers in dreams, and the gulls of that size entered bona fide into it." (Volume 6, page 239.)

"The misfortune is that in the meantime we shall plunge ourselves in unextinguishable debt, and entail on our posterity an inheritance of eternal taxes, which will bring our Government and people into the condition of those of England, a nation of pikes and gudgeons, the latter bred merely as food for the former." (Volume 6, page 409.)

"Funding I consider as limited, rightfully, to a redemption of the debt within the lives of a majority of the generation contracting it; every generation coming equally, by the laws of the Creator of the world, to the free possession of the earth He made for their subsistence, unencumbered by their predecessors, who, like them, were but tenants for life."

* * * * * * *

"And I sincerely believe, with you, that banking establishments are more dangerous than standing armies; and that the principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale." (Volume 6, pages 605-608.)

"No earthly consideration could induce my consent to contract such a debt as England has by her wars for commerce, to reduce our citizens by taxes to such wretchedness as that, laboring sixteen of the twenty-four hours, they are still unable to afford themselves bread, or barely to earn as much oatmeal or potatoes as will keep soul and body together." (Volume 7, page 7.)

* * * * * * *

"I am not among those who fear the people. They and not the rich are our dependence for continued freedom. And to preserve their independence we must not let our rulers load us with perpetual debt. We must make our

election between economy and liberty or profusion and servitude. If we run into such debts as that we must be taxed in our meat and in our drink, in our necessaries and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are; our people, like them, must come to labor sixteen hours in the twenty-four, give the earnings of fifteen of these to the Government for their debts and daily expenses; and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes; have no time to think, no means of calling the mismanagers to account, but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow sufferers. Our landholders, too, like theirs, retaining indeed the title and stewardship of estates called theirs, but held in trust for the Treasury, must wander, like theirs, in foreign countries, and be contented with penury, obscurity, exile, and the glory of the nation. This example reads to us the salutary lesson that private fortunes are destroyed by public as well as by private extravagance. And this is the tendency of all known governments. A departure from principle in one instance becomes a precedent for a second, that second for a third, and so on till the bulk of the society is reduced to be mere automations of misery, to have no sensibilities left but for sinning and suffering. Then begins, indeed, the *bellum omnium in omnia,* which some philosophers observing to be so general in this world, have mistaken it for the natural instead of the abusive state of man. And the forehorse of this frightful team is public debt. Taxation follows that, and in its turn wretchedness and oppression." (Volume 7, page 14.)

* * * * * * *

"I place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared. We see in England the consequences of the want of it—their laborers reduced to live on a penny in the shilling of their earnings, to give up bread, and resort to oatmeal and potatoes for food; and their landholders exiling themselves to live in penury and obscurity abroad, because at home the Government must have all the clear profits of their land. In fact, they see the fee simple of the island transferred to the public creditors, all its profits going to them for the interest of their debts. Our laborers and landholders must come to this also unless they serenely adhere to the economy you recommend." (Volume 7, page 19.)

"The incorporation of a bank and the powers assumed by this bill have not, in my opinion, been delegated to the United States by the Constitution."—*Opinion against the constitutionality of a national bank, February* 15, 1791, volume 7, page 556.

"The bank filled and overflowed in the moment it was opened. Instead of 20,000 shares 24,000 were offered and a great many unpresented who had not suspected that so much haste was necessary. Thus it is that we shall be paying 13 per cent, per annum for eight millions of paper money, instead of having that circulation of gold and silver for nothing. Experience has proved to us that a dollar of silver disappears for every dollar of paper emitted; and for the paper emitted from the bank 7 per cent. profits will be received by the subscribers for it as bank paper (according to the last division of profits by the Philadelphia Bank,) and 6 per cent, on the public paper of which it is the representative."—*Letter to Colonel Monroe, July,* 10, 1791, volume 3, page 268.

"Our public credit is good, but the abundance of paper has produced a spirit of gambling in the funds, which has laid up our ships at the wharves as too slow instruments of profit, and has even disarmed the hand of the tailor of his needle and thimble. They say the evil will cure itself. I wish it may, but I have rarely seen a gamester cured, even by the disasters of his vocation."—*Letter to Gouverneur Morris, August* 30, 1791, volume 3, page 290.

"You will see further that we are completely saddled and bridled, and that the bank is so firmly mounted on us that we must go where they will guide.

They openly publish a resolution that, the national property being increased in value, they must by an increase of circulating medium furnish an adequate representation of it, and by further additions of active capital promote the enterprises of our merchants."—*Letter to Colonel Munroe, June* 12, 1796, volume 4, page 140.

"I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the redemption of the administration of our Government to the genuine principles of its Constitution; I mean an additional article, taking from the Federal Government the power of borrowing. I now deny their power of making paper money or anything else a legal tender."—*Letter to John Taylor, November* 26, 1798, volume 4, page 260.

"The monopoly of a single bank is certainly an evil. The multiplication of them was intended to cure it; but it multiplied an influence of the same character with the first, and completed the supplanting the precious metals by a paper circulation."—*Letter to Mr. Gallatin, June* 19, 1802, volume 4, page 440.

"From the passage in the letter of the president [of the United States Bank] I observe an idea of establishing a branch bank of the United States in New Orleans. This institution is one of the most deadly hostility existing against the principles and form of our Constitution. The nation is at this time so strong and united in its sentiments that it can not be shaken at this moment. But suppose a series of untoward events should occur, sufficient to bring into doubt the competency of a republican government to meet a crisis of great danger to unhinge the confidence of the people in the public functionaries, an institution like this, penetrating by its branches every part of the Union, acting by command and in phalanx, may in a critical moment upset the Government."—*Letter to Mr. Gallatin, December* 13, 1803, volume 4, page 519.

"That we are overdone with banking institutions, which have banished the precious metals and substituted a more fluctuating and unsafe medium; that these have withdrawn capital from useful improvements and employments to nourish idleness; that the wars of the world have swollen our commerce beyond the wholesome limits of exchanging our own productions for our own wants, and that, for the emolument of a small proportion of our society, who prefer these demoralizing pursuits to labors useful to the whole, the peace of the whole is endangered and all our present difficulties produced, more easily to be deplored than remedied."—*Letter to Abbe Salimankis, March* 14, 1810, volume 5, page 516.

"One of the great advantages of specie as a medium is that, being of universal value, it will keep itself at a general level, flowing out from where it is too high into parts where it is lower. Whereas, if the medium be of local value only, as paper money, if too little, indeed, gold and silver will flow in to supply the deficiency; but if too much, it accumulates, banishes the gold and silver not locked up in vaults and hoards, and depreciates itself—that is to say, its proportion to the annual produce of industry being raised, more of it is required to represent any particular article of produce than in the other countries. And to fill up the measure of blessing, instead of paying, they receive an interest on what they owe from those to whom they owe; for all the notes, or evidences of what they owe, which we see in circulation, have been lent to somebody on an interest which is levied again on us through the medium of commerce."—*Letter to John W. Eppes, November* 6, 1813, volume 6, page 239.

"Everything predicted by the enemies of banks in the beginning is now coming to pass. We are to be ruined now by the deluge of bank paper, as we were formerly by the old Continental paper. It is cruel that such revolutions

in private fortunes should be at the mercy of avaricious adventurers, who instead of employing their capital, if any they have, in manufactures, commerce, or other useful pursuits, make it an instrument to burden all the interchanges of property with their swindling profits, profits which are the price of no useful industry of theirs. * * * I am an enemy to all banks discounting bills or notes for anything but coin."—*Letter to Dr. Thomas Cooper, January* 16, 1814, volume 6, page 295.

"Until the gigantic banking propositions of this winter had made their appearance in the different legislatures, I had hoped that the evil might still be checked; but I see now that it is desperate, and that we must fold our arms and go to the bottom with the ship."—*Letter to Joseph C. Cabell, esq., January* 17, 1814, volume 6, page 300.

"I have ever been the enemy of banks, not of those discounting for cash, but of those foisting their own paper into circulation, and thus banishing our cash. My zeal against those institutions was so warm and open at the establishment of the Bank of the United States that I was derided as a maniac by the tribe of bank mongers who were seeking to filch from the public their swindling and barren gains."—*Letter to President Adams, January* 24, 1814, volume 6, page 305.

"From the establishment of the United States Bank to this day I have preached against this system but have been sensible no cure could be hoped but in the catastrophe now happening. The remedy was to let banks drop graduation at the expiration of their charters, and for the State governments to relinquish the power of establishing others. This would not, as it should not, have given the power of establishing them to Congress. But Congress could then have issued Treasury notes payable within a fixed period, and founded on a specific tax, the proceeds of which, as they came in, should be exchangeable for the notes of that particular emission only."—*Letter to Thomas Cooper, esq., September* 10, 1814, volume 6, page 381.

"Let us be allured by no objects of banks, public or private, or ephemeral expedients, which, enabling us to gasp and flounder a little longer, only increase by protracting the agonies of death."—*Letter to James Monroe, October* 16, 1814, volume 6, page 395.

"The fatal possession of the whole circulating medium by our banks, the excess of those institutions, and their present discredit cause all our difficulties. Treasury notes of small as well as high denomination, bottomed on a tax which would redeem them in ten years, would place at our disposal the whole circulating medium of the United States; a fund of credit sufficient to carry us through any probable length of war."—*Letter to his excellency Mr. Crawford, February* 11, 1815, volume 6, page 419.

"The Government is now issuing Treasury notes for circulation, bottomed on solid funds, and bearing interest. The banking confederacy (and the merchants bound to them by their debts) will endeavor to crush the credit of these notes, but the country is eager for them, as something they can trust to, and so soon as a convenient quantity of them can get into circulation, the bank notes die."—*Letter to Jean Batiste Say, March* 2, 1815, volume 6, page 434.

"Their merchants (the English) established among us, the bonds by which our own are chained to their feet, and the banking combination interwoven with the whole, have shown the extent of their control, even during a war with her. They are the workers of all the embarrassments our finances have

experienced during the war."—*Letter to Caesar A. Rodney, March,* 16, 1815, volume 6, page 449.

"Like a dropsical man calling out for water, water, our deluded citizens are clamoring for more banks, more banks. The American mind is now in the state of fever which the world has so often seen in the history of other nations. We are under the bank bubble, as England was under the South Sea bubble, France under the Mississippi bubble, and as every nation is liable to be under whatever bubble, design, or delusion may puff up in moments when off their guard. We are now taught to believe that legerdemain tricks upon paper can produce as solid wealth as hard labor in the earth. It is vain for common sense to urge that nothing can produce nothing; that it is an idle dream to believe in a philosopher's stone which is to turn everything into gold, and to redeem man from the original sentence of his Maker, 'In the sweat of his brow shall he eat his bread.'"—*Letter to Colonel Yancey, January* 6, 1816, volume 6, page 515.

"The metallic medium of which we should be possessed at the commencement of a war would be a sufficient fund for all the loans we should need through its continuance; and if the national bills issued be bottomed (as is indispensable) on pledges of specific taxes for their redemption within certain and moderate epochs, and be of proper denominations for circulation, no interest on them would be necessary or just, because they would answer to everyone the purposes of the metallic money withdrawn and replaced by them."—*Letter to William H. Crawford, June* 20, 1816, volume 7, page 8.

"The bank mania is one of the most threatening of these imitations. It is raising up a moneyed aristocracy in our country which has already set the Government at defiance and although forced at length to yield a little on the first essay of their strength, their principles are unyielded and unyielding. These have taken deep root in the hearts of that class from which our legislators are drawn, and the sop to Cerberus from fable has become history. Their principles lay hold of the good, their pelf of the bad, and thus those whom the Constitution had placed as guards to its portals are sophisticated or suborned from their duties. That paper money has some advantages is admitted. But that its abuses also are inevitable, and by breaking up the measure of value makes a lottery of all private property, can not be denied. Shall we ever be able to put a constitutional veto upon it?"—*Letter to Dr. Josephus B. Stuart, May* 10, 1817, volume 7, page 64.

"There is, indeed, one evil which awakens me at times, because it jostles me at every turn. It is that we have now no measure of value."—*Letter to Nathaniel Macon, esq., January* 12, 1819, volume 7, page 111.

"The evils of this deluge of paper money are not to be removed until our citizens are generally and radically instructed in their cause and consequences, and silence by their authority the interested clamors and sophistry of speculating, shaving, and banking institutions."—*Letter to Mr. Adams, March* 21, 1819, volume 7, page 115.

"The paper bubble is then burst. This is what you and I and every reasonable man, seduced by no obliquity of mind or interest, have long foreseen, yet its disastrous effects are not the less for having been foreseen. We are laboring under a dropsical fullness of circulating medium. Nearly all of it is now called in by the banks, who have the regulation of the safety valves of our fortunes, and who condense and explode them at their will. Lands in this State can not now be sold for a year's rent."—*Letter to J. Adams, esq., November* 7, 1819, volume 7, page 142.

"If we suffer the moral of the present lesson to pass away without improvement by the eternal suppression of bank paper, then, indeed, is the condition

of our country desperate, until the slow advance of public instruction shall give to our functionaries the wisdom of their station."—*Letter to Mr. Rives, November* 28, 1819, volume 7, page 145.

"The plethory of circulating medium which raised the prices of everything to several times their ordinary and standard value, in which state of things many and heavy debts were contracted, and the sudden withdrawing too great a proportion of that medium, and reduction of prices far below that standard, constitute the disease under which we are now laboring and which must end in a general revolution of property if some remedy is not applied."—*Letter to Mr. Rives, November* 28, 1819, volume 7, page 146.

"Interdict forever, to both the State and National Governments, the power of establishing any paper bank, for without this interdiction we shall have the same ebbs and flows of medium and the same revolutions of property to go through every twenty or thirty years."—*Letter to Mr. Rives, November* 28, 1819, volume 7, page 147.

"The State is in a condition of unparalleled distress. The sudden reduction of a circulating medium from a plethory to all but annihilation is producing an entire revolution of fortune."—*Letter to H. Nelson, esq., March* 12, 1820, volume 7, page 151.

"I should put down all banks, admit none but a metallic circulation, that will take its proper level with the like circulation in other countries, and then our manufacturers may work in fair competition with those of other countries, and the import duties which the Government may lay for the purposes of revenue will so far place them above equal competition."—*Letter to Mr. Pinckney, September* 30, 1820, volume 7, page 180.

The expansion of the currency by the issue of paper in a period of prosperity will inevitably be succeeded by its contraction in periods of adversity.—*W. H. Crawford.*

The great object now in view is to terminate forever the evil of the present system, and to place the currency on a foundation so stable that it can not again be shaken. If a broad and sure foundation of gold and silver is provided for our system of paper credits we need not hereafter apprehend those alternate seasons of abundance and scarcity of money suddenly succeeding each other, which have so far marked our history and irreparably injured so many of our citizens.—*Report of R. B. Taney, Secretary of Treasury, April* 15, 1834.

Proneness to excessive issues has ever been the vice of the banking system, a vice as prominent in national as in State institutions. This propensity is as subservient to the advancement of private interests in the one as in the other; and those who direct them both, being principally guided by the same views and influenced by the same motives, will be equally ready to stimulate to extravagance of enterprise by improvidence of credit.—*President Van Buren's message, September* 4, 1837.

The history of trade in the United States for the last three or four years affords the most convincing evidence that our present condition is chiefly to be attributed to overaction in all the departments of business, an overaction deriving, perhaps, its first impulse from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper and by

other facilities for the acquisition and enlargement of credit.—*President Van Buren's message, September* 4, 1837.

The limited influence of a national bank in averting derangement in the exchanges of the country, or in compelling the resumption of specie payments, is now not less apparent than its tendency to increase inordinate speculation by sudden expansions and contractions; its disposition to create panic and embarrassment for the promotion of its own designs; its interference with politics, and its far greater power for evil than for good either in regard to the local institutions of the operations of a government itself. What was in these respects, but apprehension or opinion when a national bank was first established now stands confirmed by humiliating experience. The scenes through which we have passed conclusively prove how little our commerce, agriculture, manufactures, or finances require such an institution, and what dangers are attendant on its power—a power, I trust, never to be conferred by the American people upon their Government, and still less upon individuals not responsible to them for its unavoidable abuses.—*President Van Buren's second annual message, December* 4, 1838.

The experiment has been tried and local paper has failed as a national currency, and out of that failure arose the second United States bank. It will fail again and again, and forever. . There is no safety for the Federal revenues but in the total exclusion of local paper, and that from every branch of the revenues—customs, lands, and post office. There is no safety for the national finances but in the constitutional medium of gold and silver. After forty years' wandering in the wilderness of paper money we have approached the confines of the constitutional medium.—*Benton, December* 14, 1836.

The evils of a redundant paper circulation are now manifest to every eye. It alternately raises and sinks the value of every man's property. It makes a beggar of the man to-morrow who is indulging in dreams of wealth to-day. It converts the business of society into a mere lottery, while those who distribute the prizes are wholly irresponsible to the people. When the collapse comes, as come it must, it casts laborers out of employment, crushes manufacturers and merchants, and ruins thousands of honest and industrious citizens. Shall we then, by our policy, any longer contribute to such fatal results? That is the question.—*Buchanan, September* 29, 1837.

For myself, I am opposed to investing in banks the power of manufacturing a paper currency. This power of creating a currency for a nation is one of the highest and most important attributes of a sovereign power, and more deeply affects all the diversified interests of society that the excercise of any other power whatever. It is more important than coining money, for that must be preceded by the purchase of the bullion; but here is a power to manufacture paper money at pleasure, to constitute the currency of a State or nation, a power intrusted to the irresponsible directory of a bank, acting in secret, and whose chief interest is to abuse their power. In proportion as a bank increases in currency are its dividends and profits augmented, and hence the stimulus to overissues is irresistible, and especially is this the case where, as we have seen by the evidence before quoted, the very directors which manufacture the paper loan out, as a general rule, more than one-fourth of it to themselves. This power, then, of issuing their paper as money is truly fearful, and when united with the power of loaning at pleasure, in secret conclave, and to whom and for what purpose the bank directory may think proper, and of recalling it at pleasure, and of contracting and expanding as suits their caprice, is a power which few European despots would dare to exercise, and is utterly incompatible with the fundamental principles of a free government.—*From the speech of Robert J. Walker in the Senate, January* 21, 1840.

Allow me, moreover, to hope that it will be a favorite policy with you not merely to secure a payment of the interest of the debt funded, but as far and

as fast as the growing resources of the country will permit to exonerate it of the principal itself. The appropriations you have made of the Western lands explain your disposition on this subject, and I am persuaded that the sooner that valuable fund can be made to contribute, along with other means, to the actual reduction of the public debt, the more salutary will the measure be to every public interest, as well as the more satisfactory to our constituents.—*Washington's second annual address to Congress, December* 8, 1790. (*Williams' Presidents' Messages,* volume 1, page 38.)

No pecuniary consideration is more urgent than the regular redemption and discharge of the public debt. On none can delay be more injurious or an economy of time be more valuable.—*Washington's fifth annual address to Congress, December* 3, 1793. (*Williams' Presidents' Messages,* volume 1, page 49.)

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES: The time which has elapsed since the commencement of our fiscal measures has developed our pecuniary resources so as to open the way for a definitive plan for the redemption of the public debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation and nothing would be more grateful to our constituents. Indeed, whatever is unfinished of our system of public credit can not be benefited by procrastination; and as far as may be practicable we ought to place that credit on grounds which can not be disturbed and to prevent that progressive accumulation of debt which must ultimately endanger all governments.—*Washington's sixth annual address to Congress, November* 19, 1794. (*Williams' Presidents' Messages,* volume 1, page 59.)

The consequences arising from the continual accumulation of public debts in other countries ought to admonish us to be careful to prevent their growth in our own. The national defense must be provided for as well as the support of Government, but both should be accomplished as much as possible by immediate taxes and as little as possible by loans.—*President John Adams' message,* 1797.

When effects so salutary result from the plan you have already sanctioned, when merely by avoiding false objects of expense we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments towards the discharge of our public debt and the emancipation of our posterity from that moral canker, it is an encouragement, fellow-citizens, of the highest order, to proceed as we have begun, in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practiced by others under different circumstances. And whensoever we are destined to meet events which shall call forth all the energies of our countrymen, we have the firmest reliance on those energies, and the comfort of leaving for calls like these the extraordinary resources of loans and internal taxes.—*Jefferson's second annual message to Congress, December* 15, 1802. (*William's Presidents' Messages,* volume 1, page 160.)

I am uneasy at seeing that the sale of our western lands is not yet commenced. That valuable fund for the immediate extinction of our debt will, I fear, be suffered to slip through our fingers. Every delay exposes it to events which no human foresight can guard against.—*Letter to James Madison, June* 20, 1787, volume 2, page 153.

The question whether one generation of men has a right to bind another seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also among the fundamental principles of every government. The course of reflection in which we are immersed here, on the elementary principles of society, has presented that question to my mind; and that no such obligation can be transmitted I think very capable of proof. I set out on this ground, which I suppose to be self-evident, that the earth belongs in usufruct to the

living; that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to the society. If the society has formed no rules for the appropriation of its lands in severalty, it will be taken by the first occupants, and these will generally be the wife and children of the decedent. If they have formed rules of appropriation, those rules may give it to the wife and children or to some one of them, or to the legatee of the deceased. So they may give it to its creditor. But the child, the legatee, or creditor takes it not by natural right, but by a law of the society of which he is a member and to which he is subject. Then, no man can, by natural right, oblige the lands he occupied, or the persons who succeed him in that occupation, to the payment of debts contracted by him. For if he could he might during his own life eat up the usufruct of the lands for several generations to come; and then the lands would belong to the dead and not to the living, which is the reverse of our principle.

What is true of every member of the society individually, is true of them all collectively, since the rights of the whole can be no more than the sum of the rights of the individuals. To keep our ideas clear when applying them to a multitude, let us suppose a whole generation of men to be born on the same day, to attain mature age on the same day, and to die on the same day, leaving a succeeding generation in the moment of attaining their mature age, all together. Let the ripe age be supposed of 21 years, and their period of life thirty-four years more, that being the average term given by the bills of mortality to persons of 21 years of age. Each successive generation would, in this way, come and go off the stage at a fixed moment, as individuals do now. Then, I say, the earth belongs to each of these generations during its course, fully and in its own right. The second generation receives it clear of the debts and incumbrances of the first, the third of the second, and so on. For if the first could charge it with debt, then the earth would belong to the dead and not to the living generation. Then no generation can contract debts greater than may be paid during the course of its own existence.—*Letter written from Paris to James Madison, September* 6, 1789, volume 3, page 103.

Not those who promote unnecessary accumulations of the debt of the Union, instead of the best means of discharging it as fast as possible, thereby increasing the causes of corruption in the Government and the pretext for new taxes under its authority, the former undermining the confidence, the latter alienating the affections of the people.

The real friends of the Union are those who are friends to the authority of the people, the sole foundation on which the Union rests;

Who are friends to liberty, the great end for which the Union was formed;

Who are friends to the limited and republican system of government, the means provided by that authority for the attainment of that end;

Who, considering a public debt as injurious to the interests of the people and baneful to the virtue of the Government, are enemies to every contrivance for unnecessarily increasing its amount, or protracting its duration, or extending its influence.

In a word, those are the real friends of the Union who are friends to that republican policy throughout which is the only cement for the union of a republican people, in opposition to a spirit of usurpation and monarchy, which is the menstruum most capable of dissolving it.—*No.* 15, *Writings of Madison, March* 31, 1792, page 480.

If Providence permits me to meet you at another session, I shall have the high gratification of announcing to you that the national debt is extinguished. I can not refrain from expressing the pleasure I feel at the near approach of that desirable event. The short period of time within which the public debt will have been discharged is strong evidence of the abundant resources of the country and of the prudence and economy with which the Government has heretofore been administered.—*President Jackson's message,* 1833.

I can not too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event, the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic

policy marked out by the legislation of the country for this object, the present Administration has devoted to it all the means which its flourishing commerce has supplied and a prudent economy preserved for the Public Treasury. Within the four years for which the people have confided the executive power to my charge, $58,000,000 will have been applied to the payment of the public debt.

* * * * * * * *

The final removal of this great burden from our resources affords the means of further provision for all the objects of general welfare and public defense which the Constitution authorizes, and prevents the occasion for such further reduction in the revenue as may not be required for them.—*President Jackson's annual message,* 1832.

The paper-money system and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil; and it will require all your efforts to check its further growth and to eradicate the evil. The men who profit by the abuses and desire to perpetuate them will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek, by every artifice, to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you everyone placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed. And while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the Government is safe, and the cause of freedom will continue to triumph over its enemies.

But it will require steady and persevering exertions on your part to rid yourself of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject that you must not hope the conflict will be a short one nor success easy. My humble efforts have not been spared, during my administration of the Government, to restore the constitutional currency of gold and silver; and something, I trust, has been done toward the accomplishment of this most desirable object. But enough yet remains to require all your energy and perserverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.—*Jackson's Farewell Address.*

The creation, in time of peace, of a debt likely to become permanent is an evil for which there is no equivalent. The rapidity with which many of the States are apparently approaching to this condition admonishes us of our own duties in a manner too impressive to be disregarded. One, not the least important, is to keep the Federal Government always in a condition to discharge with ease and vigor its highest functions, should their exercise be required by any sudden conjuncture of public affairs—a condition to which we are always exposed, and which may occur when least expected. To this end it is indispensable that its finances should be untrammeled and its resources, so far as practicable unencumbered. No circumstance should present greater obstacles to the accomplishment of these vitally important objects than the creation of an onerous national debt. Our own experience, and also that of other nations, has demonstrated the unavoidable and fearful rapidity with which a public debt is increased when the Government has once surrendered itself to the ruinous practice of supplying its supposed necessities by new loans. The struggle, therefore, on our part, to be successful, must be made at the threshold. To make our efforts effective, severe economy is necessary. This is the surest provision for the national welfare, and it is at the same time the best preservative of the principles on which our institutions rest. Simplicity and economy in the affairs of state have never failed to chasten and invigorate republican principles, while these have been as surely subverted by national prodigality under whatever specious pretext it may have been intro-

duced or fostered.—*Van Buren's third annual message.* (*Statesman's Manual*, volume 2, page 1121.)

A few years ago our whole national debt growing out of the Revolution and the war of 1812 with Great Britain was extinguished, and we presented to the world the rare and noble spectacle of a great and growing people who had fully discharged every obligation. Since that time the existing debt has been contracted; and, small as it is in comparison with the similar burdens of most other nations, it should be extinguished at the earliest practicable period. Should the state of the country permit, and especially if our foreign relations interpose no obstacle, it is contemplated to apply all the moneys in the Treasury, as they accrue beyond what is required for the appropriations by Congress, to its liquidation. I cherish the hope of soon being able to congratulate the country on its recovering once more the lofty position which it so recently occupied. Our country, which exhibits to the world the benefits of self-government in developing all the sources of national prosperity, owes to mankind the permanent example of a nation free from the blighting influence of a public debt.—*Polk's first annual message, December* 2, 1845, (*Statesman's Manual*, volume 4, page 1462.)

The amount of the public debt to be contracted should be limited to the lowest practicable sum, and should be extinguished as early after the conclusion of the war as the means of the Treasury will permit.

With this view it is recommended that as soon as the war shall be over all the surplus in the Treasury, not needed for other indispensable objects, shall constitute a sinking fund and be applied to the purchase of the funded debt, and that authority be conferred by laws for that purpose.—*Polk's third annual message, December* 7, 1847. (*Statesman's Manual*, volume 4, page 1704.)

Besides making the necessary legislative provisions for the execution of the treaty, and the establishment of Territorial governments in the ceded country, we have, upon the restoration of peace, other important duties to perform. Among these I regard none as more important than the adoption of proper measures for the speedy extinguishment of the national debt. It is against sound policy and the genius of our institutions that a public debt should be permitted a day longer than the means of the Treasury will enable the Government to pay it off. We should adhere to the wise policy laid down by President Washington, of "avoiding the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace, to discharge debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden we ourselves ought to bear." —*Polk's special message, July* 6, 1848, (*Statesman's Manual*, volume 4, page 1743.)

In my message of the 6th of July last, transmitting to Congress the ratified treaty of peace with Mexico, I recommended the adoption of measures for the speedy payment of the public debt. In reiterating that recommendation, I refer you to the considerations presented in that message in its support.

* * * * * * * *

The public expenditures should be economical and be confined to such necessary objects as are clearly within the powers of Congress. All such as are not absolutely demanded should be postponed and the payment of the public debt at the earliest practicable period should be a cardinal principle of our public policy.—*Polk's fourth annual message, December* 5, (*Statesman's Manual*, volume 4, page 1774.)

The following are from Clay, Calhoun, Crawford, and Benton:

Mr. Clay said, in 1816, he would—

"Lay down a general rule, from which there ought never to be a departure without absolute necessity, that the expense of the year ought to be met by the revenue of the year. If in time of war it were impossible to observe this

rule we ought in time of peace to provide for as speedy a discharge of the debt contracted in the preceding war as possible."

And in 1824 he said:

"The payment of that debt and the consequent liberation of the public resources from the charge of it is extremely desirable.

"The moral value of the payment of a national debt consists in the demonstration which it affords of the ability of a country to meet and its integrity in fulfilling all its engagements. * * * Whoever may be entitled to the credit of the payment of the public debt, I congratulate you, sir, and the country most cordially that it is so near at hand."

I shall oppose strenously all attempts to originate a new debt; to create a national bank; to reunite the political and money power—more dangerous than that of church and state—in any form or shape.—*Calhoun on the bill for the issue of Treasury notes, United States Senate, September* 18, 1837. (*Abridgment Debates in Congress,* volume 13, page 363.)

An attentive examination of the rise and fall of public debts in other countries can not fail to impress the American Republic with the necessity of making suitable exertions in periods of peace to release the national revenue from so heavy an incumbrance.—*W. H. Crawford, December* 16, 1816.

What more unwise and more unjust than to contract debts on long time, as some of the States have done, thereby invading the rights and mortgaging the resources of posterity, and loading unborn generations with debts not their own? What more unwise than all this, which several of the States have done, and which the effort now is to make all do? Besides the ultimate burden, in the shape of final payment, which is intended to fall upon posterity, the present burden is incessant in the shape of annual interest, and, falling upon each generation, equals the principal in every periodical return of ten or a dozen years. Few have calculated the devouring effect of annual interest on public debts and considered how soon it exceeds the principal.—*Benton's speech on assumption of State debts; Thirty Years' View,* volume 2, page 173.

The following are the declarations of the national Democracy in their platforms:

"A rigorously, frugal administration of the Government and the application of all the possible savings of the public revenue to the liquidation of the public debt, and resistance, therefore, to all measures looking to the multiplication of officers and salaries merely to create indebtedness and augment the public debt on the principle of its being a public blessing."—*Platform of* 1800, article 4.

"We declare unqualified hostility to bank notes and paper money as a circulating medium, because gold and silver is the only safe and constitutional currency."—*Platform,* 1836.

"ART. 6. That Congress has no power to charter a United States bank; that we believe such an institution one of deadly hostility to the interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power and above the laws and will of the people."—*Democratic platform,* 1840.

Democratic platform of 1844 affirms article 6 of the platform of 1840.

Democratic platform of 1848 declares—

"For the gradual but certain extinction of the public debt."

The platform of 1848 further declares that the triumph of 1844 had fulfilled the hopes of the Democracy of the Union in defeating the declared purposes of their opponents to create a national bank. In protecting the currency and labor of the country from ruinous fluctuations and guarding the money of the country for the use of the people by the establishment of a constitutional Treasury.

Also—

"*Resolved,* That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs,

and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt."—*Democratic platform,* 1852, article 8.

Article 9 of the same:

"That Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power above the laws and will of the people."—*Democratic platform,* 1852, article 9.

That Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the American people, and calculated to place the business of the country within the control of a concentrated money power and above the laws and will of the people.—*Democratic platform,* 1856, article 7.

Payment of all the public debt of the United States as rapidly as practicable.—*Democratic platform,* 1868, article 3.

HAWAIIAN AFFAIRS

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Wednesday, February 21, 1894.

The Senate having under consideration the resolution reported by Mr. TURPIE, from the committee on Foreign Relations, January 23, 1894, declaratory of the policy to be pursued under existing conditions toward the Government of Hawaii—

Mr. WHITE of California said:

Mr. PRESIDENT: After the exceedingly interesting and somewhat exciting episode of this morning, I can not expect to challenge the attentive consideration of the Senate, nor do I anticipate that in saying what I have to utter upon the pending resolution, I shall be able to adduce anything novel. In view, however, of the circumstance that it has been proposed to annex the Hawaiian Islands not only to the United States, but particularly to the State of California, which I in part represent here, I have considered it proper to interject some remarks regarding the entire subject. In order to correctly present the views which I deem appropriate to the occasion, I consider that it will be necessary at the outset to speak of the state of affairs which met President Cleveland when he assumed the discharge of his high trust.

In the first place, there was at that time pending in this body a proposed treaty of annexation, an instrument whereby it was attempted not merely to establish diplomatic relations between the United States and the Provisional Government, but the effect of which, had it been ratified, would have been the subversion of the sovereignty of the Hawaiian Islands and the conference of supreme territorial jurisdiction upon the United States. It was then a matter of common report, known to everyone, that it was questionable whether the so-called Provisional Government, proposing that treaty, had been so regularly constituted as to merit continued diplomatic relations. The President was confronted with this condition of things. The proposed treaty was here, and there was doubt, uncertainty, or at least debate, as to the propriety and legality of the proceedings leading up to the presentation of the treaty. It was under these circumstances that the President saw fit to appoint a commissioner to the Hawaiian Islands.

I shall consider in a moment the question arising out of the action of the Executive in appointing that commissioner and touching his power to do so. It is not disputed that the situation was as I have described it. Mr. Cleveland could not properly while this status existed nominate and submit to the Senate a minister to the Hawaiian Islands without doing violence to the views which he did at that time necessarily entertain. In the first place, it had been reported that a revolution had taken place, and it was said that, as the result of domestic action, the monarchy had been destroyed, and that a govern-

ment, called a Provisional Government, had been erected upon its ashes. The charge was freely made that this transition had been accomplished by the efforts of our minister, Mr. Stevens, and the naval forces of the United States.

At the outset I freely concede that it is no part of the affair of this Government as to how a foreign revolutionary government has been created. It is beyond our jurisdiction, I admit, to interfere to that extent in the affairs of a foreign state. The rule, I think, is correctly stated by Gen. Halleck in his work upon International Law, as follows:

> The right of every sovereign state to establish, alter, or abolish its own municipal constitution and form of government would seem to follow, as a necessary conclusion, from these premises. And from the same course of reasoning it will be inferred that no foreign state can interfere with the exercise of this right, no matter what political or civil institutions such sovereign state may see fit to adopt for the government of its own subjects and citizens. It may freely change from a monarchy to a republic, from a republic to a limited monarchy, or to a despotism, or to a government of any imaginable shape, so long as such change is not of a character to immediately, or of necessity, affect the independence, freedom, and security of others. (Halleck's International Law, page 77.)

The same doctrine is found in Pomeroy's International Law, Woolsey's edition, page 47; Hall's International Law, page 21; Woolsey's International Law, section 40.

Said the Supreme Court of the United States, in Williams *vs.* Bruffy, 96 U. S. 185.

> Those who engage in rebellion must consider the consequences; if they succeed, rebellion becomes revolution, and the new government will justify its founders.

Indeed, I do not understand that this view is at all challenged. In his celebrated letter to the sheriffs of Bristol, Edmund Burke wrote:

> If there be one fact in the world perfectly clear it is this: That the disposition of the people of America is wholly averse to any other than a free government; and this is indication enough to any honest statesman how he ought to adapt whatever power he finds in his hands to their case. If any ask me what a free government is, I answer that for any practical purpose it is what the people think so and that they, not I, are the natural, lawful, and competent judges of this matter. (2 Burke's works, page 283.)

I have referred to these authorities, Mr. President, that my conclusions may not be misunderstood, and that it may be fully appreciated that in everything which I say I recognize and admit the absolute power of the people of the Hawaiian Islands to establish any sort of a government which to them may seem proper. Mr. Cleveland, as I interpret his position, has never made any contrary assertion. Indeed, the very acts regarding which there has been dispute here have been performed because of a desire on his part to relieve a foreign government from the effect of such interference upon the part of Mr. Stevens and certain naval officers of the United States.

Mr. Stevens bore to the Hawaiian Islands the following letter of credence:

Benjamin Harrison, President of the United States of America, to Her Majesty Liliuokalani, Queen of the Hawaiian Islands.

> GREAT AND GOOD FRIEND: Having determined that Mr. John L. Stevens, who was accredited as the envoy extraordinary and minister plenipoten-

tiary of the United States, to reside near the government of your illustrious predecessor, King Kalakaua, shall exercise the same functions near the government of your majesty, I have instructed that gentleman to present to you this expression of my wishes, and to commend him to your confidence, as the trusted agent of the Government of the United States in Hawaii, in the full belief that he will deserve that confidence and that his mission will serve to draw still closer, if possible, the friendly relations of the two countries.

I pray God to have your majesty in His wise keeping.

Written at Washington, the 9th day of March, 1891.

Your good friend, BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

Under these credentials Mr. Stevens entered upon the discharge of his duties. He was commissioned to no provisional government, he bore no letter of credence to any power save that which was represented by the Queen; and at the time the change of government took place his legal status, as I understand it, is correctly set forth in the following quotation, which I shall also make from Gen. Halleck:

> Where the mission terminates by the decrease or abdication of the minister's own sovereign, or the sovereign to whom he is accredited, it is usual for him to await a renewal of his letters of credence. In the former case, a mere notification of the continuance of his appointment is sent by the successor of the deceased or deposed sovereign, and in the latter new letters of credence are sent to the minister to be presented to the new ruler. If a radical change should take place in the character or organization of his own government, it would be the duty of the minister to await new letters of credence, or a ratification of his appointment by the new government. The government to which he is accredited would be justified in declining any new negotiations with him without such ratification or new appointment, or at least without some evidence of a renewal or continuance of his powers. (International Law, page 82.)

A radical change in the form of government terminates the mission of a diplomatic agent. Such is the rule laid down in Pomeroy's International Law, pages 438, 439; Boyd's Wheaton, pages 321, 352; Vattel, pages 460, 461; Hall's International Law, page 301, section 98; Woolsey's International Law (sixth edition, 1892), page 157.

In Prof. Woolsey's edition of Pomeroy's International Law, section 363, the writer, in speaking of the practice as I have stated it, says:

> I think it may fairly be said that reason as well as practice favors the latter view. For although every state must decide its form of government for itself, yet after every violent change in the constitution of a state its stability and legality are, so to speak, on trial. Other states are compelled to ask whether the new government is capable of fulfilling its obligations before entering into relations with it. So that the same rules govern the question of diplomatic intercourse with a new state, or an old state under a new government, which govern its recognition. How, then, could a mission to the old state be suspended or be otherwise than terminated when, for an appreciable moment, there is question whether any mission will be received from or sent to the new power?

Mr. President, therefore, the moment that by revolutionary acts the Government to which Mr. Stevens was sent ceased to be, that moment he occupied the position of one who had been a minister to the court of Queen Liliuokalani, but who was compelled to wait instructions from his parent Government. It was his duty to protect the interests of American citizens. If he recognized the new gov-

ernment, his act depended for its validity upon the ratification of our Executive. Under those conditions, the preceding Administration saw fit to advise Mr. Stevens to assume diplomatic relations with those who constituted the Provisional Government.

I am aware that it is laid down by at least one author upon international law that in case of the recognition of belligerency there can be no withdrawal of the recognition, and it is argued *a fortiori* that that must be the case where the independence of a revolutionary government is recognized; but I take it, if such a case were ever presented, if it could be shown that the newly recognized government, so called, had in fact no nationality, that the recognition received was fraudulently obtained, and that the organization claiming to represent the people was created, brought into existence, and maintained by the agents and officers of the Government of the United States, then and in such event the Executive in the exercise of those powers which he holds for justice and right could and should repudiate such recognition — always guarding the interests of innocent third parties. As to the jurisdiction of the Executive to so sever diplomatic relations, I have no doubt.

This was the condition which confronted Mr. Cleveland. It is not necessary to say that it had been demonstrated that this state of things really existed, but from the facts and surroundings of the matter it was rational to conclude that such recognition as had been accorded had been acquired by deception.

He made no nomination of a minister because he did not know whether the developments of the situation would justify the sending of such a representative. But he appointed a commissioner to the islands with specific instructions, looking to the ascertaining of such facts as would tend to throw light upon the situation. Information was essential. The President felt it to be his duty — and he was right about it — to determine whether, first, there should be any continuation of diplomatic intercourse; and, secondly, whether the treaty pending before the Senate of the United States should be ratified.

As to the power of the Executive upon this subject there should be no controversy.

THE EXECUTIVE HAS THE SOLE JURISDICTION TO DETERMINE WHEN IT IS PROPER TO RECOGNIZE A REVOLUTIONARY GOVERNMENT, AND MUST INAUGURATE, AS FAR AS THE UNITED STATES IS CONCERNED, ALL TREATY PROPOSITIONS.

The question of recognition of foreign revolutionary or reactionary governments is one exclusively for the Executive, and can not be determined internationally by Congressional action.

Different expressions are used in different judicial decisions regarding this power.

In the Prize cases, 2 Black, 666, I find the following:

That a blockade *de facto* actually existed and was formally declared and notified by the President on the 27th and 30th of April, 1861, is an admitted fact in these cases.

That the President, as the Executive Chief of the Government and Commander-in-Chief of the Army and Navy, was the proper person to make such notification has not been and can not be disputed.

On page 668, same decision, I find the following:

The battles of Palo Alto and Resaca de la Palma had been fought before the passage of the act of Congress of May 13, 1846, which recognized a state of

war as existing by the act of the Republic of Mexico. This act (the act of Congress) not only provided for the future prosecution of the war, but was itself a vindication and ratification of the act of the President.

In United States *vs.* Yorba, 1 Wall., 412, the power to recognize is stated to be lodged in the political department of the Government.

In United States *vs.* Hutchings, 2 Wheeler, C. C. 546, which action was tried in 1815 before Marshall, the authority is spoken of as being vested in the Executive.

In the Hornet, 2 Abbott, U. S. 35, a case tried before Judge Brooks, in 1870, in the United States district court of North Carolina, the phrase "Executive power" is used.

In United States *vs.* Baker, 5 Blatchford, 56, we find legislative and executive spoken of.

The same in United States *vs.* Palmer, 3 Wheaton, 610; and in the Nueva Anna, 6 Wheaton, 193; and in Gelston *vs.* Hoyt, 3 Wheaton, 324 — the power is described as being exercised by the Government.

In the Ambrose Light, 25 Federal Reporter, 409; United States *vs.* Itata, 56 *Id.*, 505; United States *vs. Trumbull,* 48 *Id.*, 99, it is said that the right to recognize belligerency rests in the Executive.

The case of Kennett *vs.* Chambers (14 Howard, 47) is instructive upon this subject and contains an allusion to the proceedings of this Government regarding the acknowledgment of the independence of Texas which it is well to note. See also note of Mr. Wharton, 1 Wharton, *Id.,* page 553.

Some of these cases have reference to the recognition of belligerency and some refer to the acknowledgment of the status of independent nations.

Mr. Seward, in a letter written to Mr. Dayton, our minister, in April, 1864, said:

[No. 525.]

DEPARTMENT OF STATE, *Washington, April 7,* 1864.

Sir: I have received your dispatch of March 25, No. 442, which informs me of the completion of the loan to the Grand Duke Maximilian, and of his anticipated embarkation for Mexico. In order that you may understand the condition of affairs in that country as fully as they are understood here, I have given you a copy of a communication which has lately been received from our consul at Matamoras.

I give you also, for your information a copy of a note which has been received from Mr. Geofroy on the subject of the protection which was extended to the consul at that place by Maj. Gen. Heron, and of my answer to that paper. This correspondence embraces some other incidental subjects. It is proper to say that Mr. Geofroy proposes to communicate to me a statement of another distinct subject of complaint in regard to proceedings on the frontier under instructions from Mr. Dronyn de Lhuys, and that I have engaged to bestow due consideration upon it.

I send you a copy of a resolution which passed the House of Representatives on the 4th instant by a unanimous vote, and which declares the opposition of that body to a recognition of a monarchy in Mexico. Mr. Geofroy has lost no time in asking for an explanation of this proceeding. It is hardly necessary, after what I have heretofore written with perfect candor for the information of France, to say that this resolution truly interprets the unanimous sentiment of the people of the United States in regard to Mexico. It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely Executive question, and the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States.

You will of course take notice that the declaration made by the House of Representatives is in the form of a joint resolution, which before it can acquire the character of a legislative act must receive first the concurrence of the Senate, and secondly the approval of the President of the United States, or in case of his dissent the renewed assent of both Houses of Congress, to be expressed by a majority of two-thirds of each body. While the President received the declaration of the House of Representatives with the profound respect to which it is entitled as an expression upon a grave and important subject, he directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico. It is hardly necessary to say that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the executive department, and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., etc., etc., etc.

There is no substantial conflict, as I have said, in the authorities that the right to recognize either belligerency or independence is vested exclusively in the Executive. It is true that there are instances in the history of this Government where the Senate and House of Representatives have both been consulted, but such consultation was at the mere will of the Executive, and was no indication, even by implication, that the President's so asking advise had any doubt of the exclusiveness of his power.

Thus President Cleveland, possessing the authority conferred by the Constitution, found that the condition of affairs in the Hawaiian Islands was in dispute and in doubt.

When he was compelled to either make a treaty subject to the concurrence of the Senate or to withdraw the compact proposed through his predecessor and to determine what diplomatic relations, if any, should be maintained with the provisional establishment, it was not only within his power, but obviously his duty, to investigate and find the facts. To have appointed a minister would have been at once to recognize the existence of that which was in obscurity; to have remained without information would have been to fail in the performance of his functions.

The distinguished Senator from Massachusetts [Mr. HOAR] in the course of his speech referred to sections 1674, 1684, 1751, and 1760 of the Revised Statutes for the purpose of showing that Mr. Blount's appointment was without authority of law. The same sections were referred to by the able Senator from Minnesota [Mr. DAVIS]. The citation from section 1674 is as follows:

Diplomatic officers shall be deemed to include ambassadors, envoys extraordinary, ministers plenipotentiary, ministers resident, commissioners, chargés d'affairs, agents, and secretaries of legation, and none others.

Section 1684, as far as quoted, is as follows:

To entitle any chargé d'affairs, or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to compensation, they shall respectively be appointed by the President, by and with the advice and consent of the Senate.

That portion of section 1751, to which the distinguished Senators attracted our attention, is worded thus:

No diplomatic or consular officer shall correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States.

Mr. President, I assert that the executive power of the President being derived, as it is, from the Constitution, is not subject to abridgment by any legislative act. I secondly asserverate that there is not a word in either of the sections to which I have attracted attention, which, in any manner, derogates from my argument or tends to show that the President in any way infringed upon the power of any other department of this Government or passed beyond the limits of his own.

In the first place, the second section which I mentioned, and to which I make reference because of the arguments to which I am attempting to formulate an answer, omits the words " commissioners and agents;" that is to say, section 1684 was quoted by learned Senators for the purpose of showing that, because there is no provision for compensation therein, that hence that section, indirectly at least, prohibits the President from making such an appointment as he made in the case of Mr. Blount. Let it be noted that although in section 1674 the words " commissioners " and " agents " are used in the definition of " diplomatic officers," yet these identical terms are studiously omitted in section 1684, showing that the legislative power *ex industria* relieved from the limitations of that part of the law both " commissioners " and " agents."

Section 1751 prevents any diplomatic or consular officer from corresponding with any private person, newspaper, or other periodical, and it is argued that Mr. Blount violated his duty, and that the President was wrong in commissioning him to advise or talk or hold any communication with any third party.

This assertion is tantamount to a declaration that the President of the United States had no right to send Mr. Blount abroad for the purpose of making any inquiry; it is equivalent to a declaration that if his name had been submitted to the Senate and his confirmation had been had, still he would have had no power to perform the duties assigned to him, which duties, Senators assert, could not be discharged unless he had been confirmed.

Manifestly, section 1751 has reference to diplomatic officers who have been nominated and by and with the advice of the Senate appointed. Hence, the argument of the Senator proves altogether too much, for if he be correct, it results that the President of the United States can never send abroad anyone to make any inquiry whatever regarding foreign affairs. For his theory is that taking testimony such as Blount took is corresponding regarding governmental affairs within the purview of section 1751. Reduced to this conclusion, the argument fails, I think, for I do not imagine that any one will seek to maintain it if these premises are correct, and even a cursory perusal of the statutes seem to leave no other conclusion.

The declared purpose of the law-making body in enacting section 1751, was to inhibit a minister or consul from divulging the secrets of a foreign government to any party or parties outside of the proper officers of the United States.

If the commissioner or agent mentioned in section 1674 is a

diplomatic officer who can not take testimony as did Blount, it is certain that such an examination as Blount was instructed to make could not legally be carried on by a minister regularly confirmed.

It is by no means evident that Mr. Blount ever assumed diplomatic functions. He was sent to the islands solely for the purpose of investigating and fully reporting to the President all facts respecting the condition of affairs in that country, the cause of the revolution, and the sentiment of the people.

Diplomacy is defined to be "The science of the forms, ceremonies, and methods to be observed in conducting the actual intercourse of one state with another, through authorized agents, on the basis of international law; the art of conducting such intercourse, as in negotiating and drafting treaties, representing the interests of a state or its subjects at a foreign court, etc."—*Century Dictionary.*

The word diplomacy implies the existence of negotiations. Mr. Blount was not authorized to negotiate with the Provisional Government nor to do anything but arrive at a correct knowledge of the status of affairs.

Indeed, the ultimate purpose of Mr. Blount's mission was to settle the character of our relations with the islands and to determine whether we would or would not accredit a minister to that portion of the world. The so-called paramount power was conferred solely for the purpose of enabling him to carry on the investigation.

The able Senator from Delaware [Mr. GRAY] has demonstrated both on principle and authority that in Mr. Blount's case there was no office to be filled; that the office spoken of in the Constitution refers to a station of authority that may be vacant—existing independent of incumbency. His argument makes it unnecessary to consider any of the provisions of the Revised Statutes, but I have endeavored to furnish additional reasons showing that Mr. Cleveland did not step beyond constitutional limits.

Section 1760, which refers to salaries, and which has been quoted upon the theory that the Executive had no right to pay Mr. Blount, has no application here. It is as follows:

> No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law.

"Salary" is defined in the Century Dictionary as—

> The recompense or consideration stipulated to be paid to a person periodically for services, usually a fixed sum, to be paid by the year, half year, or quarter.

I regard as peculiar and unthoughtful the suggestion that the Executive can not properly use the fund which Congress has committed to his discretion for the purpose of defraying such expenses as those which were incurred in the Blount affair.

The curious may investigate Anderson's and other law dictionaries, where similar definitions will be found.

Mr. President, I take it that even if we concede the power in Congress to limit executive functions constitutionally derived, it is clear that the statutory provisions relied upon by the other side have nothing to do with the case. I have already remarked that the

arguments of distinguished Senators, enforcing a different view, simply amount to this, that the President can never send abroad to ascertain anything which it is necessary and proper for him as President to learn.

THE CHARGES AGAINST MR. BLOUNT.

I have been somewhat surprised that derogatory allusions to the character of an eminent American whose services are a part of the history of this country have been made by Senators during the course of this debate. I have not the pleasure of Mr. Blount's personal acquaintance, but I do not hesitate to say that the aspersions cast upon him are, one and all, beyond the evidence, beyond the necessity, and beyond propriety.

The senior Senator from Illinois [Mr. CULLOM], for whom I have every personal regard and respect, in a speech made in this body, in referring to Mr. Blount used this astonishing language:

> Passing by some of the intermediate steps taken by the United States Government, such as the withdrawal of the pending treaty from this Senate; the sending of a special commissioner as a detective, to act as a spy upon a foreign government, without the advice and consent of the Senate, then in session, and other equally ridiculous blunders of Falstaffian diplomacy, we have found a government in Hawaii recognized by the world in full control of affairs. There was, it is true, an American flag flying in Honolulu, to give earnest of the will of the United States that American interests and American citizens should be protected, and that the new Government should be allowed peacefully to conduct its administration pending the treaty negotiations with the United States.
>
> Acting under instructions, this American spy performed his duty by frequent secret reports to the Secretary of State, as to what he found and as to what he did, which included the singular incident of pulling down the American flag.
>
> On another occasion, in earlier history, a distinguished citizen of New York State, in his capacity as a member of the Cabinet of President Buchanan, issued an order something as follows: "If any man pull down the American flag, shoot him on the spot." At a later day, by the order, if I mistake not, of Gen. Butler, at New Orleans, one man was hanged for the same act for which another now receives the thanks of the Executive of the United States.
>
> Another event in Revolutionary history has certain parallel lines to the story of the President's detective in Hawaii. Something over a hundred years ago a British officer of undoubted character and reputation was selected as the special commissioner of his Government to act the part which would complete the betrayal of West Point and other American forts into the hands of the British. Maj. Andre, the distinguished spy, was apprehended and paid the penalty with his life.

Again the Senator said:

> Just look at it! Purporting to be an ambassador and accredited to a recognized government, his secret instructions, not even made known to this Senate, if obeyed by him, put him in the attitude, in fact and effect, of the most despicable offenders against international proprieties. True, his offense was that of his superiors merely, but the punishment is meted to the agent who is caught in the act. Maj. Andre suffered death; Comissioner Blount receives compensation from the United States, but the world condemns both him and his employers.

There are several allusions of the same nature. The senior Senator from Massachusetts [Mr. HOAR] also stated that Mr. Blount was a spy. Is it possible that the meaning of the word "spy" is not understood? Is it possible that any man, upon reflection, will assert that he who in open daylight, carrying a letter of authority

which he delivers to the supposed adverse party, and who steps in time of peace within a foreign country to openly act under that letter and with the consent of the individuals and organization regarding whom his investigation is to be made and who proceeds to make it, and does make it, under their eyes and sanction — is it possible that anyone can so far forget himself as to declare such a man to be a spy? It is in conflict with the record to state that Mr. Blount was sent to act as a spy. It is wholly untrue that he purported to be an ambassador. Nor was it legally possible for Mr. Blount to do any act as a spy, nor did he demean himself in the slightest degree improperly.

In the Hulsemann-Mann case the President had sent a secret agent to a friendly power, upon whose report concerning an internecine struggle he expected to act. Mr. Webster, in defending the conduct of this Government against the charge that Mr. Mann was a spy, used the following definition, fully applicable to the present controversy. He said:

> A spy is a person sent by one belligerent to gain secret information of the forces and defenses of the other, to be used for hostile purposes.

Dr. Von Holst (4 Const. History United States, page 69), in speaking of the Hulsemann incident, says that it was "nonsensical and boldly insulting when Hulsemann asserted that Mann had been exposed by those who commissioned him to the fate of a spy." And the same writer, in discussing Mr. Webster's defense of this Government, remarks that the points at issue "Webster submitted to an exhaustive examination and refuted his opponent, who was no match for him, in the most brilliant manner."

No one pretends that Mr. Blount's mission was secret.

In a letter concerning which so much has been said, wherein Mr. Cleveland commended Mr. Blount to the Hawaiian Government, the following language appears:

> I have made choice of James H. Blount, one of our distinguished citizens, as my special commissioner to visit the Hawaiian Islands and make report to me concerning the present status of affairs in that country.

Mr. Blount was publicly engaged in collecting evidence, and took the testimony of parties friendly to the Provisional Government, and even participating in it. He made no concealment in his work; was open and above board, and the assertion that he was a spy would, if it emanated from any other source than the distinguished Senators alluded to, be denominated as absurd. His work was rendered necessary by the very project of annexation. An inquiry was practically solicited.

A spy is necessarily a secret agent. No person sent to this or any other country to make an open investigation can be called a spy. And if Mr. Blount's mission was antagonistic to the Provisional Government, every member of it knew that he was endeavoring to obtain the facts regarding the revolution and report the same to the President for such action as the Executive might deem it desirable to take. An imputation of this sort directed against an honored American citizen can not be too strongly condemned. Partisanship has indeed exceeded all bounds if such criticism is to be approved.

During Mr. Blount's mission an annexation newspaper charged him by indirection with misconduct and referred to his communication

with the Queen. Mr. Blount at once wrote to President Dole, calling his attention to the imputation (House Executive Document 47, page 65), to which Mr. Dole responded (*Ibid.*, page 66) and said among other things:

> The Government sincerely regrets the publication referred to in your communication and I hasten to assure you that it is in no way responsible for the expressions of that or any other paper and thoroughly disapproves of anything that may be published that can be taken as implying any action on your part that is not entirely consistent with your mission.

Mr. Blount was long connected with the legislative department of this Government. He represented in the House an intelligent constituency for many years, and if the Senators who have attacked him here had been present when he was about closing his career in that honorable body, and heard the encomiums showered upon him by Republicans and Democrats alike, they certainly would have hesitated before attempting an assault upon his good name. One of the ablest of the Republican members of the House of Representatives, a gentleman of long experience in public life, and who occupied, as did Mr. Blount, a position upon the Committee on Foreign Affairs, eloquently alluded to his associate in terms already quoted here, if I mistake not, by the Senator from Georgia [Mr. GORDON]. It is hardly necessary to repeat, but as the accusations to which I have referred have been made since, I shall cite a few expressions utilized by Mr. HITT in certifying to the qualifications and the character of Mr. Blount. Mr. HITT said:

> Mr. Chairman, it would be ungracious to let these remarks, coming from the leader of the other side of the House [Mr. HOLMAN], pass without some response from this side. I have served for ten years with the honorable and distinguished gentleman, the chairman of the committee that has brought this bill to which the committee unanimously consented and to which the House will now assent. The term of my service has been only half the long score of years that measure his honorable career as a legislator, and older members might more fitly speak, but I can not see the time approach when he is to leave our Hall without heartily joining as one member of the House with the honorable gentleman from Indiana [Mr. HOLMAN] in every word he has said in testimony of the personal worth, of the high character, of the industry, of the energy of the honorable gentleman from Georgia, and I will mark most of all that patriotism above party that inspired him in this House when last year leading the great committee charged to consider the affairs and interest not of a party, but of a whole nation embroiled in sharp dispute with a foreign power, he rose with the occasion and proved himself first and altogether a patriot and American [applause]; so that a foreigner, looking down from the gallery upon this Hall, could never have told whether he was a Republican or a Democrat, but would have known that he was in every fiber an American. [Applause.] I am glad of the opportunity to add this single word in echo of what has been so much better said by the honorable gentleman from Indiana. [Applause.]

The distinguished Senator from Massachusetts [Mr. HOAR] said in the course of his able address:

> No, Mr. President, this Administration has been hurried into this transaction, not by any sense of justice to Hawaii, not by any desire to vindicate the national honor, but for the sake of making what has turned out to be a weak, impotent attack on its predecessor. The great name and fame of Benjamin Harrison have left a sense of envy and discontent in some bosoms.

But President Harrison, in his last letter of acceptance, alluded not directly but plainly in terms of the highest praise to Mr. Blount.

Having spoken of the difficulties which resulted from the unfortunate transactions at Valparaiso, and having criticised the Democratic party for its platform denunciation of his conduct, he proceeded thus:

> I have very great gratification in being able to state that the Democratic members of the Committee of Foreign Affairs—
>
> Mr. Blount was Chairman of the committee —
>
> responded in a true American spirit. I have not hesitated to consult freely with them about the most confidential and delicate affairs, and here frankly confess my obligation for needed co-operation.—*President Harrison's letter of acceptance,* September 3, 1892.

Thus it will be observed that the committee referred to by the late President in his letter of acceptance was presided over by Mr. Blount, and yet he complimented its work and fairness. Surely if it had been any part of Mr. Cleveland's desire or purpose to cast aspersions upon his predecessor, he would not have selected for the discharge of the delicate duties of the place one who had received such a compliment from Mr. Harrison's hands and who had been most impartial and judicial. It seems to me that any allusion to Mr. Blount upon either side of this Chamber ought to be complimentary, and can not be otherwise if we speak within the domain of fact.

Much has been said concerning the lowering of the flag. The able Senator from Illinois [Mr. CULLOM] states in effect that a crime was committed when Mr. Blount ordered the flag taken down. I shall in a few minutes call attention to the necessary conclusion that when Secretary Foster disavowed the act of Mr. Stevens in assuming a protectorate over the islands he clearly disapproved his conduct in raising the flag. When the flag was raised it was for the purpose of assuming control. It was so placed to be the emblem, the evidence, and the proof that the United States asserted dominant influence.

I am surprised that any Senator should assert that it is a crime to take down the flag when it is placed in a position unfitted for its influence. In our national anthem it is declared that —

> The star-spangled banner in triumph shall wave,
> O'er the land of the free and the home of the brave.

If our flag were allowed to wave over the Hawaiian Islands, would it wave "o'er the land of the free" at this moment? It is conceded that the people have no part in the present government. They are opposed to it. They are not free. They protest. The flag typifies the power of the Republic. It heads the onward movement of rectitude. Its foes are wrong and dishonesty. Under the flag Washington marched that our freedom might be assured; that our people might have their way.

The Declaration of Independence announced a kindred purpose. The Constitution was adopted as proof that the Government for which it provided was that for which the people had battled. Our banner was not chosen to wave over alien lands or over alien peoples. It was intended to float over America's battles; over America's manhood. You are prepared to bear it as you have done, over river, lake, and sea, over prairie, swamp, and mountain, and through forest jungle, that it may be rooted where success means the preservation of the rights for which your fathers fought; but you surely will not permit anyone to use that flag to lead you to a struggle unpatriotic or unjust,

or for ends un-American. You will strike down the impious hand thus seeking to misuse the emblem of your nation's glory.

Yes, shoot the man who seeks to tear down the flag when it waves where honor calls it; but remit to condign punishment the wretch who makes patriotism a trade, and using our country's banner for ulterior ends, shields dishonesty and protects crime. The flag is raised for justice. It must be taken down when it can not float without injustice. Its mission is in the cause of integrity. It is desecrated when otherwise devoted. The Stars and Stripes must not assist in the establishment of a government against the popular will, even though we believe that a change will bring improvement. We must leave to the erosive processes of time and civilization the obliteration of inferior races and the overthrow of corrupted dynasties. Not by the sword of this Republic or before her victorious banner shall the one be annihilated or the other subverted.

Mr. President, it appears to be plain that the issue here is, Was the flag raised on a proper occasion? An attempt to stir up feeling and partisanship by the mere statement that the flag was taken down disregards the proposition that it was placed in a location from whence it was our duty to remove it.

In addition to the criticisms upon Mr. Blount's conduct, to which I have made some reference, it is said that he assumed command of the naval forces of the United States. Who is it under the Constitution has a right to direct the Army and Navy of the United States? Can this Chamber control that which the Constitution declares to be within the scope of the Executive? Is there any doubt that Mr. Cleveland had authority, as President of the United States, to dictate the movements of the Army and Navy of the United States? Was this function lodged in Mr. Stevens alone until his mission was terminated by recall?

Mr. Cleveland, as President of the United States, was justified under the Constitution in transmitting an order, directly or indirectly, to any commander of the Navy or Army requiring him to act in accordance with Executive desire and within the lines of his duties pertaining to his place, and Mr. Blount, as his messenger, went to the Hawaiian Islands and complied with the Presidential mandate. He received his orders from the hands of the Executive, to whom it had been given that it might be delegated without the necessity of consultation or advice. I say that it might be delegated, because no one assumes that the President of the United States, acting under the provision of the Constitution now being considered, must do so personally, without the aid of agent or messenger. When Mr. Cleveland gave Mr. Blount the authority which he exercised, the President was acting within the domain of the Constitution.

The precedents cited by other Senators present cases of far greater doubt than this. The impartial historian who examines this matter will reach the conclusion which I have already noted, that pressed to its logical result the argument upon the other side means that in no case can the President of the United States send abroad to obtain information.

Much has been said in the course of this debate as to the conduct of Mr. Stevens. I do not propose to review in detail the various transactions which have already received such careful and exhaustive consideration. I do not intend to recite all the reasons upon which I

ground my contention that his behavior was not within the lines of his obligations.

I will cite in a general way a few of the more prominent and undisputed matters appearing in the record.

MR. STEVENS AS A DIPLOMAT AND WITNESS.

The distinguished Senator from Indiana [Mr. TURPIE] has called the attention of the Senate to the circumstance that Mr. Stevens, in his narration of the events which have been under discussion, ten times referred to the late sovereign of the Hawaiian kingdom as the fallen Queen, and that he also spoke of her as the late immoral occupant of the throne, and the Queen and her paramour; and he pertinently asks whether these are the choice phrases of official correspondence or the polished language of diplomacy. But not only did Mr. Stevens use such language since he abandoned his diplomatic career, but I have taken occasion to notice that wherever he has found it necessary to allude to Wilson, the marshal of the Hawaiian Islands, he has displayed the most remarkable feeling and has evinced characteristics wholly at variance with the demeanor and manner of a diplomat, and wholly at variance with the sort of phraseology usually employed by those who make impartial and reliable witnesses.

I concede that his disposition, his mannerisms, even his character should not affect the determinations of the question involved in the consideration of this resolution, except in so far as it may affect his testimony by showing his bias and prejudice. But whenever we examine the recital of a witness, whenever in a matter that is subject to the determination of a court we are confronted with an individual testifying, it is pertinent to determine his state of mind, not because the result in that particular must end the controversy, but because it is of importance in reaching a true judgment.

On May 21, 1892, when writing to Mr. Blaine, he used these expressions descriptive of Wilson:

"The Tahitian half-caste marshal, the former reputed, if not the present paramour of the Queen." "The Tahitian and the Queen." "Tahitian favorite." "The Queen and the Tahitian favorite." (House Report 243, page 92.)

And on September 9 of the same year, in a very short letter to Mr. Foster, we find Wilson alluded to twice in the same way (page 94).

In his short letter, written by Mr. Stevens to Mr. Foster on September 14, 1892 (House Report No. 243, page 95), he alludes to Wilson as follows:

"The Tahitian half-caste favorite of the Queen." "The Tahitian favorite." "The Queen and the Tahitian." "The half-caste Tahitian favorite."

Making four complimentary references of this sort in one diplomatic communication, without a single mention of the name or the title of his office.

In another communication upon the following page of the same report, in a letter from Mr. Stevens to Mr. Foster, dated October 19, 1892, the former fails to mention Wilson's name once, but designates him as follows:

"The Tahitian favorite and the Queen." "The Tahitian marshal, with all the abuse and corruption which surrounded him and the Queen." "The

faction of the Tahitian." "The Tahitian favorite." "The Tahitian favorite of half-English blood."

In another diplomatic letter, same report, page 108, written by Mr. Stevens to Mr. Foster on October 31, 1892, he again uses similar phrases freely and monotonously, thus:

"The Tahitian favorite." "The Queen and the Tahitian." "The Tahitian favorite." "The half-English Tahitian favorite and the Queen." "The Tahitian marshal." "The present Queen and her favorite."

After the so-called revolution, and even after last March, Mr. Stevens in a letter to Secretary Gresham (House Report 243, page 150) again manifested his peculiar disposition and the singular hostility which he entertains toward every one who holds views differing from his own. I quote:

UNITED STATES LEGATION, *Honolulu, March* 24, 1893.

Sir: In my previous dispatches I have given some facts and surmises regarding Japanese ambitions as to these islands. I presume the Department of State has knowledge of the elaborate article of Sir Edward Arnold in the London Telegraph of February 24, strongly anti-American and favoring the surrender of Hawaii to Japanese predominance and protection. By residence in Japan, as well as by some previously acquired taste of Calcutta and Hindostan life, Arnold seems to accept readily Japanese morals and civilization, warmly flatters the easily susceptible vanity of the Japanese, the real Frenchmen of Asia.

STEVENS FROM THE BEGINNING PLOTTED AGAINST THE GOVERNMENT TO WHICH HE HAD BEEN ACCREDITED.

No right-thinking person will deny that it was the duty of Mr. Stevens when he entered upon his trust to remember his obligations as the representative of a great Government to and before a friendly court to which he bore a letter of credence commending him to the sovereign's confidence. It is admitted in this debate that when the revolutionary movement was conceived, when those who inaugurated the movement were considering the advisability of moving forward, Mr. Stevens was consulted without objection on his part as to what *he* would do.

Let us suppose, Mr. President, that a representative of this Government at the Court of St. James was found consorting with men plotting the overthrow of the British Empire, and stating conditions under which he would recognize the conspirators as a newly-established régime. How would such conduct be regarded by Great Britain, and by the civilized world?

Mr. W. O. Smith, a member of the Provisional Government, in speaking of the transactions of January 15, says:

After we adjourned Mr. Thurston and I called upon the American minister again and informed him of what was being done. Among other things we talked over with him what had better be done in case of our being arrested or extreme or violent measures being taken by the monarchy in regard to us. We did not know what steps would be taken, and there was a feeling of great unrest and sense of danger in the community. Mr. Stevens gave assurance of his earnest purpose to afford all the protection that was in his power to protect life and property. He emphasized the fact that while he would call for the United States to protect life and property, he could not recognize any government until actually established.—*Executive Document* 47, page 122.

Mr. Soper, who is with the Provisional Government, testifies (House Executive Document 47, page 506):

Q. Was anything said about his [Stevens'] agreeing to recognize the Provisional Government in the event of their getting possession of the government building and reading their proclamation—or any other building?
A. You mean at this meeting?
Q. Yes.
A. I can not say positively as to whether I understood it at that meeting, or the following morning. I understood he would recognize a *de facto* government.
Q. What did they say was a *de facto* government?
A. A government that was in possession of the government building, archives, treasury, etc.
Q. The treasury, archives, etc., were in the government building?
A. Yes.
Q. The understanding was then that if the Provisional Government got possession of the government building and read the proclamation that then he would recognize it as a *de facto* government?
A. I believe that was the understanding.

Is there anything in diplomatic history, is there anything in any work on the subject of international jurisprudence which gives such a definition of a *de facto* government? It was not to be a government in possession of the power and substance of the state after the obliteration of a former dynasty, but a *de facto* government according to Stevens meant a handful of men in possession of certain specified structures. Our minister virtually said to those who were contemplating the overthrow of the Queen to whom he had been introduced as a friend, "Whenever you seize the buildings which I name and thus open the fight and make success probable I will recognize you, that my dream of conquest may be realized. I will do all I can Messrs. Conspirators to protect you."

The evidence upon this subject has been already fully discussed and presented, and I do not intend to elaborate further upon it.

Mr. President, I, for one, deny that there is any authority under any system of enlightened or civilized usage justifying an envoy to a foreign court in holding any intercourse or making any bargain with or suggesting any contingency as a basis for action on his part at the dictation or inquiry of insurgents to be. This behavior of our minister is perhaps to some extent overlooked because we are dealing with a feeble people, with a few little islands in the sea, with a race incapable of coping with us; but Mr. Cleveland, with eloquence and undeniable logic, has taken the true position that we must act upon the basis of justice and not with reference to our strength or the weakness of those with whom we are brought in contact.

Mr. President, nearly one hundred years ago, in the Senate of the United States, Governor Morris said: "I do not think that the universe presents a spectacle more sublime than that of a powerful nation kneeling before the altar of justice and sacrificing there alike her passion and her pride." I find here no reason for an American, with the honor and power of this nation in his keeping, to hesitate to admit a wrong done under the cloak of national authority by one who has violated his faith or to hasten to redress the outrage. Nay, I feel as though it were my duty in so far as I am individually concerned to be more punctilious and more scrupulously fair in dealing with inferior nations than in transactions with powerful states competent to guard their interests. The first can protect themselves, the

others are at our mercy and dependent upon our honesty and magnanimity.

Mr. President, our minister was not justified under diplomatic usage in recognizing the Provisional Government until it was absolutely in possession of the power of the state and until it exercised actual dominion. While the matter was in active dispute, as I shall presently show, and until the Government was at least tacitly accepted by the people, no recognition should have been made. I am aware that Mr. Stevens represented to President Harrison that when he acted the Queen had been overthrown. Documentary evidence demonstrates that President Harrison was deceived. In his message to Congress concerning the proposed treaty, he says:

> At the time the Provisional Government took possession of the government buildings, no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the Provisional Government by the United States minister until after the Queen's abdication and when they were in effective possession of the government buildings, the archives, the treasury, the barracks, the police station and all the potential machinery of the Government.

Mr. Stevens's records show that before 4 p.m. of the 17th the Provisional Government had been recognized (House Executive Document No. 4, page 123):

> [Extract from records of the United States legation.]
>
> CORRESPONDENCE WITH HAWAIIAN GOVERNMENT.
>
> UNITED STATES LEGATION, *Honolulu, January* 17, 1893.
>
> About 4 to 5 p.m. of this date—am not certain of the precise time—the note on file from the four ministers of the deposed Queen, inquiring if I had recognized the Provisional Government, came to my hands, while I was lying sick on the couch. Not far from 5 p.m.—I did not think to look at the watch—I addressed a short note to Hon. Samuel Parker, Hon. William H. Cornwell, Hon. John F. Colburn, and Hon. A. P. Peterson—no longer regarding them ministers—informing them that I had recognized the Provisional Government.
>
> JOHN L. STEVENS.
> *United States Minister.*

Lieut. Draper certifies that the police station mentioned by President Harrison's message was not turned over until hours after the recognition by Stevens.

He says (House Executive Document No. 47, page 63):

> STATEMENT BY LIEUT. DRAPER.
>
> May 5, 1893, Herbert L. Draper, lieutenant Marine Corps, attached to Boston:
>
> I was at the United States consulate-general at the time the Provisional Government troops went to the station house and it was turned over to them by Marshal Wilson. It was about half-past seven o'clock. The station house is near the consulate-general on the same street. As soon as it happened I telephoned it to the ship. I wanted my commanding officer to know, as I regarded it as an especially important thing.
>
> I was the commanding officer at the consulate-general. There was no other United States officer there at the time excepting myself.
>
> The above is a correct statement.
>
> HERBERT L. DRAPER,
> *First Lieutenant, United States Marine Corps.*

Commander Swinburne's letter (House Executive Document No. 47, page 57) shows the importance attached by Capt. Wiltse to the

police station, and is direct to the effect that the same was not in the possession of the Provisional Government until after Stevens had acted:

MR. SWINBURNE TO MR. BLOUNT.

HONOLULU, HAWAIIAN ISLANDS, *May* 3, 1893.

Sir: In response to your verbal request for a written communication from me regarding certain facts connected with the recognition of the Provisional Government of the Hawaiian Islands by the United States minister to that country on the afternoon of January 17, 1893, I have to state as follows:

On the afternoon in question I was present at an interview between Capt. Wiltse, commanding the Boston, who was at that time present in his official capacity with the battalion then landed in Honolulu, and Mr. Dole and other gentlemen representing the present Provisional Government, in the executive chamber of the government building. During the interview we were informed that the party represented by the men there present was in complete possession of the government building, the archives, and the treasury, and that a provisional government had been established by them.

In answer Capt. Wiltse asked if their government had possession of the police station and barracks. To this the reply was made that they had not possession then, but expected to hear of it in a few minutes, or very soon. To this Capt. Wiltse replied, "Very well, gentlemen, I can not recognize you as a *de facto* government until you have possession of the police station and are prepared to guarantee protection to life and property," or words to that effect. Here our interview was interrupted by other visitors, and we withdrew and returned to the camp at Arion Hall. As far as I can recollect, this must have been about 5 o'clock p.m.

About half past 6 Capt. Wiltse left the camp, and as he did so he informed me that the United States minister to the Hawaiian Islands had recognized the Provisional Government established by the party in charge of the government building as the *de facto* government of the Hawaiian Islands. About half past 7 p.m. I was informed by telephone by Lieut. Draper, who was then in charge of a squad of marines at the United States consulate, that the citizen troops had taken possession of the police station, and that everything was quiet.

Very respectfully,

WM. SWINBURNE,
Lieutenant-Commander, United States Navy.

Hon. J. H. Blount.

Special Commissioner of the United States.

But the letter of Mr. Dole (House Executive Document No. 47, page 124), thanking Mr. Stevens for his interference, is absolutely conclusive. It is thus worded:

GOVERNMENT BUILDING, *Honolulu, January* 17, 1893.

Sir: I acknowledge receipt of your valued communication of this day, recognizing the Hawaiian Provisional Government, and express deep appreciation of the same.

We have conferred with the ministers of the late government, and have made demand upon the marshal to surrender the station house.

We are not actually yet in possession of the station house; but as night is approaching and our forces may be insufficient to maintain order, we request the immediate support of the United States forces, and would request that the commander of the United States forces take command of our military forces, so that they may act together for the protection of the city.

Respectfully, yours,

SANFORD B. DOLE,
Chairman Executive Council.

Therefore it must be assumed that the surrender of the Queen did not take place until after Stevens had been thanked by Mr. Dole for recognizing a government which did not exist, but whose chances

Mr. Stevens had much improved. This is in accordance with the Queen's protests made at the very time and constituting a part of the *res gestae.* She said (House Executive Document No. 47, page 120):

I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

That I yield to the superior force of the United States of America, whose minister plenipotentiary, his excellency John L. Stevens, has caused United States troops to be landed at Honolulu, and declared that he would support the said Provisional Government.

Now to avoid any collision of armed forces and perhaps the loss of life, I do, under this protest, and impelled by said force, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representative and reinstate me in authority which I claim as the constitutional sovereign of the Hawaiian Islands.

Done at Honolulu this 17th day of January, A. D. 1893.

LILIUOKALANI, R.
SAMUEL PARKER,
Minister of Foreign Affairs.
WM. H. CORNWELL,
Minister of Finance.
JNO. F. COLBURN,
Minister of the Interior.
A. P. PETERSON,
Attorney-General.

S. B. DOLE, Esq., and others,
Composing the Provisional Government of the Hawaiian Islands.

Admitting that Mr. Stevens's Christian soul was justly filled with sorrow at the transactions of this foreign court, and that he longed to establish a better system, yet he was sent to the Queen as a friendly representative. He was possessed of two characters, in one of which his individual sentiments while entertained should have been concealed, and in the other he, as the agent of the United States carrying credentials directed to the Queen, owed her that respect which his own Government accorded. He was bound to find her a sovereign as long as she acted as such and until she was clearly and absolutely deposed, unless the power commissioning him otherwise directed. It was not a question whether Liliuokalani had possession of 100 or 1000 acres; whether the insurgents held 1,000,000 acres or 1 acre. Was the Queen still maintaining herself? Was there a struggle? She had not resigned the scepter. On the contrary there stood around her armed men obedient to her mandates.

Conceding for the sake of argument (against my conviction, however), that in an engagement she would have been defeated, yet it was not for Mr. Stevens to solve the problem. It was to be settled without his troops or his proclamations. Stevens could not peer into the future. He had no right to anticipate. It was his business to wait and be governed by the demonstrations of his senses. It was not his place as the representative of this Government to declare it probable that Dole would win, and therefore to anticipate events and recognize him. Recognition was important and even determinative. Not only was impartiality required, but he was compelled to recollect that as a minister he must not be influenced by personal preferences to step outside the lines of his mission.

It is indisputable, I take it, that while there is any conflict the minister must remain inactive as to the recognition of an insurgent. In this instance the impartial investigator must find that when Mr. Stevens came to the rescue there was still a conflict; that there had been no surrender; that Liliuokalani claimed to be Queen, and that there was force about her when our minister, backed by the military power of the United States, declared in favor of a contestant to whom he was not accredited by his master, the United States of America.

Mr. TELLER. I should like to ask the Senator from California a question or two if it will be no interruption to him.

Mr. WHITE of California. No, sir; it will be no interruption.

Mr. TELLER. I understand the Senator to lay down the doctrine that there being a change of government in the Hawaiian Islands, Mr. Stevens ceased to be the representative of the Government of the United States in those islands without reference to the will of either his own Government or the Government of Hawaii. Am I correct?

Mr. WHITE of California. No; my proposition is this: In all of the authorities which I have cited and will cite (and there are a great many of them) — in fact by all publicists of whom I have any knowledge — the rule is laid down that when there is a radical change in the form of government —

Mr. TELLER. The Senator need not read it over again. I will take his statement.

Mr. WHITE of California. I prefer, however, to make my answer in my own way, if the Senator will excuse me.

Mr. TELLER. Certainly; only I heard his authority read.

Mr. WHITE of California. I desire to call the attention of the Senator to the statement that he may examine it at his leisure if he may not have heard my reference. The authorities upon the subject are very fully collated in Mr. Pomeroy's work on International Law, page 277, where (and my investigation appears to bear this out) it is stated that when there is any radical change in the form of government to which the diplomatic agent is accredited his power ceases until in some manner his home government has recognized the new authority, it being, however, his duty to protect as far as he can his own country's interest pending the decision.

Mr. TELLER. Then I understand the Senator denies the right not only of our own minister but of all other ministers to recognize that as the *de facto* government, as they did, as the Senator must be aware.

Mr. WHITE of California. I deny the right of Mr. Stevens in this particular case to do so. He might declare his recognition, but the power and validity of his act must depend upon its ratification by the home Executive, in whom the power to recognize is, under all the authorities, exclusively vested.

Mr. TELLER. The Senator, I suppose, is aware that all the diplomatic representatives there promptly recognized that Government?

Mr. WHITE of California. "Promptly" is the word used by Mr. Stevens, which meant the next day.

Mr. TELLER. That is the fact, too, is it not? They did do it the next day.

Mr. WHITE of California. Yes. They gave it a qualified recognition in almost every case.

Mr. TELLER. The Senator says it was not a *de facto* government. Does the Senator mean to say that it is not a *de facto* government to-day?

Mr. WHITE of California. No, sir.

Mr. TELLER. Will the Senator tell us when it became a *de facto* government?

Mr. WHITE of California. I would say it became a *de facto* government when it was in possession of the governmental power of the Hawaiian Islands, which it was not in possession of at the time Mr. Stevens recognized it.

Mr. TELLER. Oh, I beg the Senator's pardon. He did not recognize it until the day the representatives of the other governments did, and the Queen had then formally abdicated.

Mr. WHITE of California. The Senator is mistaken. Let me state to the Senator that Mr. Dole, in his letter thanking Mr. Stevens for his recognition, admits that he is not in possession of the entire power, but expects to seize the police headquarters; and upon his great expectations the recognition was had.

Mr. TELLER. Then, will the Senator tell us exactly when it became a *de facto* government, so that we may see what our relations were from that time on?

Mr. WHITE of California. I think, if the Senator will wait until I conclude —

Mr. TELLER. I will not dispute the question of fact with the Senator. I want him to give me the date when it became a *de facto* government, if he can do so.

Mr. WHITE of California. I am unable to give the Senator the date when it became a *de facto* government, but it became such, as I have already said, whenever it had entire dominion, when Liliuokalani ceased to exercise any authority, and when our flag was taken down and we were no longer in command of the islands. From that time I think it became a *de facto* government, because I know of no other power exercising governmental functions.

Mr. TELLER. Was it a *de facto* government when the President of the United States commissioned Mr. Blount to go there, and when the President of the United States also recognized Mr. Stevens as the minister of the United States Government?

Mr. WHITE of California. What President?

Mr. TELLER. President Cleveland.

Mr. WHITE of California. When?

Mr. TELLER. In March, 1893.

Mr. WHITE of California. I shall be very happy to answer all these questions in the progress of my remarks, but I do not recollect the exact date when every particular transaction occurred. So I decline to fix them. I will say further that I must not suppose, upon these matters of fact concerning which I am being catechised, the Senator from Colorado lacks any information.

Mr. TELLER. I do not desire to catechise the Senator, but the Senator has laid down some principles of law which I think he can hardly sustain, and I wished to attract his attention to them.

Mr. WHITE of California. I am happy to have my attention attracted to anything of that kind.

Mr. TELLER. It is important to determine when that government had any existence which could be recognized. Of course it

had at some time or other, but I want to know when. I wish to know of the Senator whether he claims, as a question of international law, that the Government, having recognized another government as an existing government, it is within the power of the Government at a subsequent time to withdraw that recognition?

Mr. WHITE of California. I have discussed that heretofore. Ordinarily I should say not, unless—

Mr. TELLER. Has the Senator any reference to any precedent of that kind in his extensive study?

Mr. WHITE of California. No, sir; but I have no reference to any government created as was this, and to no such circumstances as those under which it was called into existence. Hence I have no facts to which to apply any precise rule with which I am acquainted. Each case must be judged upon its facts, and I am judging this case upon its facts.

Mr. TELLER. The Senator, I understand, has laid down the rule correctly, that it is the President of the United States who must recognize a government.

Mr. WHITE of California. Yes, sir.

Mr. TELLER. I agree with him in that. Does the Senator hold that when one Executive has recognized a Government his successor may revoke that order?

Mr. WHITE of California. I am not confronted with that proposition, since it has not been done, but under ordinary circumstances I would say no. But if it should turn out that the preceding Executive had been deceived by the beneficiaries of the recognition in material matters, I have no doubt it would be the duty of this Government to sever diplomatic relations, taking care at all times to guard the interests of third parties.

Mr. TELLER. I wish to ask the Senator if he thinks now that it is still the duty of the Government of the United States to undo what he says Minister Stevens has improperly done? Does he think it is still our duty to return the Queen to power?

Mr. WHITE of California. No.

Mr. TELLER. Then I should like to further inquire when it ceased to be our duty so to do?

Mr. WHITE of California. I am thoroughly willing to state to the Senator anything regarding his present duty, but as to past obligations upon this subject or the minute when it ceased to be his duty or my duty to do a particular act, I decline at this moment to be interrogated. I am not very good at remembering dates, and I do not propose to be interrogated upon a subject that may call into exercise that faculty which I should like to have more fully developed than it is. I will state to the Senator, since his remark has called for it, that I will even go as far as he did upon the floor the other day — and I have authority to sustain me — that for all practical purposes a *de facto* government is a *de jure* government. (Ferguson's Manual of International Law, volume 1, page 83.) The Senator stated this proposition upon another occasion, and I do not doubt its correctness, though I believe others differ from him.

I will further remark as the Senator from Colorado will discover, if I am permitted to conclude, that I do not oppose either branch of the pending resolution. The phraseology, perhaps, may be altered. I am not speaking of that, nor do I know that I care,

but I am in favor of doing that which the Senator declared very lately ought to be done. I am in favor of declaring, first, that it is against our policy to take, or at least that we will not take, any steps looking to the annexation of these islands; and secondly, that as the Provisional Government has been recognized and has endured so long that we will continue that recognition and leave the Hawaiian people to solve disputed matters of government as they see fit. If the Senator had been here when I commenced my remarks, he would have heard me read three or four authorities from well-known writers upon this point.

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

Mr. WHITE of California. Certainly.

Mr. TELLER. I have never made any suggestion that I am not in favor of annexation.

Mr. WHITE of California. I understood the Senator to say that he is in favor of the pending resolution.

Mr. TELLER. I said I am in favor of the pending resolution except the first part of it.

Mr. WHITE of California. Of course, the Senator knows I do not wish to attribute to him virtues which he has not.

Mr. TELLER. I only want to put in my caveat.

Mr. WHITE of California. I have no objection at all to the interruption, because I have always found that the Senator's statements, especially of legal propositions, are in accord with me, and this is rather complimentary to me perhaps, and I do not think that he will differ from me when he considers what I have said and when he hears me through.

Mr. President, when the Senator interrupted me I was discussing Mr. Stevens's conduct. I wish to say that I agree with my friend from Colorado that the propriety of the passage of the resolution before us does not depend upon Mr. Stevens's behavior, whether it was good, bad or indifferent. But I am discussing the subject because assertions have been made by Senators upon the other side which I conceive are not warranted, which have resulted in injustice to patriotic citizens who are doing their utmost to further the interests of our country and to keep it in the path of rectitude. Hence if I shall say aught that is not absolutely and directly material to this particular resolution, it must be remembered that it is in response to arguments which have been made upon the other side.

I have stated that Mr. Stevens erred when he recognized the existence of a government at a time when the fortunes of war had not indubitably settled the struggle. The recognition of a revolutionary government by a minister to which attention has been called, differs materially from that by the Executive. The one is the exercise of an assumed function which depends for its efficacy upon subsequent approval — *sub spe rati.* In several instances in our diplomatic history, notably in connection with our transactions with France, our minister recognized a revolutionary government, and his act was ratified by the Executive. But in the case before us, we find a minister who recognizes not an undisputed government, but one that is disputed, not an authority holding dominion uncontested and possessed of the effective power of the state, but a faction engaged in a conflict and constituting, in my judgment, the weak side of the fight.

Mr. Stevens in his many letters to the Department of State

evinced a disposition to seize the islands regardless of the popular will.

On August 20, 1891 (House Report, page 243), Mr. Stevens informed Secretary Blaine that it might be well to have a warship on hand soon. In all of the letters from which I have quoted as to Mr. Stevens's peculiar expressions there is contained a manifest spirit of opposition to the existing Government, and a desire for its overthrow. Without pausing here, it will be enough to make a mere reference to these communications.

On October 31, 1892 (House Report, page 108), Mr. Stevens writes to Mr. Foster thus:

> There are strong reasons for the belief that were it not for the presence of the American naval force in the harbor the Tahitian marshal and his gang would induce the Queen to attempt a *coupe d'etat* by proclaiming a new constitution, taking from the Legislature the power to reject ministerial appointments.

It will thus be seen that Mr. Stevens understood that the naval force of the United States might be used to effect the decision of the local government upon constitutional matters.

Stevens disclosed his plans and ambitious designs in his celebrated letter to Mr. Foster.

Mr. GEORGE. What was the date of the letter from which the Senator is about to read?

Mr. WHITE of California. The 20th of November, 1892. He says:

> An intelligent and impartial examination of the facts can hardly fail to lead to the conclusion that the relations and policy of the United States toward Hawaii will soon demand some change, if not the adoption of decisive measures, with the aim to secure American interests and future supremacy by encouraging Hawaiian development and aiding to promote responsible government in these islands.

He then proceeds to discuss the many supposed advantages to accrue to the United States from the acquisition of the Hawaiian Islands. At that time there was no Provisional Government. When Mr. Stevens suggested absorbing the islands and the assumption of supremacy over them there was no domestic struggle in progress. There was not even a commotion, as took place when the troops were landed. There was no opportunity for him to exercise his remarkable government-making proclivities by acknowledging the nationality of a handful of men and using the naval strength of his Government to enforce their claims. But affairs were comparatively quiet; there was no turmoil. Yet he proceeded to argue in favor of annexation in the manner now to be related. He said:

> The men qualified are here to carry on good government, provided they have the support of the Government of the United States.

Ah, this was a case where a man who ought to be honored was unable to find anyone in his neighborhood appreciating his merits. There were men qualified to rule, but in order to rule they must have the support of the Government of the United States. They were not understood at home — not wanted as rulers by their countrymen.

> Why not postpone American possession? Would it not be just as well for the United States to take the islands twenty-five years hence?

And then he proceeds to argue against the postponement thus:

Two-fifths of the people now here are Chinese and Japanese. If the present state of things is allowed to go on the Asiatics will soon largely preponderate, for the native Hawaiians are growing less at the rate of nearly 1,000 per year. At the present price of sugar, and at the prices likely to hold in the future, sugar-raising on these islands can be continued only by the cheapest possible labor—that of the Japanese, the Chinese, and the Indian coolies. Americanize the islands, assume control of the "Crown lands," dispose of them in small lots for actual settlers and freeholders for the raising of coffee, oranges, lemons, bananas, pineapples, and grapes—

He did not say "ripe pears." [Laughter.]

and the result soon will be to give permanent preponderance to a population and civilization which make the islands like Southern California, and at no distant period convert them into gardens and sanitariums, as well as supply stations for American commerce, thus bringing everything here into harmony with American life and prosperity.

Now listen to this statement:

To postpone American action many years is only to add to present unfavorable tendencies and to make future possession more difficult.

Hence at this moment when there was no possible warrant for interference, when there was no pretense of domestic disturbance, no danger to American citizenship, or American homes, or American life, or American comfort, he declares "that to postpone American action many years is only to add to present unfavorable tendencies." What action did he in this remarkable letter suggest was the best to be taken?

One of two courses—

Says he, on page 117, House Report 243—

seems to me absolutely necessary to be followed, either bold and vigorous measures for annexation or a "customs union," an ocean cable from the Californian coast to Honolulu; Pearl Harbor perpetually ceded to the United States, with an implied but not necessarily stipulated American protectorate over the islands. I believe the former to be the better.

What former course did the minister allude to? The former course was that which is expressed in these words: "Bold and vigorous measures for annexation." What did he mean by "bold and vigorous measures?" A protectorate? No; because he considered the protectorate scheme and repudiated it, but he meant bold and vigorous measures to result in the acquisition of territorial supremacy in those islands. In other words, at that time, in the hour of profound peace, when he represented this friendly Government at that court, he advised the Secretary of State and gave it as his deliberate opinion that it was the business and office of this Government to capture the Hawaiian group.

He remarks, page 118, same report:

It is equally true that the desire here at this time for annexation is much stronger than in 1889. Besides, so long as the islands retain their own independent government there remains the possibility that England or the Canadian Dominion might secure one of the Hawaiian harbors for a coaling station. Annexation excludes all dangers of this kind.

Mr. Stevens not only insisted on "bold and vigorous measures," but he was also opposed to independence, because he says that so

long as the islands retain their own independent government this deprecated condition must last. Hence he was in favor of a bold and vigorous policy, one which would take away the independence of the islands and reduce them to the position of dependency, or culminate in annexation.

Mr. President, when we find that a certain thing has been committed or done and there is a question as to the motive or a doubt concerning the inspiration of the matter, we inquire as to the animus of the party accused. Here is Mr. Stevens for months striving to acquire the islands by bold and vigorous measures, finally enjoying the coveted opportunity. His soul filled with the idea, possessed with the notion that it was his function to reform the Hawaiian people and to bring them within the jurisdiction of this Republic. This was the end in view. As to the means to be adopted or the wishes of the people he cared not. Poor human nature could not resist. The deed was done. He acted contrary to law and against propriety, but moved in accordance with his opinion. Cervantes says, I think, that every man is what Heaven has made him — and sometimes a great deal worse. I do not know that it would be proper to criticise Mr. Stevens harshly or to make a personal attack upon him. I believe he has acted pursuant to his lights.

I have said that the Provisional Government was dependent upon Mr. Stevens. Again, I am not required to submit the testimony of anti-annexationists. I am not required to call to the witness stand any one who represented or represents interests opposed to Mr. Stevens, but I appeal to the letter of the Provisional Government, addressed upon the 31st day of January to Mr. Stevens, worded as follows:

HONOLULU, HAWAIIAN ISLANDS, *January* 31, 1893.

Sir: Believing that we are unable to satisfactorily protect life and property, and to prevent civil disorders in Honolulu and throughout the Hawaiian Islands, we hereby, in obedience to the instructions of the advisory council, pray that you will raise the flag of the United States of America for the protection of the Hawaiian Islands for the time being, and to that end we hereby confer upon the Government of the United States, through you, freedom of occupation of the public buildings of this Government, and of the soil of this country, so far as may be necessary for the exercise of such protection, but not interfering with the administration of public affairs by this Government.

We have, etc.,

SANFORD B. DOLE,
President of the Provisional Government of the Hawaiian Islands and Minister of Foreign Affairs.
J. A. KING,
Minister of the Interior.
P. C. JONES,
Minister of Finance.
WILLIAM O. SMITH,
Attorney-General.

His Excellency JOHN L. STEVENS.
Envoy Extraordinary and Minister Plenipotentiary of the United States,

These individuals, who are claimed to have been strong enough to overthrow the Queen when she was surrounded by her friends and with her military forces, these men who had obtained all the support which the record shows was given them by the naval forces

of the United States, find themselves unable to preserve their Government in the presence of their disarmed and dispossessed rivals. Can it be possible that the Provisional forces were able to conquer the Queen, and still unable to retain the position which it is claimed they won? Certain it is, that it was found necessary to solicit the interposition of the United States to preserve that which every nation must be able to enforce or go to pieces — order. The effect of the hoisting of the flag was expressed in Mr. Stevens's telegram of February 8, wherein he said:

> The affairs of state continue to be hopeful. Hoisting flag in protection of this Government was expected. Subjects who were doubtful now for annexation. The natives show unexpected regard for the United States flag.

No wonder the Dole administration became more generally respected. All admitted the power of the United States. That the flag was raised to indicate American dominancy is apparent from the letter of Mr. Stevens to Mr. Foster, dated February 8, 1893. He there said:

> As soon as it can become a certainty that these islands are to remain under the United States flag as a part of American territory, there is little doubt that all the principal leaders will wish to become American citizens, and their assistance can be had to help bring the native people into ready obedience to American law and fidelity to the American flag.

It is unnecessary to argue as to the impropriety of Stevens's conduct in raising the flag since Mr. Foster in his letter of February 14, in speaking of Stevens's course, said:

> So far as it may appear to overstep that limit by setting the authority of the United States above that of the Hawaiian Government in the capacity of protector, or to impair the independent sovereignty of that Government by substituting the flag and power of the United States, it is disavowed.

Secretary Tracy, in writing to Admiral Skerrett, disavowed the action of that commander in setting the authority of the United States above that of the Hawaiian Government. The proclamation of Mr. Stevens assuming control is a remarkable one. It is as follows:

> By authority of the Hawaiian people:
> At the request of the Provisional Government of the Hawaiian Islands, I hereby, in the name of the United States of America, assume protection of the Hawaiian Islands for the protection of life and property, and occupation of the public buildings and Hawaiian soil, so far as may be necessary for the purpose specified, but not interfering with the administration of public affairs by the Provisional Government. This action is taken pending and subject to negotiations at Washington.
>
> JOHN L. STEVENS,
> *Envoy Extraordinary and Minister Plenipotentiary of the United States.*

When we consider that Mr. Stevens for two or three years had been in favor of a vigorous policy with reference to annexation, that he was holding secret meetings with revolutionists who had not as yet accomplished anything, and that immediately after that secret meeting he was requested by the revolutionists to land troops (no American citizen as such made any demand upon him for aid), that he did land them, that thereupon a provisional government was

proclaimed, that he immediately recognized it, while the Queen was yet possessed of effective power, and afterwards ran up our flag and announced that the country was under the protection of the United States, no rational being can doubt that this Government through Mr. Stevens was a participant in the overthrow of a foreign government.

The matters which I have thus cited are, as I have stated, admitted. It is perfectly immaterial whether any gentlemen have an opinion to the effect that the Queen would have lost her throne without Stevens's interposition. It is plain that the ability of the revolutionists was not tested, but that the deed was accomplished through the Government of the United States.

That there was no commotion of magnitude appears from the statement of Mr. Wundenberg (House Executive Document No. 47, page 577). He states:

> At the time the men landed the town was perfectly quiet, business hours were about over, and the people—men, women, and children—were in the streets, and nothing unusual was to be seen except the landing of a formidable armed force with Gatling guns, evidently fully prepared to remain on shore for an indefinite length of time, as the men were supplied with double cartridge belts filled with ammunition, also haversacks and canteens, and were attended by a hospital corps, with stretchers and medical supplies.
>
> The curiosity of the people on the streets was aroused, and the youngest, more particularly, followed the troops to see what it was all about. * * * During all the deliberations of the committee, and, in fact, throughout the whole proceedings connected with plans for the moving up to the final issue, the basis of action was the general understanding that Minister Stevens would keep his promise to support the movement with the men from the Boston, and the statement is now advisedly made that without the previous assurance of support from the American minister, and the actual presence of the United States troops, no movement would have been attempted, and if attempted would have been a dismal failure, resulting in the capture or death of the participants in a very short time.

This gentleman is admittedly a man of strict integrity and high standing. The letter written by Admiral Skerrett to Mr. Blount demonstrates that the troops were not landed to protect American interests or for any other purpose than to facilitate the revolution. That letter is as follows:

> U. S. S. Boston, Flagship of the Pacific Station.
> *Honolulu, Hawaiian Islands, May 20, 1893.*
>
> Sir: I have examined with a view of inspection the premises first occupied by the force landed from the United States steamer Boston, and known as Arion Hall, situated on the west side of the government building. The position of this location is in the rear of a large brick building known as Music Hall. The street it faces is comparatively a narrow one, the building itself facing the government building. In my opinion, it was unadvisable to locate the troops there if they were landed for the protection of the United States citizens, being distantly removed from the business portion of the town, and generally far away from the United States legation and consulate-general, as well as being distant from the houses and residences of United States citizens. It will be seen from the accompanying sketch that had the Provisional Government troops been attacked from the east, such attack would have placed them in the line of fire.
>
> Had Music Hall been seized by the Queen's troops, they would have been under their fire had such been their desire. It is for these reasons that I consider the position occupied as illy selected. Naturally, if they were landed with a view to support the Provisional Government troops, then occupying the government building, it was a wise choice, as they could enfilade any troops attacking them from the palace grounds in front. There is nothing

further for me to state with reference to this matter, and as has been called by you to my attention, all of which is submitted for your consideration.

Very respectfully,

J. S. SKERRETT,
Rear-Admiral United States Navy.
Commanding United States Force, Pacific Station.

Col. J. H. BLOUNT,
United States Minister Plenipotentiary and
Envoy Extraordinary, Honolulu, Hawaiian Islands.

NO TREATY OF ANNEXATION SHOULD BE MADE.

One of the questions to be determined here, as far as the resolution is concerned, and one of the matters to which Mr. Cleveland's mind was directed, concerns the ratification of the treaty.

Mr. President, I am against annexing the Hawaiian Islands. I am opposed to annexation because the Provisional Government has not the stability to warrant the execution of such a contract. Its endurance is problematical.

A treaty is valid if there be no defect in the manner in which it has been concluded; and for this purpose nothing more can be required than a sufficient power in the contracting parties, and their mutual consent sufficiently declared.—*Vattel,* page 193.

"Sufficient power in the contracting parties." Understand me, Mr. President, I do not mean to say that a *de facto* government, which I have admitted to be *pro hac vice* a *de jure* government also, has no power to enter into a treaty with a nation which sees fit to recognize it, but I affirm that in dealing with another nation this Republic must take into consideration the condition of affairs under which those claiming to represent the other party seek to exercise supreme authority. We, as a free people, maintaining constitutional principles which we have attempted to perpetuate for the benefit of mankind, can not afford to take within our confines new territory unless we know beyond all cavil and all dispute that there is not only technical power in those executing the contract, but that they who so act in truth express the unquestioned will of the people.

Mr. MITCHELL of Oregon. May I ask the Senator from California a question?

Mr. WHITE of California. Certainly.

Mr. MITCHELL of Oregon. Suppose there were no question in the mind of the Senator from California as to the stability of the existing Government of the Sandwich Islands, would the Senator then favor annexation?

Mr. WHITE of California. I am about to state that I would not, and will give the reasons for my conclusion. I have given one reason. Secondly, the Provisional Government does not represent the people.

If this proposition is correct the deduction is inevitable that there should be no annexation. Upon what do I base this assertion? I am fully aware the authorities are that for business and commercial purposes and the carrying on of diplomatic relations the existence of a government for a reasonable length of time must be taken as evidence that it is supported by the people. This is a rule for convenience. Again, I say that we can not afford to rest upon mere presumptions which the history of the world has demonstrated

time and time again, may or may not be well founded, but we must know that the will of the people prevails. Disregarding the mere presumption indulged in for the objects already mentioned, we should look deeper and act upon certainty. When we reach beyond the sea and beyond the jurisdiction of our flag and beyond the limits of this Republic and take within us alien territory we must find that we are acting in accordance with the wishes of the people, whose property, liberties, and lives we contemplate bringing within the reach of our laws.

Mr. Webster said March 15, 1843:

> We seek no control over their Government nor any undue influence whatever. Our only wish is that the integrity and independence of the Hawaiian territory may be scrupulously maintained and that its Government should be entirely impartial toward foreigners of every nation.

President Johnson on December 9, 1868, while referring favorably to a project of annexation, said that he regarded reciprocity with Hawaii as desirable "until the people of the islands shall of themselves at no distant day voluntarily apply for admission to the Union."

Mr. Bayard in his letter to Mr. Merrill, July 12, 1887, which is found in House Report 243, page 17, says:

> As is well known, no intent is cherished or policy entertained by the United States which is otherwise than friendly to the autonomical control and independence of Hawaii.

This does not accord with Mr. Stevens's notion as expressed in his letter of November 20, that the independence of the islands is undesirable.

The authorities with reference to the recognition of the independence of revolutionary governments are, in substance, that no affirmative action should be taken until there is evidence that the new system is approved by the people.

Said Minister Seward, in his dispatch to Mr. Bigelow, the United States Minister to France, on June 30, 1865 (see Dana's Wheaton, Note 41):

> So far as our relations are concerned, what we hold in regard to Mexico is, that France is a belligerent there, in a war with the republic of Mexico. We do not enter into the merits of the belligerents, but we practice in regard to the contest the principles of neutrality, as we have insisted on the practice of neutrality by all nations in regard to our civil war. Our friendship toward the republic of Mexico and our sympathies with the republican system on this continent, as well as our faith and confidence in it, have been continually declared. Political intervention in the affairs of foreign states is a principle thus far avoided by our Government.

It will be observed that when this letter was written, Maximilian had been put upon the throne for a considerable period of time.

> The habitual obedience of the members of any political society to a superior authority must have once existed in order to constitute a sovereign state. (Dana's Wheaton, page 34.)

The independence of the Spanish provinces of South America was finally recognized by Congress, and diplomatic relations estab-

lished in January, 1822, several years after the revolutionists had assumed complete control.

Said President Jackson in December, 1836:

The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility. * * * In the contest between Spain and the revolted colonies we stood aloof and waited not only until the ability of the new states to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not until then, they were recognized. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes arising out of the separation into distinct governments of those Spanish-American states which began or carried on the contest with the parent country united under one form of government.

We acknowledged the separate independence of New Granada, Venezuela, and of Ecuador only after their independent existence was no longer a subject of dispute or was actually acquiesced in by those with whom they had been previously united. * * * Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the government established by them.—*Dana's Wheaton,* pages 44-45.

The independence of the South American republics was recognized first by the United States and tardily by England, but by both upon the ground that, after long-recognized belligerency and the practical unobstructed exercise by them of sovereign powers, Spain, separated by an ocean, had abandoned actual efforts for their reduction, and only clung to a nominal right. * * * Mr. Clay proposed in Congress a mission to the South American provinces to express the sympathy of the United States and with a view to enter into friendly relations with them at a future day. The proposition was rejected by a vote of 115 to 45, on the ground of the still unsettled state of the provinces and the continuance of actual war.—*Dana's Wheaton,* page 43, note.

In justifying the action of the United States regarding the South American difficulties, Mr. Gallatin, our minister at Paris, wrote to the Secretary of State, Adams, on November 5, 1818, among other things, thus:

We had not, either directly or indirectly, excited the insurrection. It had been the spontaneous act of the inhabitants and the natural effect of causes which neither the United States nor Europe could have controlled. We had lent no assistance to either party; we had preserved a strict neutrality. (1 Wharton's International Law, page 522.)

Mr. Adams, as Secretary of State, writing to President Monroe, on August 24, 1816, regarding the same subject, said:

I am satisfied that the cause of the South Americans, so far as it consists in the assertion of independence against Spain, is just. But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty.

When a sovereign state, from exhaustion, or any other cause, has virtually and substantially abandoned the struggle for supremacy, it has no right to complain if a foreign state treat the independence of its former subjects as *de facto* established. When, on the other hand, the contest is not absolutely or permanently decided, a recognition of the inchoate independence of the insurgents by a foreign state, is a hostile act towards the sovereign state, which the latter is entitled to resent as a breach of neutrality and friendship. It is to the facts of the case that foreign nations must look. The question with them ought to be: Is there a *bona fide* contest going on? If it has virtually

ceased, the recognition of the insurgents is then at their discretion. (Boyd's Wheaton, section 27.)

In speaking of the cases where the recognition of the independence of a new government is proper, Prof. Woolsey, International Law, page 41, sixth edition, remarks:

It is almost needless to say that this rule can not have its application as long as there is evident doubt whether a government is a fact.

A revolutionary government is not to be recognized until it is established by the great body of the population of the state it claims to govern. (Mr. Seward to Mr. Culver, November 19, 1862, 1 Wharton, page 542.)

Says Mr. Fish to Mr. Sickles, with reference to diplomatic matters in Spain, 1 Wharton, page 545:

We have always accepted the general acquiescence of the people in a political change of government as a conclusive evidence of the will of the nation.

As an instance showing the care exercised by this Government in recognizing the sovereignty of a particular state, attention is called to the case of Tripoli, 1 Wharton's International Law, page 546.

President Hayes in his first annual message, 1877, said:

It has been the custom of the United States, when such revolutionary changes of government have heretofore occurred in Mexico, to recognize and enter into official relations with the *de facto* government as soon as it shall appear to have the approval of the Mexican people.

Mr. Seward wrote to Mr. Foster, minister to Mexico, in 1877, and among other things stated this to be the policy of the United States:

In the present case (United States) it waits before recognizing Gen. Diaz as the President of Mexico, until it shall be assured that his election is approved by the Mexican people. (1 Wharton, page 548.)

Mr. Evarts in his note to Mr. Baker, June 14, 1879, in the Venezuela case, said:

In other words, while the United States regard their international compacts and obligations as entered into with nations rather than with political governments, it behooves them to be watchful lest their course toward a government should affect the relations to the nation. Hence, it has been the customary policy of the United States to be satisfied on this point, and doing so is in no wise an implication of doubt as to the legitimacy of the internal change which may occur in another state. (1 Wharton, pages 548-549.)

If the Calderon Government is supported by the character and intelligence of Peru, and is really endeavoring to restore constitutional government with a view both to order within and negotiation with Chile for peace, you may recognize it as the existing Provisional Government, and render what aid you can by advice and good offices to that end.—*Mr. Blaine to Mr. Christiancy,* May 9, 1881. (1 Whar., page 550.)

Mr. Frelinghuysen, in a letter to Mr. Logan, March 17, 1884, said:

The Department of State will not recognize a revolutionary government claiming to represent the people in a South American state until it is established by a free expression of the will of that people.

President Arthur, in his third annual message, 1883, said, in speaking of South American difficulties:

Meanwhile the provisional government of Gen. Iglesias has applied for recognition to the principal powers of America and Europe. When the will of the Peruvian people shall be manifested, I shall not hesitate to recognize the government approved by them. (1 Whar., p. 550.)

In the late domestic disturbance in Chile, our Government issued its instructions to Minister Egan on September 4, to the effect that if a government was installed and accepted by the people of Chile he was authorized to recognize it.

Even Mr. Foster concedes the rule to be as I have stated it, for he says in his telegram to Mr. Stevens (House Report 243, page 451):

The rule of this Government has uniformly been to recognize and enter into relations with any actual government in full possession of effective power with the assent of the people. You will continue to recognize the new government under such conditions.

Mr. Stevens did not pay much attention to these authorities when he recognized the Dole government. But his conduct furnishes no precedent adequate to justify the United States in concluding the proposed treaty of annexation or any similar compact.

While the precedents just cited pertain to the course proper to be adopted when the recognition of a new government is involved, the law as laid down is applicable here; because if it be true that before we may rightfully take official notice of a revolutionary organization we must be thus careful and thus positive as to the facts and must know that we are acting in accordance with the wishes of the people, how much greater should be our solicitude and how cautiously should we act before we make a step which must result in the obliteration of a sovereignty and the abandonment of national independence? The commonest honesty compels us to subordinate our ambitions to the desires of the nation we are asked to absorb.

Mr. Stevens is authority for the statement that the people of the Hawaiian Islands can not govern themselves. In a lecture delivered by him in Massachusetts and reported in the Boston Journal of November 23, 1893, he said:

But I hear a whisper in the air: "Let the islands vote on the question." This demand comes from three distinct sources. It was first made by the British minister at Honolulu, a Tory in his political views, many years a resident in Hawaii, a persistent antagonist of American interests, and by personal bonds and family relations strongly attached to the fallen Hawaiian monarchy. You remember how many votes have been taken in India and Hongkong and Cyprus. [Laughter.] Immediately after its organization in January last he urged this plan on the Provisional Government. This scheme was subsequently brought forward by the Queen's attorney. The lottery and opium rings, of which the fallen Queen's lawyer is believed to be the agent, favor the plan. While the ultra Tory English and the Canadian Pacific Railroad have purposes in view other than those of the fallen Queen and the lottery and opium rings, they are agreed as to the method of defeating annexation.

The ex-Queen's attorney has often been the paid agent of Claus Spreckels, and the latter makes part of the alliance to kill annexation by the plebiscitum. This is an alliance powerful as it is disreputable. It is not admissible by honest Americans for the following reasons: It would surely result in the raising of an enormous corruption fund by the allied parties. The Canadian Pacific Railroad is a great power in Canadian politics, and in the past has used vast bribes to accomplish its designs, and wants to have its foot and hand firmly in Hawaii.

The respectable citizens of the islands do not believe in wholesale bribery and the importation of voters, and should they even take into consideration

such a method of accomplishing their wishes, they could not fail to see that Spreckels with his millions, the opium and lottery rings, and the ultra Britishers in Canada and England, could throw into the contest a bribery fund which they could not and would not try to equal. It is therefore obvious that the plebiscitum scheme has been devised as the most sure to result in striking down American civilization and American interest in the islands, flooding them with an Asiatic population and ruthlessly sacrificing what the American Board, the American missionaries, and the American teachers have accomplished in seventy years.

No one disputes that the masses of the Hawaiian people are opposed to annexation. Mr. Blount's statement upon this subject does not seem to be challenged. He says (Report, page 59):

> The testimony of leading annexationists is that if the question of annexation was submitted to a popular vote, excluding all persons who could not read and write except foreigners (under the Australian ballot system, which is the law of the land), that annexation would be defeated.
>
> From a careful inquiry I am satisfied that it would be defeated by a vote of at least two to one. If the votes of persons claiming allegiance to foreign countries were excluded it would be defeated by more than five to one.
>
> The undoubtful sentiment of the people is for the Queen, against the Provisional Government and against annexation. A majority of the whites, especially Americans, are for annexation.

It will not do, as I have heretofore observed, to declare that because the intelligence and respectability of Hawaii favor annexation that therefore the scheme must succeed regardless of popular desire. It is no part of the business of this country to conquer nations, even for their betterment. Almost at the outset of our Declaration of Independence we assert that governments derive "their just powers from the consent of the governed."

Shall we, who base our right to the sovereignty upon the will of our citizens, be heard to say that it is politic or right or American to step out of our boundaries and coerce to submission those who, however poor, however lowly, however inferior, however ignorant, are, after all, men and women fashioned in the image and likeness of their maker, and entitled under our laws, under our Constitution, under our Declaration of Independence, and the virtue of our oft-reiterated professions, to receive at our hands that equal treatment which we demanded for ourselves, and which demanding we won and have maintained?

It is against the interests of the United States to acquire the Hawaiian Islands. They are too far removed. Are difficult and expensive to defend. The population is undesirable and likely to so remain for many years.

Says Mr. Alexander, an ardent annexationist (Executive Document 47, page 199):

> Considering the character of our mixed population, the intensity of race jealousy, the concentration of one-fourth of the population comprising its most turbulent elements in the capital city, it seems vain to expect a suitable self-governing, independent state under such conditions. It is time one of the great powers should intervene, and it is needless to ask which power has its hands unfettered by conventions and already holds paramount interests and responsibilities in this archipelago.

Here is an admission that those whom we are requested to make our fellow citizens are incapable of self control. Here is a declaration from a gentleman of attainments, and I assume, of integrity, that

Hawaii should be annexed because of the degraded character of the majority of the inhabitants.

Mr. Jefferson wrote to President Madison, April 27, 1809:

> It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it.

Mr. Jefferson was not opposed to the annexation of Cuba, but he did not believe it policy to acquire any territory to defend which our naval forces would be requisite.

Mr. Frelinghuysen in a note to Mr. Langston cited in 1 Wharton, page 579, declares that it is contrary to the policy of our Government to attempt such territorial aggrandizement as will require a naval force.

Mr. Bayard made a similar announcement which may be found in the same volume, page 580.

Said Mr. Cleveland in his message of 1885:

> Maintaining, as I do, the tenets of a line of precedents from Washington's day, which proscribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory, or the incorporation of remote interests with our own.

See also the history of the attempt to acquire the Danish West Indies, and the rejection of the treaty by the Senate. (1 Wharton, page 416.) See as to San Domingo matter, 1 Wharton, page 412, *et seq.*

Mr. President, I have stated these objections. They appeal to me with more or less force, each of them with force enough to determine my vote. I am not prepared at this moment to lay down absolute doctrine, from which I shall never deviate in any contingency, against the acquisition of foreign lands, provided the people desire such annexation; but I see at this time no reason to qualify or doubt the correctness of the principle maintained from Jefferson to Cleveland.

There is, however, another objection which is possibly even stronger than those which I have just discussed. The able Senator from Ohio [Mr. SHERMAN] whose deliberate judgment upon any public question is entitled to consideration, and other distinguished Senators, have said, either upon the floor or elsewhere, that the Hawaiian group should be annexed to the State of California. Mr. President, it is not saying any more than the truth when I declare that there is no one present more deeply concerned for the progress and welfare of that Commonwealth than I. I was born there, reared and educated there, whatever I possess is there, whatever of distinction I have acquired has been from the favor of her people, and if I thought that it would be to her advantage, and correspondingly to the advantage of the Union, that action favoring annexation should be taken here, I should not hesitate. Not for any party reason, or to uphold or maintain any Administration, should I forfeit that which I considered to be for the glory and happiness of my country.

But a short time since we were considering the Chinese question in this Chamber. A law was enacted of the severest character, it was said, to exclude the Mongolian from our shores. Day by day our statesmen are endeavoring to solve the complicated issues which have

arisen from the conflict of races, precipitated upon them without any fault of the present generation.

We have statutes designed to prohibit the coming of paupers and persons unfitted to become citizens of the United States, or whose presence here would be opposed to the general welfare, or who might become public charges. Under these conditions what should I think of myself if standing here I advocated bringing within my State or within the United States a people who are notoriously and by confession of all unfitted for self-government, a population of some 90,000, containing not more than 5 per cent. competent for the elective franchise?

Let us be consistent. But lately we declared the presence of the Mongolian inimical to the Republic, and now we propose to annex an island flooded with the lowest class of Chinese and Japanese. I know that it will be said that these Chinamen can be excluded and that a stipulation to that effect must be incorporated in the treaty if any is made. We have had enough trouble dealing with the Chinamen and should not seek further complications. The Chinese and Japanese form but a portion of the undesirable residents of Hawaii. Mr. Blount has given us a statement of the population which seems to be accurate. He says (Report, pages 60, 61):

> The population of the Hawaiian Islands can best be studied by one unfamiliar with the native tongue from its several census reports. A census is taken every six years. The last report is for the year 1890. From this it appears that the whole population numbers 89,990. This number includes natives, or, to use another designation, Kanakas, half-castes (persons containing an admixture of other than native blood in any proportion with it), Hawaiian-born foreigners of all races or nationalities other than natives, Americans, British, Germans, French, Portuguese, Norwegians, Chinese, Polynesians, and other nationalities.
>
> (In all the official documents of the Hawaiian Islands, whether in relation to population, ownership of property, taxation, or any other question, the designation "American," "Briton," "German," or other foreign nationality does not discriminate between the naturalized citizens of the Hawaiian Islands and those owing allegiance to foreign countries.)
>
> Americans number 1,928; natives and half-castes, 40,612; Chinese, 15,301; Japanese, 12,360; Portuguese 8,602; British, 1,344; Germans, 1,034; French, 70; Norwegians, 227; Polynesians, 588; and other foreigners, 419.
>
> It is well at this point to say that of the 7,495 Hawaiian-born foreigners 4,117 are Portuguese, 1,701 Chinese and Japanese, 1,617 other white foreigners, and 60 of other nationalities.
>
> There are 58,714 males. Of these, 18,364 are pure natives and 3,085 are half-castes, making together 21,449. Fourteen thousand five hundred and twenty-two are Chinese. The Japanese number 10,079. The Portuguese contribute 4,770. These four nationalities furnish 50,820 of the male population.

	Males.
The Americans	1,298
The British	982
The Germans	729
The French	46
The Norwegians	135

> These five nationalities combined furnish 3,170 of the total male population.
>
> The first four nationalities when compared with the last five in male population, are nearly sixteenfold the largest in number.
>
> The Americans are to those of the four aforementioned group of nationalities as 1 to 39—nearly as 1 to 40.
>
> Portuguese have been brought here from time to time from the Madeira and Azore Islands by the Hawaiian Government as laborers on plantations, just as has been done in relation to Chinese, Japanese, Polynesians, etc. They are

the most ignorant of all imported laborers and reported to be very thievish. They are not pure Europeans, but a commingling of many races, especially the negro. They intermarry with the natives and belong to the laboring classes. Very few of them can read and write. Their children are being taught in the public schools, as all races are. It is wrong to class them as Europeans.

Will any thoughtful man risk the assertion that it is desirable to bring about the amalgamation of such a population with our own? Without considering the degraded foreign element, the native population furnishes an irresistible argument against annexation. I doubt whether there are many people in the world more the subject of pity than the unfortunate natives who are gradually yielding to the inroads of the most loathsome diseases. We can not afford to deport the natives. We have no right to sweep them from the face of the earth. I think that I have already shown that we can not decently act without consulting their wishes. If the islands are annexed to California, candidates for office may experience some difficulty in extending their visits to their constituents so as to take in the newly acquired possessions, 2000 miles removed from the present State. The returns from the enlightened Hawaiian precincts would be awaited with considerable interest. Should annexation be brought about we must be just to the Hawaiian natives.

These islanders are the proprietors of the soil by designation of a power beyond ours. They were placed where they are by Omnipotence long before Mr. Stevens or his predecessors in goodness commenced to exert their saving influence. We recognize the right of a people not only to live but to rule. We can not afford to destroy the poorest Hawaiian native. If the islands are to be ours me must take those "to the manor born" to our political bosoms and throw around them the equal protection of those laws which are framed for the benefit of all who move under the protection of our flag.

Therefore, I repeat that the Provisional Government has not the stability to warrant the making of a treaty; that it was not organized for permanency, but for a specific object, to wit, for the purpose of giving away the country it professed to rule. And while we are now holding diplomatic relations with Hawaii as an independent state, notwithstanding her imperfect organization, we may well doubt the propriety of dealing with her new government as to a treaty of annexation. The Provisional Government does not represent the people. We can not annex territory under mere color of right. Nations organized for conquest may not regard the method employed to extend their confines, but we must be not only technically but actually right. Those whom we desire to absorb must consent, and such consent must be unmistakably proven as a condition precedent to our action. The islands are too remote, the population undesirable. We have now an ample supply of incompetent citizens. Our stock is complete.

If we concede that the annexation of the Hawaiian Islands would result in adding to the prosperity of this country and redound to our lasting pecuniary advantage, I would not favor the project as long as it is questionable whether such annexation can be honorably brought about under existing conditions. Not only is deliberation necessary in the preparation and approval of a treaty involving such grave subjects, but it is essential, as I have hinted, that there should be no question as to the right of those who suggest the adoption of the compact to enter into such a solemn obligation. Granting that Mr. Stevens had not interfered improperly and conceding everything which he

individually did to be regular and admitting all that is claimed by his friends, the fact still remains that the Provisional Government is purely experimental, and that if it ever received any authority, that authority was for a limited purpose and emanated from a limited circle.

It is not claimed, as I have said, that this institution was organized for permanent purposes. Herein it lacked an essential of government. It did not rest upon popular suffrage. And herein it lacked representative authority. It was brought about admittedly by the action of a few courageous and determined men who assert, and perhaps with reason, that their morality and ability have placed them upon a plane above the commonality. Far from representing the masses of the people, these gentlemen have been the advocates and defenders of a constitution which curtailed the popular right. Hence, plainly the Provisional Government did not have the stability and solidity which alone can empower it to perform the supreme functions of abrogating nationality and delivering up the privileges of statehood. This treaty should not have been hastily accepted by Mr. Harrison.

Nothing had occurred on the part of our citizens to warrant such existing celerity. Modesty, good taste, as well as diplomatic usage, dictated the keeping of the matter in abeyance until the advent of a President who had already been elected to hold for a full term. Instantaneous action was sought and the future was relied upon to establish the title of those who proposed the treaty. It was believed by Mr. Stevens and his associates that if the last Administration could be brought to engage in a treaty of annexation with the Dole establishment, that forthwith the people of Hawaii, who had not been consulted, would yield readily to the superior force of the United States. It was well reasoned that if we took the islands under that treaty we would regard the native population as rebellious if they subsequently objected to the annexation.

Permit me again to assert what I have already intimated: that I am not here to compare the respective merits of the small American and foreign colony, which supports Mr. Dole, with the native population. I have no doubt that the Provisional Government represents the most advanced intellectual sentiment of the islands, but I unhesitatingly aver that this does not constitute any justification for our departure from settled principles of honesty in dealing with our neighbors; nor does it warrant us as a civilized and Christian nation in a policy of invasion and conquest; and if we abet such designs, to say nothing of our participancy therein, we will deserve and receive the contempt of mankind.

THE FOREIGN POLICY OF PRESIDENT CLEVELAND SUFFERS NOTHING WHEN COMPARED WITH THAT OF HIS PREDECESSOR.

There is another matter to which I deem it proper to briefly allude.

My friend, the distinguished Senator from Illinois [Mr. CULLOM], further said:

> Heretofore the diplomatic history of the United States, with trivial exceptions, has been a bright and glorious record, and its precedents have become standards of international procedure. Until now liberty, justice, and honor have been the legends inscribed upon each diplomatic act bearing the approval of American Presidents and Secretaries of State. No citizen of this country has ever before been called to hide his head when challenged upon the theater

of the world, and forced to acknowledge the disgrace and shame of the Republic.

Mr. President, we will not remain silent listening to such assertions made against those who are acting in good faith for the perpetuation of principles in which we believe and to the enforcement of which we have pledged our best efforts. We can well afford to compare the foreign policy of this Administration with that of its immediate predecessor, knowing that we will not thereby suffer. I intend to speak from the record, and in describing the incident to which it is my design to direct consideration, I will utter nothing that can not be easily proven to be precisely correct.

It has been argued in this Chamber, and reiterated with great emphasis elsewhere, that the present Administration is not in sympathy with republicanism, and that it is seeking to maintain monarchical institutions abroad, and it is sought to justify, or at least mitigate the peculiar behavior of the late minister to the Hawaiian Islands by the claim that his conduct if questionable, was, after all, in the interest of free government.

The hollow nature of this pretense can be, and I trust has been exposed otherwise than by the argument which I am about to make but I desire to show that not only the late Executive and the then Department of State, but likewise many who elsewhere are loudest in their so-called patriotic demands, did but lately engage in a most unwarranted attack upon the people struggling for free constitutional rights.

In the year 1891, the people of Chile were torn asunder by revolutionary conflict. The President of the Republic had assumed powers in defiance of the constitution, in consequence with which it was his duty to administer his trust.

The highest court of the Republic had decided against him, and the great majority of the Chilean Congress had also pronounced adversely to his pretensions. Instead of yielding obedience to the laws of the land, he announced himself a dictator. He promulgated a decree which contained, among other things, the following:

SANTIAGO, *January* 7, 1891.

I decree that from this date I assume all public power necessary for administering and governing the State and maintaining order in the interior. Therefore, from this moment, every law that would forbid the exercise of the powers required for preserving order and tranquillity in the interior and security in the exterior of the State, is suspended.

By his unauthenticated fiat he declared that all laws which, according to his opinion, were inimical to the state, should be then and there suspended. The supreme court and the court of appeals decided against him and determined in favor of the Congressionalists, and he at once issued this edict:

That the regular and ordinary functions of the supreme court and the court of appeals, in the abnormal and extraordinary situation, created by the revolution and the anarchy of those who have commenced and sustain it, will prevent the task of pacification demanded by the highest national interests, and will produce conflicts that will augment the misfortunes that afflict the republic. I have resolved, and I decree, until further orders, the functions of the supreme court and the court of appeals are suspended.

Thus did this man assume absolute power. Thus did he in defiance of republican principles declare, "I am the State." The mem-

bers of congress were compelled to flee to escape his cruelty and persecution. They took refuge in the navy, for the navy was true to the law. War was waged, one side represented by Balmaceda, who acted against the constitution; the other was composed of patriots seeking to maintain the constitution.

Concurrently with the promulgation of these decrees, more despotic than any issued within the last thirty years by any semi-civilized government, this despot sacrificed the lives of numbers of his fellow-citizens who had dared to verbally protest against his outrageous defiance of that constitution which was adopted as the result of the triumph of brave men over the imperial armies of Spain. To use the language of Judge Hanford of the court of appeals of the ninth circuit (56 Fed. Rep., 505 *et seq.*):

> The Congressional party, instead of being an organization of rebels against the Government of Chile, was, in fact, composed of and controlled by the legislative branch of the national government and was supported by a considerable part of its military and naval forces. The object of the Congressional party was not revolution but the preservation of the Government by deposing Balmaceda for maladministration of his office. Balmaceda was not the government. He was merely the highest officer and head of the government. The struggle, therefore, was not between the government and a faction, but between the chief departments of the government. While it continued, the condition of affairs was similar to what might have been brought about in the United States if a sufficient number of Senators had voted for the impeachment of President Andrew Johnson, and the vote had been followed by an attempt on his part to forcibly resist removal from office.

Under these conditions the last Administration not only refused to recognize the justice of the cause of the Congressional party, as those who were supporting the Chilean constitution were designated, but it even refused to recognize them at all. Mr. Harrison declined to permit the agents of the Congressional party to enter the State Department for the purpose of presenting their claims, and the President rejected their solicitation for personal audience. Every obstruction possible was thrown in their pathway, and when Jorge Montt, the then admiral of the Chilean fleet and the present President of that Republic, sent to the city of San Diego an ordinary passenger and freight steamer for the purpose of getting supplies, our Government denied her clearance papers, and when she left the harbor of San Diego and afterwards took on board in unbroken packages $80,000 worth of arms, purchased from an American firm and paid for at the market rates, one of our ships of war, the Charleston, was dispatched to Chile, and the Itata was brought back with her cargo to San Diego, and a Chilean congressman, together with two American citizens, who had engaged in the purchase of the arms, were arrested and charged with a violation of the neutrality laws of the United States; and they were charged, among other things, with having fitted out and armed the Itata for the purpose and with the intent that that vessel should be employed in the service of a foreign people, to cruise and commit hostilities against the Republic of Chile. There was, in fact, no legal ground for this seizure, as the United States district court and the court of appeals have decided.

This conduct upon the part of our Government in thus practically taking sides against a people seeking a constitutional government was in itself bad enough, but my criticism is not leveled so much at this behavior, or misbehavior, of the last Administration, but the subsequent transactions present a story of outrage unparalleled in our his-

tory. In the latter part of August and the first part of September, 1891, the Congressional forces met those of Balmaceda and in two pitched battles utterly routed the dictator's army and marched in triumph into Valparaiso.

The issue was thus settled, and under all the authorities the result of war definitely ascertained, foreign governments were bound to accept the same.

On September 4, 1891, when Balmaceda was a fugitive from the wrath of his countrymen, when he had scarcely a friend on earth outside of those in charge of the Government of this Republic, when the associates of those whom he had murdered and the citizens of that Republic which he had shamefully betrayed, were seeking him with terrible earnestness, our Government sent a dispatch to our resident minister to the effect that if a government was installed and accepted by the people of Chile, the same should be recognized; and on the 7th day of September that officer, Mr. Egan, notified the State Department that he was in cordial communication with the Provisional Government, established September 4, of which Jorge Montt was chief.

One would have supposed that the opening of diplomatic relations with the new authority and the utter annihilation of the Balmacedan régime would necessarily have resulted in the dismissal of proceedings against members of the new government and against its representatives, as those prosecutions depended upon the assertion that the vessel complained of and the cargo sought to be confiscated were to be used, and that the defendants indicted were waging war against Chile, with which the United States was at peace, and it being then the fact that there was no Chile save that represented by these very men who were charged in the proceedings thus instituted with having attempted to destroy a nation which recognized them as her loyal and devoted citizens.

Under these conditions this Government was bound, not only in law, but in fairness, and in that spirit of friendship which she professed to entertain toward Chile, to at once abandon its hostile attitude, regretting that the same was ever inaugurated. But the Administration, so anxious to establish a new condition of things in the Hawaiian Islands, so solicitous for the extension of republican influences, so ready to acknowledge a provisional government which had given no proof of its ability to endure, not only declined to dismiss these cases, but on October 20, 1891, more than a month after the recognition of the new government and after Balmaceda had acted as his own executioner, placed Mr. Ricardo Trumbull, and those who had been associated with him in obtaining a cargo for the Itata, on trial and sought to convict him of a high misdemeanor, under the provisions of sections 5283, 5285, and 5286 of the Revised Statutes of the United States.

Here was our Government, pretending to be the friend of republicanism, striving to make a criminal out of a man who had imperiled himself in a service which was intrinsically honorable, and which, because of the issue of war, was legally determined to be just, and which our Government had recognized as being patriotic and legitimate. But the United States court, upon the testimony of the prosecution, adjudicated that no case was made out, and the jury rendered a verdict of "not guilty." But the end was not yet. Still maintaining its unrepublican policy, the same patriots who joined with Mr. Stevens in the overthrow of a friendly government, pressed the admi-

ralty cases against the Chilean vessel and her cargo, employed special counsel — very excellent and able gentlemen, who were compensated through the Department of Justice — to press with every energy the demand that the forfeiture should be decreed.

But the district court again decided against the Government, and from this decision, as late as March, an appeal was taken to the circuit court of appeals for the ninth circuit, the Attorney-General having failed to obtain a *certiorari* bringing the cause to the Supreme Court of the United States. Meantime the Itata had been released upon bond and had gone back to Chile and was engaged in mercantile pursuits; and had a decree been rendered in favor of the United States and had recourse upon the bondsmen failed there would have been no method of enforcing the judgment save by seizure of this vessel carrying the Chilean flag in Chilean waters; and such seizure would have been an execution of the judgment pronounced against a vessel, because it was engaged in a service patriotic, lawful, and approved by the affirmative recognition of all our judicial and executive authorities.

The appeal was urged, and in spite of the efforts of those who represented Chile, the late Administration pressed it to final issue, and on the 8th of May, 1893, the circuit court of appeals, composed of three judges — all appointed by Mr. Harrison — confirmed the judgment of the lower court, and finally settled the case against the United States.

I refer to these matters as demonstrating that the Administration which supported and assisted Mr. Stevens in his unjustifiable work was not in quest of new fields for liberty, but was anxious to gain that applause given by the unthinking to those who subvert and destroy.

Nothing can better illustrate the unrepublican disposition of the late Administration than the facts which I have cited from judicial records regarding the Chilean controversy, and nothing can better disclose the misguided disposition which prevailed in the councils of those whom the American people drove from authority.

The fitting outcome of this entire transaction has been the decision just rendered by the joint commission, which has had under consideration the contested claims existing between this Government and Chile, to the effect that our seizure of the Itata was without even probable cause. It is difficult to conceive how any other conclusion could have been reached, since our courts from the Santissima Trinidad (7 Wheaton) to this day, and our diplomats from Secretary Pickering to Secretary Evarts uniformly avowed that there is no law or regulation forbidding any person or government from purchasing arms from citizens of the United States and shipping them at the risk of the purchaser. Such also was the doctrine of Mr. Hamilton, which fully accorded with the view expressed by Judge Story in the case first cited.

It is proper for me to say that the late Attorney-General was so solicitous for the confiscation of a vessel and cargo of a power with which we were then at peace, and with whose citizens and Government we desired to preserve friendly relations, that he actually contended before the Supreme Court of the United States upon an application for a writ of *certiorari*, which was denied, and afterwards argued in a brief, which he filed in the circuit court of appeals, that a judgment should be rendered in favor of the United States upon the ground

that the representative of the present Chilean Government and his associates were pirates, and were therefore entitled to no consideration whatever.

It is unnecessary to add that he remained lonesome in this advocacy. If any person considers this episode a triumph of diplomacy, I am content to leave him to his fate.

MR. CLEVELAND HAS NEVER SOUGHT TO INTERFERE WITH A FOREIGN GOVERNMENT.

It has been asserted that the Administration assumed the right to interfere with a foreign government. Exactly the contrary is the truth. It is against interference with a foreign government that Mr. Cleveland has protested, and if he is pressing any doctrine it is that which Senators profess to be so fond of, that this Government must in no case invade the territory of another. The President takes the position that we should undo what we have wrongfully done; that having invaded a foreign territory, and having changed the government of that territory, we should place matters as they were before the invasion occurred, and this for the purpose of more clearly and emphatically establishing a doctrine which has not been disputed in this debate, that in no case should we destroy the government of another nation.

The efforts of Mr. Cleveland to restore the Queen were in the nature of a protest against previous illegal acts of a representative of our Government. He sought to undo as far as possible the improper transactions of a diplomatic agent. He repudiated and condemned that agent's conduct. He adopted the most positive method in carrying out this laudable purpose. More he could not do, and he accordingly recommended the matter to Congress. President Harrison recognized the new order. So did President Cleveland. It is said, as I have remarked, that under certain conditions the recognition of belligerent rights can not be withdrawn. Such, at least, is the rule stated by Mr. Hall (International Law, third edition, page 37). Whether this rule applies to the acknowledgment of independence it is unnecessary to discuss; but assuming such to be the case, if the recognition is procured by a conspiracy to which the beneficiaries are parties, I imagine that there is no doubt of the power to revoke, saving harmless, of course, third parties who have acted *bona fide*.

If the Dole administration is an institution of this Government, created by our late minister; if it was established and supported by our action; if we were actually in control of the premises, then we had a right to withdraw that support and undo the mischief done.

It should be remembered that the Provisional Government was not organized for permanency, but was explicitly formed for the sole purpose of procuring the United States to extend its jurisdiction over the islands. When we speak of the *de facto* government we allude to an institution having present existence and exercising certain functions. This government did not pretend to be formed for the purpose for which a nation organizes itself. But Mr. Dole and his associates were empowered by themselves to act as agents in transferring to the United States the soil and independence of the Hawaiian Islands. The testimony of Mr. Soper, another annexationist, establishes that the Queen believed that she was surrendering to the United States, and the provisional people concede that they submitted to the United States the question whether their government should or should

not exist, *i. e.,* whether this nation would consent to absorb it.

Under all these circumstances the Queen was justified in supposing that the Executive would act in the capacity of mediator, and Mr. Cleveland was certainly authorized to extend some supervision and to make some inquiry concerning the situation which involved an attempt to extend the dominion of the United States over the islands. No one in all our history has more thoroughly emphasized than Mr. Cleveland the duty of this Republic to attend to its own affairs and to avoid meddling in foreign politics.

In conclusion, Mr. President, permit me to say that I am not prepared to defend every officer of this or any other Administration, merely because his politics and mine may harmonize, but I insist that justice shall be done.

Mr. Cleveland has done or attempted to do substantially justice, and he has done that which honor dictated. His protest against the continuance of the present Government of Hawaii was made that a record might be written showing his detestation as our chosen Executive, of a cunning and fraudulent scheme by which a change of systems eventuated which otherwise would never have been brought about. He made that protest, and then committed the whole subject to the House of Representatives and Senate. It is before Congress now.

The resolution submitted to the Senate embodies an expression to the effect that we should acknowledge conditions as they are. Months have gone by. It is impossible to prognosticate the future, but the status is such and has been so long continued, that it is undoubtedly in our interests in accord with sound policy and proper in every regard to recognize the present Government, to declare that no foreign power shall interfere, and to place here upon record the solemn assertion that we will not conclude a treaty of annexation. This recognition becomes inevitable when we consider the continued reception of diplomatic agents (Hall's International Law, page 94; Field's Pro-International Code, section 118), as well as the long continued dominancy of the Dole supremacy.

It is hardly worth while to determine what may be done under conditions differing from those presented. It is not necessary for immediate purposes to enter into any such debate. Suffice it to say, that, dealing with this question as it now stands, we are in favor of maintaining the *status quo* to the extent that our mere declarations will do so, not because we approve of wrongful acts, but because, under prevailing exigencies not of the creation of this Administration, it is unwise to adopt any other course. We affirm and approve of the action of the President of the United States in withdrawing the treaty, not necessarily for all the reasons which I have stated — though all are good reasons to me — but because of the varied surroundings upon which I have sought to comment.

I shall not resume my seat without responding for an instant to something said by the able and eloquent Senator from Maine [Mr. FRYE] who a few days ago, in speaking with mingled sarcasm and disappointment of the unanimity displayed by Democratic Senators in supporting the election repeal bill, alluded to our failure to act together upon the financial issue (forgetting that residents of fragile structures should be conservative), and boldly prophesied that we would be unable to concentrate our forces upon the Hawaiian or other

issues. "Sufficient for the day is the evil thereof." No doubt my friend and his associates are solicitous. Well may they be solicitous. I question whether any one upon the other side will regret a division in our ranks, and I venture to remark that our adversaries fear our unbroken front.

I dislike to say that which is unpleasant. I would not harrow the tender sensibilities of those who claim to be so anxious for our comfort, but I can not in candor do otherwise than to express the opinion that my Republican friends will have to meet a united Democracy. The Democratic party is composed of men of thought and intelligence; men who act upon principle. They will often differ as to detail, but whenever the individual can not otherwise bring about concerted action, he will make any concession short of sacrificing his conscientious conviction. The financial question is one upon which party lines can not be drawn. Some Democrats may differ from the President as to his views upon silver. I have done so and have not changed my opinion. Some may occasionally and at long intervals not agree with him as to the advisability of a nomination, just as other Senators have disagreed with other Presidents; but do not flatter yourselves, my Republican friends, that any process of disintegration is at work here, or that I and my colleagues contemplate suicide.

We are and will be ready for you. You may have observed that we made no loss upon the election repeal matter. Our majority was quite comfortable. We are prepared to stand by a Democratic Administration. We may criticise a little, but do not be misled by this, for a small-sized family row does not mean divorce *a vinculo*. We have followed Mr. Cleveland through three campaigns. We are not prepared to recant or to retrograde. He called our attention to an almost lost party policy, not merely that the organization to which he and we belong should be successful, but that the country might have the benefit of wise laws and a statesmanlike administration thereof, and while he was temporarily set aside, nevertheless the principles which he announced soon became the battle cry of our triumphant legions. The President may not be perfect; to assert that he was so constituted would be to deny his humanity. We do not claim as much for him in that respect as our modest opponents daily claim for themselves. Mr. Cleveland has for many years, notwithstanding the doubts of individuals and the slanders of political adversaries, had the respect and admiration of the best minds of his country to a greater extent than any other man.

Upon the pending resolution, Mr. President, while I doubt not that Senators upon this side of the Chamber will differ as to mere phraseology, there is not one of us, I imagine, who doubts that the two propositions which I have attempted to defend should be decided affirmatively, and I am led to hope even our friends upon the other side will for once join in our good work.

Mr. TELLER. I wish to cite to the Senator from California, in whose speech I have been much interested, a point which I think he has forgotten. I am more concerned about the law of this case and what is to be done, as I said the other day, than I am as to what has been done.

The Senator from California lays down a proposition of law from which I wish to dissent. He will find a great abundance of authority in the text-books in support of the proposition which he lays down. There is no question, however, but that the doctrine that

a change of government means a practical withdrawal of the minister accredited to that government has become obsolete. The modern practice is that the minister continues under the new government.

I call the attention of the Senator to the fact that in 1848, when the State Department was presided over by Mr. Buchanan, whom we all recognize as a very able diplomat and a very able man, a very sudden revolution occurred in France, and the American minister was the first minister to recognize the new republic. The ministers of the other governments followed, but, as Mr. Polk said in his next message, it was very fitting and very proper that our minister should have been the first.

Not only did the minister continue to exercise the duties of his office without any new appointment, but Mr. Buchanan, in words of the highest praise, spoke of his recognition of the French Republic.

The President of the United States, Mr. Polk, in his next annual message — I shall not read it, though I have here before me both of his messages on the subject — spoke in terms of the highest approbation of the fact that our minister had promptly recognized the new republic, and then referred to the sympathy which we naturally feel for the French people.

So I want to say to the Senator that in modern times that doctrine is not in practice anywhere, and, as he must know, every representative of a foreign power at the Hawaiian Islands recognized the new government without waiting to hear from the home government. So the old idea has fallen into disrepute.

I wish to say one other word. There seems to be a little complaint that there was a sympathy going out from our representative when this old, effete, and farcical monarchy was to be destroyed, a sort of opéra bouffe, as somebody has called it, and properly so. I have not any doubt that there was, and I should be ashamed of an American minister who did not feel that way. That has always been the boast of this country. It can be found in the letter of one of our distinguished Secretaries of State, in which he said, speaking of one of the South American revolutions, that it was our openly expressed sympathy which prevented intervention and assisted those people in maintaining the contest with the mother country.

It has always been so. When Mexico was fighting Spain we did not conceal our sympathy anywhere. We made it apparent to the whole world that we were on their side; but when later Mexico was brought into trouble by European intervention, in every department of the Government, in every phase of American life, we proclaimed our sympathy with the existing affairs. When the Mexican Government had been reduced in numbers to such an extent that the president fled to the frontier, preparatory to stepping across our line if it was necessary, accompanied, as I have been told by good authority, with only 32 men, and when, for his daily bread, he depended upon the contributions of the patriotic people of that country, we proclaimed everywhere that he was the legal executive of Mexico, and our great minister, Mr. Seward, said to France:

> As we do now, we shall continue to recognize Gen. Juarez as the constitutional executive of Mexico.

There has been a time when we were not so afraid as we are to-day of expressing sympathy against monarchies and in favor of a

change of government in the direction of greater freedom and greater liberty.

Mr. President, as an American citizen I hope the day is far distant when either as representatives, as officials, or as citizens, we shall be afraid of expressing our sympathy with advanced liberal ideas, and when we see a throne tottering, whether it be in the Sandwich Islands or in Europe, we shall express our gratitude and our joy, and, as far as is consistent with international law, our determination to render it such assistance as may make it effective.

Mr. WHITE of California. Mr. President, I understood the Senator to say that a minister has power to recognize a new government. That statement has the merit of novelty. It was never made before. I stated, and I affirm, that there is no dispute either in the books or in practice that when a minister recognizes a new government, as was done in France — I stated that I was perfectly familiar with that case — he depends upon the ratification of his act by the home government. He has absolutely no authority to personally and effectively recognize any government. That function is vested by the Constitution wholly in the Executive.

When he is accredited to a king, or queen, or nation, and when that government is swept away, it is for the state which accredited the minister — not for the minister — to determine whether the home government shall be represented at the foreign court. He may possess personal traits which would not fit him for contact with the newly constituted authority, or perhaps his government might not wish to acknowledge the changed conditions, or might decline to sustain diplomatic relations. It is proper for the minister to guard the interests of his countrymen — it is his duty to do so. If he does recognize the new state, the approval of his government will justify his act. But the efficacy of his declaration is dependent wholly upon the ratification of his government. It is but little if anything more than a recommendation.

Secondly, the Senator's statement regarding his leaning towards republican institutions is all right; but when Mr. Stevens deliberately accepted a commission directed to the Queen of the Hawaiian Islands and agreed that he would go there and act honorably and faithfully as a minister of this Government introduced to her, the "great and good friend" of President Harrison and of this Government, it was his duty to do one of two things — either to turn back as soon as he found he could not deport himself in friendliness, or, acting there, to do so in good faith and in accordance with settled custom.

I sympathize with democratic institutions as sincerely as my friend, and I concede and proclaim the illogical character of monarchical power. For myself, I wish that the saving influence of the principles upon which we act, upon which we depend, and to which we are forever anchored might prevail and control other peoples; but, nevertheless, I believe that when we assume an obligation, whether it be expressed or implied, when we send a representative to a foreign government we disgrace ourselves if we decline to act *bona fide,* or fail to remain absolutely free of entanglements with enemies or revolutionists plotting against that government. If its character is not such as will permit us to consistently maintain relations, then we should withdraw from the distasteful contact.

We must not appear in history in a dual character and should not

under any contingency excuse ourselves by the pretense that the Queen "is no good anyhow." If this Queen was good enough to induce the sending of Mr. Stevens to her court, if she was virtuous enough to warrant his presentation to her, and if she was meritorious enough to be received and saluted by our naval officers and our vessels of war just as any other foreign potentate, then she was great enough to be treated with candor and fairness.

I draw, as I said before, no distinction as to the duty of our minister in favor of a powerful state as contrasted with the case of a weaker nation. My preferences I will express elsewhere, but if I proceed as minister to a friendly power I will remain faithful to my trust or decline employment for which I am not competent.

In the Mexican case we studiously refused to interfere. We accorded belligerent rights to both disputants. The letter which I read at length from Mr. Seward to Mr. Dayton, the Senator will see, covers the subject. There is no question that we sympathized with the South American republics — they were indeed republics springing from the popular will — but we waited for seven years before we recognized their independence, although they had won absolute freedom — although during nearly all that time they had been completely removed, so far as the administration of their affairs was concerned, from the mother country. But Mr. Stevens did not wait seven minutes or seven seconds, but he recognized the Provisional Government before the Queen had been dethroned, and without any proof of popular acquiescence and without the pretense of necessity.

I see nothing in the statement of my friend which in any way relieves the situation so far as Mr. Stevens and his aiders and abettors are concerned.

Mr. TELLER. With the permission of the Senator who desires to take the floor, I will read the exact language of Mr. Buchanan.

Mr. WHITE of California. I have read it two or three times.

Mr. TELLER. And I think the Senator will see that I am perfectly correct. Our minister was Mr. Rush. Few men of greater accomplishments have ever represented this country abroad than Mr. Rush; everybody understands that. We had two great men dealing with the subject, one as minister and the other as Secretary of State. Mr. Buchanan, in writing to Mr. Rush, says:

> It was right and proper that the envoy extraordinary and minister plenipotentiary from the United States should be the first to recognize, so far as his powers extended, the Provisional Government of the French Republic. Indeed, had the representative of any other nation preceded you in this good work, it would have been regretted by the President.

He was to be prompt. Then Mr. Buchanan goes on to say what I shall not read, for I do not wish to take up time, but he says substantially we recognize no difference between a *de facto* and *de jure* government. The Senator said that he did not; and so I shall not waste any time on that point.

What does President Polk say in his special message of April 3, 1848? I read it:

> The prompt recognition of the new Government by the representative of the United States at the French court meets my full and unqualified approbation, and he has been authorized in a suitable manner to make known this fact to the constituted authorities of the French Republic. Called upon to act upon a sudden emergency, which could not have been anticipated by his instruc-

tions, he judged rightly by the feelings and sentiments of his Government and of his countrymen, when, in advance of the diplomatic representatives of other countries, he was the first to recognize, so far as it was in his power, the free government established by the French people.

Mr. President, for the first time in my life I have heard the declaration that the representative of this Government going to another owed some fealty to the Government to which he was accredited. I beg the Senator to understand that that is not good law. Mr. Stevens was under no obligation of fealty to the Queen of Hawaii. He was our representative, and not hers, and he could do with promptness just what Mr. Rush did in the affair in France. There is no moral turpitude in a man who is accredited to a government, recognizing the destruction of that government, but the Senator himself admitted in his argument that a minister was under no obligation to assist in preserving it. I admit that he was not authorized by international law to assist in destroying it.

Mr. WHITE of California. That is what I say.

Mr. TELLER. But if he should assist in destroying it, I say the doctrine laid down by international writers everywhere, as I said the other day, has been that vice does not follow the government. It was so laid down by Mr. Buchanan; it has been so laid down by all our writers on international law, and by a number of our Secretaries of State.

We do not concern ourselves, said Mr. Buchanan in speaking of another case, about the legality of the organization. Does it exist, is all we inquire. That is all we have a right to inquire. If we get back to the proposition, which I think is the only one, it is this: The President of the United States said he thought it was his duty to destroy the Provisional Government and put the Queen back on the throne, and the Senator from California says he thinks it was the duty of the President to do so.

The President has devolved that duty upon Congress. The conclusion would have been, if the Senator had not disclaimed it, that the Senator believes that the duty is now devolved upon us, because he has not told us when that ceased to be our duty, if it was the duty of the President. The Senator will not claim that it is our duty now to destroy the existing Government; he will not declare that, because he knows that American sentiment will not tolerate it.

I have gone into no discussion of this case heretofore as to the action of the President, and I do not intend to do so now. I have no criticism to make on it, because criticism is not of any profit in this condition of things. I have not examined — I do not mean to say that I have not studied the question — but I mean I have not discussed the question of what Mr. Stevens did. Admit that everything he did was wrong; admit that the President was right, if you choose, on the one side, or admit on the other, that he was wrong, the question presented is, what are we to do? The matter has been remitted to us.

Shall we go on and carry out what the President attempted to accomplish and failed, or shall we say "here is a government existing, no matter how it came into existence, it has been in existence a year and we will recognize it," leaving the question of annexation or non-annexation to be determined afterwards by those of us who believe in annexation, and are in favor of it, and those who do not believe in it and are against it.

The practical question is, are we going to keep those people in turmoil? Are we going to keep a minister there who occupies an attitude of semi-hostility to them, as I have no doubt the minister believes it is his duty to maintain, until we shall declare in some authoritative manner that we disagree with the views which the President entertained at the time he sent the minister out or sent him the instructions under which he is still acting?

Mr. WHITE of California. There are some people, Mr. President, who think that the king can do no wrong; there are some Senators who believe that the President can do no right.

Mr. TELLER. I do not.

Mr. WHITE of California. Mr. President, my friend from Colorado states a proposition of law which is very nearly right. If he would make it just right, we should not have any dispute about this matter; but he changes it a little unwittingly, I think. Of course, his views may be accurate and mine otherwise, but I am speaking of the subject from my standpoint.

The French case furnishes an instance where our minister recognized a republic.

Mr. TELLER. No, a provisional government. It was not a republic then, but became a republic afterward.

Mr. WHITE of California. It was a pretty good republic then, as the Senator will perceive if he will read the whole of the message from which he has quoted, and a republic erected under circumstances widely different from those attending the formation of the Dole organization. Our minister recognized it not because he had any power to do, but merely as a suggestion to our Executive, and Mr. Buchanan's recital is plainly and clearly in ratification of his act. The minister had no power to recognize. If the home Government had not seen fit to ratify, his act would have been utterly nugatory from its inception. There was no authority of the sort vested in him. I said before, and repeat now, that when a change of Government occurs there is nothing to inhibit a minister making his recommendation, and in so acting then and there as to protect the interests of his countrymen then and there, he is always taking the chance of ratification. He acts, in diplomatic phrase, "in the hope of ratification." I have never said anything else, and the Senator's argument, as I said before, in no manner detracts from what I have uttered. In the French instance the minister's conduct and anticipations were justified by the facts. It was otherwise with Mr. Stevens.

I am complaining of Mr. Stevens, not merely because he assumed to treat a new organization as a government, but because his conduct, taking it in view of what occurred, was wholly without warrant. My complaint is based upon the proposition that he recognized that as a *de facto* government which was no government at all, and that his recognition was simply an approval of that which he had done himself. "I am proud of my work" was the proper construction of his message of recognition.

I have further criticised him for raising up our flag and assuming that sovereignty which his superiors plainly told him subsequently he had no right to do.

I further repeat that the question of the integrity of a governor, of a queen or a king, or the enlightened, virtuous, or stable character of everyone connected with a recognized power or the want of these

traits does not alter the duty of a minister to treat those as friendly whom his country declares to be so. He can not recognize a government unless the law warrants him in doing so. He is not empowered to select rulers for other peoples.

We are glad to note the spread of democratic ideas. It is true, as the Senator has said, that we always hail with satisfaction the establishment of a republic, and we look with regret upon monarchical success, but nothing will absolve our diplomatic officer from doing his duty as a straightforward and sincere man.

I know, and I trust the Senator is aware of the fact that I know, that our minister owes no fealty to a foreign potentate. I have never so intimated. I understand this, but when that minister enters into the presence of a foreign potentate as our envoy, represented to be trustworthy, and worthy of confidence and regard, it is his obligation to be decent and to let conspiracies and conspirators — whether right or wrong — severely alone. If Mr. Stevens seized a book and threw it at the head of the Queen when he first appeared before her, it might emphasize the fact that he believed as does the Senator from Colorado, but it would not be proper. In his contact with a foreign court the minister must deport himself as a gentleman, not only in private intercourse, but also in his diplomatic relations, and by that phrase I mean not merely his manner of address, but his entire conduct. This he must do out of respect for his own countrymen.

As Mr. Stevens came to Queen Liliuokalani with the letter of credence already mentioned, directed to her as the "great and good friend" of the President of the United States, as long as he bore that assurance of our Government's regard, declaring him to be worthy of the Queen's confidence, and used it to gain admission to her presence and her home, it was at least his province as an American, not because he owed fealty to her, but because he owed fealty here, to abstain from the commission of acts hostile to her and her people. He should have acted toward her as he would have acted toward any other monarch, or any other power whether great or small, strong or weak, both publicly and in private. His character as a minister should have absorbed his personality.

MARITIME CANAL COMPANY OF NICARAGUA

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Thursday, January 24, 1895.

The Senate having under consideration the bill (S. 1481) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889—

Mr. WHITE said:

Mr. PRESIDENT: In discussing the provisions of the pending bill I shall not attempt to go minutely into the details of the measure, but will assume that those subjects which have been carefully considered pro and con are thoroughly understood by the Senate and the country and need little, if any elaboration. Nevertheless, it will be impossible to avoid repetition, perhaps, and it will be requisite to refer to various topics which have attracted the attention of different Senators who have spoken.

In my judgment this bill should receive our approval and should be enacted. I shall attempt to convince the Senate that we have the authority to act as proposed, and that the various provisions of the Constitution which pertain to the matter confer upon the legislative department of the Government the right so to do. I shall then attempt to answer some of the objections which have been made, and to correct some misconceptions which have misled certain Senators who have heretofore addressed us.

THE CONSTITUTIONAL QUESTION.

I will briefly allude to a few of the decisions of the Supreme Court of the United States which appear to me to bear upon the side of the question, and I will primarily direct the Senate's attention to their consideration.

Doubts have been expressed more than once in this debate as to the constitutional power of Congress to carry out the plan outlined in the pending bill. Whatever may have been the contention in the earlier history of the Republic with reference to an exceedingly strict construction of the organic law, it is at this date obvious that all parties have been voluntarily placed in such a position that they can not consistently advocate a narrow interpretation. Even Jefferson was supposed to have stretched the subject when he carried out his annexation project; but his successors never deemed it essential to procure any other ratification of his acts than that which followed acquiescence.

I believe that we have jurisdiction to pass this bill under the commerce and common-defense clauses, and because of the conceded plenary authority of the Federal Government over matters of international concern. The distinguished Senator from Indiana and others have urged that this is a Government of enumerated powers,

and that unless something can be pointed out in the Constitution which gives the authority here claimed we can not act. This I readily concede; but I also invoke another rule equally well established, namely, that the power when delegated is complete in itself, with no other limit than that prescribed. It was so held at an early date by the Supreme Court of the United States in decisions which have ever since been followed.

In Gilman *vs.* Philadelphia, 3 Wall., 731, it was said:

> Within the sphere of their authority both the legislative and judicial powers of the nation are supreme. A different doctrine finds no warrant in the Constitution and is abnormal and revolutionary.

The commerce clause has always been very liberally interpreted. In Pensacola Telegraph Company *vs.* Western Union Telegraph Company, 96 U. S., 9, we find the doctrine stated thus:

> Since the case of Gibbons *vs.* Ogden (9 Wheat., 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress. Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government. The powers thus granted are not confined to the instrumentalities of commerce, or the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stagecoach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate, at all times and under all circumstances.

In Kidd *vs.* Parsons (128 U. S., 20) Justice Lamar says:

> The buying and selling and the transportation incident thereto constitute commerce; and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term as given by this court in County of Mobile *vs.* Kimball (120 U. S., 702) is as follows: "Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property as well as the purchase, sale, and exchange of commodities."

It being conceded that Congress has the power to improve rivers and harbors and to make canals within the United States because the commerce clause declares that Congress shall have power to regulate commerce among the several States, etc., does it not follow that Congress is authorized to improve ways of commerce abroad in view of the fact that the same provision of the Constitution ordains the existence of the right to regulate commerce with foreign nations? If we can dig a canal in order to more effectively regulate commerce among the States, it is not perceived why we can not dig a canal in Nicaragua in order to beneficially regulate our foreign commerce. If the United States is in reality a nation, and Chief Justice Marshall so emphatically declared in the Cohens case; it is not easy to see why the gentlemen who are upon the other side of this question insist upon our impotency to act abroad. I do not think that we are restricted, cooped up, to the extent claimed by some of my friends upon this floor. I do not believe in a hobbled nationality, and do not think the Constitution conferred less than sovereign power upon the

United States Government when acting upon foreign questions or upon matters confided without specified restrictions to national keeping.

In Cherokee Nation *vs.* Kansas Railway Company (135 U. S. 658) it is said:

> The power to construct or to authorize individuals or corporations to construct national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges it would be without authority to regulate one of the most important adjuncts of commerce. Of course, the authority of Congress over the Territories of the United States and its power to grant franchises exercisable therein are, and ever have been, undoubted. But the wider power was very freely exercised and much to the general satisfaction in the creation of the vast system of railroads connecting the East with the Pacific, traversing States as well as Territories and employing the agency of State as well as Federal corporations.

In the present instance Congress proposes to employ the agency or agencies mentioned in the bill. If such agencies may be employed and such powers delegated under the commerce clause because it confers jurisdiction to regulate "among the States," why can not similar instrumentalities be utilized in the present instance in order to "regulate foreign commerce?"

I am aware that Senators have argued that we must acquire the territory through which the canal runs before we can build it; that we have no jurisdiction to regulate foreign commerce, except where we have the absolute sovereignty. Whence comes this limitation? Not from the Constitution. It is not denied that we may legally appropriate money to remove a rock in mid-ocean to which there is no claimant, and which endangers our trade, but it is averred that we are not permitted to remove such an obstruction if it belongs to a foreign government, although that government consents, and, in fact, invites us to do so. This may be good law, but I will not believe it until the Supreme Court so declares. This restriction is a stranger to the organic instrument.

The eighteenth subdivision of section 8 of Article 1 of the Constitution ordains that—

> The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Hence, I take it that if this bill be necessary and proper for carrying into execution the power to regulate commerce with foreign nations it may be lawfully enacted.

I can not understand the line of reasoning which concludes that "regulate" is of less force when applied to foreign nations than when made applicable to the Indian tribes or the several States.

The eighteenth subdivision of section 8, above quoted, has been held to be a direct authority for the exercise of all necessary, incidental, or implied power to enable Congress to carry out the great provisions of the Constitution. It is not a limitation upon its powers, but an enlargement thereof. (McCulloch *vs.* Maryland, 4 Wheat., 421; Anderson *vs.* Dunn, 6 Wheat., 204; U. S. *vs.* Harris, 106 U. S., 629; Tennessee *vs.* Davis, 100 U. S. 257.)

But we are not even compelled to rely upon that part of the commerce clause which refers to our right to regulate foreign com-

merce. It is undoubtedly important that there should be cheap and short communication between that portion of the Union which is upon the Pacific Coast and the Atlantic Seaboard of the nation. If the Nicaragua Canal is opened and vessels ply between New York and San Francisco carrying on domestic commerce between these parts of the Republic, will it not be commerce among the States? I am aware that some Senators hold that commerce among the States can not be carried on outside of national lines. This I consider a peculiar doctrine, to say the least. If a vessel, going from San Francisco to Puget Sound, shall pass beyond the jurisdiction of the United States before reaching her destination, I can not think that this fact will affect the question. If I send a thousand bags of wool from San Francisco to Boston by rail, I presume it will be said that this is carrying on commerce among the States, and if I send a similar amount of the same commodity by water to the same point, some of my friends would have me believe that this is not commerce among the States. These distinctions are, to say the least, fine spun. They find no warrant, I think, in the Constitution, and I am assured that no court in this age of progress, development, and necessity will impose upon the country any such strained and forced interpretation.

In Gibbons *vs.* Ogden (9 Wheat., 189) Chief Justice Marshall said:

> The words are: "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes." The subject to be regulated is commerce; and our Constitution being, as was aptly said at the bar, one of enumeration, and not of definition, to ascertain the extent of the power, it becomes necessary to settle the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling, or the interchange of commodities, and do not admit that it comprehends navigation. This would restrict a general term, applicable to many objects, to one of its significations. Commerce undoubtedly is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse.
>
> In regulating commerce with foreign nations the power of Congress does not stop at the jurisdictional lines of the several States. It would be a very useless power if it could not pass those lines. The commerce of the United States with foreign nations is that of the whole United States. (*Id.*, 195.)
>
> If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations, and among the several States, is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are, in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely solely, in all representative governments. (*Id.*, 197.)
>
> We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional. (McCulloch *vs.* Maryland, 4 Wheat., 421.)

As illustrative of the correctness of this construction, Marshall

pointed out the fact that almost the whole penal code of the United States is valid, not because of direct authority, although the Constitution does give authority expressly in some cases, such as counterfeiting, piracies, and offenses against the laws of nations, etc. So, also, from the power to establish post-offices and post-roads has been inferred the power of carrying the mail and punishing robbery of mails, etc.

Another most important rule is that—

> It is not indispensable to the existence of any power claimed for the Federal Government that it can be * * * clearly and directly traceable to some one of the specified powers. Its existence may be deduced fairly from more than one of the substantive powers, expressly defined, or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred. (Legal Tender Cases, 12 Wall., 534; see also Julliard *vs.* Greenman, 110 U. S., 449.)

Thus in the present instance it is enough, if taking the commerce clause, the authority to provide for the common defense and the other expressed and implied powers conferred, the jurisdiction can be found.

It is scarcely worth while at this time to attack those decisions. The people of the United States, directly cognizant of the view taken by their highest appellate tribunal, have for years refrained from any organic amendment touching this subject, and no serious attempt has been made to defeat this construction by constitutional prohibition. This is, therefore, the accepted view, whatever individuals may think about it, and it is not likely that it will ever be seriously reassailed.

It seems to me that there can be no doubt of the power of Congress to build this canal, because of its effect upon international relations. There are a number of decisions unholding the right to annex territory and expel aliens, which are grounded upon the theory of the unlimited power of Congress with reference to international matters. (Chinese Exclusion Cases, 130 U. S. 604; Jones *vs.* U. S., 137 U. S., 212; Nishimura Ekiu *vs.* U. S., 142 U. S., 659; Fong Yue Ting *vs.* U. S., 149 U. S., 705.)

In the Chinese exclusion case (130 U. S., 604) Justice Field quoted with approval the language of the Supreme Court in Cohens *vs.* Virginia (6 Wheat., 413), as follows:

> That the United States form, for many and for most important purposes, a single nation, has not yet been denied. In war we are one people. In making peace we are one people. In all commercial regulations we are one and the same people. In many other respects the American people are one, and the Government, which is alone capable of controlling and managing their interests in all these respects, is the Government of the Union. It is their Government, and in that character they have no other. America has chosen to be, in many respects and to many purposes, a nation; and for all these purposes her government is complete; to all these objects it is competent. The people have declared that in the exercise of all powers given for these objects it is supreme.

In speaking of the necessity for practically unlimited power in matters affecting the public peace, Mr. Madison says, in the forty-first number of the Federalist, Hamilton's edition:

> With what color of propriety could the force necessary for defense be limited by those who can not limit the force of offense? If a Federal Constitution could chain the ambition or set bounds to the exertions of all other nations, then indeed might it prudently chain the discretion of its own Government and

set bounds to the exertions for its own safety. How could a readiness for war in time of peace be safely prohibited, unless we could prohibit, in like manner, the preparations and establishments of every hostile nation; the means of security can only be regulated by the means and danger of attack. They will, in fact, be ever determined by these rules, and by no others. It is in vain to oppose constitutional barriers to the impulse of self preservation. It is worse than in vain; because it plants in the Constitution itself necessary usurpations of power, every precedent of which is a germ of unnecessary and multiplied repetitions.

I think it is obvious from the decisions above mentioned, as well as from the inherent demands of the case, that full rights of sovereignty in foreign relations are necessarily implied from the provisions of the Constitution itself. If I believe, as I do believe, that the construction of this canal will regulate our foreign commerce, also commerce among the States, and if I believe, as I do believe, that for the security and safety of the Republic it is wise that this canal should be built, and that its construction will tend to benefit us in our international relations, I am then authorized to advocate the measure, as far as the Constitution is concerned. I do not care to rest my support upon the construction placed by some upon the general-welfare clause. I think that certain opinions here uttered regarding that provision are rather broader than mine. But I feel confident that this bill, if it becomes a law, will stand the judicial test. I know that it is usual to declare that any important measure that does not accord with the particular constitution of the individual criticising it is violative of the Constitution of the United States. I might add that Congress has the power, as I have said, to bring about the construction of this canal by whatever means it may deem to be best. Having the authority to build it, it may delegate the same or may assist to execute the work. The extent and mode of the control to be asserted and maintained are not matters of jurisdiction, but rest in the sound and indisputable discretion of the lawmaking power.

It is perhaps well to call attention to the fact that the power to make internal improvements, such as the old Cumberland road, modern railroads, canals, etc., rests upon the commerce clause of the Constitution. (Pac. R. Co., Removal Cases, 115 U. S., 18; California *vs.* Pac. R. Co., 127 U. S., 39; Monongahela N. Co. *vs.* U. S., 148 U. S. 335.)

I think it plain that Congress has authority in times of peace, not only to prepare for war, but to so act as to prevent war. If the Nicaragua Canal, built as we propose to build it, will give us additional security, and of this there can be no reasonable doubt, we have power to use such instrumentalities as we think are desirable. I can not bring myself to think that there is anything in the claim that our international rights are not to be invoked for the reason that we are the stockholders in this enterprise. The proposition made in the bill virtually brings us into relationship with other nations. One objection sometimes urged is that we will become involved in foreign entanglements; that we will have trouble with Great Britain, or that there will be disputes between ourselves, Nicaragua, and Costa Rica; and still we are informed that the taking of stock domesticates the entire affair.

Mr. President, a distinguished Senator who spoke upon this subject stated that the Constitution, so far as it seeks to regulate commerce among the States, can not apply, because in passing from

the Atlantic seaboard to the Pacific Coast or from the Pacific Coast to the Atlantic seaboard, a vessel is for the major part of the voyage without the jurisdiction of the United States, and within that of foreign governments. The same Senator stated that for the same reason Congress may not, even with the consent of the intervening territorial proprietor, construct a railroad from the United States to Alaska; that because the British possessions separate these parts of the United States there can not as to such removed jurisdictions be "commerce among the States."

Mr. President, if this be true, then, if Alaska shall ever be admitted into the Union, she will not have the benefit of the commerce clause regarding the regulation of commerce among the States.

If there must be contiguity of the territory of States, if there must be adjacent States in order to have commerce "among the States," clearly as to Alaska, separated as it is, there never could be such commerce, and hence that portion of the United States, were it a State, would have no advantage whatever from this provision of the organic instrument.

Again, in order to bring a State formed from Alaska within the clause under immediate consideration, we would only find it necessary to purchase a strip a few inches in width, running from the United States to Alaska, and erect upon it a telegraph line, in order to at once alter the situation and bring Alaska within the commerce features of our Constitution.

I do not propose to say that any argument is wholly unfounded. I do not undertake to criticise any Senator for what he may have stated as mere opinion, but I fail to see how it can be logically maintained that any such doctrine as that above stated was ever entertained, or laid down, or considered, or even thought of by the framers of the Constitution.

I think that if the State of California, the State of Oregon, and the State of Washington see fit to send their goods and wares to other portions of the United States it is no less commerce "among the States" because a waterway instead of a railway is utilized. This is an important question, for great is the commerce which traverses the ocean between the eastern and western coasts of our country.

It will be unfortunate indeed if it shall appear to this Government that there is no authority to bring about the construction of this canal, which every Senator admits is desirable and which all concede will promote our interests. While there have been incidental expressions of doubt as to the magnitude of the benefit to be conferred, I take it that the consensus of opinion is that if the canal can be built it should be built. It would seem, in view of the remarks which have been made here in attempted or actual elucidation of this subject, that there can be no substantial dispute as to this conclusion. The great saving in transportation as shown by the often-cited table of distances is itself most suggestive as a commercial argument.

Table showing distances in miles between commercial ports of the world and distances saved by the Nicaragua Canal.

From—	Via Cape Horn.	Via Cape of Good Hope.	Via Nicaragua Canal.	Distance saved
New York to—	*Miles.*	*Miles.*	*Miles.*	*Miles.*
San Francisco	14,840		4,946	9,894
Bering Strait	17,921		8,026	9,895
Sitka	16,105		6,209	9,896
Acapulco	13,071		3,122	9,949
Mazatlan	13,631		3,682	9,949
Hongkong	18,180	15,201	11,038	4,163
Yokohama	17,679	16,190	9,363	6,827
Melbourne	13,502	13,290	10,000	3,290
New Zealand	12,550	14,125	8,680	3,870
Sandwich Islands	14,230		6,388	7,842
Callao	10,689		3,701	6,988
Guayaquil	11,471		3,053	8,418
Valparaiso	9,750		4,688	5,062
New Orleans to—				
San Francisco	15,052		4,047	11,005
Acapulco	13,283		2,409	10,874
Mazatlan	13,843		2,969	10,874
Guayaquil	11,683		2,340	9,343
Callao	10,901		2,988	7,913
Valparaiso	9,962		3,987	5,975
Liverpool to—				
San Francisco	14,690		7,694	6,996
Acapulco	12,921		5,870	7,051
Mazatlan	13,481		6,430	7,051
Melbourne	13,352	13,140	12,748	392
New Zealand	12,400	13,975	11,349	1,051
Hongkong	18,030	15,051	13,786	1,265
Yokohama	17,529	16,040	12,111	3,929
Guayaquil	11,321		5,890	5,431
Callao	10,539		6,449	4,090
Valparaiso	9,600		7,436	2,144
Sandwich Islands	14,080		9,136	4,944
Spain to Manila	16,900	13,951	13,520	431
France to Tonquin	17,750	15,201	13,887	1,314
Hamburg to—				
Mazatlan	13,931		6,880	7,051
Acapulco	13,371		6,320	7,051
Fonseca	11,430		5,530	5,900
Punta Arenas, Costa Rica	11,120		5,515	5,605

From—	To eastern entrance of Nicaragua Canal.	From—	To western entrance of Nicaragua Canal.
	Miles.		*Miles.*
New York	2,021	San Francisco	2,776
Liverpool	4,769	Valparaiso	2,518
Hamburg	5,219	Callao	1,531
Amsterdam	4,994	Portland	3,219
Havre	4,874	Victoria	3,428
Cadiz	4,220		
New Orleans	1,308		

NOTE.—The distances are measured by customary routes most convenient for sailing ships and slow freight steamers.

As tending to show the business which awaits the construction of this canal, I find in the report before the Senate a partial statement of transcontinental railroad traffic in 1890 from California, where it is said that that State exported from the port of San Francisco 148,446,150 pounds of canned and dried fruits, including raisins, 1,623,867 cases of canned salmon, 4,500,000 gallons of wines and brandy, 5,734,120 pounds of hops, and 22,662,000 pounds of wool, fully 90 per cent. of which was transported by rail across the continent. Portland, Seattle, Tacoma and other cities were also large exporters of like commodities. Quantities of shingles were shipped from Puget Sound, and all the places named were large importers of provisions by railroad. At a moderate estimate this business amounted to 250,000 tons; total 6,812,340 tons. The total referred to includes the vast freight enumerated on page 30 of the report and described as coming from the various sources therein set out.

The California production in 1894, as far as gathered, indicates better business than that estimated by the promoters of the canal.

The following is a partial statement of the same:

Article.	Tons.	Per Ton.	Freight charges.
Green fruits	85,000	$20.00	$1,700,000
Dried fruits	45,000	20.00	900,000
Raisins	41,000	20.00	820,000
Canned goods	41,000	20.00	820,000
Aggregating	212,000	.....	4,240,000

We can assume that the crop of the current year will be the same, and it surely will not be less, and we will have in addition, as now estimated, about 2,000,000 boxes of oranges, which will pay freight at the prevailing rates to the extent of about $1,100,000.

The foregoing figures do not include over 800,000 gallons of brandy shipped in 1894, more than one-half of which went by rail; nor does it touch the great wheat crop of California, which will furnish for the coming year over 20,000,000 bushels for exportation; nor does it include about 25,000,000 pounds of wool, quicksilver, barley, oats, flour, hops, and various products of great value and quantity not enumerated. Besides there are other industries, such as dairying, but imperfectly developed, and which will have a great future if transportation be cheapened. But it is certain that our fruit growers will save not less than $2,000,000 per year if the canal is built, and production will be stimulated to such an extent that the railroad companies can afford to carry our products at one-half the present rates. If not, the more reasonable route will always be adopted. The producer will in most cases be able to avail himself of the advantages of the canal.

There are probably perishable articles — certain fruits, which must be sent to market rapidly, and concerning which it is likely the railroad will always be preferred. Californians have been able to send with some success green fruits to New York by rail and thence to London by steamer, and I see no difficulty in shipping even green fruits, with few exceptions, through the canal to the New York market. Ordinarily three weeks are consumed in transporting

freight by rail from Pacific points to New York. Chicago will continue to be supplied by rail, save where enormous charges may lead to water communication up the Mississippi River and through the canal which that great city is now constructing.

The wheat grower now finds great difficulty in competing with the Argentine, not only, as is supposed by many, because of the cheapness of labor there, but also because of the prolonged voyage necessary to be taken from San Francisco around Cape Horn. This will be partially avoided and we will be better able to compete with that country when our vessels adopt the Nicaragua short cut. California will save $2 per ton upon all her exported wheat. These benefits to which I have referred are not merely local. They will be felt throughout the country, especially along the seaboard; and although to a less extent, will nevertheless be obvious throughout the interior. Our products will be sold in Eastern markets and everyone interested in such trade or in the consumption of the goods will be a beneficiary under the bill.

You will understand the extravagant freight charges to which the people of California are subject when I tell you that an 8-acre orange crop of a personal friend in Los Angeles County contributed $648 per acre to transportation companies, leaving nothing for the producer, and that this is not an exceptional case will be manifest when I say that many hundred acres of oranges in the same vicinity yielded not a cent to their proprietors but furnished some $240 per acre toward railroad charges.

It is folly to maintain that an instrumentality which will open improved communication from seaboard to seaboard, which will promote and foster trade between the States, which will facilitate foreign and domestic business intercourse, which will allow the producer to fairly realize, and which will permit the consumer to purchase at a more reasonable figure is not commerce. To say that this is not "commerce among the States" simply because of previously existing physical impediments is, it seems to me, to advance a most wonderful doctrine.

During the tariff debate a Senator remarked that there was danger that the Argentine Confederation would ultimately take the New York wheat and corn market, that it would be possible to ship barley and corn from that portion of the world to New York in competition with California and the West. Is it not obviously in the interest of New York and of the millions partially dependent upon her that the wheat and other products of the Pacific should be placed within easier reach? Let us not forget that it is farther from San Francisco via Cape Horn to New York than it is from the former city to Liverpool. Do we reflect that South America, the mighty barrier interposed between us and our commercial realizations, may be entirely ignored; that nature has placed but a mere neck of land as an obstacle in our path, challenging our genius and enterprise, and has tendered rewards for our successful labor worthy of a civilized age? Are we to stand supinely by inertly comtemplating a great opportunity, or shall we engage in disputation concerning means and methods when we should know that we enjoy not merely the power to act but that the differences between the projects recommended are of immaterial degree?

Let it be granted that some of the promoters of this enterprise

may realize more money from it than is reasonable. Assume this to be true. Even then I am not ready to desist. The amount to be paid is not glaringly immoderate. I will not plunge into financial darkness, nor will I, on the other hand, pause in executing an undertaking so vitally beneficial to the entire Republic and to civilization because, forsooth, an individual may make two pennies where in fairness he is entitled to but one.

Mr. President, I find no difficulty, as I have heretofore said, as to our power. While I might and do assert that I would prefer to find our Government in a position to construct the canal and to own it absolutely and wholly, yet I can not hope to impress my views upon all those who are vitally interested in the project and whose acquiescence is a *sine qua non* to the accomplishment of the enterprise. When I find that this Government controls 70 per cent. — is to have in its actual possession and control 70 per cent. of the stock of the enterprise — and when I find that we have the right to appoint the directors mentioned, to select them from our own countrymen, if the bill is to be effective, I feel warranted in going forward. If our directors are faithful we can not be defrauded. We must confide in some one. We can not expect to devise any scheme involving the expenditure of money which will not force us to trust to the honesty or integrity of men. Millions of dollars of public money pass through the hands of American citizens and others in the execution of governmental trusts. Sometimes there is a loss. Dishonest men now and then appropriate to their own use that which ought to be devoted to public purposes; but we do not cease carrying on our Government for that reason; we do not desist from river and harbor improvements because a contractor may get the better of the agreement occasionally.

Mr. VEST. May I ask the Senator from California a question?

Mr. WHITE. Certainly.

Mr. VEST. How does the Senator dispose of that provision in the concession from Nicaragua which requires that one-half of the directors of the Maritime Canal Company should be projectors and retain their charter as such?

Mr. WHITE. I intended to refer to that later on, but I have no objection to doing so now. Does the Senator refer to the following provision of the concession —

Mr. VEST. There is but one that refers to that question.

Mr. WHITE. I will find it in one moment.

Mr. VEST. That provision is — I do not think I can misquote it ——

Mr. WHITE. I will get it in a moment and read it so that there will be no dispute what it is. It is in the Costa Rica concession.

Mr. VEST. Nicaragua.

Mr. WHITE. The Nicaragua concession is as follows, on page 151:

ARTICLE VIII.

The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association, and in no case to Governments or to foreign public powers. Nor shall the company cede to any foreign Government any part of the lands granted to it by this contract; but it may make transfers to private parties under the same restriction.

The Republic of Nicaragua can not transfer its rights or shares by selling them to any Government.

That is not the provision.

Mr. VEST. No; that is not it. It is about the directory.

Mr. WHITE. I understand that to which the Senator refers. The Costa Rica concession is worded thus: I read from the Report, page 165:

ARTICLE IX.

The company shall be organized in the manner and under the conditions generally adopted for such companies. Its principal office shall be either in the city of New York or such place as may be deemed convenient.

Its first board of directors shall be composed of persons, one-half at least of whom shall be chosen from those members of the Nicaragua Canal Association who were promoters of the enterprise.

Is that the provision to which the Senator alludes?

Mr. VEST. That is a part of it.

Mr. WHITE. That is all of the article.

Mr. VEST. It is in the Nicaragua concession.

Mr. MORGAN. What is the number of the article the Senator from California has just read?

Mr. WHITE. It is article 9, page 165, of the Costa Rica concession.

Mr. FRYE. That is merely a provision for the first board.

Mr. WHITE. That is the first board. I was about to call attention to that distinction. This may be the provision to which the Senator from Missouri alludes. Article XI of the Nicaragua concession I read:

ARTICLE XI.

The Government of Nicaragua in its character of shareholder in the company of execution, as hereinafter provided, shall have the perpetual right of naming one director, who shall be an integral part of the board of directors of the company, with all the rights, privileges, and advantages conferred upon them by the statutes of the company, and the laws of the country under which it shall organize.

The Government shall also have the right in its aforesaid capacity of shareholder to take part in such elections as the company may hold.

But more likely the following is the article to which the Senator has reference:

ARTICLE X.

The company shall be organized in the manner and under the conditions generally adopted for such companies. Its principal office shall be in New York, or where it may deem most convenient, and it may have branch offices in the different countries of Europe and America, where it may consider it expedient.

Its name shall be the "Maritime Canal Company of Nicaragua," and its board of directors shall be composed of persons, one-half at least, of them shall be chosen from the promoters who may yet preserve their quality as such.

Mr. VEST. I call the Senator's attention to the fact that there is nothing like a limitation to the first board of directors in that article. It is a perpetual limitation, and until Nicaragua changes that concession one-half of this board of directors must always be projectors. The Senator has not read the whole of that provision because —

Mr. WHITE. I have read every word of it.

Mr. VEST. One provision there says essentially that they must retain their character as such.

Mr. WHITE. "Who may yet preserve their quality as such." If they do not preserve their quality, of course it does not apply.

Mr. VEST. But they must be projectors.

Mr. WHITE. "Promoters who may yet preserve their quality as such."

Mr. VEST. Yes.

Mr. WHITE. Now, to begin with, I affirm that that provision is manifestly placed in that contract for the benefit of the promoters themselves. It is not a stipulation vital to the grant. It was not put in there as a matter in which Nicaragua itself had any particular interest, but it was put in for the benefit of the promoters themselves, and may be waived by them.

Mr. VEST. It is there.

Mr. WHITE. Certainly. Now, as showing that the Republic of Costa Rica regarded some of the provisions of this concession as vital and some otherwise, I refer to Article XLVII of the Costa Rica concession to the Nicaragua Canal Company, as follows:

> The present concession shall be forfeited:
> First. Through the failure on the part of the company to comply with any one of the conditions contained in Articles VII, XLII, and XLIII.

Neither one of which includes the directors' qualifications.

> Second. If the service of the canal, after it is completed, is interrupted for six months, unless in case of unforeseen accidents or main force, etc.

Therefore, when this contract was made the Government making it specified in the concession that which should be considered adequate to operate as a forfeiture. This is an express limitation.

Mr. VEST. Will my friend permit me?

Mr. WHITE. Yes, sir.

Mr. VEST. I have said nothing about forfeiture. That is another question. But I put this question to the Senator from California: Is anybody eligible to be a director, when it comes to making this directory, as to one-half of it, who is not a projector and who does not retain his character as such, leaving out the legal effect as to what would be a forfeiture under that concession?

Mr. WHITE. Unquestionably; I think so.

Mr. VEST. Is it not absolutely certain that under that provision one-half of this directory shall be projectors?

Mr. WHITE. No, sir; I do not consider it essential at all. The very language of the article to which the Senator refers states that "one-half at least shall be chosen from the promoters, who may yet preserve their quality as such."

Mr. VEST. What is meant by preserving their quality?

Mr. WHITE. If they do not preserve it, if none of the promoters are there, how are the directors to be obtained? Will the Senator contend that if all die this enterprise will end, though there is nothing in the concession that indicates any intent to terminate it upon the ignoring of that provision, which is plainly a proviso in the interest and for the benefit of the parties who receive the concession? It is not a matter of concerning which these Republics would care or could be heard.

Mr. President, if there be any difficulty of construction or any

valid point in the assertion made by my friend, it should have no effect, because Costa Rica and Nicaragua will not, I am persuaded, regard the restrictions claimed as material, and if this statute is enacted, their participancy in the project, their acceptance of stock issued under the act, will evidence their waiver and acquiescence. Can it be correctly affirmed that if a corporation is formed or reorganized as provided in this bill, and if Guatemala and Costa Rica accept stock issued under the stipulations therein contained, such action is not a waiver of the right, if right there be, under the construction contended for by the Senator from Missouri?

Mr. VEST. Suppose enough of these projectors are living to constitute one-half of the directory and they present themselves as candidates, can anybody else take their place?

Mr. WHITE. When that bridge is reached we will cross it. We are not seeking to do everything at once. The gentlemen who are opposed to this enterprise would not be able to suit themselves if the whole matter were turned over to them with unlimited power to act. These objections seem to me hypercritical.

Mr. MORGAN. If the Senator from California will allow me, before the Senator from Missouri leaves the Chamber, I should like to ask him a question.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from California yield to the Senator from Alabama?

Mr. WHITE. Certainly.

Mr. MORGAN. In fifty years from now, when all these projectors are dead, how are you going to get a board of directors?

Mr. VEST. I suppose that then nature will have settled that question; but so long as they are living they are bound to hold those places if they want to hold them.

Mr. WHITE. The Senator from Missouri is fighting nature; I am not.

Mr. VEST. I do not propose to put corpses in there; but if they are alive they are entitled to hold their place as directors.

Mr. WHITE. The Senator says if they are alive they are entitled to have the place. Mr. President, if the promoters of this enterprise shall acquiesce in the plan outlined in this bill and join with us in consummating it, the dangers which the opposition now anticipate will be of no importance. It is admitted that this bill, if enacted into law, can not be fully effective without certain subsequent proceedings. It is conceded that we must have the participancy of the stockholders and promoters in the execution of the programme which we have outlined. If the promoters of this enterprise and all persons in interest refuse to accept the tender made by us, then realization will be impossible.

But a conclusive answer, both to the argument of the Senator from Indiana [Mr. TURPIE] and that of the Senator from Missouri [Mr. VEST], is that if the promoters accept this bill, and if the representatives of Nicaragua and Costa Rica take the stock to be issued to them under its limitations, no other ratification is necessary. Such conduct would be conclusive between private parties in any court, and no international tribunal, one organized to arbitrate, would for a moment consider the subject open to the slightest disputation.

Mr. President, when I was led into this discussion, I was about to refer to some remarks made by the distinguished Senator from Indiana [Mr. TURPIE], whose eloquent and interesting address was

listened to with so much interest. I understood that Senator to state that under the provisions of section 3 $200,000,000 of liabilities which are outstanding because of a contract with the Nicaragua Construction Company will remain a preferred claim, even as to the United States. I read from section 3:

That in consideration of the provisions of this act, and before any bonds are issued under the provisions thereof, all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except as in this act provided, shall be called in, canceled, and restored to the treasury of the company, so that none shall remain outstanding—

I call specific and particular attention to this clause —

all bonds issued by said company and obligations to deliver bonds shall be redeemed and canceled—

The contract with the construction company constitutes an obligation to deliver bonds, and there is no qualification at all in this section. The absolute cancellation of all such agreements is definitely required.

But section 3 continues —

all outstanding liabilities of said company shall be satisfied, and all contracts and agreements heretofore made—

Here are the words which are criticised by the learned Senator —

not consistent with the provisions of this act, shall be canceled.

And, says the Senator from Indiana, the contract with the construction company is consistent with the provisions of this act because the canal is to be built under it. But I take it to be palpable, even were we compelled to rest upon this provision alone—and, as I shall show, we are not bound so to do — that no injury can result because the words "not consistent with the provisions of this act" refer entirely to the concessions made by Costa Rica and Nicaragua, and do not relate to the contract with the construction company. These concessions are obviously consistent with this act, and their retention is essential. All contracts for the issuance of bonds shall be redeemed and canceled, for the bill so declares. But there need be no doubt about this; it is unnecessary to quibble as to the meaning of words. We find on page 18, in section 4, this language:

Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica.

I might here remark that that mortgage, concerning which so much has been said, must be recorded in Nicaragua and Costa Rica under the official sanction of those countries. Will anyone pretend that such action will not constitute a ratification?

But to this point. I desire to cite section 7, which certainly disposes of the contention of the Senator from Indiana regarding the priority of the $200,000,000 agreement.

Sec. 7. That after the passage of this act, and before any bonds indorsed under its provisions are issued, and after the surrender and return to the treasury of the company of all stock that may have been issued, and after the surrender and cancellation of all bonds, bond script, and obligations to issue bonds, the satisfaction of all liabilities of said company and the cancellation and extinguishment of all contracts and agreements of said company with individuals or corporations, except the concessions from Nicaragua and Costa Rica, but including its contract or agreement with the Nicaragua Canal Construction Company for the construction of the said canal, as is provided for in this act.

Hence the surrender, the delivery, the cancellation of the contract with the construction company is required in direct and positive terms. This surely disposes of the charge which I have been considering.

I do not think it necessary to discuss the question of moral turpitude to which the learned Senator alluded when he said that this Government should not contract with any party or any body of men connected with or responsible for such an obligation as that just named. I know none of the promoters of this enterprise. I am not personally acquainted with one of them. I have even casually seen but one of them. However, I understand that they are fair business men, and there is no evidence reflecting upon their integrity or manly conduct. This bill is so fashioned that if we do not receive honest treatment it will be because of the misconduct and perfidy of our own representatives or the indiscretion of the President of the United States, to whom I understand some Senators are unwilling to delegate such power.

Mr. GEORGE. If it will not interrupt the Senator, I should like to call his attention to a constitutional difficulty which I have.

Mr. WHITE. I yield to the Senator for that purpose.

Mr. GEORGE. I agree with the Senator that we have the constitutional power to make this canal as a Government work, providing, of course, that we have the consent of the Governments there.

Mr. WHITE. I understand that.

Mr. GEORGE. I should like to have the Senator's views upon this question: Have we a right to indorse as security the bonds of a corporation for the purpose of raising money to build a canal? My difficulty arises out of this. It is a well-settled principle, as the Senator will recognize, that an agent having power to execute a bond to borrow money for a principal, and having that only, does not have included in that power a right to indorse the paper of another party in order to raise money.

Mr. WHITE. It appears to me that that distinction does not obtain here. I think there are two or three answers to the point made by the Senator. Here, as I have attempted to urge, we have a right to directly construct the canal or to procure its construction in aid of commerce, and I hold that the plan we propose to adopt to procure the opening of the same is legitimate and proper upon the principle that when the authority is conferred by the Constitution to regulate commerce that delegation includes not merely one method, not merely a direct method, but all incidental means which may be necessary in the judgment of Congress to accomplish the end designed. Having the jurisdiction, the mode of its exercise is a question wholly vested in the legislative department of the Government. The discretion rests there to reach the end by whatever channel may be deemed wise.

The United States became a surety for certain transcontinental railroads, and, as I stated a moment ago, that act upon the part of the Government has been upheld by the Supreme Court and made to rest wholly upon the commerce clause of the Constitution, not upon any rights conferred because of war or national peril. I repeat, the power to regulate commerce among the States has been decided to grant the authority to take upon our shoulders monetary obligations with reference to a domestic corporate enterprise, and I see no limitation in the organic grant with regard to foreign commerce, nor do I find anything in the Constitution restricting the exercise of the subsidy power to our own territorial limits.

Mr. VILAS. If it will not interrupt the Senator, upon that point I wish to make an inquiry.

Mr. WHITE. Certainly.

Mr. VILAS. If this Government can build a canal under the power to regulate commerce, could it not also build a railroad?

Mr. WHITE. Yes, sir.

Mr. VILAS. If we can build a canal or a railroad, and, I suppose, any other highway of commerce, in the territory of Nicaragua and Costa Rica, why not anywhere else in the world?

Mr. WHITE. I know not why not.

Mr. VILAS. Then the contention, as I understand, is that, subject to the pleasure of Congress, power is conferred by the Constitution to build any highway, railroad, canal, or other similar instrumentality of commerce anywhere in the known world. Is that the proposition?

Mr. WHITE. Yes, sir; if in the judgment of Congress such act would regulate our commerce; or it might be done pursuant to other great constitutional powers which are expressly delegated.

Mr. FRYE. With the consent of the foreign nation.

Mr. WHITE. Certainly the Senator understands that I assume the consent of the foreign nation. I do not assume that we will attempt to proceed by force.

Mr. VILAS. I take it that is a question of physical power. The consent of the foreign nation has nothing to do with the constitutional power of the United States.

Mr. WHITE. No. I presume we might conquer a foreign nation and build our canal. We could so proceed if we desired.

Mr. VILAS. Does the Senator think any such proposition as that would have been entertained in the secret chamber where the Constitution was framed a hundred years or more ago?

Mr. WHITE. My answer to the Senator is that the argument which he brings is that which was overthrown in McCulloch *vs.* Maryland, and there the Chief Justice said:

> The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely solely in all representative governments.

Mr. President, there is no question, I think, that when the power is given to Congress to regulate foreign commerce, and to regulate commerce among the States, there is conferred therewith, and as incidental to it, the right to do everything which may be necessary to completely execute such plan of regulation as Congress may see fit to sanction. Congress can not, for the alleged purpose of regulating commerce, do that which upon its face can not conduce to such regulation. When it is admitted that we may, at home, dig canals, make harbors, and deepen rivers, and when we declare that this is the valid exercise of the right to regulate commerce, can we rationally affirm that to dig a canal in foreign parts is not a regulation of foreign commerce while a similar work in our own country is a regulation of domestic commerce or commerce among the States?

Mr. CAFFERY. May I interrupt the Senator from California?

Mr. WHITE. Yes, sir.

Mr. CAFFERY. I inquire of the Senator from California whether he contends that canals can be constructed in foreign territory as a regulation of commerce with foreign nations? Would the Senator stop at such an improvement? Light-houses, breakwaters, any work that might facilitate commerce in a foreign territory, under his construction, could be built and maintained by the United States. I want to know whether he would extend his rule as to canals to include every construction that we adopt in this country to facilitate commerce to foreign shores?

Mr. WHITE. I will answer the Senator's question. Even courts of very high character frequently have occasion to say "the question is not now before us;" but I have no objection to answering the question of the Senator, though there may possibly be some exceptions to which my mind does not now revert. I will answer by stating a supposable case. If, for instance, it should appear to this Government that the construction of a light-house upon the Falkland Islands were necessary in order to prevent disaster to our commerce, I should have no doubt of the power of Congress to make an appropriation to put up such a light-house and thus save our commerce.

Mr. CAFFERY. Will the Senator yield to me for another question?

Mr. WHITE. I will.

Mr. CAFFERY. The Senator cited the case of McCulloch *vs.* Maryland as proving the general principle that any instrumentality necessary and proper to carry into execution any of the powers of the Constitution was authorized. Now, I inquire of the Senator whether the construction of a canal anywhere in the United States or in foreign territory, according to his view, would not necessarily imply that the commerce that flowed through that canal would be under the jurisdiction of the United States before the instrumentality would be warranted?

Mr. WHITE. By no means. I do not understand that it is necessary to own ships which may pass through a canal or over our rivers and harbors, or that the possession of dominion over the soil is requisite. I understand that the great canal which has been constructed on the Canadian line is not wholly under the jurisdiction of the United States. Whether we shall improve navigation without our territorial limits is wholly a matter of judgment.

I undertake to say that the framers of the Constitution — at least if the interpretation of Judge Marshall be correct, and it has long stood unquestioned — expected that there would be honesty, sound discretion, fair ability among those who would be summoned to legislate for the Republic, and it was thought that the necessity of concurrence by both Houses and the existence of the veto power would render usurpation and extravagance improbable.

If, indeed, it shall come to pass that dire calamity overtakes the nation because this discretion is vested in the legislative department, it will be due to national incompetency. Congress has the ability to declare war without limitation or restraint. We might constitutionally plunge our country into endless and fatal strife. But this possibility did not alarm the founders of our Government.

When I was interrupted I was considering some of the criticisms made by the learned Senator from Indiana. I did not have the pleasure of listening to his first address, but noted his remarks in the RECORD. I find that he objects to the entire project of the Isthmian

canal in Nicaragua or anywhere in the tropics; that, in the opinion of the Senator, it is impossible to carry out a project like this, even when organized under a more desirable supervision than he seems to think is designed here.

Mr. TURPIE. Will the Senator allow me?

The PRESIDENT pro tempore. Will the Senator from California yield to the Senator from Indiana?

Mr. WHITE. Certainly.

Mr. TURPIE. I have expressed no such opinion.

Mr. WHITE. I understood the Senator to state that owing to earthquakes and floods it was impossible in the tropical belt to do such work as that proposed. It seems I was mistaken, and I of course admit the error, as the Senator disclaims any such intention.

Mr. TURPIE. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from California yield?

Mr. WHITE. Certainly.

Mr. TURPIE. The word "earthquake" will not be found either in the first or second edition of my remarks. "Teredo" will be found there and found also in Mr. Menocal's report.

Mr. WHITE. I probably confounded the statements of the Senator in this regard. He spoke of the earth bursting open because, I presume, of the prevailing heat, and he alluded to the tremendous rainfall which dissolves a considerable portion of the country. This statement has left me somewhat in doubt as to whether there is anything remaining in Nicaragua which can be washed away or burned.

Mr. President, so far as that part of the continent is concerned I have not made any personal investigation, nor has the Senator from Indiana; but I have, as he has, friends who have been there. I am acquainted with many gentlemen of reputation and standing who have been engaged in business in that country. The commercial relations between the part of the Union whence I come and Nicaragua have been close. Some of our citizens have engaged in agricultural pursuits in Central America. From these and other sources I have information from which I can conclude that it is true, as Mr. Menocal says, that in the high lands and above the lower San Juan — the miasmatic region to which the Senator alluded — there is found a rich soil, capable of producing fine and heavy crops, that the forest growth is great, and the hills and valleys are by no means barren or forbidding. Indeed, the land is exceptionally fertile and the production superabundant, and the climate is both pleasant and healthful.

It seems to me that if the effect of the extraordinary rainfall which occurs periodically in Nicaragua was such as the Senator from Indiana described, there would be nothing in the nature of a crop possible. It would not be practicable to raise coffee or any sort of small product if the soil, when disturbed for purposes of cultivation, must be swept away by torrents from the sky.

I have been told that, although there is heavy and frequent rain and while it is quite warm at certain seasons, nevertheless the consequence of these conditions is to stimulate the crops and rapidly mature the natural growth. Earth embankments thrown up anywhere in that country and composed of average material will soon be so covered with vegetation as to easily resist atmospheric disturbances. If the contrary be true, why have not the hills been converted into barren desert sentinels?

The Senator from Indiana speaks of the teredo. The learned Senator says upon the authority of an engineer, whose name does not appear, that the teredo at Grey Town will attack a creosoted pile and destroy it in six months, and he added with a great deal of emphasis that after the creosoted pile had been in use for a time the teredo became more vigorous in its ravages because of the presence of creosote. In other words, piles a la creosote is the favorite dish of the Grey Town teredo.

While I have not constructed canals, while I am not an engineer, and while I must confess that I am not qualified to go over an engineering proposition and announce dogmatically to the world whether or not it may be carried out, yet I have had occasion to notice the action of the teredo upon piles. I know that the creosote treatment has been long utilized; and that lately methods have been improved with the result that the wood remains safe from the teredo for years.

I telegraphed yesterday to Mr. William D. English, who is now surveyor of the port of San Francisco, and who was a State harbor commissioner acting at that city for an extended period and whom I know to have had experience in this matter. He has made the subject a study in connection with his business as a harbor commissioner.

He telegraphed me as follows:

With Pacific Coast experience of six or eight years, piles not attacked. Properly creosoted timber, with good creosote, should last twenty-five years.

I know this gentleman to be a practical man. The information is thoroughly reliable. The assertion that by adequate creosoting piles can not be protected from the teredo for more than six months is an error. The person who made that statement to the Senator from Indiana does not know anything about it. It makes no difference to me who he is or whence he comes.

Mr. SQUIRE. May I interrupt the Senator from California for a moment?

Mr. WHITE. Certainly.

Mr. SQUIRE. I do not desire to make an extended remark. I simply wish to confirm, from personal knowledge, the statement of the Senator from California. I myself happen to have been engaged in building wharves on the Pacific Coast for my own business purposes. I have had piles treated with the creosoting preparation, and they have stood now for several years. I know it to be very valuable.

Mr. WHITE. I took occasion, also, to telegraph to an able engineer residing in the city of Los Angeles, Mr. Hagood. He is a man of wide knowledge, and has within the last three years had experience in wharf construction in waters where the teredo is common. He places the limit at ten years.

I do not consider this issue of peculiar importance because we can easily dispense with piling in Grey Town, but I mention it to show how the unskilled are readily deceived and to illustrate the folly of reliance upon anything save the evidence of qualified judges.

Mr. CAFFERY. Mr. President ——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from California yield to the Senator from Louisiana?

Mr. WHITE. Certainly.

Mr. CAFFERY. I should like to know from the Senator from California whether he has any expert testimony in regard to the ravages of the teredo at the mouth of the canal?

Mr. WHITE. No, sir.

Mr. CAFFERY. Will the Senator permit me to make a statement?

Mr. WHITE. Certainly.

Mr. CAFFERY. I saw about four days ago a series of photographs of the breakwater constructed at the mouth of the San Juan River, and they show the piling that was driven in forming the breakwater was almost entirely destroyed by the teredo. The photographs were in the possession of an engineer who took them or said he took them himself.

Mr. WHITE. I hope the Senator from Louisiana does not misunderstand me. I have seen wood that had been under sea water honeycombed as the result of the action of the teredo. No doubt the teredo will perforate an exposed surface not properly treated with creosote; no doubt a naked pile located where the teredo is common and possesses the vitality displayed in the Pacific will be almost consumed in a limited time; but my assertion is that modern methods of creosoting are such that piles may be protected. I have quoted from those who have tried it and whose business it is to carry on work of this kind, men of positive knowledge.

Mr. CAFFERY. I will state to the Senator that it appears from the statement of the work on the breakwater made by Mr. Menocal, I believe, that the piles which formed the breakwater were very carefully creosoted before they were driven.

Mr. WHITE. It is evident they were not properly creosoted. There is no doubt about that. Perhaps at the date referred to the application of creosote was not thoroughly comprehended. However, this is an incidental question, upon which I do not care to spend more time.

Now, I desire to attract attention to another matter. As far as the construction of the breakwater, or indeed as any other branch of the work is concerned, if it be found that the criticisms of the Senator from Indiana [Mr. TURPIE] shall prove well founded, it is easy enough to take advantage of his labors, and as the work progresses to adopt such methods as may be found desirable to obviate suggested difficulties. There is nothing in the bill requiring the company to put piles at Grey Town rather than rock; there is nothing in the bill limiting the amount of rock which shall be used in the Ochoa Dam or in any other construction. It is true that alterations may enhance the cost, but the revision board which investigated Mr. Menocal's estimates added 20 per cent, because it was considered possible that modifications might be needful.

The Senator from Indiana, in discussing the question of rock fill, stated in answer to an interrogatory addressed to him by the Senator from Mississippi [Mr. GEORGE] that when the water flowed over the Ochoa Dam it would fall not upon rock merely, but upon the composition of rock and earth to which he referred. I desire to quote the statement of Mr. Menocal as to what he means by "rock fill" and to show that the Senator from Indiana is mistaken as to the interpretation of those words. I refer to page 217 of the report of the committee, being a portion of the testimony taken, as follows:

Q. What kind of a dam do you propose to build there?

A. I have proposed to build a rock-fill dam; that is, a dam made of rock dumped in the river and allowed to take its natural slope. The work of distributing the material will be done by the force of the water and its scour-

ing action on the bottom until the proper equilibrium is established. In this way I expect that the company would have a very cheap and safe dam.

Q. Well, having got your rocks in in that way, how can you make a dam tight?

A. We have so much surplus water that I do not think we will make any efforts to make the dam tight, but if it was required to make it tight, all we have to do is to make a deposit of sand, clay, and other material on the upper slope of the dam.

Again, Mr. Menocal, in referring to the character of the structure, says that it is "an artificial mountain across the river."

Again, it will be found from the committee's report that it is contemplated to fill in with large rocks and then to use the earth referred to as backing. That is the plan.

Menocal says in the course of his report:

All the embankments resting on the valley or swamp level are designed of rock-fill and earth backing with three parallel rows of sea piling between abutments.

He also says, in speaking of the Ochoa Dam, that it will be built of rock fill and earth backing, in all respects similar to the other large embankments and weirs:

The upper portion and long flat apron will be composed of stone of the largest dimensions that can be properly handled and arranged, the interstices being filled from behind with small stones, gravel, and earth dumped from suitable trestles.

Mr. Harvey, in speaking of the Ochoa Dam plan, says that it will be as firm as the primitive hills by which it is flanked. It is clearly shown by Harvey's report that the Ochoa Dam is not a wonderful conception as compared with other constructions in various parts of the world.

I confess, as I stated before, that I have not the technical knowledge nor the capacity to authorize the statement that such dam would be the best or that it would not suit the purpose at all. I take it that men who have made practical tests are better informed than I am, and I assume that an engineer whose success in life, whose reputation depends upon the verity of his statements in matters of this sort, will pause long before he will impose upon the public an expert opinion, the error of which must soon be made manifest.

Take the case of Mr. Harvey, whose thorough review is contained in this record, and who has gone over the whole project. He is a man of admittedly high reputation, of good character, and demonstrated capacity. His connection with the enterprise is that of an engineer engaged to report to his employers as to the feasibility of the scheme. Can it be that one of his ability, of his standing, and of his future, will not only mislead his clients, but will peril all for the mere purpose of aiding certain parties temporarily in an affair which if impracticable must quickly come to grief? I do not believe it. When an honest witness possesses knowledge, when he has shown by his works that he is competent, when he comes forward and gives his evidence I will act on it until it is overcome by the testimony of persons who leave darkness and subject themselves to public scrutiny and examination. I have heard it stated that engineers do not care to come here and make statements adverse to this enterprise. I can not see that any evil can happen to anyone who may give such information. No threats are, have been, or will be made. Surely Senators are all

anxious to learn the truth and will welcome any testimony taken before the Committee on Foreign Relations, or elsewhere given, which will throw any light whatever upon the scene. Until those who have technical attainments satisfy me that the canal can not be made as planned, I will continue to credit Mr. Menocal.

I do not intend to discuss the relative merits of the Panama and Nicaragua schemes. I will refer anyone anxious to make the comparison not only to the statements in our report but also to the address which Admiral Ammen delivered before the Naval Institute at Annapolis in March, 1887, wherein he disclosed many reasons for favoring the construction of the canal at Nicaragua.

Mr. President, many statements have been made by Senators to the effect that the explorations upon the canal route are insufficient. I happen to be acquainted with a gentleman who has done much work upon the line, a man who aided in building some twelve miles of railroad along the San Juan. He at present resides in Los Angeles County. I telegraphed to him some days ago concerning the climatic conditions in Nicaragua and also with reference to his investigations generally; and the answer is given in the following dispatch:

MONROVIA, CAL., *January* 8, 1895.

I built twelve miles of railroad, did some harbor and other work, spent two years diamond drill boring when necessary. No climatic difficulties.

J. B. HARRIS.

Afterwards he wrote more fully to Mr. J. De Barth Shorb, of San Gabriel, Cal., and the letter having been transmitted to me, I will read it, as Mr. Harris knows something of the situation from personal inspection and because of professional knowledge:

MY DEAR SIR: I am sorry that I was away from home when you called to ask me what I know about the Nicaragua Canal, so I write this for your information. * * * As a contractor I have spent over two years in making a most thorough examination of the work to be done to complete the canal. These examinations extended over the whole length of the canal where deep excavations are to be made. I bored holes every 50 feet along the line from the surface to the bottom with diamond drills and thus informed myself of the character of the rock that is to be excavated. Where locks, dams, and embankments are to be built I also made borings, soundings, excavations, etc., to satisfy myself as to the character of the foundations of such structures.

The same matter appears in the testimony of Mr. Menocal, although it was said here that there was no evidence that such borings have been made. Mr. Harris continues:

I also examined the country round about for the purpose of seeing what building material could be had there, and found an abundance of the best limestone, also plenty building rock for locks, etc., and a great deal of suitable timber for use in construction. In addition to all this, Mr. C. P. Treat, of Chicago, a practical contractor, and myself built 12 miles of railroad there and on the most difficult portion of the whole line, and I will here mention that we built this 12 miles of railroad at a cost of $7,000 less per mile than Mr. Menocal's (chief engineer) estimated cost of railroad line. Our principal object, however, in building this railroad and doing other work there was not so much to make money for ourselves as it was to post ourselves as to the character of the laborers that could be had there to build the canal later on. We also made thorough examinations of the harbor work to be done and did some harbor work on the Atlantic side. From all this you will see that I should be well informed as to the cost of building the canal, including locks, dams, and harbors. After making all these examinations we made a proposal to the canal company to build and complete the whole canal, including the

harbors and all work there to be done, and deliver the canal completed at the estimated cost of Mr. Menocal, the chief engineer, and to have the canal completed in five years, of course giving bonds.

Yours very truly,

J. B. HARRIS.

In conversing with Mr. Harris before coming to Washington, he referred specifically to numerous borings which he had made for the purpose of ascertaining whether the rock to be removed was solid throughout, its general character, etc. That such work was done is shown by the committee's report.

Borings were made at numerous points along the route. (Report, 129.)

It required the constant labor of six surveying parties and the boring party six months before the location of the upper route was agreed upon. (Page 130.)

Numerous borings were made along the whole route. (Page 139).

The locks are to be built of concrete. (Report, page 219.)

"Most all excavations for locks will be in rock." (Report, page 220.)

I know California contractors who are anxious to take much of this work within Mr. Menocal's figures. As to the route through the lower lands, I do not agree that an advantageous change might be made by following the river. I think Mr. Menocal explodes this theory effectively. An inspection of the testimony in the report will satisfy an impartial mind that the upper route is preferable and less liable to be disturbed by the river. The fact that the bed of the San Juan is uncertain is sufficient to warrant the conclusion reached by Mr. Menocal. However, I repeat, I do not utter anything dogmatic upon the subject of engineering.

Perhaps there is no one more familiar with the country around about this canal than Capt. William L. Merry, of California, whose statement is contained in the report. He lately penned me a note, which I will read, as it contains much valuable material. Says Captain Merry:

I lived on the canal line for nearly three years, in charge of the transit route when Cala passengers were crossing it in 1865, 1866, and 1867. During that time I was a great deal on the river San Juan in boats and steamers, day and night. I was never seriously ill while there; never had an attack of the fever and ague, and the general health of the employees of the company was good. Many of them were Americans. On the lower San Juan the land is alluvial, vegetation dense, and rainfall heavy; like all river bottoms malaria is found, and fever and ague result, seldom of a dangerous type. Farther up the river and in the lake region the land is higher, rainfall less, and climate fine. True, it is a tropical climate, but nights are cool and the northeast trade winds temper the sun's heat and prevent malarial diseases.

The Nicaragua Isthmus is healthy, because the low summit level and the great lakes draw the northeast tides from the Caribbean Sea over it. It is a marine tropical climate. The health of the many exploring expeditions on the Isthmus proves the correctness of my assertions. I do not state that unacclimated Americans will not get chills and fever on the lower San Juan, but I do assert that any American going there and living carefully as at home, will not suffer from the climate any more than in the lower Mississippi Valley and other parts of the United States. That there will be some difficult work on the canal I have no doubt, but none as difficult as the Central Pacific Railroad presented. The restoration of the Port of San Juan del Norte is no uncertain factor; but it may cost more than estimated. I am of opinion that nearly every other part of the work will cost little if any more than the revised engineer's estimates.

I have carefully studied all the surveys during the past fourteen years and am very familiar with the details. Mr. Menocal allows large prices for the work; much of it can be done cheaper than he estimates, some portions may cost a little more. I know of Chicago contractors who will build the Pacific division for Menocal's estimate, including the 25 per cent. contingency allowed; but this division, between Lake Nicaragua and the Pacific, is the easiest part of the work, except the dredging work at the Atlantic terminus and in the lake. Regarding the Ochoa Dam, the project of a rock-fill dam is somewhat novel, but greater streams than the San Juan are crossed with higher dams in many countries, and if a rock-fill dam is objected to a dam of ordinary but more expensive character can be built. But as the rock is necessarily taken from the eastern divide and must be disposed of the rock-fill dam appears advantageous. It must be remembered that the Ochoa Dam is not a retaining dam, but used merely to raise the river bed. The criticism about the embankments used are fallacious, because no engineer doubts that safe embankments can be made at a reasonable cost. If good clay, impervious to water, is not obtainable stone can be used in the central portion of the work; it will cost more, but is perhaps safer, and safety is a necessity. The port of Brito is much like Port Harford on our coast, and a harbor can easily be built there.

Port Harford is mentioned in the river and harbor act passed by this Congress. The Government has been improving it for some time, and no engineering difficulties of moment have been encountered.

I have personally examined it. On the whole the Nicaragua Canal is not a difficult work; formidable only owing to its extent, and it is a safe work. Earthquakes are not to be as much feared as in San Francisco, for all the structures are below the surface and the canal line has been seldom disturbed by them during the last century. I yield to no one on the thorough understanding of this question. It has been with me the study of a lifetime, with the advantage of a long personal observation. Besides Mr. Menocal, civil engineer United States Navy, you have in Washington Admiral Ammen, United States Navy, who has personally examined the route; Maj. George W. Davis, United States Army, at the office of the Secretary of War, who is very familiar with the surveys, although he has not visited the canal line. Maj. C. E. Dutton, United States Army, has also examined the canal line and surveys, specially in relation to the possibility of damage by earthquakes.

I will add that Major Dutton's statement is contained in this record:

I do not know if Major Dutton is accessible to you, but think he is. I am as familiar with the canal line as you are with Spring street, Los Angeles, and rely on my own knowledge, but in so doing I have the support of all civil engineers who have examined the canal line personally or otherwise. The time has passed for assertions as to the practicability of a canal at Nicaragua. When I state as a fact that a 600-ton steamer, under natural conditions, can go from New York or New Orleans and up the San Juan River during the rainy season and approach within 12½ miles of the Pacific, on Lake Nicaragua, I merely prove how much the Almighty has done to encourage the engineer in uniting the oceans at Nicaragua. The Nicaragua Canal will be soon constructed; there is no doubt of that! The question before the legislators of our Republic is, shall it be an American canal under American control, for the benefit of our citizens, or a foreign canal under European control, for the benefit of the parties or the nation that build it? And we can not much longer pursue "a-dog-in-the-manger" policy about it, or the control will either leave us or be retained at a vastly increased cost, possibly of blood as well as treasure. To the United States the canal means build by, or fight, with the alternative of a back seat among the nations of the earth.

Comments similar to those made by Captain Merry concerning the construction of the canal and its general utility have been substantially presented by many other equally trustworthy persons. Admiral Ammen in his address delivered at the Naval Institute at Annapolis used this phraseology:

I can assure my brother officers that the Nicaragua Canal will be made, and soon, too. Whether we as a people will or will not have any control of it, seems, as far as I know, a question of indifference to the executive branch of our Government, or a doubt as to its constitutional powers, that may throw the construction of the canal into European hands, and with it the control of our coasting trade.

Mr. President, it passes without saying that boards of trade and chambers of commerce throughout this country having before them all the facts, and knowing trade necessities and the advantages to flow from the consummation of this great work, have urgently requested the passage of the pending bill.

No considerable portion of our people oppose this canal. Certain interests engaged in transcontinental traffic antagonize it. Corporations which have long reaped unconscionable rewards from the producers of the Pacific Slope have not hesitated to condemn it, and to ridicule Menocal and others in their struggles to furnish water competition. This opposing element does not take into consideration the truth that cheap freight rates must eventuate in enormously increased patronage. But monopolies seldom recognize the accuracy of this proposition.

Much has been said here and elsewhere with reference to the mortgage described in the bill. It has been called worthless. The power to execute it has been assailed, because of the stipulations in the concessions made by Nicaragua and Costa Rica. No one has pretended that there is a word in either concession forbidding the holding of stock by the United States. If the enterprise is to be successful — and the friends of the bill confidently anticipate its success — then the ownership of such a large majority of the stock and the consequent control of the corporation furnish ample security, in my judgment, to justify the guarantee which this bill contemplates.

It is wholly incorrect to say that we are presenting a vast sum of money to the promoters of this enterprise. All private parties interested in the scheme will no doubt realize something — no more, I think, than fair dealing and the exigencies of the situation justify. But in the end our Government will be the dominating factor. Besides, the discretion vested in the President of the United States makes Executive concurrence essential. He may stop payment. He can control the directory. In short, we or our representatives have all others connected with the canal most securely bound. Hence, even if the strictures indulged in with relation to the mortgage are well founded, I would not hesitate to go on. But as a matter of fact, as I have already had occasion to observe, the bill provides for the practical ratification of the mortgage by the Governments of Costa Rica and Nicaragua, and if these States accept stock issued under this bill, and by act of their legislative departments authorize the recording of the mortgage containing a specific description of the property mortgaged, such act will amount to a ratification of the mortgage and a waiver of all possible objections.

Mr. CAFFERY. Mr. President, do I understand the Senator to hold that a mere record of this mortgage in the record offices of Nicaragua and Costa Rica amounts to an abandonment of the prohibition contained in the concessions against transferring any of the power or other rights in this canal to a foreign Government?

Mr. WHITE. I do not know what the Senator understands, but I did not make that statement. I repeat. If Nicaragua and Costa

Rica shall by their explicit official acts authorize the recording of these mortgages as provided by section 4 of the bill — for that section declares that the mortgage shall be recorded in offices to be designated by those Republics — and if those nations accept the stock issued under this bill as specified in section 7 thereof, I believe that such conduct would, in the case of individuals, amount to a waiver; and hence I assert that we will be authorized to insist upon that principle whenever and if ever we have occasion to have recourse to the mortgage. It is true, no doubt, that if after this bill becomes a law Nicaragua and Costa Rica decline to accept the conditions tendered, the result will not be different than that which must follow the failure of the promoters to acquiesce.

I do not pretend that the mere passage of this measure will produce a complete and effective scheme. Something material remains to be done. But I do not anticipate any serious difficulty. I think the President of the United States will never be called upon to suspend payment, and that Nicaragua and Costa Rica will gladly agree to every condition which we may deem prudent. Those who think that insurmountable obstacles will hereafter be encountered will properly oppose the bill, and if I deemed it likely that Nicaragua or Costa Rica would earnestly protest I might not adhere to my present opinion.

Mr. CAFFERY. Mr. President ——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Louisiana?

Mr. WHITE. Certainly.

Mr. CAFFERY. I do not understand the Senator. There is in the concession, as the Senator is perfectly aware, a prohibition against the alienation to a foreign power of these concessions. Now, what I want to know of the Senator is this: The mortgage being granted to secure the payment of those bonds, the United States having paid and thereby become subrogated to the rights of the holders of the bonds, assuming then to execute the mortgage of itself, could the United States under the foreclosure of the mortgage purchase the further concessions which are prohibited to be ceded to a foreign country?

Mr. WHITE. I answer the question by repeating that if it be true that there is such a prohibition it is one which Nicaragua and Costa Rica may waive. I have said, and I suppose said plainly, that if those Governments accept the stock issued them under the provisions of this bill, and if they officially authorize the mortgage to be recorded, as they must do if they acquiesce in this scheme, that these acts justify the United States in insisting that there has been an abandonment of the prohibitive features of the concessions quoted. I have also stated that I do not rest my support of this bill upon the possible transfer to the United States of the concessions enjoyed by the Maritime Company, but that our interest in the corporation itself, our ownership of the stock, the title to which must vest in us, is sufficient to justify us as a conservative people in giving our credit. The great object in view, the vast and desirable consequences which must attend the completion of the project which we have been discussing, the opening of the canal to the commerce of the world and to the business of this Government, the fact that the citizens of the United States above all people on the globe will most largely enjoy the trade benefits of hastened and cheapened transportation, impel me to the conclusion that I can render no more patriotic service to the country

than to insist upon affirmative action now. As I have said, the transfer of the stock I regard as vital.

Mr. CAFFERY. Will the Senator from California permit me?

Mr. WHITE. Yes, sir.

Mr. CAFFERY. I ask the Senator whether, in his opinion, the acceptance of the stock by Nicaragua and Costa Rica in the distribution of the stock under the pending bill would work any denial of the right of Nicaragua to contend that the concessions were inalienable to a foreign power.

Mr. WHITE. Yes; when Nicaragua ——

Mr. CAFFERY. If so, under what principle does the Senator so contend?

Mr. WHITE. If I enter into a contract with the distinguished Senator, and if subsequent proceedings are had between us, and if we have dealings regarding the same matter which imply a modification of some provision of the agreement which was made in his interest, and if he accepts what to him are benefits, and if I insist upon corresponding rights necessarily connected with the advantages conferred upon him, he is foreclosed from insisting upon the letter of the original contract and from denying my profits under the altered engagement, while retaining those which he has appropriated; and if, in this instance, the Governments of Costa Rica and Nicaragua not only accept the stock issued under this bill and tendered with all the limitations and obligations of this bill — a bill which recites the existence of the very power which the Senator denies — and if in addition both Republics shall, as provided in the act, designate the office wherein these mortgages shall be made of record; and if the United States thereupon proceeds to expend money as indicated, then I assert that such acceptance of stock, such recording of the mortgage, are in conflict with the limitations of the concessions as contended for by the Senator, and that thereafter neither Republic can be honestly permitted to insist that the stock which it received was not issued under the bill, and that the mortgage which it authorized to be made of record was of no effect. As between private parties, such conduct would constitute a complete estoppel.

Mr. President, for years this magnificent opportunity has been tendered to the enterprise of the human race. It seems as if nature had proffered to us especially an opportunity to perform a labor worthy of our wealth and civilization and of inestimable advantage to the world. When we reflect that a 600-ton steamer may now in the rainy season pass up the river San Juan and to the lake and sail within twelve and one-half miles of the Pacific Coast, we see how much has been done in advance toward the bringing about of the end which we have in view. Not only will that portion of the United States which I in part particularly represent here vastly profit, not only will the Pacific Slope greatly improve because of increased commerce, but New Orleans and the great metropolis of New York, and every town upon our coast will be permanently stimulated. Narrow and restricted and unpatriotic is the theory which suggests that that which will build up one portion of the nation will not affect any other part. The active, intelligent population upon the seaboard can not greatly prosper or seriously suffer without a corresponding sensation in the interior. That which affects the nation's pulse in any spot of the great body politic must send a thrill through the whole of her mighty form.

Mr. Monroe advanced a doctrine upon which Americans have

been proud to stand, and which, though not strictly adhered to, will never be repudiated by our people. How consonant to this precept will be our conduct if we shall bring about the building of the Nicaragua Canal. How much easier then to fully maintain our avowed principles. All here know that I do not favor the extension of our dominion to remote lands, and I do not believe in interfering with foreign Governments, and that, in my judgment, we have enough to attend to within our own limits in a governmental sense; but the advocacy of this doctrine can not prevent or forbid our active co-operation in all that will develop our trade, assist in protecting us from foreign foes, and make easier, more profitable, and in some respects for the first time possible, free and advantageous commerce among States widely separated.

Nicaragua and Costa Rica, sister Republics, are not able to proceed unaided. Their resources are inadequate. In a friendly spirit they practically invite us to assist. They are willing to make us the chief beneficiaries. We assume no entangling alliances; no international obligations of momentous difficulty are cast upon us. As individuals have an opportunity to accomplish great things for themselves, but seldom in a lifetime, so it may happen that the United States, if it ignores the present opportunity, will not, perhaps, be soon again invited.

Speaking from the standpoint of an American, regardless of locality and having in view the needs of the future, I trust that no further delay will attend the building of the Nicaragua Canal as the result of the act of this Government.

WAR IN CUBA

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Wednesday and Thursday, February 26 and 27, 1896.

The Senate having under consideration the concurrent resolution reported from the Committee on Foreign Relations relative to the war in Cuba—

Mr. WHITE said:

Mr. PRESIDENT: On the 24th of the present month I offered a substitute for the various resolutions reported to the Senate by the Committee on Foreign Relations with reference to Cuban affairs. I ask that the substitute be read.

The VICE-PRESIDENT. The proposed substitute will be read.

The SECRETARY read the substitute submitted by Mr. WHITE, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand. interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, of whose investigation and care our diplomatic relations have been committed, will at as early a date as the facts will warrant recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

Mr. WHITE. Mr. President, I presume that there is no one entitled to a seat in this Chamber who does not sympathize with the struggling patriots in Cuba. I assume that there is no Senator who would not rejoice could he witness the establishment by the people of that island of a government of their own choice. But while holding these views and experiencing these sympathies it is important that we should proceed in an orderly manner and in accordance not only with the customs and usages of this and other enlightened nations, but also in compliance with the provisions of the organic law under which we all claim to act.

The Committee on Foreign Relations has reported a concurrent resolution which it is expected will receive the support of the Senate and House. In the first place, if we are to approach this subject through any resolution designed to be of itself effective as a declaration of belligerency, I am of the opinion that the Constitution requires

such resolution to be joint. Within a few days a discussion arose here with reference to a resolution designed to affect the thirteenth section of the last river and harbor act, and it was argued with much force by several Senators of distinguished ability that as that section had relation merely to matters of departmental procedure and did not arise under the Constitution, therefore it was unnecessary that a resolution passed for the purpose of suspending the operation of that provision should be presented to the President or be considered by him. But Senators holding this view stated that whenever Congress seeks to exercise constitutional powers by means of a resolution receiving the assent of both Houses, then the same will not be valid unless submitted after adoption, as in the case of a bill, to the President. Indeed, it is difficult to read section 7 of Article I without reaching that result. Therefore, the concurrent resolutions now under advisement will, if passed and not submitted to the Executive, be of no legal force, and can only amount to an expression of the sentiments and opinions of the Senate and House:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed, by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

As stated by the Senator from Alabama [Mr. MORGAN] yesterday, there is no Congressional enactment affecting this subject, and the committee resolution and that which I offered do not arise under procedure prescribed by any statute. If, therefore, the organic limitation of the powers of Congress which I have repeated does not relate, among other things, to a resolution declaring belligerency or proclaiming independence, I can not find any subject of moment to which the restrictive language of that provision can be held applicable. Hence, if we are to make a declaration announcing belligerency, the resolution can have no effect unless it is presented to the President. For reasons which I shall endeavor to suggest, I am doubtful whether such a resolution can have any effect unless actually approved by the Executive. True it is immaterial whether it be styled concurrent or joint, but we proceed here upon the theory that no resolution called concurrent is presented to the President. I regret that I am unable to elaborate upon this interesting topic. I am constrained to deal with the subject as briefly as possible. If it is sought to make a valid declaration of belligerency, the resolution must be passed under the Constitution and should be joint and presented to the President.

But, Mr. President, there is not only a question of policy involved as well as a matter of duty in the form of this declaration; there is likewise an issue as to our authority. I feel confident that the power does not reside in the House of Congress, independent of the President, to declare belligerency. The Senator from Alabama [Mr. MORGAN] stated yesterday in discussing this phase of the subject as follows:

> I dispute the power of the President of the United States, of his own motion and without the assistance of Congress, to recognize belligerency between two foreign Governments, because the President of the United States has no right by his proclamation to change the commercial and other relations between the people of this country and the people of a foreign

country. But being the representative of the United States in virtue of its sovereignty as affects foreign countries, he has the right to recognize the independence of a foreign country, because that recognition has no effect upon our own people. It does not change our relation to that country in the slightest degree. It does not compel us to pursue commerce under laws which regulate war instead of laws which regulate peace.

Then I addressed the following inquiry to the distinguished Senator:

Mr. WHITE. Will the Senator from Delaware [Mr. GRAY] permit me to ask the Senator from Alabama [Mr. MORGAN] a question, if the Senator from Alabama will allow me? Do I understand the Senator from Alabama to deny the power of the President, without the concurrence of Congress, to recognize the belligerency or to issue an effective proclamation of belligerency as to the contending parties?

To this inquiry the Senator from Alabama replied thus:

Mr. MORGAN. I do.

Mr. President, in the same discussion, construing somewhat similar provisions of the Constitution supposed to be more or less related to this topic, the distinguished Senator also said that in his opinion Congress had power to declare war without reference to Presidential action or consultation — that the resolution, or whatever it might be, so declaring need not go to the Executive, and he conceded that the various subdivisions of section 8 of Article I of the Constitution bore the same relation, so far as the wording is concerned, to the first part of that section; but he argued that the eleventh subdivision, granting power to declare war, etc., meant that Congress, without reference to the Executive, might effectively proceed.

The first section of Article I of the Constitution declares:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Thus legislative power is vested in Congress, and yet no one pretends that an ordinary bill must not receive the Presidential signature. I can not conceive of any method of reading section 8 of Article I which will authorize the conclusion that any peculiar rule applies to Executive functions under subdivision 11. The legislative prerogative is not greater, as far as words go, under that subdivision than in the instances disclosed by many other grants contained in that important section. It is conceded that no bill with reference to post-offices and post-roads, providing and maintaining a navy, raising and supporting armies, etc., can be made effectual without the usual Executive signature, or non-action, or the repassing of the measure over the veto by the constitutional two-thirds vote. To announce any other rule with respect to the power to declare war or concerning any other part of the constitutional delegation of authority, would be to disregard without excuse the obvious meaning of language and to ignore all recognized construction.

But, Mr. President, I affirm that the question of the recognition of the existence of a revolutionary government is vested in the Executive. Whether this power is exclusive it is unnecessary to decide, though I shall allude incidentally to this phase. When the Senator from Alabama stated that he denied the power of the Executive, unaided by Congressional action, to recognize belligerency, it seems to me that his statement was unsupported by precedent or reason. I can

not find any other authority for it. True, Mr. President, a joint resolution, signed by the President of the United States, recognizing belligerency, would operate, if not by virtue of the action of Congress, certainly so because it was approved by the Executive. I do not find it necessary to contend that Congress can not pass a bill recognizing belligerency over the veto of the Executive. I can find no such instance, however. I trust that no conflict of this nature will ever arise, and until occasion requires I prefer to reserve my opinion as to the legality of such procedure. The very case from which the learned Senator from Alabama read, the Prize Cases, it seems to me, entirely overthrows his contention in this regard. I call attention to the following phraseology, reading from part of the opinion to which the learned Senator did not advert. I quote from 2 Black, page 670:

> Whether the President in fulfilling his duties as commander-in-chief in suppressing an insurrection, has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents is a question to be decided by him, and this court must be governed by the decisions and acts of the political department of the Government to which this power was intrusted. He must determine what degree of force the crisis demands.

It must be observed that the unaided effectiveness of the Executive act was here conceded to be proper exercise of power by the political department of the Government, and Congress in this instance was not regarded as constituting a portion of "the political department."

From the case of Kennett *et al. vs.* Chambers, a decision by Chief Justice Taney, and reported in 14 Howard, pages 50 and 51, I read:

> It is not necessary, in the case before us, to decide how far the judicial tribunal of the United States would enforce a contract like this. when two States acknowledged to be independent were at war and this country neutral. It is a sufficient answer to the argument to say that the question whether Texas had or had not at that time become an independent State was a question for that department of our Government exclusively which is charged with our foreign relations. And until the period when that department recognized it as an independent State the judicial tribunals of the country were bound to consider the old order of things as having continued, and to regard Texas as a part of the Mexican territory.

I understand the Senator from Alabama to claim that while the President of the United States is vested with exclusive jurisdiction to acknowledge the independence of a country, that that officer has not the same jurisdiction as to belligerency.

What is the effect of a declaration of belligerency? Is it anything, when properly made, to which a nation has a right to take exception? Manifestly not. In such an instance we assert neutrality. The President of the United States issues his proclamation declaring that this country will stand hands off; that we will not interfere. It is not a proclamation of war; it is a proclamation of peace; it is not an announcement of interference; it is an announcement of non-interference; it is not opening ourselves to the charge that we are attempting to injure a friendly nation, but it means that we have concluded that there are contending parties whose armed conflict is sufficiently important to be dignified by the term war, and that we will remain impartial spectators. But, on the other hand, recognition of the independence of a revolutionary country is often the subject of vigorous protest.

It passes without saying that no nation is rudely dismembered save after vigorous contest and exhaustive effort. The history of our country demonstrates that we have never recognized the independence of a state which has successfully revolted without subjecting ourselves to the criticisms of the mother country. There is much more danger, much more probability of conflict with a foreign power in consequence of the recognition of the independence of a revolted government than when we merely recognize belligerency. No nation can be expected to contemplate with satisfaction the loss of her possessions, and, unlike the able Senator from Alabama, I regard the power to recognize independence, which he concedes to be in the Executive, as much more important than the authority to recognize belligerency, which he denies to the Executive. Said Secretary Seward in a letter to Mr. Adams, our minister to England (1 Messages and Documents, 1861-62, page 79):

> To recognize the independence of a new state, and so favor, possibly determine, its admission into the family of nations, is the highest possible exercise of sovereign power, because it affects in every case the welfare of two nations, and often the peace of the world.

The precedents showing Executive assertion of the power to recognize belligerency as well as independence are many.

On December 9, 1891, while Mr. Harrison occupied the Executive chair, he sent to this Chamber a message containing the following:

> The civil war in Chile, which began in January last, was continued, but fortunately with infrequent and not important armed collisions, until August 28, when the Congressional forces landed near Valparaiso and, after a bloody engagement, captured that city. President Balmaceda at once recognized that his cause was lost, and a Provisional Government was speedily established by the victorious party. Our minister was promptly directed to recognize and put himself in communication with this Government so soon as it should have established its *de facto* character, which was done.

He also said (and this is directly in point):

> During the pendency of this civil contest frequent indirect appeals were made to this Government to extend belligerent rights to the insurgents and to give audience to their representatives. This was declined, and that policy was pursued throughout which this Government, when wrenched by civil war, so strenuously insisted upon on the part of European nations.

Here was a manifest assertion of the power to determine whether or not belligerent rights should be accorded, a decision which in that instance was, in my opinion, most unwisely made.

I can not understand the reasoning which leads to the denial of the jurisdiction of the Executive, through the State Department, to declare neutrality, and consequently to affirm at least belligerency. No one should doubt that if the President of the United States had in the Chilean case, or in that now before us, announced that a state of public war existed, and had issued the ordinary proclamation of noninterference, our judicial tribunals would have been compelled to follow the Executive declaration. There are not one or two but numerous decisions referring not only to Executive right to proclaim independence, but also to announce belligerency. Chief Justice Marshall's views in this direction are clearly stated in United States *vs.* Hutchings, 2 Wheeler's Criminal Cases, page 546. The distinction referred to by the Senator from Alabama has not been heretofore urged. The Prize Cases, already cited, contain ample justification for

my claim. It was there held by the Supreme Court of the United States that when Mr. Lincoln at the opening of our civil war declared the blockade, he thereby recognized the existence of a condition of public war and the consequent presence of belligerents. The Supreme Court not only held that the President of the United States had power to recognize a belligerent, but they intimated that he did so even though he did not intend that his proclamation should be so construed. It was decided that the Executive announcement of a blockade in effect conceded that the South was at war with the North. I cite the following from the Prize Cases opinion:

> The proclamation of blockade is itself official and conclusive evidence to the court that a state of war existed which demanded and authorized a recourse to such measure under the circumstances peculiar to the case.

Whenever there is war there are belligerents. An admission of war is a concession of belligerency. I quote again from the Prize Cases:

> The condition of neutrality can not exist unless there be two belligerent parties. In the case of the *Santissima Trinidad,* 7 Wheaton, 337, this court say: "The Government of the United States has recognized the existence of a civil war between Spain and her colonies, and has avowed her determination to remain neutral between the parties. Each party is, therefore, deemed by us a belligerent nation, having, so far as concerns us, the sovereign rights of war."

In the minority report of the Committee on Foreign Relations, and in several addresses here made, I find criticisms of the course of Spain in acknowledging the belligerency of the Southern States. But if Spain were wrong we will not therefore be justified in committing a similar error. But she was not guilty of an impropriety. The fact is, as already shown, that Mr. Lincoln recognized the belligerency of the Confederacy before similar action had been taken by England, France, or Spain. It is universally held, by domestic as well as foreign writers on international law, that we had no rational ground of objection to the conduct of European powers concerning the recognition of the Confederate States. (Glenn's International Law, pages 29, 30; Woolsey's *id.,* sixth edition, section 41; Pomeroy's *id.* (Woolsey's edition), page 290; Ford *vs.* Surget, 97 U. S. 594, and the Prize Cases, 2 Black, page 670.) An English publicist (Hall's International Law, page 39) fully sustains this position.

So here is a case not only settling the power of the Executive to recognize belligerency, but deciding, as I have said, that he exercised that power without even intending the result legally deducible therefrom.

In the case of the *Ambrose Light,* decided by Judge Brown in New York, and reported in 25 Federal Reporter, it was held that President Cleveland had recognized the belligerency of Colombia because of certain orders officially made by him, though not with that design. The State Department vigorously combated this conclusion, and claimed that there had been no recognition; but everyone admitted the power of the Executive, the sole question being whether the authority had been exercised. I cite this case to show that our courts have held that recognition is not only a subject of a Presidential jurisdiction, but may even be accomplished unintentionally by that department.

The *Ambrose Light* decision is lengthy, and I do not propose to

do more than to shortly refer to it. I shall do so again in connection with another topic. The subject is discussed by Judge Brown with great fullness, and the conclusion is reached that the power rests in the Executive. Various expressions have been made by different jurists in our own country upon this subject, and it must be admitted that it has not been explicitly decided in so many words that Congress, without the President, can not recognize — though I think such inference reasonably clear — but it is patent that the Executive may recognize without the aid of Congress. The effect of this conclusion I will shortly discuss.

I wish at this point to note several additional adjudications wherein the subject of recognition of belligerency and independence has been mentioned.

In the *Hornet,* 2 Abbott, U. S., 35, a case tried before Judge Brooks in 1870, in the United States district court of North Carolina, the phrase "Executive power" is used.

In United States *vs.* Baker, 5 Blatchford, 56, and United States *vs.* Jones, 137 U. S., 202, we find legislative and executive spoken of; also in United States *vs.* Palmer, 3 Wheaton, 610, and in the *Neuva Anna,* 6 Wheaton, 193. In Gelston *vs.* Hoyt, 3 Wheaton, 324, the power is described as being exercised by the Government.

In the *Ambrose Light,* 25 Federal Reporter, 409; United States *vs.* Itata, 56 *Id.,* 505; United States *vs.* Trumbull, 48 *Id.,* 99, it is said that the right to recognize belligerency rests in the Executive.

Kennett *vs.* Chambers, 14 Howard, 47, is instructive upon this subject, and contains an allusion to the proceedings of this Government regarding the acknowledgment of the independence of Texas which it is well to note.

Mr. Wharton, in his very able International Law Digest, which is familiar to us all, quotes a number of authorities, and, as showing his own view, on page 551 of volume 1 he heads the section "Such recognition (*i. e.,* belligerency) determinable by Executive."

Passing a step further, permit me to ask, what will be the effect if we attempt to establish the rule that while the Executive has the power to recognize without Congressional concurrence, Congress has similar authority to act without the Executive? To what result must this finally lead us? If the President, without Congressional assistance, has absolute power to declare neutrality, thereby conceding belligerency, which, as I say, I take to be well established, and if Congress has similar absolute power over the same subject-matter, we then have two independent departments of the Government, each vested with the unqualified authority to render the same final judgment. What the consequences might be if the Executive proclaimed belligerency and Congress declared the circumstances to be not such as to warrant the proclamation and sought to annul it, or what might be the consequences if Congress passed a concurrent resolution, as proposed, formally recognizing the belligerency of the Cuban patriots, and the Executive declined to act upon it, holding that the condition of war does not obtain, are serious propositions.

It can not be that the framers of the Constitution contemplated the creation of such clashing authority. If the distinguished Senator from Alabama admits, as he did yesterday, that the power to recognize the independence of a nation is vested exclusively in the Executive, I submit that it follows *a fortiori* that the power to recognize

belligerency is similarly reposed. If the Executive may recognize, as has been the practice from the foundation of the Republic, I incline to believe that he alone has this power. The clothing of each department with the full jurisdiction to decide the same issue is to invite confusion and beget irreconcilable disputation.

Mr. President, it is not now, and I hope never will be, essential to determine this question. I refer to it because I do not care to be a party to the establishment of a precedent to which I can not give my assent. I wish it understood that any resolution for which I may vote touching this controversy is merely the expression of opinion which I do not conceive to have the force of law.

Is there any reason to suppose that the Executive will not act vigorously when the proper time comes? If we have such reason does the proposed concurrent resolution better the situation or remedy the anticipated evil? In the first place, there is at this moment no proposition here which purports upon its face to absolutely recognize belligerency, and I do not think it wise to adopt such a resolution, because I do not wish to wantonly place this body in seeming or actual conflict with the Executive.

There is another ground which appears to me very strong in support of the contention that the recognition power is lodged in the Executive. There is before the Senate a document which was read by the Senator from Alabama, and which I deem quite important. I refer to House Document 224 of the present session. I read a few lines for purposes of illustration:

No. 2699.] CONSULATE-GENERAL OF THE UNITED STATES,
Havana, January 7, 1896.

Sir: With reference to the proclamation of the captain-general of the 2nd instant declaring a state of war to exist in the provinces of Havana and Pinar del Rio, copy and translation of which accompanied my dispatch No. 2695 of the 4th instant—

At this point I find a note stating that the proclamation mentioned is not printed. From this I conclude that the omitted paper has not been revealed to Congress. No one appears to controvert this supposition. When the House adopted the resolution calling for this correspondence it did so in the following phraseology:

Resolved, That the Secretary of State be directed to communicate to the House of Representatives, if not inconsistent with the public interests, copies of all correspondence relating to affairs in Cuba since February last.

The House passed the usual resolution in the regular form which custom authorizes. Manifestly information has been withheld — no doubt properly. Time out of mind, if I may use that expression with reference to this very modern Government, it has been the custom to withhold information the disclosure of which the Executive deems incompatible with public interest. The document thus legitimately withheld may contain essential and controlling facts upon this subject. That it is important would seem to follow to some extent from the very circumstance that it is retained. Has the Executive the right to thus deny information? Our Chief Magistrates have always done so, pursuant to unchallenged custom and in compliance with recognized usage, evidenced by many hundred resolutions calling upon the Executive for diplomatic information. The President is not directed; he is merely requested, and always

with the qualification which I have noted. The Executive right to withhold delicate diplomatic correspondence is incidental to the Presidential office. Can it be that the Constitution has placed upon Congress the burden of deciding and the duty to determine issues concerning belligerent or other relations to foreign powers and has not at the same time compelled the President to give us everything within his knowledge? Can it be that we are to pass upon a part of the case and not upon the whole? Can it be that under the law we are deprived of material evidence and yet are expected to render final and determinative judgment upon an imperfect record — a fraction of the aggregate proof? I say not. The President has before him all information. He reviews a complete history. Plainly, he is in a better condition to judge of the true state of affairs than are we. He has the means to secure all relevant information.

Having in charge the diplomatic relations of the Government, he is, or should be, better advised than the Senate or the House of Representatives or both.

Mr. President, I refer to this controversy not because of its bearing upon this isolated case, but to show that under the governmental scheme, pursuant to which we are acting, it is improbable that it ever was the intention to place the power to recognize either belligerency or independence in such a condition that a conflict could arise between Congress and the Executive for the settlement of which no adequate remedy is provided.

Mr. MORGAN. Will the Senator from California insist or argue that the President of the United States in his discretion may withhold information from Congress, and then when he withholds the information he can act upon it himself without informing us of it, and conclusively bind this Government either to a declaration of belligerency or any other condition he wishes to impose upon us?

Mr. WHITE. Not so broadly as that, but the President of the United States has the power to withhold information. This the Senator does not deny. From the beginning of this Government the Executive has recognized or refused to recognize belligerency, and his determination has passed unchallenged. No one has heretofore disputed Executive authority to accord belligerency. There is not a case, and I do not think the Senator from Alabama can discover an instance, where the belligerency of a country has been recognized by Congress despite the Executive.

Mr. MORGAN. Or by the Executive without the consent of Congress.

Mr. WHITE. Undoubtedly, yes. The Senator is certainly in error. The cases are uniformly against him. The Prize Cases and the *Ambrose Light* ought to suffice. In the latter cause it was determined that Mr. Cleveland recognized the belligerency of Colombia by indirection, although the State Department claimed he did not accord such recognition. (13 Albany L. J., page 125.) During the efforts of the South American Republics to gain their freedom the President recognized belligerency and for many years thereafter consistently refused to acknowledge the independence of the revolted territory.

This recognition of belligerency was always executive. Subsequently Congress ratified Presidential liberality, but such action was a mere affirmation of that which was already conclusive. No one

ever disputed the adequacy of Presidential action. The ratification by Congress was indirect. So in the case of Texas and Mexico. While President Jackson refused to recognize the independence of Texas for years, still belligerency was recognized openly and clearly by the act of the Executive, and if the Senator from Alabama will peruse the opinion of Attorney-General Butler, reported 3 Opinions of the Attorneys-General, page 120, he will find an announcement which plainly supports my argument.

Mr. MORGAN. Before the Senator from California proceeds, I wish to call his attention to a case decided by the Supreme Court of the United States.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WHITE. Certainly.

Mr. MORGAN. I call the Senator's attention to a case decided by the Supreme Court of the United States upon the first proposition the Senator has announced, that every concurrent or joint resolution must be sent to the President, that the Constitution on that subject is mandatory, and that a resolution can not become operative as a law unless it is sent to the President of the United States.

Mr. WHITE. Such a resolution as that pending here now, if the Senator will pardon me — a resolution under the Constitution and not dependent upon mere statutory or rule regulation?

Mr. MORGAN. Yes. Here is the case of Hollingsworth *et al.* against Virginia, 3 Dallas, decided by the unanimous opinion of the court. The case arose upon a motion to discontinue a suit pending in a Federal court after the amendment of the Constitution which forbids the States to be sued in a Federal tribunal. The case as stated is as follows:

> The decision of the court in the case of Chisholm, executor, *vs.* Georgia (2 Dall. Rep., 419) produced a proposition in Congress for amending the Constitution of the United States according to the following terms:
>
> "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."
>
> The proposition being now adopted by the constitutional number of States, Lee, Attorney-General, submitted this question to the court: Whether the amendment did or did not supersede all suits depending, as well as prevent the institution of new suits against any one of the United States by citizens of another State?

Messrs. Tilghman and Rawle argued in the negative, and they stated this proposition:

> The amendment has not been proposed in the form prescribed by the Constitution, and therefore it is void. Upon an inspection of the original roll it appears that the amendment was never submitted to the President for his approbation. The Constitution declares that "every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives," etc.

The court, Chase, Justice, in commenting upon that position, in a note at the bottom of the page — this is the only opinion that is delivered upon that point — says:

There can surely be no necessity to answer that argument. The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition or adoption of amendments to the Constitution.

I argue from that, of course, that a joint resolution or a concurrent resolution of the two Houses proposing an amendment to the Constitution of the United States embodies about as important a political movement as can be conceived of. If it results in a change of the Constitution of the United States, as it did in this case, nothing can be more important, and yet the concurrent resolution referred to in that case never was submitted to the President of the United States. The original rolls show that it was submitted to him, and yet after the ratification of the amendment it was held by the Supreme Court of the United States that it was not necessary to submit the resolution to the President because it was not ordinary legislation.

Mr. WHITE. I may be wrong about it, but I do not see the slightest relevancy of the case cited by the Senator from Alabama. Article V of the Constitution provides the method of amendment and it states:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention, etc.

There is a special method provided for the adoption of a resolution looking to that end. It is a separate article, devoted to a specific subject. If the construction of the Senator from Alabama is correct, the section of the Constitution upon which I rely means nothing.

Mr. MORGAN. I will say to the Senator from California that that very point was raised in this case.

Mr. WHITE. Of course it was.

Mr. MORGAN. It was raised in this case, but —

Mr. WHITE. And it was decided by the court.

Mr. MORGAN. But the court rested its decision entirely on the ground that it was not ordinary legislation, and that the President did not have anything to do with it.

Mr. WHITE. So I understand. "Ordinary legislation" refers to such Congressional action as is here proposed. All Congressional effort under section 8 is plainly ordinary legislation. There is no difficulty about that, and the present attempt being under the grant of section 8, must be solved without regard to the peculiarities of section 5. I referred a moment ago to the case of Texas. I find, 25 Federal Reporter, page 425, the following from the opinion of Attorney-General Butler:

Where a civil war breaks out in a foreign nation, and part of such nation erect a distinct and separate government, and the United States, though they do not acknowledge the independence of the new government, do yet recognize the existence of a civil war, our courts have uniformly regarded each party as a belligerent nation in regard to acts done *jure belli*. * * * The existence of a civil war between the people of Texas and the authorities of the other Mexican States was recognized by the President of the United States at an early day in the month of November last. Official notice of this fact and of the President's intention to preserve the neutrality of the United States was soon after given to the Mexican Government. This recognition has been since repeated by numerous acts of the Executive, several of which had taken place before the capture of the *Pocket*.

There is a positive opinion, entitled to great weight, that the President has the right to announce belligerency without Congressional co-operation. Mr. Wharton, in section 71 of his Digest, says:

The question of recognition of foreign revolutionary or reactionary governments is one exclusively for the Executive, and can not be determined internationally by Congressional action.

Mr. Seward was an able lawyer, a distinguished publicist, and his views merit serious consideration. In a letter written to Mr. Dayton, then our minister to France, he refers to this point and passes upon it with clearness and positiveness. I ask the Secretary to read from Secretary Seward's letter to Minister Dayton.

The SECRETARY read as follows:

I send you a copy of a resolution which passed the House of Representatives on the 4th instant by a unanimous vote, and which declares the opposition of that body to a recognition of a monarchy in Mexico. Mr. Geofroy has lost no time in asking for an explanation of this proceeding. It is hardly necessary, after what I have heretofore written with perfect candor for the information of France, to say that this resolution truly interprets the unanimous sentiment of the people of the United States in regard to Mexico. It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely Executive question, and the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States.

You will of course take notice that the declaration made by the House of Representatives is in the form of a joint resolution, which before it can acquire the character of a legislative act must receive first the concurrence of the Senate, and secondly the approval of the President of the United States, or in case of his dissent the renewed assent of both Houses of Congress, to be expressed by a majority of two-thirds of each body. While the President received the declaration of the House of Representatives with the profound respect to which it is entitled as an expression upon a grave and important subject, he directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico. It is hardly necessary to say that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the executive department, and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., etc., etc., etc.

Mr. WHITE. In an opinion already referred to, the decision of Judge Brown in "The *Ambrose Light*," 25 Federal Reporter, page 443, that jurist says:

The additional facts proved show, however, such a subsequent implied recognition by our Government of the insurgent forces as a government *de facto*, in a state of war with Colombia, and entitled to belligerent rights, as should prevent the condemnation of the vessel as prize. The communication from the Department of State to the Colombian minister, bearing date the day of the seizure, seems to me to constitute such a recognition by necessary implication. It could not have been based upon any facts, or have reference to any state of facts, not in existence at the time of the seizure; and it should be held, therefore, to arrest and supersede any subsequent condemnation for those acts of war which such a recognition authorizes the insurgents to carry on.

There the court grounded its judgment upon the proposition that the Executive, by making a certain proclamation in reference to the blockading of the Colombian ports, had recognized belligerency. Mr. President, I go further yet and maintain that after the Executive has once recognized belligerency the authorities are that such recognition can not be withdrawn except by agreement. This feature of the subject is discussed by Mr. Hall in his work on International Law, pages 37 and 38.

If we are to follow the decisions of our own courts; if we are to pay any attention to the uniform practice of our State Department; if we are to be guided to any extent by able writers, like Mr. Wharton, who for years was the trusted adviser of our State Department and whose erudition won the commendation of publicists everywhere, we must conclude that in any event recognition of belligerency or independence can not be accomplished without executive participation. It is not necessary for me to rest my contention upon the proposition that Executive jurisdiction is exclusive, though it does seem to me that such is the law.

The resolution last reported by the Committee on Foreign Relations reads thus:

> That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force or arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Is it intended that this resolution when adopted shall amount to a proclamation of neutrality and a declaration of belligerency, or is it only advisory? If the latter, it is of no more efficacy than any of the other resolutions submitted. If it is intended to operate directly, then we have the spectacle of the Congress of the United States issuing a proclamation of neutrality without any consultation whatever with the Executive. I venture to assert that there is no precedent and no authority anywhere for such a position. Certainly none has been cited, and the distinguished Senator from Alabama is so conversant with the diplomatic relations of this Government, past and present, that if there had been any such precedent he would have mentioned it. In my opinion we should proceed either by joint resolution, to be submitted to the President, positively declaring belligerency and announcing neutrality, or we should adopt an expression of opinion and sympathy as suggested in the resolution which I have proposed. I prefer the latter course, for the reasons already outlined.

I am not prepared to assume that the Executive has been derelict. I think we can trust Mr. Cleveland and his distinguished Secretary of State to act wisely and patriotically in the matter of our foreign relations. They have manifested no indisposition to maintain the honor and the integrity of this country. The stand so recently taken by the President concerning foreign affairs is approved by the American people. Surely no one can attribute want of firmness or fear to either of these distinguished officers. Can it be that they desire to witness Cuba in the permanent grasp of a cruel master? Can it be that if a proclamation of belligerency is of any value to the contending revolutionists the same is withheld without grave reason? I

will discuss in a few moments the legal effect of such a declaration and the position in which it would place the United States and the people of that island.

But as far as the Department of State is a subject of consideration I must say that I am entirely confident that nothing will be done either hastily or illegally and that there will be no undue delay. I repeat that I trust the Congress of the United States will not put itself in antagonism to the Executive upon a question of the recognition of belligerency; certainly not without the entire case being presented. This Government has never been emotional in the matter of the recognition of belligerency.

I referred a moment ago to the case of Chile. Mr. Harrison, in the extract from his message which I read, sent in here in 1891, spoke of the fact that the agents of the insurgent government of Chile had attempted to obtain an audience. He said:

> During the pendency of this civil contest frequent indirect appeals were made to this Government to extend belligerent rights to the insurgents and to give audience to their representatives. This was declined, and that policy was pursued throughout which this Government, when wrenched by civil war, so strenuously insisted upon on the part of European nations.

He then refers to his unsuccessful prosecution of the *Itata*. What was the condition in Chile at the time that recognition was thus refused? That condition was briefly this: The judicial department of Chile decided that the President had usurped certain authority; the legislative department almost unanimously supported the judiciary; both judicial and legislative officers were driven from their homes at the point of the bayonet — they fled for their lives, and Balmaceda assumed supreme control, even closing the courts. The navy, with inconsiderable exceptions, joined in the demonstration against Balmaceda. The insurgents, as they were styled, took possession of the harbor of Iquique. They held absolutely and exclusively several of the northern states of the Republic and maintained undisputed dominion over those provinces and dominated the whole coast.

The harbor of Valparaiso was blockaded, and Balmaceda was unable to carry on commerce, while his enemies sailed over the ocean at will. And yet under that condition of things Mr. Harrison refused to recognize the belligerency of the insurgents, although they represented at the very outbreak of hostilities the judicial and legislative branches of the Government, and although the courts of this country afterwards decided that their organization really constituted the Government from the beginning.

Now, here was a case where I am free to say I think recognition should have been accorded, because there was manifestly a state of war, and the so-called insurgents maintained civilized rule and conducted in a regular way all governmental functions. At least two diplomatic agents from foreign powers were there, regularly accredited. The courts were in session.

They took prisoners of war, treated them in accordance with modern usage, and maintained in all respects an enlightened establishment. Yet we refused to recognize them, and did, I might add, everything which one nation could do to provoke another. In the midst of our efforts to belittle them the unrecognized insurgents suddenly crushed Balmaceda, and the President then, without the aid of Congress, recognized their independence.

I cite this case not because I think that the President of the United States was justified in withholding a recognition of belligerency, though he did so without protest from anybody here, but because I wish to call the attention of the Senate to the fact that this Government has of late years especially been very loath to engage in any transaction which could antagonize a friendly people.

Mr. President, I do not know, I am not in a position to affirm that I know, that the insurgent Government of Cuba is in a condition absolutely to justify the accordance of belligerent rights.

I think it is probable that such is their status, and I draw that inference mainly from the statement on page 51 of House Document 224 to which I referred. If Spain has proclaimed the existence of war, other nations are, of course, free to recognize the same. If one of the enthusiastic advocates who has here pleaded eloquently the cause of Cuba — for instance, my distinguished friend the Senator from Florida [Mr. CALL] — were appointed minister to the Cuban Republic, where would he go? Where would he meet the diplomatic officers of that Government, which, I am sorry to say, appears to me to be in the saddle? Where is the seat of governmental authority? Where is the place where the judiciary administers its functions? Where does the Executive sit and where are the legislative obligations discharged? I do not know. Who knows? It is true we are told that a constitution has been adopted, and there are reported legislative proceedings printed on our desks; but I am not satisfied that there is any permanently fixed and operating and accessible republican government on the island.

When we have been called upon to recognize belligerency we have usually been brought into direct commercial contact with the people seeking recognition. But our unlucky neighbors have no commerce; they have no navy; they hold no ports. No case of piracy can arise with reference to them because they have no maritime standing.

These are reasons suggesting themselves to my mind why it is necessary to make a careful and painstaking investigation to discover the actual facts of the case. The authorities read by the Senator from Alabama are well founded where they announce that there must be some settled parity between the contending forces to warrant the recognition of even belligerency. We may think or guess that recognition should be allowed, but we can not know unless we have all the evidence before us. Without a reasonable probability of success, unless there is something like equality in the standing of the parties contending, recognition should not be granted. The mere justice or the injustice of the struggle can not determine the question of recognition or non-recognition. The rules usually prevailing in such cases are stated in Dana's Wheaton, eighth edition, page 34, note 15; Lawrence's International Law, sections 162, 163, 164; Pomeroy's International Law (Woolsey's edition), section 236. I do not deem it advisable to do more than is indicated in the proposed resolution which I have offered.

I prefer to leave the final determination to the President. I favor this course not only because of the somewhat dubious conditions surrounding the matter, but because I think it is the law, and that to this rule we should steadfastly adhere. At this point I will quote from the message of President Grant, transmitted to Congress after Cuba had long been in revolt. He said:

In my annual message to Congress at the beginning of its present session I referred to the contest which had then for more than a year existed in the Island of Cuba between a portion of its inhabitants and the Government of Spain, and the feelings and sympathies of the people and Government of the United States for the people of Cuba, as for all peoples struggling for liberty and self-government, and said that the contest has at no time assumed conditions which amount to war, in the sense of international law, or which would show the existence of a *de facto* political organization of the insurgents sufficient to justify a recognition of belligerency.

During the six months which have passed since the date of that message the condition of the insurgents has not improved; and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities, carried on by small and illy armed bands of men roaming, without concentration, through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to all that may prejudice the opposite or give credit to its own side of the question, I am unable to see, in the present condition of the contest in Cuba, those elements which are requisite to constitute war in the sense of international law. The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of a legislature representing any popular constituency is more than doubtful.

This opinion was announced in 1870, but President Grant held the same views when he penned his seventh annual message in 1875. (1 Wharton's International Digest, section 60.)

Newspaper articles have been read here as proof of the commission of horrible crimes. We are in the habit in this Chamber of reading newspapers in evidence as though absolute verity pertained to such publications.

Mr. President, newspapers very often contain truth and sometimes they avoid the truth. There are many individuals in the world who frequently speak truly, and there are other individuals who commonly do not adhere to facts. Newspapers, to some extent, color information given in their columns. Sensations are popular. Who can afford to affirm that all the narrations of atrocity, savage almost beyond conception, which have been given the public with reference to the transactions in Cuba are true? I believe General Weyler to be a cold, relentless, and heartless man. I think the record shows this conclusion to be justified. If he committed the outrages which are charged against him here and elsewhere I am at a loss to account for his existence. He could not long survive such crimes. The vengeance of bereaved sufferers would overtake him. It is my belief that the case is bad enough when the truth is told, but I do not wish here or anywhere, but particularly here, to charge against a Government with which we are at peace, whether the Government be strong or weak, whether its administration of national affairs be such as to challenge our admiration or otherwise, any dark transactions of which we do not have indubitable proof.

The Senate, I understand, is specially charged with certain functions pertaining to our foreign policies. We should approach with caution the examination of accusations made against a friendly power. Haste, excitement, and denunciation have no place in such deliberations.

The actual occurrences of this disturbance are sufficiently sad to meet all the demands of the most sensational. It is inexcusable to assume that sanguinary rumors, wholly unsupported by evidence, are correct and even moderate recitals.

I would personally rejoice to witness the Cuban people free from alien control. I feel that it is not in accordance with the best interests of the United States that any portion of this continent or the adjacent islands should be governed from across the waters. I do not, however, find it requisite to exhibit gory portrayals of alleged Spanish cruelty in order to sustain my position, or to overrule or overturn the undisputed and unvarying policy of a century for the purpose of meeting this particular exigency.

Mr. President, it may be well to inquire what the effect of the recognition, which seems to be desired so greatly by the Cuban patriots, will be upon their cause and likewise upon the United States. In the first place, I affirm that as to the right to trade with the people of this country and to purchase arms, ammunition, supplies, etc., the insurgents are as favorably situated now as they can be after a recognition by us of their belligerency. Secondly, I assert that as far as we are concerned, though this to me is a minor consideration, we will assume in the event of a declaration of belligerency burdens not now upon our shoulders.

When the Senator from Alabama had the floor last Thursday the distinguished Senator from Massachusetts [Mr. HOAR] inquired of him as to the effect upon this country of a recognition by us of the Cubans; and the Senator from Alabama was asked whether it was not a fact that the right of search would be accorded to the naval vessels of Spain in the event of a recognition. Undoubtedly such would be the result. The Senator from Alabama, as I understood him, said yes, but that such search must be made at the peril of those who seized the vessel. The rule upon that subject is very succinctly and fully and conclusively stated in a case called "The *Thompson*," a prize case, reported in 3 Wallace, page 155.

Mr. MORGAN. If the Senator will allow me, I referred in that connection to the treaty of 1795 between Spain and the United States. I hope the Senator from California has examined the treaty.

Mr. WHITE. Yes, sir; I have examined it. I can not find that it affects this question materially, and I will refer to it hereafter. I now read the syllabus in the case of the *Thompson*:

1. Prize courts properly deny damages or costs where there has been "probable cause" for seizure.

2. Probable cause exists where there are circumstances sufficient to warrant suspicion, even though not sufficient to warrant condemnation.

Mr. HOAR. The Senator will allow me to interpose there to say that I had reference in my question not only to the principle of the liability of seizure to be defended or justified by probable cause, but to the liability of search. If Spain has a colony that she is not at war with, but with which she has only some local disturbances, and attaches a United States vessel on the high seas, she has no more right to enter with that vessel than she has to enter the port of New York, even if she can show absolutely that what was on board was destined for her insurgents, unless it came within the 3-mile limit of her shores. But if she is at war, then she may search every American vessel at her discretion on the high seas. There is

no question about her right to stop the *New York,* as I understand it, at her discretion. She may stop the *New York* or the *Paris* on the high seas whenever she deems that the vessel is designed to aid the party that might be at war. That is my point.

Mr. WHITE. I appreciate the question addressed to me by the Senator from Massachusetts and am disposed to agree with him.

Mr. MORGAN. I beg leave to say that I differ totally with the Senator.

Mr. WHITE. I do not understand the position of the Senator from Alabama, and I should be glad to hear him state it.

Mr. MORGAN. Vessels approaching the ports, whether blockaded or not, of one of the belligerents are liable to search for the purpose of ascertaining whether they contain contraband of war. That liability, however, is regulated by the treaty of 1795, which prescribes the particular manner in which the search shall be made, and excludes Spain from the right of search, even when the ship is passing along the three-mile limit, unless she has contraband on board.

Mr. WHITE. Does the Senator mean to state that the treaty excludes Spain from the right of searching any vessel?

Mr. MORGAN. I do not; but conditions are provided by treaty which are not in accordance with international law.

Mr. WHITE. I do not intend to conclude this evening, and as a copy of the treaty is not before me at this moment I will defer a critical examination. At all events, taking the limitation suggested by the Senator from Alabama, the right of search does obtain within a restricted area, at least. There is no doubt about that?

Mr. MORGAN. No.

Mr. WHITE. In the next place, Spain can, in the event of our declaration of neutrality, blockade her ports. There is no dispute as to this. Then any American citizen on the Island of Cuba today who is injured, who loses his property by reason of insurgent raids, may have the basis for such a claim as Mora successfully asserted and collected. But this will not be the rule if after belligerency is declared and neutrality proclaimed the damage is suffered. Whatever may be the effect of the liberal treaty referred to by the Senator from Alabama, I think it will be found that the inconveniences to which our commerce would be subjected in the event of a proclamation of neutrality would be many and great.

I will now make a few observations as to the rights of the Cubans in revolt to purchase contraband material here.

When the late Chilean war was in progress the Junta, or anti-Balmacedan party, occupied the same legal position with regard to the United States as do those who claim to represent the Republic of Cuba. They were unrecognized. They had sought recognition without avail. Therefore the situations may be considered parallel. Under such conditions the Junta sent a vessel to San Diego and there were placed upon her, within the jurisdiction of the United States, rifles, ammunition, etc. The vessel sailed with that cargo to Iquique. The munitions of war had been purchased in New York and had been transported across this continent and placed upon a schooner in the harbor of San Francisco and sent thence to Clemente Island, situated within California waters. The United States sent the cruiser *Charleston* to Iquique and took the *Itata* and cargo back to San Diego and libeled her under the provisions of the Revised

Statutes upon which this Government now relies in the matter of the prosecution just established in New York. The parties who purchased the arms were arrested and brought to trial. Here, then, is an analogous case, a case upon all fours with that presented when the Cubans send an ordinary merchant ship to this country to buy war supplies for home consumption. Yet the district court of the United States, and afterwards the circuit court of appeals, decided that the *Itata* and those who manned her were innocent and were not amenable to any of the neutrality laws of the United States, and that the Chilean insurgents had a right to buy and take away the coveted consignment. In that case it was determined that the Government could only prosecute the defendants under the provisions of sections 5283 to 5286 of the Revised Statutes, which refer to neutral duties, unless they could be treated as pirates, a proposition impossible under our departmental rulings. It was intimated, but not decided, that there is no Federal statute under which mere unrecognized factions can be punished. This *quaere* was incidentally made by Judge Ross, who tried the case at *nisi prius* (United States *vs.* Trumbull, 48 Federal Reporter); and a similar hint was thrown out by Judge Brown in the *Carondolet* (37 Federal Reporter). There are expressions in Gelston *vs.* Hoyt (3 Wheaton, 245) and United States *vs.* Quincy (6 Peters, 445) to the same purport. The case, however, was squarely settled upon the merits, and the effect of the adjudication is that recognition of either belligerency or independence is not essential to justify trade in contraband merchandise.

President Harrison, in the message. to which I have already alluded, in commenting upon that decision said:

> A trial in the district court of the United States for the southern district of California has recently resulted in a decision holding, among other things, that, inasmuch as the congressional party had not been recognized as a belligerent, the acts done in its interest could not be a violation of our neutrality laws. From this judgment the United States has appealed, not that the condemnation of the vessel is a matter of importance, but that we may know what the present state of our law is, for if this construction of the statute is correct there is obvious necessity for revision and amendment.

While, as I have remarked, the lower court did not, as stated by Mr. Harrison, base its decision upon that ground, and the message is incorrect to that extent, nevertheless such was the intimation. No action was taken by Congress pursuant to the Presidential request; no legislation was had amending the provisions of the statute cited or making the penal provision applicable specifically to mere insurrectionists. These rights with reference to trade have been long recognized. No one stated the law more plainly than Judge Story in "The *Santissima Trinidad*," 7 Wheaton.

But if it be true that the insurgents in Cuba have the same right to procure arms and supplies under the present condition of affairs as they would if the United States recognized them as belligerents, where is the vast importance attributed to this recognition? What privileges would they thus obtain? Outside of a certain moral advantage the sole theoretical benefit would be a curtailment of the rights of Spain. As it is now, the insurgents have no national status and Spain is not prohibited from coming to our ports and arming her vessels, and she may fit out military expeditions here or take any steps competent to her in normal times. In the event of recognition Spain would be also liable under our neutrality statute.

That is one advantage which would accrue to Cuba in consequence of belligerency. But practically what would this amount to? Spain is not engaged in fitting out expeditions in this country. There is no sympathy for her here. She can procure no men to enlist in her cause; she can obtain no aid and comfort in America. She may, like her foes, buy supplies and arms in our market, but that is her right in any event. Thus it will be seen that but little benefit can follow even effective action for recognition.

What potency accompanies any resolution we may adopt? We all desire to see Cuba liberated, but how can she achieve her independence except through her own efforts? If our Government were not careful in the enforcement of her neutrality laws, perhaps the insurgent cause might advance more rapidly. If these people were more carefully advised there would not, I am persuaded, be serious difficulty in getting much-needed ammunition and other war material, but expeditions can not be fitted out here nor can men enlist for hostile service and arm ships in our waters for warlike enterprise. No one proposes that we shall declare war against Spain, and unless we do so the excited language daily repeated here is not appropriate.

Mr. President, our wishes are for Cuban freedom, but can we accomplish this by mere naked declaration? Senators have condemned Spain and have criticised her policies with severity, but all this is futile. We should appreciate the truth that we can not peaceably, or with due respect for international obligations, go further than sympathetic expression. If the President determines to announce that the Cubans in revolt are entitled to the rights of war they will still be subject to sections 5283-5286 of the Revised Statutes of the United States. This would be true if Cuban independence were recognized by us and must remain true while war lasts. Our declaration of neutrality itself implies that we will vigorously enforce the law as against all parties to the contest. We are in honor bound to do so. It is well to keep these facts before us. All should remember that in no way can we relieve the people of Cuba from the effect of our neutrality laws unless we boldly deny Spain's right and ourselves take charge of the issue and declare war.

[At this point Mr. WHITE yielded for a motion to proceed to the consideration of executive business.]

Thursday, February 27, 1896.

Mr. WHITE. Mr. President, when the Senate adjourned yesterday I was endeavoring to state the respective legal rights of the parties combatant in Cuba, as I understood them, and the effect of recognition. In the course of the afternoon the Senator from Alabama [Mr. MORGAN] called my attention to the treaty entered into by this Government with Spain in 1795 and to its effect upon the commercial relations of the two countries. Since that time I have examined that convention with some care, and find in it three articles of much importance, viz, the fifteenth, the sixteenth, and the seventeenth. They are lengthy, and I shall not read them throughout.

Article 15 provides that it shall be lawful for the subjects and citizens of both countries to trade with belligerents, and with those who are enemies of both, without any opposition or disturbance except in matters contraband.

Article 16 enumerates the merchandise, etc., which shall be considered the subject of legitimate trade.

Article 17, which I take to be the particular article alluded to by the Senator from Alabama, provides as follows:

To the end that all manner of dissensions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

The article then continues and provides the essentials to be contained in such passports, and it is provided that:

It is likewise agreed that such ships being laden are to be provided not only with passports as above mentioned, but also with certificates containing the several particulars of the cargo, the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form. And if anyone shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so. Without which requisites they may be sent to one of the ports of the other contracting party and adjudged by the competent tribunal, according to what is above set forth, for all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

Were this stipulation possible of enforcement it would amount to this: That if a vessel of the contracting parties possesses the passport provided for no further search or inquiry can be made, because the passport is made conclusive. However, I find upon investigation that the United States Supreme Court rendered a decision to the effect that this article is wholly nugatory, for the reason that the passports mentioned are referred to in the article as though the form for the same were annexed to or set forth in the treaty, but, in consequence of carelessness no doubt, the required form is not annexed.

The Supreme Court decision to which I allude, and which I shall not read, as it is lengthy, was written by Mr. Justice Story. It is entitled "The *Amiable Isabella*," 6 Wheaton, page 1. I read from the syllabus, which seems to be fully authorized by the opinion:

The seventeenth article of the Spanish treaty of 1795, so far as it purports to give any effect to passports, is imperfect and inoperative in consequence of the omission to annex the form of passport to the treaty.

Quaere.—Whether, if the form had been annexed and the passport were obtained by fraud and upon false suggestions, it would have the conclusive effect attributed to it by the treaty?

Quaere.—Whether sailing under enemy's convoy be a substantive cause of condemnation?

By the Spanish treaty of 1795 free ships make free goods; but the form of the passport by which the freedom of the ship was to have been conclusively established, never having been duly annexed to the treaty, the proprietary interest of the ship is to be proved according to the ordinary rules of the prize court, and if thus shown to be Spanish, will protect the cargo on board, to whomsoever the latter may belong.

Therefore, while it was no doubt within the contemplation of those who agreed to this treaty that a passport should be conclusive, and no further search be permitted, it seems that the liberal purpose entertained failed of accomplishment by reason of the clerical omission referred to. This is not of any grave importance, and I merely allude to it as a matter connected with the history of the treaty.

Mr. FRYE. Mr. President ——

Mr. WHITE. I yield to the Senator from Maine.

Mr. FRYE. I desire to ask the Senator where passports for ships are provided for? Does the Senator know?

Mr. WHITE. In article 17 of this treaty.

Mr. FRYE. Is there any provision of our statutes, to which the Senator can refer, which provides for passports for ships?

Mr. WHITE. There may be, but if so I have not the provision in mind.

Mr. FRYE. The treaty in referring to passports makes no reference whatever as to whether it is a passport provided by general law, or whether it is a special passport.

Mr. WHITE. Yes; it says: "Which passport shall be made out and granted according to the form annexed to this treaty." Judge Story says that the Supreme Court can not make a treaty, and that as there is no form annexed to the treaty, and that as the treaty called for a certain form and no other, and as such form does not exist, the whole article must be held inoperative. If the Senator will read the argument by counsel and then the opinion by Judge Story, he will find an exhaustive and interesting discussion. I do not care to read it at this time.

Mr. FRYE. I simply asked the question for information, because the Committee on Commerce have reported a bill for the repeal of the section which provided in certain cases for passports for ships, and my own impression was that it was not the passport to which that treaty referred; and I wished to know whether it was or not.

Mr. WHITE. There is a note in the official edition of the treaty showing the peculiar situation of the case. It is as follows:

> The form of passport referred to in this article is not annexed either to the original treaty signed by the negotiators, or to the copy bearing the ratification of the King of Spain, on file in the Department of State. See "The *Amiable Isabella*" (6 Wheaton's Reports, 1). It is remarkable, however, that to the Spanish version of the treaty, in volume 2, page 429, of "Coleccion de los Tratados de Paz," etc., published at Madrid in 1800, "de orden del Rey, en la imprenta real," there are annexed two forms in Spanish for passports; one for ships navigating Europeon seas, the other for those navigating the American seas.

Mr. President, I stated during my argument yesterday that certain rights in reference to the purchase of arms were possessed by these insurgents in common with the rest of mankind, and that there was no law, and is none, and never has been, which prohibits a manufacturing company in the United States from selling arms to anyone who may come to purchase the same, and I referred to the several decisions, conclusive, as it seems to me, upon this proposition. I will add one or two more expressions of jurists on the subject.

During the Mexican war, the Maximilian difficulty, Mr. Speed, our Attorney-General, in an opinion to be found in 11 Opinions of the Attorneys-General, page 451, says:

I have the honor to acknowledge the receipt of your note of the 23d of March, together with a copy of a letter from Mr. Romero, the minister of the Mexican Republic. Mr. Romero says that he has been informed that agents of the "usurper Maximilian" have purchased in New York 5,000 muskets, and that they are to be shipped to Vera Cruz, not "as private property, but for account of the said usurper." Mr. Romero asks that the shipment be not allowed. You ask my opinion, whether there is any law or regulation now in force prohibiting the exportation of arms for the account of any person, whatever be his political designation, real or assumed, or of any Government.

This question is fully answered in my opinion delivered to you on the 23d day of last December—

Referring to an opinion to be found on page 408 of the same book which is also relevant here.

The opinion of the 23d of December was given upon a complaint of Mr. Romero that General McDowell, commanding the military department of California, had prohibited the exportation of arms or munitions of war by the frontier into Mexico. That opinion is to the effect that General McDowell's order was unlawful.

I can perceive no difference in principle between that case and this. So far as neutrals are concerned, belligerent parties are equals.

I know of no law—

He continues — and here is the pertinent proposition —

or regulation which forbids any person or government, whether the political designation be real or assumed, from purchasing arms from citizens of the United States and shipping them at the risk of the purchaser, etc.

Mr. President, if an ordinary merchant vessel were to visit the city of New York, sent there by the insurgents and manned by a regular crew, a cargo of war supplies might be purchased and taken away, as was done in the case of Chile, without any infraction of any law of the United States. Such is the conclusion of the United States circuit court of appeals in the *Itata* case (56 Federal Reporter, 505; *id.*, 49, 647; United States *vs.* Trumbull, 48 *id.*, 90) already mentioned, and is the legitimate result of the other authorities which I have cited.

This principle has been referred to by many international law writers. I will furnish some references:

Vattel, Law of Nations, edition 1883, page 338; 2 Ferguson's Manual of International Law, sections 229, 230, and 263; Hall on International Law, third edition, pages 80, 612, 613; Wheaton's International Law, third edition (Boyd), pages 583, 595, and 653; 1 Opinions Attorneys-General (Lee) 61; *id.* (Bush), 190; 7 *id.* (Cushing), 122; 11 *id.* (Speed), 408, 451; 2 Wharton's Criminal Law, section 1903; 3 Wharton's International Law Digest, section 391, and numerous precedents there given; Twiss's Law of Nations, 296, cited 11 American and English Encyclopedia of Law, 478; Kluber Droit des Gens., section 288, cited 11 American and English Encyclopedia of Law, page 478; The *Santissima Trinidad,* 7 Wheaton, 283; The *Florida* (a Cuban insurgency case), 4 Ben., 452; View of Secretary Evarts, 3 Wharton's International Law, 515; Pickering, Secretary of State, 1 American State Papers, page 649; Hamilton, Secretary of Treasury, 1 American State Papers, page 141; The *Carondolet,* 37 Federal Reporter, 800; 1 Kent's Commentaries, 142; The *Bermuda,* 3 Wallace, 551.

I mention these cases simply for the purpose of showing that while it will be pleasant for those of us who sympathize with the

Cuban cause to learn that the President of the United States has found that the evidence justifies according belligerency to the Cubans, still that such proceeding upon the part of the Executive can not be followed by any direct substantial advantage in a legal sense. There may, as I have observed, be resulting encouragement, but there will also be greater determination on the other side of the issue.

I think that I have already said what must be plain to all, that while the right of trade exists within the limits defined, still the insurgent vessel or the ship containing contraband is subject to capture and confiscation by the enemy.

I know it has been said — and my remarks upon this branch of the subject would not be satisfactory even to myself if I did not allude to it — that the United States may treat unrecognized insurrectionists, such as these insurgents, as pirates, and there is at least one Federal decision so holding; but the important proposition is whether this Government would so treat revolutionists. Mr. Cleveland has made a record for himself on that subject, and I think the State Department has settled the matter conclusively. After the decision to which I have alluded, wherein it was held that an unrecognized insurgent might be treated as a pirate, Mr. Wharton wrote a very learned and very elaborate and extremely satisfactory article, which was published in 33 Albany Law Journal, commencing on page 125, and from which copious quotations are made in his Digest, denying the correctness of the court's view. He cites a message of President Cleveland sent to Congress on December 8, 1885, with reference to the Colombian difficulty. The President said:

> Pending these occurrences a question of much importance was presented by decrees of the Colombian Government, proclaiming the closure of certain ports then in the hands of insurgents, and declaring vessels held by the revolutionists to be piratical and liable to capture by any power. To neither of these propositions could the United States assent. An effective closure of ports not in the possession of the Government, but held by hostile partisans, could not be recognized; neither could the vessels of insurgents against the legitimate sovereignty be deemed *hostes humani generis* within the precepts of international law, whatever might be the definition and penalty of their acts under the municipal law of the State against whose authority they were in revolt. The denial by this Government of the Colombian propositions did not, however, imply the admission of a belligerent status on the part of the insurgents.

It is also shown by Mr. Wharton that Mr. Bayard, during the same Administration, on April 9, 1885, addressed a very clear and strong letter addressed to Mr. Ricardo Becerra, who was the Colombian representative in this city, in which he announced the same doctrine. Not alone did that administration so hold, but in 1883 Mr. Frelinghuysen prepared a communication, which can also be found in Mr. Wharton's article, in which he reached a similar result. His words are as follows:

> The expedient of declaring a revolted national vessel to be a "pirate" has often been resorted to among the Spanish-American countries in times of civil tumult, and on late occasions in France. At the time of the Murcian rising in 1873, the insurgents at Cartagena seized the Spanish ironclads in harbor and cruised with them along the coast, committing hostilities. The Spanish Government proclaimed the vessels pirates and invited their capture by any nation. A German naval commander, then in the Mediterranean, did, in fact, capture one of the revolted ships and claimed it as a German prize, but his act was disavowed. The rule is simply that a "pirate" is the natural enemy of all men, to be repressed by any and wherever found, while a revolted vessel is the enemy

only of the power against which it acts. While it may be outlawed, so far as the outlawing State is concerned, no foreign State is bound to respect or execute such outlawry to the extent of treating the vessel as a public enemy of mankind. Treason is not piracy, and the attitude of foreign Governments toward the offender may be negative merely so far as demanded by a proper observance of the principle of neutrality.

Mr. Wharton was deeply interested in the subject. He obtained the opinions of Calvo and other eminent publicists, all of which are fully noted in the publication just mentioned.

So, even if the Cubans were possessed of vessels and had any status upon the ocean, there would be no danger that they would be treated by this Government as pirates, and hence their legal condition is no worse now, as far as the laws of the United States are concerned, than it would be if their belligerency was recognized. All the neutrality laws would then be enforceable, and our Government would no doubt act accordingly.

Mr. President, there are some resolutions before this body with reference to the independence of Cuba. I desire to say at this point that it is a subject of regret that Cuba is not really independent. But that she is not independent is to me palpable. We have before us resolutions affirming belligerency, and now I learn we are also asked to resolve that Cuba is independent. These propositions do not seem to be very harmonious. The latter can not certainly in any event be properly adopted. It is settled, I think, by all authorities upon the subject that the independence of no people can be recognized by this or any other civilized nation until the disturbances, the real, vital disturbances, are practically closed, not entirely, it is true, but the case of the parent country must be desperate before an acknowledgment of independence is allowable. Under prevailing conditions a recognition of the independence of Cuba would be contrary not only to the precedents, but certainly would be in defiance of fact.

Mr. President, during the war of the rebellion we engaged in a very extensive diplomatic correspondence with France, Spain, and England; and anyone who will peruse the communications which passed between Mr. Adams and Earl Russell, and contrast the doctrines there laid down with some that I have heard announced here, will come to the conclusion that we are receding from our former position. While we undoubtedly did take an extreme stand then, we have never adopted any plan or theory which will permit the recognition of the independence of the Cuban people in their present situation.

The Senator from Alabama has very properly observed — and his remark was a conclusive answer to these resolutions — that the power to recognize the independence of a State is vested wholly in the Executive. That being the case, we will not, I hope, be so inconsistent as to adopt any resolution declaring that Cuba is independent. Our efforts should be confined now to expressions of sympathy and opinion, and these should be tendered in the hope that a friendly and satisfactory conclusion will be negotiated looking to Cuba's freedom. Independence is the final consummation desired. But that condition does not now obtain, and if it shall be otherwise the Executive alone can officially proclaim it.

Mr. VEST. Will the Senator from California allow me to ask him a question?

Mr. WHITE. Yes, sir.

Mr. VEST. Without in the slightest degree controverting the Senator's statement in regard to what has been the practice of the United States in recognizing a people struggling for independence, is it not a question exclusively with every nation to pass upon the fact whether a rebellion, as it is termed, is in a desperate condition; in other words, whether the mother country, Spain in this case, is able to suppress that insurrection, as they term it? Would we not be alone responsible to ourselves if we stated that we believed the President of the United States ought to recognize the independence of Cuba? Is there any tribunal, except the conscience of the American people, to which an appeal can be made in that case? And if I am correct — and I think I am — in that statement, then I should like to know from the Senator from California — for that is the practical question — whether he believes that Spain can suppress that insurrection, and whether he does not believe that the cause of Spain to-day with a view to that end is desperate?

Mr. WHITE. I find no difficulty in answering the question of the Senator from Missouri. Of course we are responsible only to ourselves. Undoubtedly so. That must necessarily be the case. We are not responsible to Spain. We are answerable only to our consciences. Our adhesion to the precepts laid down by publicists in this matter and our compliance with our own oft-repeated precepts must be voluntary. We so act because we think it to be right. A rule of conduct with reference to international concerns laid down by anybody, by any nation outside of our own, is not literally binding upon us, but I imagine we do not set ourselves up here as absolutely independent of all principle. We are bound only because we are civilized to an observance of those regulations and practices which enlightenment has dictated. We can not, I think, repudiate the views of the great masters of jurisprudence who have always commanded the respect of the law-abiding.

Our obedience to these righteous requirements can not be enforced by legal writs; moral coercion will suffice.

The Senator from Missouri asks me whether I do not think that the cause of Spain is desperate. Mr. President, I do not know. I sincerely hope that the people of Cuba will be successful in establishing a government of their own choice, but I do not know whether they will or not. The information which I have upon the subject is of a character not satisfactory to my mind. The Senator may believe the situation as to Spain to be desperate, but when we find Spanish power surrounding this island, when we find her in possession, apparently secure, of the centers of population, when we find that not a single port, not a single avenue of trade is in the control of the insurgents, that they have not a ship upon the ocean, that they have no commercial or international representation, I am far from believing that a point has been reached to justify a recognition of independence.

Mr. VEST. If my friend will permit me, it seems to me manifestly unjust in the determination of that which is the vital question in this whole controversy, and all the balance is leather and prunella, to ignore the one fact to which he does not allude, and that is that these same people, the Cubans, without having a ship upon the ocean, without being in possession of a single important port, successfully resisted the Spanish power for ten long years, and then only laid down their arms upon certain conditions — one of which was the

abolition of slavery in the island — which were immediately violated by the Spanish Government.

Now, if they could for ten years maintain themselves by force of arms against the Spanish dynasty without ships, without munitions of war except those that they manufactured themselves, why can they not now maintain the same sort of struggle until Spain is forced to admit, as she did before, that it is impossible to put down the insurrection? All those things must be considered together, and I submit to my friend the Senator from California that if we content ourselves with simply an expression of sympathy we had better drop this question, for it will be a miserable farce from end to end.

Mr. WHITE. The Senator from Missouri will recognize the fact that I have endeavored to show that the various resolutions which it is proposed to adopt will not have any substantial effect upon this struggle. I agree with him about that matter.

Mr. VEST. Does the Senator from California propose to state that if we now, by the act of both Houses of Congress, request the President of the United States to recognize the independence of Cuba ——

Mr. WHITE. I am not speaking of that resolution.

Mr. VEST. That is the resolution, and all the balance amount to nothing.

Mr. WHITE. The resolutions reported by the Committee on Foreign Relations are the matters to which I was addressing myself when I stated that the resolutions proposed to be adopted would not, in my opinion, have any substantial effect upon this struggle.

Mr. VEST. I agree with the Senator about that point.

Mr. WHITE. I attempted to illustrate it by showing the status of those people under a mere recognition of belligerency and their status as insurgents. Of course if we recognize their independence, and also that a war exists, which we would have to do, we would be compelled to maintain neutrality, and I do not know that they would derive a great deal of benefit from that. I have shown, I think, that Cuban rights as to trade would not then be materially different. Their independence might be acknowledged, and yet, if there is war, our neutrality laws would be in effect and would be of course enforced.

But, Mr. President, I have asserted, and I have no doubt the members of the Committee on Foreign Relations must have reached the same conclusion in view of the resolutions reported by that committee — the determination must have been made — that there is no precedent or policy justifying a recognition of independence at this time.

The Senator from Missouri reasons thus: He says that the Cubans maintained a war for ten years, which the Spaniards were unable to put down; that now, that they have carried on a struggle for one year or two years, they must be independent. I deny the conclusion. The premises do not warrant it at all. It is a matter concerning which no man can speak definitely without more information than the meager facts before us. To assert here by a resolution that the Cuban people have accomplished their independence when we know they have not accomplished it, when we know they are endeavoring to accomplish it, when we know they are making every effort to attain that condition, when we know that it is an unrealized

hope, would be to write ourselves down as anything but reasonable men.

Certainly a declaration of that kind would not have any satisfactory effect. It would be an announcement here in the form of a resolution of that which we should know is untrue. Some believe that Cubans are in a position to finally win. Personally I would rejoice to see them victorious, but to solemnly proclaim that they have already won is to do violence to the notorious fact that there is a bloody and fierce conflict in progress day by day in Cuba, maintained by the revolutionists against great odds.

Whatever substantial I can do within the limits of propriety and without violating rules established by this Republic, as well as by intelligent peoples everywhere, I am ready to perform, but I do not propose to vote for a resolution which expresses that which is untrue merely because my sympathies and feelings are aroused. It is idle to read any authorities in answer to a proposition such as that stated by the Senator from Missouri, who seems to desire to establish a precedent in this case against all others. If everyone has been in error, it is, of course, well to make the departure. I have already attracted attention to the language of Mr. Seward in his letter to Mr. Adams, wherein he pointed out the weighty responsibility assumed in the recognition of the independence of a new state. The subject was fully considered by President Jackson in the case of Texas:

Undoubtedly when Texas had achieved her independence no previous treaty could bind this country to regard it as a part of the Mexican territory. But it belonged to the Government, and not to individual citizens, to decide when that event had taken place. And that decision, according to the laws of nations, depended upon the question whether she had or had not a civil government in successful operation, capable of performing the duties and fulfilling the obligations of an independent power. It depended upon the state of the fact, and not upon the right which was in contest between the parties. And the President, in his message to the Senate of December 22, 1836, in relation to the conflict between Mexico and Texas, which was still pending, says: "All questions relative to the government of foreign nations, whether of the Old or the New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them not only to decide correctly, but to shield their decision from every unworthy imputation."—*Senate Journal of* 1836, page 54.

"The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility, but more especially so when such a state has forcibly separated itself from another of which it formed an integral part, and which still claims dominion over it."

And after speaking of the policy which our Government had always adopted on such occasions, and the duty of maintaining the established character of the United States for fair and impartial dealing, he proceeds to express his opinion against the acknowledgment of the independence of Texas at that time in the following words:

"It is true, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the Chief of the Republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is in appearance, at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic, under another Executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion. Upon the issue of this threatened invasion the independence of Texas may be considered as suspended, and, were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis would scarcely be regarded as consistent with that prudent reserve

with which we have heretofore held ourselves bound to treat all similar questions."

The right of the President to determine this subject was never denied, notwithstanding the anxiety of our people to acknowledge Texan independence.

Mr. Dana says (Dana's Wheaton, page 45, note) that the attempt to invade Texas was abandoned by Mexico before the United States acknowledged her independence. Similar policy was pursued regarding the South American Republics. The United States acted first, but not for many years "after long recognized belligerency and the practically unobstructed exercise by them of sovereign powers. Spain, separated by an ocean, had abandoned actual efforts for their reduction and only clung to a nominal right." (Dana's Wheaton, page 43, note.)

Mr. Adams wrote to Mr. Monroe in 1816 (1 Wharton's Digest, section 70):

> There is a stage in such (revolutionary) contests when the party struggling for independence has, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when the independence is established as matter of fact, so as to leave the chance of the opposite party to recover their dominion utterly desperate. * * * But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty.

We there acted in accordance with the fact. We recognized a condition of things which was patent to the world, plain, unmistakable; but not until we were sure of our position.

Now, there may be a mode by which we may actually accomplish the freedom of Cuba. If the Senator from Alabama [Mr. MORGAN] is correct that the announcement of belligerency means a declaration of war, that, perhaps, will settle the affair. We shall then possibly have enough on our hands. We have not been warlike in any new case during the last few days, but the future is promising enough. Why not wait until we complete the disbursement of the $87,000,000 recommended to be devoted to coast defenses?

I shall be guided in what I do and how I vote by my conception of duty, experiencing at the same time none but the kindest sentiments toward Cuba; but I will not be a party to the new departure favored by the Senator from Missouri [Mr. VEST], when in my judgment such conduct would be wholly unprovoked and unwarranted.

A concurrent resolution, by whomsoever offered or whatever it may contain, is nothing more than an expression of sympathy. As stated by the Senator from Missouri, it will not, and as I have attempted to show by its own force it can not, directly accomplish anything for Cuba. Nor would a recognition of independence be of material value. However, I am opposed to taking that step for the ample reasons which I will not repeat.

Congress has not hesitated upon other occasions to express an opinion as to Executive action, and may do so here. The sentiments thus uttered will be carefully and respectfully considered.

I have no doubt that the Administration is solicitous for Cuban independence. I believe that when the circumstances warrant it

decisive action will be taken. But the emphatic sympathy of Congress may hasten not only Executive action, but may, if properly done, have important indirect effect. But a declaration that there is independence would be considered everywhere as emotional and unfounded.

I prefer the resolution which I have suggested to any pending before the Senate. Some one has stated that in that resolution the Monroe doctrine is sought to be restricted. I think it is extended rather than curtailed. The words to which reference has been thus made are the following:

> While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government.

The phraseology criticised is that with reference to the non-interference of the United States. Mr. Monroe's doctrine was: "With the existing colonies or dependencies of any European power we have not interfered and shall not interfere." The proposition favored by me is that we shall not interfere unless our vital interests so demand. Hence my suggestion rather broadens the Monroe doctrine as announced by its author.

A Senator who has pressed with much force the pending independence resolution said that we might as well abandon the Monroe doctrine if we do not recognize Cuba; but if that doctrine has any application to Cuba at all it would seem that under it we must keep our hands off, because, as I have already said, Mr. Monroe's words are, "With the existing colonies or dependencies of any European power we have not interfered and shall not interfere." To this declaration we have very lately given our unqualified support.

In conclusion I reiterate that I shall support the resolution proposed by myself, or something similar, as a sincere expression of justified regard and hope. I shall not vote for a recognition of the independence of Cuba, first, because I do not believe that it is our function, without Executive participation, to recognize either the belligerency or independence of any nation; secondly, because I do not think that independence has been achieved within the rules mentioned or at all, and I am unwilling to declare that a certain condition exists when I know to the contrary.

HAWAIIAN CABLE AND ANNEXATION

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Friday, February 8, 1895.

The Senate having under consideration the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, the pending question being on the amendment reported by the Committee on Appropriations, on page 9, after line 8, to insert:

"CONSTRUCTION OF TELEGRAPH CABLE BETWEEN THE UNITED STATES AND THE HAWAIIAN ISLANDS.

"The President is hereby authorized to contract for the entire work of laying a telegraphic cable between the United States and the Hawaiian Islands and to direct the prosecution of such work whenever such a contract shall be made, and as a part of the cost of such cable the sum of $500,000 is hereby appropriated"—

Mr. WHITE said:

Mr. PRESIDENT: The question pending before the Senate has reference exclusively, as I understand it, to the propriety of appropriating $500,000 toward the laying of a cable to Honolulu, to whatever point upon those islands may be found desirable. Yet the discussion has broadened until there has been included not only the cable issue, not only the Hawaiian revolution, but also a variety of topics pertaining to annexation. The Senator from South Dakota [Mr. KYLE], who has just taken his seat, has even elaborately discussed the effect of missionary expeditions to the Hawaiian group, and has presented a far more delightful narration of the good that he asserts has been done than that which was afforded by his colleague [Mr. PETTIGREW].

Mr. President, if we trace the numerous controversies which have thus been tendered for investigation throughout their entire length and breadth, it is safe to say that this discussion will not terminate until the life of the present Congress expires. I shall briefly allude to two or three matters which have been debated rather fully, though not directly involved, and then shall say a word regarding the cable.

In the beginning permit me to observe that I see no reason to confound the submarine cable with other subjects. I see no reason for the conclusion that it is essential for us to favor the annexation of the Sandwich Islands, and to uphold Mr. Stevens and the missionaries in order to justify an inclination toward the construction of a cable. The propositions appear to me to be entirely dissimilar, and one does not at all depend upon the other.

In the first place, Mr. President, I will mention and comment upon the instructions which have been criticised by several Senators, and which were given by the Secretary of the Navy to Admiral Beardslee. Those instructions, so far as they are at all pertinent to this discussion, are worded thus:

Proceed with the United States ship *Philadelphia* with dispatch to Honolulu, Hawaiian Islands.

Your purpose as commander of the naval forces of the United States will be the protection of the lives and property of American citizens. In case of civil war in the islands you will extend no aid or support, moral or physical, to any of the parties engaged therein, but you will keep steadily in view that it is your duty to protect the lives and property of all such citizens of the United States as shall not by their participation in such civil commotions subject themselves to local laws, and thus forfeit their right in that regard to the protection of the American flag. An American citizen who during a revolution or insurrection in a foreign country participates in an attempt by force of arms or violence to maintain or overthrow the existing Government, or who aids in setting on foot a revolution or insurrection in such country, can not claim as matter of right that the Government of the United States shall protect him against the consequences of such act.

The attack upon these instructions was inaugurated by the Senator from Colorado [Mr. TELLER], who, I am glad to see, is in his seat at this time. After prolonged discussion it now seems that there is not as much difference between Senators as was at first manifested. It is disclosed that the real contention is what was meant by the instructions. I presume that no one will say that if an American citizen participates in an attempt to overthrow or maintain the Government in the Hawaiian Islands, and that long thereafter and as a consequence of his act some absurd and unprecedented penalty is sought to be visited upon him, he would be held to have forfeited his privilege as an American citizen to proper interference in his behalf. I apprehend that when Mr. Herbert used the language he employed he used it in the light of events which had taken place, and with which the whole country was then as now familiar. He was correct in assuming that strained interpretation would not be made by those whose conduct it was designed to influence.

I am not able to admit that any of the authorities which were cited by the Senator from Colorado to the slightest extent conflict with the obvious meaning of the rule laid down by the Secretary of the Navy. I find in a letter from Mr. Frelinghuysen, Secretary of State, to Mr. Lowell, dated April 25, 1882, cited in 2 Wharton's International Law, page 453, the following:

Its [American citizenship] assumption implies the promise and the obligation to observe our laws at home, and peaceably as good citizens to assist in maintaining our faith abroad, without efforts to entangle us in internal troubles or civil discord *with which we have not, and do not wish to have, anything to do.* When an American citizen thus conducts himself, whether at home or abroad, he is entitled to the confidence of his Government and active support of all its officials.

It will be noted that the Secretary at that time, in defining that conduct of the American citizen which entitles the person pursuing it to the protection of this Government, stated that such citizen must abstain from participating in internal troubles or civil discord. He drew no distinction between those who seek to maintain and those who endeavor to overthrow. We have a treaty with the Hawaiian Republic, that is, a treaty entered into with the preceding Government, and which is still in full force and effect, whereby our people are exempted from all kinds and descriptions of military duty. Hence, if an American citizen aids by force or violence either party to a Hawaiian revolution he does so without compulsion and at his own risk. Such is the rational reading and plain meaning of the instructions referred to.

Mr. President, I am free to concede that if the Government now in power in Hawaii chose to seize an American citizen and force him to render military service — to bear arms against his will — he would in such event forfeit nothing; but I do contend that if an American citizen sees fit to enlist under a foreign flag and to engage in war he is not protected from the consequences of that war — the reasonable, natural, ordinay consequences. I do not include remote consequence, cruelties, for instance, which a party successful in the conflict might attempt to impose, but I refer to the consequences commonly anticipated.

With this in view, I asked the Senator from Colorado, while engaged in making his remarks, whether he intended to maintain that if the Government of the United States found one of its citizens enlisted under the banner of Hawaii it was the duty of that Government to maintain and assist such citizen to the end that he might not be harmed in the progress of his military engagement. The Senator very promptly replied that he did not so contend. Thereupon it seemed to me that all the attacks upon these instructions necessarily fail, unless we are to give them the absurd reading that Mr. Herbert intended to advise that when an American citizen enters into the service of a foreign power any danger menacing him afterwards which might be but dimly traced to, or might find as its distant cause, his first engagement or the animosities thereby engendered, can not be averted by act of our Government. I do not understand that any such instruction was given, and under the circumstances of the case Admiral Beardslee can not so construe the language. Senators who do not view this matter as I do concede that an American joining the Dole forces may be slain in battle by revolutionists without the occurrence of any obligation on our part to save him. He may be shot down, they say, but must not be imprisoned. Revolutionists may kill him in conflict, but they can not capture him; or if they do capture him he must be released at once, to rejoin, no doubt, the army of the Government he is endeavoring to maintain. It results that the revolutionist must avoid taking American prisoners. I fail to detect the logic of this argument.

Mr. President, all instructions, as well as court opinions, are given in view of the facts of the particular case. In the present instance this Administration had, as I consider upon ample proof, come to the conclusion that United States officers under the inspiration of Mr. Stevens had not abstained from mingling in internal contention as they should have abstained, and as matters were somewhat disturbed, the Government having been but recently threatened by revolution, it was not unnatural that the Administration should caution its officers against a renewal of antecedent interference and should enjoin upon Admiral Beardslee the propriety of preventing any service by the marines of the United States in the interest of either party to a civil conflict. History shows that timely warnings are necessary. Some military men go abroad anxious for excitement and not thoroughly versed in international obligations. The instructions are all right. When the present Government was in the formative process those who are now condemning Mr. Cleveland did not find it advisable to insist that it was wrong to support a revolution and a matter of duty to sustain the existing condition.

Mr. President, my friends upon the other side of this question have urged upon us during this debate, as they urged at an earlier

date, the propriety of the annexation of Hawaii. I do not propose to run over this matter in detail. In an address which I delivered here upon the 21st of February last I stated my views quite fully. However, in the light of the position which I am about to take with reference to the cable appropriation, I deem it well to anticipate any misunderstanding as to my position concerning annexation, and I shall very briefly reiterate what I have heretofore advanced against the carrying out of such a plan.

First, I am opposed to such annexation, because I believe that we are not in a condition to bring within our confines the elements which there exist. There are Europeans in Hawaii who would undoubtedly make valuable citizens if they saw fit to assume the obligations of that condition. The statistics furnished us vary somewhat; but I am willing to assume, and such must indeed be the fact, that a large majority of the Europeans upon the islands could qualify for citizenship. Much has been said in reference to the Portuguese who reside there. If these Portuguese belong to the class to which Portuguese citizens in California belong then I can assert with certainty that they would make valuable citizens and would contribute their proper share toward the maintenance and support of any Government and the advancement of the people. But when we put aside the European element, what do we encounter? What races constitute the preponderating population in these islands?

The Senator from South Dakota [Mr. KYLE] who spoke this morning stated — and I suppose he must know about it — that the native population has no will — the islander has no will of his own. The Senator gave this conclusion as a reason showing that we should not demand as a condition precedent to annexation the acquiescence of all the people, that the people were of such a kind and character that they had no judgment, no discretion, could not be charged with willfulness, and yet, singularly enough, he followed this with the statement that, as the net result of the visits and teachings of the early missionary, the natives had been elevated (?) to their present happy state. I think that the missionaries have done far more good than the Senator seems to imply by this declaration. I will perhaps concede that if the people of the islands are reduced to a condition where they have no wish, no will — are incapable of voluntary act — that they are happy; they certainly can not appreciate unhappiness. But will anyone contend that a population of that sort, whether it be a happy population or not, could be otherwise than detrimental to this Republic? Who desires fellow-citizens or neighbors thus constituted and disqualified?

Then we have the Japanese. It is said that there are now nearly 20,000 Japanese in Hawaii — though, according to the statistics furnished by Mr. Blount, there were, when the census upon which he relied was taken, but a little over half that number — but there are some 20,000 in the islands at this hour. There are likewise on hand almost as many Chinese. Mr. President, we have passed most drastic legislation against Mongolian immigration. We have endeavored to keep Chinamen away from the United States; we have affirmed that their presence is not only hostile to the best interests of this Government but may be positively destructive of it.

The PRESIDING OFFICER. Will the Senator from California please suspend for a moment, to enable the Chair to lay before

the Senate a message from the President of the United States, which the Secretary will read.

Mr. WHITE. Certainly.

Mr. BLACKBURN. Before the message is read I ask the unanimous consent of the Senate that at the hour of half past 2 o'clock to-morrow the Senate will, without further debate, proceed to vote upon the then pending amendments to the pending appropriation bill and upon the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that at half past 2 o'clock to-morrow the Senate proceed to vote on the amendments to the pending bill and on the bill? The Chair hears no objection, and it is so ordered.

The message from the President of the United States will now be read.

The SECRETARY read as follows:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a copy of a telegraphic dispatch just received from Mr. Willis, our minister to Hawaii, with a copy of the reply thereto, which was immediately sent by the Secretary of State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 8, 1895.

The PRESIDING OFFICER. The message and accompanying papers will be referred to the Committee on Foreign Relations and printed, if there be no objection.

Mr. FRYE. Let the dispatches be read, Mr. President.

Mr. HALE. Yes, let everything that accompanies the message of the President be read.

The PRESIDING OFFICER. The dispatches will be read.

The SECRETARY read as follows:

COOPER,

United States Dispatch Agent,

Post-Office Building, San Francisco, Cal.

Forward following by first steamer to A. S. Willis, United States minister, Honolulu:

If American citizens were condemned to death by a military tribunal, not for actual participation in reported revolution, but for complicity only, or if condemned to death by such a tribunal for actual participation but not after open fair trial with opportunity for defense, demand delay of execution, and in either case report to your Government evidence relied on to support death sentence.

Mr. Willis to Mr. Gresham.

[Telegram.]

HONOLULU, *January* 30, 1895 (San Francisco, February 6, 1895.)

Revolt over 9th. Casualties: Government one, royalist two. Court-martial convened 17th; has tried 38 cases; 200 more to be tried, and daily arrests. Gulick former minister, and Seward, minister, major in Federal Army, both Americans, and Rickard, Englishman, sentenced to death; all heretofore prominent in politics. T. B. Walker, formerly in the United States Army, imprisoned for life and $5,000 fine. Other sentences not disclosed, but will probably be death. Requested copies of record for our Government to determine its duty before final sentence, but no answer yet. Bitter feeling and threats of mob violence which arrival of *Philadelphia* yesterday may prevent. Liliuokalani made prisoner on 16th; on 24th relinquished all claims and swore allegiance Republic, imploring clemency for Hawaiians. Government replies to Liliuokalani, "This document can not be taken to exempt you in the

slightest degree from personal and individual liability" for complicity in late conspiracy. Denies that she had any rights since January 14, 1893, when she attempted new constitution. "Fully appreciates her call to disaffected to recognize Republic, and will give full consideration to her unselfish appeal for clemency" for participants.

ALBERT S. WILLIS.

Mr. HALE. Will the Senator from California allow me?

Mr. WHITE. Certainly.

Mr. HALE. Mr. President, nothing can so strongly emphasize the need of the most direct and swiftest communication between this country and the Sandwich Islands as the documents which have just been presented to the Senate. What events, tragic and melancholy, may occur before the dispatches which have been sent from the State Department to our minister reach him no man can tell. I should say that every Senator here, whatever may have been his feeling heretofore about the situation in the Hawaiian Islands and the controversies which have arisen, must now feel the deepest regret that the Government there, under whatever emergencies it may be, is subjected to any temptation to a line of ultra severity such as might not be sustained by the humane sentiment of the world. I only wish that the agitation of this cable project had come earlier, in order that the message sent by the Secretary of State to our minister might be communicated to the authorities of the Sandwich Islands, so that extreme measures, such as will not be justified by American sentiment, will not be resorted to.

Mr. FRYE. Will the Senator from California allow me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. WHITE. I yield to the Senator from Maine, as I did to his colleague.

Mr. FRYE. My colleague did not mention the fact that the date of this dispatch from Mr. Willis is nine or ten days ago or a little more, and that the dispatch has just reached here; and my colleague did not state, what is true, that the steamer for the Sandwich Islands sailed last Tuesday morning, I think, and that another will not sail for a week after, and that it will be ten days at least before that direction of the President of the United States to his minister will reach him, making about twenty or thirty days to get any notice, no matter how important the event, to his minister and from his minister. I think that emphasizes very distinctly the importance of a cable.

Mr. HALE. Undoubtedly.

Mr. TELLER. I do not wish to interfere with the speech of the Senator from California, but I hope he will allow me to say a word about the President's message ——

Mr. WHITE. Certainly. I have yielded to other Senators, and will not discriminate.

Mr. TELLER. I notice in the report of our minister that two of those people are spoken of as Americans. They are not said to be American citizens, and I should presume they are citizens of the Hawaiian Republic. I observe that in the dispatch which the Government sends to the minister they speak of the protection of American citizens. I know we have no right, treating those people as a nation, to say that they may not proceed against their own citizens, if their own citizens have committed crimes against their law, but I

think it would be well, and I should like to make that suggestion, for the Government of the United States to go to the extent of asking the Hawaiian Government to suspend all harsh operations, such as inflicting the death penalty even upon their own citizens, until the Government of the United States can confer with them with reference thereto.

Mr. President, we went through a great civil war, the greatest known to history, and we did not find it necessary to execute anybody when we got through.

Mr. HALE. Not a single man.

Mr. TELLER. Not a single person. I do not think the émeute, or whatever it is called, which has occurred in Hawaii will justify those people in the harsh methods on which they seem to have started. I hope the Government of the United States will take prompt steps to see that those people, although they may be citizens of Hawaii, are not executed in a manner that will shock the civilized world.

I do not know that we could afford to give any direction to the State Department, but if there are any members of the Committee on Foreign Relations present, and I see one before me, the Senator from Maine [Mr. FRYE], I should like to suggest that the committee consult the Department, and see if some suggestions can not be made by our Government in a friendly way, and in a proper way, to the Government of Hawaii to the effect that they do not proceed to the extreme measure which it is indicated in the dispatch from the minister that they may take.

Mr. SQUIRE. Will the Senator from California [Mr. WHITE] yield to me for a moment?

Mr. WHITE. I give notice that even unanimous consent on the part of the Senate will not get the floor again. I yield to the Senator from Washington, however. I shall be brief in what I have to say.

Mr. SQUIRE. With the permission and by the courtesy of the Senator from California I desire to ask the Senator from Colorado [Mr. TELLER] whether he is in favor of allowing the people who have been interfering with the existence of the Government in Hawaii to go absolutely untouched, free, or whether his distinction is that he wishes them to be tried by a civil tribunal and not by a military tribunal.

Mr. TELLER. I do not care how the Government there shall proceed. That has nothing to do with the question. When the Mexican people had obtained control of affairs in Mexico, and we supposed they were about to execute Maximilian, the Government of the United States intervened in a friendly way, and said "we do not think you ought to inflict the death penalty." That is all I propose that our Government shall say now. We can not say that the Hawaiian Government shall not punish those people; we can not say they shall not execute them if they see fit; but a suggestion from the Government of the United States will be followed. There is no danger of its not being heeded.

Mr. FRYE. But they can hang every American citizen in the Hawaiian Islands before we can get any suggestions to them.

Mr. TELLER. I am afraid that is true.

Mr. HALE. That we can not help.

Mr. TELLER. We can not help that until we get a cable.

Mr. WHITE. Mr. President, there is one feature of the Hawaiian controversy which should commend itself to those who desire protracted discussion, namely, that when a particular branch of the subject becomes threadbare we are invariably furnished with something new. I will say a word with reference to the dispatches which have just been read as soon as I conclude my summary of the annexation question.

When interrupted I was attempting to show the Senate that the population of Hawaii is not fitted for our affiliation. We have endeavored to exclude Chinese, and there are but a hundred and six or a hundred and seven thousand Chinese now in the United States. Yet it is proposed to acquire territory which contains a Chinese and Japanese population amounting to over 40,000 souls. It would not be beyond the truth to say that the Chinese and Japanese population which would thus be added to that of the United States equals two-fifths of the Mongolians within our borders. The people whom I in part represent have for years been striving to exclude this competition, and a few misguided individuals in different parts of our country have, because of the prevalence of a determined sentiment antagonistic to Chinese attempted to drive them away by violence. So dangerous to society had their presence become that both nations reached the conclusion that it was essential that Chinese immigration should be prohibited. When we reflect that such has been our legislation and such our history, without a break in the continuity of the story, it is manifest that it would be utterly inconsistent and even iniquitous to absorb the very elements against whose presence we have so long and so earnestly contended.

Why should we invite those whom we have driven away? Will the Chinamen from Hawaii be any better than the Chinamen who have come from Hongkong? The Japanese population of the islands is not of an exalted character. It is a coolie population. It is a population formed of the very lowest class of Japanese subjects, and yet Senators tell me that they are willing to bring within this Republic a serf contribution wholly incapacitated for intelligent government. The claim made by the present Republic of Hawaii, if it is such, is that all save the selected few are not fit to vote, and the argument of Mr. Stevens, when defending his course in a speech made in Boston, is based upon the assumption that the vast majority of the island inhabitants are grossly ignorant.

The Senator from South Dakota [Mr. KYLE] reiterates that statement today. He tells us that the natives have no will. They are perhaps human, made in the image and likeness of their Maker, but according to my friend the infusion of missionary principles has left the convert without the ability to think or to act pursuant to desire. Hence, it is urged they need not be consulted.

Are we, then, anxious for a population of that kind, even though it be true that the island soil is productive, even though it be true, as stated by the Senator from South Dakota [Mr. PETTIGREW], that all one has to do in the Hawaiian group to make a living is to plant a banana and steal a fish line?

Is it wise to annex territory thus inhabited? Have we not problems pressing upon us every day, appealing to us every hour with reference to the incapacity of many who are now in the United States? Do we not know that our immigration laws are being daily made stronger, so that we may be able to exclude those who

are not fitted by disposition, education, or surroundings to appreciatingly share in the blessings of that equal liberty which can be safely exercised only by men of sound mind and honest heart? Does anyone pretend to me that the presence of these people will add to our strength or our glory? Grant that the few who set up and maintain, and who in my opinion will maintain, that Republic are educated gentlemen, persons guided by the best of motives and possessing all of the qualifications for American citizenship; still the limited number can not be included without the presence also of the vast horde of incompetents. Mr. President, the undesirable element now here can not be augmented without increased peril.

Someone has suggested that the islands be annexed to the State of California. Mr. President, think of it! Islands as remote from the Pacific Coast as Ireland is from New York. Annexed to dominate our politics, to control our elections, to dictate who shall sit in our executive chair, who shall compose our legislature, who shall go to Congress! Where is the guaranty that none but qualified citizens shall vote? I am opposed to the annexation of any country within which the preponderating element of the population is ignorant, or criminal, or corrupt. I do not wish to see as a part of this Republic any land whatever where the vast majority are unlettered and unable to accurately and carefully weigh and truly decide the questions presented for their political adjudication!

These to me are determinative arguments. I can not avoid them. You may say that the Chinese and Japanese can not vote; you may, however unjustly, exclude the natives, but even then you do not meet the objection that I have urged against the incorporation of a community but a small portion of which knows anything of governmental affairs. Nor is it accurate to say, as stated by the Senator from Colorado [Mr. TELLER], that the doctrines of the Democratic party have always been in favor of foreign acquisitions. It is not true, either, that Mr. Jefferson ever advocated the annexation of territory circumstanced as is Hawaii. Mr. Jefferson, in a letter to President Madison, dated April 27, 1809, which can be found in the fifth volume of Jefferson's Works, page 443, in speaking of Cuba, said:

> It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it.

And so Mr. Frelinghuysen, at a later day, in stating the policy which had controlled our Government in this direction, said:

> The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent. Had the tendency of the United States been to extend territorial dominion beyond intervening seas, opportunities have not been wanting to effect such a purpose, whether on the coast of Africa, in the West Indies, or in the South Pacific. No such opportunity has been hitherto embraced, and but little hope could be offered that Congress, which must in the ultimate resort be brought to decide the question of such transmarine jurisdiction, would favorably regard such an acquisition as His Excellency proposes. At any rate, in its political aspect merely, this Government is unprepared to accept the proposition without subjection to such wishes as Congress and the people of the United States through Congress may see fit to express.

Thus has it been ever declared by our Department of State that it is contrary to our views of good policy to incorporate any section

which can not be well defended without a navy. As I have stated, Mr. Jefferson placed his adhesion to the Cuban proposition distinctly upon the ground that no navy would ever be demanded for its protection because of its proximity to the mainland. Yet, sir, it is sought now to acquire dominion over islands more than 2,000 miles from our shores — islands whose defense would necessitate the employment of an independent and powerful navy.

This is an issue of policy. There is no analogy, as supposed by the Senator from South Dakota [Mr. KYLE], in the Alaskan acquisition. Alaska is a part of the mainland, separated from us, it is true, by the British possessions, but I imagine there never will be a race inhabiting that land which will care to contend in arms with our nation, or with which any foreign nation will ever care to engage. Alaska is by nature equipped for self-defense and even exclusion. It is valuable to us, perhaps, because of the minerals yet unmined and the many other productions useful to man which were so well and specifically described by the Senator from Oregon [Mr. MITCHELL] in an elaborate and able presentation made here some days ago. But, however this may be, however difficult (and I recognize the difficulty of announcing any absolute rule upon a subject which after all is but a matter of policy), it is plain to me that it will add nothing to our dignity, our efficiency, our grandeur as a nation, or the liberties of our people to annex such a population as that which is contained within the Sandwich Islands.

Mr. SQUIRE. I should like to ask the Senator from California a question. I have listened to what he has read and what he has stated so earnestly and forcibly today with great interest, and I believe the subject is one deserving of very serious consideration. I ask the Senator whether the doctrine laid down by him and toward which he has brought the support of the great names he has adduced would have prevailed had the conditions existing at the present day in regard to vessels of the Navy, both the commercial and military marine, existed in those earlier days of the Republic. It is well known and understood now that vessels of war can not proceed upon long voyages without frequent coaling. The rate of speed required for such vessels in order to give them efficiency, and the distances they must traverse require that they shall have coaling stations. Now, this is a condition of things that did not exist when the Navy was composed largely of sailing vessels. The same is true in regard to the commercial marine in a great degree.

I ask the Senator from California whether the present conditions are not such as to tend largely to modify the doctrine he has laid down in regard to the acquisition of territory that can only be defended by means of an American Navy? Does he not conceive it essential to the very existence and efficiency of the Navy that we shall have coaling stations for the Navy, and is it not just as necessary to provide the means for the transportation of those vessels, the fuel necessary, as it is to provide the ammunition for the cannon they bear? Is it not just as essential that there shall be a requisite coaling station for the supplies of the vessels of our Navy as to have the ammunition that is carried to supply the guns that they bear for the purpose of action? Could we not in this respect profitably imitate the policy of the British nation, that great maritime power whose navy dominates the globe and whose policy in some other and less desirable respects receives such servile imitation by some

of our people — who can see nothing in the line of progress and development that should shape our policy, especially as to the tariff question, unless it be on the line of English ideas — yet those very people will not accept the example of England as to the necessary coaling stations for its Navy and for commerce. If we can not have our own coaling stations why expend millions of dollars per annum to build and equip a navy? I venture to maintain that the situation today is vastly different as to our Navy from what it was in the days of Jefferson, from whose works the extract has been quoted by the Senator from California.

Mr. WHITE. Is the Senator from Washington through?

Mr. SQUIRE I am.

Mr. WHITE. The question addressed to me by the Senator from Washington would be a very pertinent one were I speaking of coaling stations, and under our very liberal rules I presume I might discuss on the pending amendment coaling stations, or whaling stations, or any other stations. I will simply say incidentally, however, in response to the Senator's remark, that I presume there will be no difficulty in establishing coaling stations even if we do not own the places where such stations are located. In our partnership entered into with two monarchical governments we have managed to secure a station in Samoa, and I believe we have arrangements in Hayti to the same purport. We have also Pearl Harbor in Hawaii. However, if my friend from Washington will read the very able remarks of the Senator from South Dakota [Mr. PETTIGREW] upon this subject he will find that the coaling station which has been described so glowingly in the debates here does not amount to very much; that it is rather superfluous, and not even ornamental.

Concerning the remark of the Senator from Washington to the effect that the policy of Great Britain should be imitated in the matter of acquiring territory and not as to tariff legislation, I do not hesitate to affirm that I am not disposed to send our Navy upon a career of conquest or to do anything else opposed to our ideas of free government and to our notions of human rights. A study of the Declaration of Independence and the Farewell Address of Washington might be read with advantage. We are not discussing England's tariff laws, but I might say that we find much difficulty under our system in our efforts to divert from England the profitable commerce of the world.

I might, in further response to the Senator from Washington, urge that if the very distinguished men whose views I have read had had before them the prevailing Hawaiian conditions they would have strenuously protested against annexation. Moreover, in Jefferson's and even in Marcy's time little was known of the embarrassments of Chinese immigration; the sharp and ruinous competition in labor lines which has resulted from the presence of Mongolians. The numerous questions now before us concerning which labor and capital play so prominent a part were then but casually considered. Many economic problems most difficult to solve have come to the front within a recent period.

To conclude this branch of the subject and to summarize: I am antagonistic to the annexation of the Hawaiian Islands because of their remoteness and more particularly because of their undesirable population. I am unwilling to introduce a political factor of that

sort within the United States. I do not intend to aid in permitting Hawaiian precincts to control California elections.

Now, Mr. President, the cable issue is not necessarily dependent for its solution upon our ideas of annexation, or upon our views of coaling stations; but whether we should have a cable connecting this country with the Hawaiian Islands is a matter that should be determined upon commercial considerations and in view of commercial developments, and also because of the desirability of speedy and independent communication with the Orient. I know that the people of California are in favor of this project. It is the general desire in that part of the Union that there should be telegraphic connection with Hawaii now, which will lead, I believe, to an extension ultimately to Yokohama. The city of San Francisco is very nearly on the same parallel with the city of Tokio. The most direct route from San Francisco to Japan lies, of course, north of Honolulu. It is some 2,080 miles from one port to the other. But a cable laid to the Hawaiian Islands and thence to Asia would be of vast utility. It is true that such a scheme involves the expenditure of much money. If the Committee on Appropriations considers that at this time we can afford to inaugurate such an enterprise — and such is the effect of that committee's amendment — I shall not object. I do not consider, as I have said, that the cable and annexation plans are at all interdependent.

We have now no telegraphic communication with Asia except such as we are able to enjoy at the option of other nations. If we owned an Asiatic cable profitable arrangements could be made with Russia and Great Britain with reference to European and Australian business.

A short time back our friends of the other side, who always criticise the President, informed us that the proposition contained in the recent message with reference to the landing of Great Britain's cable at Necker Island should not be countenanced; that it was another diplomatic blunder, etc. The Senator from Connecticut [Mr. PLATT] read the remarks of the President of the United States upon a former occasion with reference to cable communication with Honolulu and there was nothing therein at all antagonistic to the present programme. I desire to call attention to the fact that when Mr. Cleveland has recommended the adoption of a policy differing from that desired by the Government at Honolulu he has been attacked for so doing; and in the present instance, when he asked the Senate to acquiesce in the request of that infant Republic, to do that which the Dole cabinet has requested, he is again made the subject of animadversions. Let us be consistent.

I think that the message of the President in that connection speaks for and justifies itself. Congress had made no effort to lay an American cable. Congress has heretofore done nothing indicating any disposition to connect with the islands. Under these conditions we are asked to waive our right to object to the granting of England's request.

Mr. President, I do not imagine that the Government of the United States will go to pieces if the additional commercial facilities tendered by Great Britain are furnished. I do not believe that any vast advantage will accrue to England if she is allowed to land her cable as designed, so far as any trade competition between that Government and ours is concerned. I think it is absolutely certain,

because of the location of the Hawaiian group with reference to the United States, that their commerce must come to the western coast of this country. Self-interest on the part of the islanders requires it. Certainly, while our present treaty with reference to sugar matters exists it is plain that, cable or no cable, we will continue to dominate commerce there. But I agree that the cable will be beneficial. I am confident that with the extension to which I have referred we will profit by the work. The illustration given today is very significant. If such a line existed we would be able to determine in short order whether it is our duty to interfere in the cases of those reported to have been condemned by an autocratic military tribunal.

While such reasoning might be invoked with reference to any country in which an emergency has suddenly arisen, that fact would not lessen our satisfaction were we able to enjoy telegraphic intercourse at this moment.

However, the commercial advantages which will ultimately attend the construction and extension of a cable system to Honolulu are such that I do not feel justified in opposing the appropriation, and I intend to vote for it. I concede that it will require a great outlay to complete the project, but I rely upon a corresponding benefit.

I have not overlooked the constitutional objections which were so fully urged here with regard to Nicaragua and have been repeated in this debate. I do not wish to add to the argument I used in consideration of the canal bill. I do not believe that there is any justification for the theory that we have not the power to thus guard our commercial and governmental interests. We can extend our commercial relations, we can lay a cable wherever we find it essential to do so. The legislative department has the jurisdiction to do whatever will extend, advance, and regulate our commerce and increase our capabilities for common defense.

I concur with Senators who have stated that this is a nation vested with full power as such. It is not half a nation or two-thirds of a nation. We can not afford to place the Republic in an inferior position as contrasted with the great powers of this world. Every American citizen would shrink from such an attempt, and would warmly repudiate such a conclusion. To concede otherwise would be to say that there is somewhere another Government which is more powerful, self-respecting, and enlightened than ours; and more nearly competent to so administer public affairs as to promote the permanent happiness of the people. No such doctrine can ever have my support. Nor do I find any justification for such a theory either in the language of the Constitution or in the interpretations of Chief Justice Marshall, which have become crystallized into permanency by the passage of time and the experience of intelligent patriots.

Mr. President, the message which has just reached us, and which recites the sentences of a military tribunal in Honolulu, discloses a deplorable condition.

I know that my humane friend from South Dakota [Mr. KYLE], who addressed us this morning, and spoke of the soothing influence of missionary contact, will be somewhat horrified when he discovers that the characteristics of barbarism have been thus early disclosed in the first struggle for power by the newly constituted Republic. Undoubtedly any Government making any claim to be

such, assumes the right to enforce law, and may visit extreme penalty upon those who by violent overt act dispute its nationality and seek to possess themselves of dominion and supremacy.

But, Mr. President, as was well stated by the Senator from Colorado, the United States passed through an unexampled civil war, and did not find it necessary in a single instance to resort to the imposition of the death penalty for traitorous conduct. I can not believe that the sentences which have been thus announced have been imposed with intent that they shall be carried out. The letter of the law has been probably adopted and commutations will no doubt follow. I do not think that these sentences mean any more than the expression upon the part of those in authority that they have the power to do those things which nationality implies whether represented by a king, a president, or what not. I will not tolerate the thought that anyone who has the slightest conception of free government would under such surroundings convict and execute by wholesale. Mr. Dole's position is such that he can not afford to be otherwise than merciful. When the Queen was deposed, and when she made a threat which the country construed into an intimation that she would execute those who had risen against her if she became once more possessed of the throne, all denounced her as bloodthirsty. There is not a Senator in this Chamber and no one connected with this Government who would not, had she made such an attempt, have used all proper effort to prevent the carrying out of her resolve.

Mr. President, I do not hesitate to say that I would most cheerfully vote for a resolution expressive of the opinion of the Senate that those who have been taken into custody by the Hawaiian Government and who have been thus sentenced should be dealt with leniently. In view of the unsettled conditions prevailing, in view of the infirmities of human passion, having regard to the future of the Republic, the authorities of Hawaii should not be hasty. An enduring republic must be builded upon something more solid than a foundation laid in blood, even though it be the blood of the revolutionist who but a few months past was the representative of a Government overthrown by the men who now render judgment.

Mr. President, these occurrences are regrettable. It is to be hoped that in the midst of this disturbance wise counsels will prevail, that the abdication of the Queen, her written and formal renunciation, will prevent further disorder. The Dole Government must be aware that resistance is over and that ultimate punishments are not required. Caution is ever to be observed in matters affecting human life, and an error now would have serious consequences. While we have no authority to affirm that a foreign government shall not enforce its laws, still, under the peculiar circumstances environing this subject, an intimation to Mr. Dole may not be amiss.

But, Mr. President, if those who have been sentenced are American citizens, if it be true that they were not actually participants in an attempt to overthrow the Government, or even then, if they have been tried and found guilty by a summarily organized revolutionary or military tribunal, trying them and passing upon their cases in the shadow of dangerous conflict — under either of those conditions I would certainly conceive it to be our duty to intervene and to investigate most closely before we withdraw our interfering hand.

The communication from the Executive today informs us that in accordance with the long-settled practice of this country a request has been made for information and notice given to withhold the consummation and carrying out of the sentence imposed. In any event this precaution is timely.

Mr. President, this occurrence has tended to increase interest in the cable proposition. I am persuaded that our commerce will be advanced by this expenditure. I appreciate that the large number of American vessels which call at Honolulu do not represent vast trade and that our commerce there is small as compared with that which we share with many other nations.

I repeat that we must in the end go further than Honolulu to find our justification for this disbursement as a business venture. But a commencement must be made, and I shall vote to begin now. Without Government aid a cable will not be laid from the United States. The Senator from Rhode Island [Mr. ALDRICH] accurately remarked that private parties can not be found who will make such an investment, as quick and large direct returns are not to be expected.

Mr. President, I trust that we will maintain the doctrine of non-interference in the internal affairs of Hawaii declared by a formal resolution of the Senate; that we will prevent foreign interposition. And I am convinced that the Administration will continue to take such action as may secure our citizens from persecution and maintain the foreign policy which wise precedents and good faith justify and require.

RULES OF THE SENATE

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

January 10, 1896.

The Senate having under consideration resolutions proposing certain amendments to the rules——

PARLIAMENTARY PROCEDURE OF THE SENATE.

Mr. WHITE said:

Mr. PRESIDENT: I desire at this time to offer a few remarks in enforcement of the position of those Senators who have heretofore insisted that there should be changes in the rules of the Senate looking to the more logical transaction of public business. I ask in this connection that Senate resolutions 14, 15, and 16, submitted by the Senator from New York [Mr. HILL], and Senate resolution 18, submitted by me, be read from the desk.

The VICE-PRESIDENT. The Secretary will read as indicated.

The SECRETARY read as follows:

Amendment intended to be proposed by Mr. HILL to the rules of the Senate, submitted December 11, 1895:

"*Resolved,* That subdivision 2 of Rule V of the standing rules of the Senate be, and the same is hereby, amended so as to read as follows:

"If at any time during the daily sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll, and shall announce the result, and these proceedings shall be without debate; but no Senator, while speaking, shall be interrupted by any other Senator raising the question of the lack of a quorum, and the question as to the presence of a quorum shall not be raised oftener than once in every hour, but this provision shall not apply where the absence of a quorum is disclosed upon any roll call of the yeas and nays."

Amendment intended to be proposed by Mr. HILL to the rules of the Senate, submitted December 11, 1895:

"*Resolved,* That Rule IX be amended by adding thereto the following section:

"'Sec. 2. Whenever any bill or resolution is pending before the Senate as unfinished business, and the same shall have been debated on divers days, amounting in all to thirty days, it shall be in order for any Senator at any time to move to fix a time for the taking of a vote upon such bill or resolution, and such motion shall not be amendable or debatable, and shall be immediately put, and if passed by a majority of all the members of the Senate the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be had at the date fixed in such original motion without further debate or amendment, except by unanimous consent; and during the pendency of such motion to fix a date and also at the time fixed by the Senate for voting upon bill or resolution no other motion of any kind or character shall be entertained until such motion or such bill or resolution shall have been finally voted upon.'"

Amendment intended to be proposed by Mr. HILL to the rules of the Senate, submitted December 11, 1895:

"*Resolved,* That Rule XII be amended by inserting an additional clause, as follows:

"'When upon a vote by yeas and nays is shall appear to the Presiding Officer, upon recapitulation and before the announcement of the result, that a quorum has not voted, he shall call upon Senators present who have not voted by name to vote, and shall direct the Secretary to add to the list of the Senators voting the names of the Senators present not voting, including those announcing pairs, or who may or may not be excused from voting, and to enter the same in the Journal; and if the whole number constitute a quorum, and it shall appear that a majority of a quorum (or two-thirds of a quorum where the Constitution prescribes a majority of two-thirds) has voted on either side, the question shall be deemed to have been determined, and the result shall be announced the same as if a quorum had voted.'"

Amendment intended to be proposed by Mr. WHITE to the rules of the Senate, submitted December 12, 1895:

"*Resolved,* That Rule XIX be amended by inserting at the end of paragraph 1 thereof the following: 'All debate shall be relevant and confined to the subject directly before the Senate.'"

Mr. WHITE. Mr. President, during the last Congress many resolutions suggesting alterations in the procedure of the Senate were introduced. Several were to the purport that Senators in addressing the Senate should be confined to the subject under inquiry; others that debates should be restricted; others that for the purpose of making a quorum every Senator actually present, or at least signifying such presence by announcing a pair or otherwise, should be counted.

So many propositions emanating from so many able sources ought to be enough, without further argument, to convince us that material departures from our present procedure must be desirable. Error long practiced is difficult of eradication. Habits grow upon us. The ability and public services of many of our members have compelled their return here time and time again. Pride, indisposition to retract opinions once expressed, unwillingness to accord to later generations the credit of improvement, have made it hard to effect reforms. More than this, the more venerable Senators have viewed as semi-sacrilegious the efforts of comparative novices to vary our fossilized processes. Perhaps it is hopeless to attempt the task now. However, I am somewhat encouraged, because not only is the twentieth century approaching, but I note that some of those who have heretofore opposed more businesslike methods have changed their views and are now anxious for revision.

The Constitution of the United States contains, *inter alia,* the following:

> Each House may determine the rules of its proceedings, etc. (Article 1, section 5, subdivision 2, Constitution.)

The rules now in existence, as far as mooted points are concerned, were formulated at a very early date, and I concede that the onus of showing a reason for alteration is upon those who seek to bring it about. This presumption might, indeed, be met and perhaps overcome by the admitted general demand, but as I will later on discuss the effect which the opinion of the public, and especially of our constituents, should have upon our acts, I will not now avail myself of this counter presumption. I shall endeavor to state generally the ground upon which I stand, and shall refer to analogous cases and to the variable and peculiar conditions which have brought about prevailing embarrassments. While there are cogent considerations

justifying many modifications, the principal defect, as I presume to term it, which should be remedied is the entire omission in our so-called rules to provide for the bringing of a subject to a vote otherwise than by unanimous consent; because as long as a Senator can stand up and talk, and read or have read, matters relevant and irrelevant, the question can not be put.

Next in grade descending is the recognition by the Senate of the ancient but not honorable fiction that a majority of the Senate may be in the Senate and yet no quorum be present, and that although a Senator may answer a roll call by stating that he is paired with another Senator, and although he may help to make the one-fifth of those present who demand a roll call, still, in conflict with his assertion of presence, we, with eccentric and patient indifference to the truth, rule that he is not here.

Then the Senate permits unlimited talk — discussion it is called — upon subjects absolutely and completely, entirely and obviously, foreign to the bill or question appearing by the record to be pending. It is interesting to know that at an early date the difficulties which now confront us were to some extent felt. We are informed by Mr. Schouler (History United States, volume 3, page 369) that Mr. Randolph during the last years of his public service was prone to wander from the actual question to which his remarks should have been addressed. In speaking of the Senate this author says:

> The decorum of this quiet Chamber was outraged as never before, and Virginia was mortified at the unseemly exhibition. As a thorn in the flesh of an unpopular Administration Randolph was not to be despised, and on this account perhaps Calhoun bore gently with him, watching from his chair the flow of poesy and vituperation which the rules of the Senate, so he alleged, forbade him to interrupt.

I find by referring to 30 Niles's Register, pages 146-147, that the Senate rescinded the then existing rule which vested in the President the appointment of the Senate committees and the supervising of the Journal, and Mr. Calhoun made an elaborate statement in connection with this action, and also concerning his jurisdiction to confine Senators to the subject of debate. His argument in part is thus expressed by the reporter:

> From this direction which the debate, in some degree, took, as well as from what has been said without these walls, it becomes, on this occasion, proper that I should state, for the information of this body, the construction that the Chair has put on the sixth and seventh rules of the Senate. They are in the following words:
>
> "When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; but if there be a doubt in his mind he may call for the sense of the Senate.
>
> "If the member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter."
>
> The Chair, said the Vice-President, has bestowed its most deliberate and anxious attention by night and by day on the question of the extent of its powers under a correct construction of these rules, and is settled in the conviction that the right to call to order on questions touching the latitude or freedom of debate belongs exclusively to the members of this body and not to the Chair. The power of the presiding officer on these great points is an appellate power only, and consequently the duties of the Chair commence when a Senator is called to order by a Senator. Whenever such a call shall be made, the Chair will not be found unprepared to discharge its only func-

tions in such a case—that of deciding on the point of order submitted. And the opinion of the presiding officer in relation to the freedom of debate in this body it will be time to declare when a question may be presented; but such as it is, it will be firmly and, I trust I may add, fearlessly maintained.

Mr. Schouler also writes that in the course of the next Congress, in 1828, the Senate gave to the Vice-President concurrent power in calling members to order, subject to appeal from his decision.

We all know that this prerogative is never exercised by either the Senate or Vice-President in so far as it refers to the obligation to keep within the limits of the question under discussion. Matters which are germain and matters which are not germain seem to be alike in order here. I believe that even under our rules, properly construed, Senators should be required to adhere to the question; but the contrary practice prevails, and will only be corrected by positive prohibition.

THE ANTIQUITY OF OUR RULES DOES NOT INHIBIT THEIR AMENDMENT.

In examining this question it is fair to admit that rules which have been in operation during such an extended period, and have been found frequently competent to discharge the functions for which they were designed, should not lightly be set aside. That a plan of action has been, for a period, found advantageous suffices, perhaps, to make out a *prima facie* case in its favor. This, however, is all that can be claimed. This is as much as the doctrine of presumption warrants. It must likewise be granted that no regulations sufficiently comprehensive to include the advanced requirements of an alert nation can be devised for all time. We can not photograph the future, or even comprehend it. However wise we may be, or however closely we may have studied that which has gone, we are not permitted to penetrate the mystery of that which is to come. The unexpected developments of an active world we can but partially forestall. The phonograph does not store the pronunciation of the sages, the heroes, the philosophers of antiquity. Ages unborn will hear the voices of Gladstone and Bismarck, but the tones of their predecessors in greatness must be ever absent.

To suppose that rules adopted in the days of the nation's infancy by her Senate will be sufficient for all exigencies in maturer hours is to expect that there is never to be any actual development; that our country must be monotonous and non-progressive. It needs no discussion to show that we are a go-ahead people; that we are fully alive to inspiring demands.

According to the census of 1800 the United States then contained 5,308,483 persons, and of these nearly one-fifth were slaves. It now contains a population but little less than 70,000,000. At that time Cincinnati contained, perhaps, 15,000 people. Buffalo was not laid out. There were a few cabins upon the site of Cleveland. Pittsburg amounted to little. Rochester did not exist. Boston contained a population of about 25,000; New York about 60,000, and Philadelphia, which then headed the list, some 75,000. Chicago was unknown. The great West was undeveloped. The vast resources of the Pacific Coast had been untouched.

The western frontier was located within the Empire State. The entire banking means of the United States in 1800 would not, as a contemporaneous historian has remarked, "have answered the stock jobbing purposes of one great operator of Wall street in 1875."

The same author tells us that in 1800 "the normal capital of all the banks, including the Bank of the United States, fell short of twenty-nine millions. The limit of credit was quickly reached, for only the richest could borrow more than fifteen or twenty thousand dollars at a time, and the United States Government itself was greatly embarrassed whenever obliged to raise money. In 1798 the Secretary of the Treasury could obtain $5,000,000 only by paying 8 per cent. interest for a term of years, and in 1814 the Government was forced to stop payments for the want of twenty millions."

It is perhaps accurate to say that the gross exports and imports of the United States at the dawn of this century did not more than balance at about $75,000,000. The States were few in number. This body was exceedingly small. When the Senate contained three or four dozen members, there was but little necessity for the enactment of stringent rules. There was no opportunity to filibuster. No chance was afforded to obstructionists for the retardation of public affairs.

Although it is true that civilization, with its varied social requirements, molded somewhat by climatic conditions, and influenced, too, by many other causes, has developed characteristics in one locality and among a certain set of men at a particular date, nevertheless, human nature is very much the same the world over and through the generations. The people of the United States had been governed under the English system. They had imbibed much of the hard sense and practical ideas which begot the common law. Moreover, the severe experiences of border life, the trials of war, and the demands of a new and unprecedented situation evoked love of country and smothered tendencies to indiscretion. Thus it came about that a country not then remarkably important commercially, offering but limited opportunity for the accumulation of lucre, sustained the most generally patriotic people who ever lived. This spirit has not become inactive, but many contentions which were entirely foreign to those who sat in this Chamber when the rules which I am attempting to consider were adopted are now urged upon us. It passes without saying that the development of the United States has induced many innovations and made imperative the enactment of numerous laws. The wisdom of our earlier Congresses, however marked, was not equal to the task of modeling statutes wide enough to cover the demands of 1895-96. Laws have multiplied until they have become so numerous that no one pretends to have more than a passing knowledge of the public and private bills which have become absolute rules of conduct. Our Constitution, the best result of the greatest wisdom of our predecessors, did not satisfy all necessities. Men who now sit here took part in changing that instrument and vitally adding to its prohibitions. These circumstances amply answer the claim that no revision should be made in the mere rules of a body which is itself constantly revising the statute law and sometimes aiding in the alteration of the organic instrument.

I assume that the causes which have made it necessary to add to or take from our Constitution, our statutes, our Federal and State systems must have made amendments to the Senate's procedure advisable. Apart from the concrete consideration of this topic, an intelligent stranger to the present discussion would doubtless say that if our rules are perfect, fit for unvaried endurance, the Senate must have been divinely organized and at all times acting in

accordance with a plan born in omnipotent wisdom, or else that such rules must be behind the age, partaking somewhat of those proofs of the existence of ancient marvels which are furnished by prehistoric formations, petrified forests, the remains of various monsters, etc. These physical reminiscences are important because they are extremely old and not available for present use. They form examples of that which has been, and are valuable for the scientific lessons which are taught from them. Our rules are too modern for display and too ancient to suit our purposes.

I do not wish it to be understood that our rules ever will become or have become so obsolete as to suggest their exhibition with Cleopatra's Needle. I merely advert to the possibility of their improvement. They are still capable of being read by the public, but can not, it seems, be understood in all regards, even here. During my limited incumbency I have noticed grave differences among our parliamentary Nestors as to their proper interpretation, and when such controversies have been submitted to the Senate, the solution has been accomplished along party lines, presumably because the safest course to pursue was that dictated by faith in tried and trusted leaders. But mutations which ought to affect about everything depending upon human intelligence have not interfered with these creations of the remote past to which the future is to be sentenced, because, Mr. President, I contend that in this regard we are behind the times; that it is our duty to be up and doing; that we can not hold the world back; that however great we may assume and presume ourselves to be we are atoms to be crushed if we seek to stay the march of intelligence; that we must either keep abreast of the chariot or be dragged at its wheels. These are propositions not susceptible of refutation. I would not change a rule merely for the sake of change; I would not alter one without a reason; but I would not retain a rule merely because I or my predecessor had made it.

We can not, I know, vary our conduct as the dictators of the fashionable world do their raiment, but when the test of thought confronts us ought we not seriously ask whether we, even we, may not be in error? The boys in the gallery many times suggest to the accomplished theatrical manager some defect in the acting or staging of his piece which the boxes have not detected. May it not be that those who have sent us here are right in their present criticism? "We owe it to ourselves," says one, "not to yield to public clamor. Let us take our time about it." This advice seems to be heeded. We are taking our time about it. Senators declare that we can always pass a bill if the majority wishes it to be passed. This may be true, but such passage is brought about only when the opposition is practically taken out on a stretcher. Such proceeding is not intellectual. While not novel here, it excites universal surprise everywhere else.

THE MAJORITY IS AT THE MERCY OF THE MINORITY.

Under our programme a single voice neutralizes, nay, vanquishes eighty-seven. Sir Boyle Roche would have said that one Senator outnumbers eighty-seven. True, a single Senator may be subdued, but no thanks to our rules for this boon. Give the credit to that nature which can not be conquered. Thus it afforded the relief which our rules attempt to negative. We can not overcome a single and determined oppos-

ing Senator until, his physical powers having weakened, we march to the roll call over his prostrate and panting form. Such procedure is not dignified surely, and if there is reason behind it no one has disclosed the same. If a sufficient number of obstructionists to order a roll call be present and a proper supply of positive Senators be here to watch and pray with their fellows — which must nearly always be the case in the great controversies now pending or plainly in sight or hereafter to occur — no vote can be reached until the minority so wills it. The more numerous Senators, the more need for firmness and positive regulation. We have now the largest Senate that ever convened in the United States, and the end is not yet. Let us look at this matter in the light of the present and consider the experience of the past. The tariff discussion in the last Congress furnished competent lessons. We sat here day after day and were treated to essays of enormous length, compilations, treatises, etc. Many of these were not listened to throughout by a single Senator beyond the member who had the floor, and except perhaps the Senator from Kansas [Mr. PEFFER], who listens patiently to everything. I am told that he has felt it to be his duty to harken with the hope of hearing that which might instruct, and I am also informed that he feels that his self-sacrifice has been but partially rewarded, and that after all his trouble he is ready to confirm the generally accepted theory that everything said is not relevant or manifestly instructive.

Mr. President, I witnessed during the last tariff discussion a Senator of great ability and long experience speaking in this Chamber when there were but four of his associates present. One was in the chair, and one was attentive. I marveled why it was necessary to talk under such circumstances. The fourth Senator was writing a letter. After a while an absentee strolled into the Chamber, and, with a desire to emancipate us, moved an adjournment, and the Senate adjourned, leaving the Chamber but slightly less agitated than it had been. Was this deliberation? Did the Senators who left the Chamber pending the argument, speech, or recitation leave to deliberate? Perhaps so — perhaps so. After certain religious instructions the auditors are remanded to solitude for reflection. Maybe those who leave while the lone member deliberates aloud do so to deliberate in silence.

In a note to the second edition of Brice's American Commonwealth (volume 1, page 116), it is said:

> One is told in Washington that it is at present thought "bad form" for a Senator to listen to a set speech; it implies that he is a freshman.

I had not heard of this, but our custom gives color to the theory that such is our faith.

The numerous calls of the Senate, the appearances and disappearances, the exits and entrances of Senators, summoned from the cloakroom and immediately thereafter returning thereto, indicate that lack of interest and want of proper regard for public business which are the legitimate result of the procedure I condemn. It must be conceded that it would have been cruel to force anyone to hearken to the many repetitions dealt out here during the tariff debate. Those addresses were not made to be listened to. No Senator was offended because his colleagues absented themselves. Why should he feel offended? He exercised a similar right himself, and he did unto others as he desired others to do unto him. I know that many able

speeches were delivered upon the tariff; that our opponents, especially in the running debate, made trenchant criticisms, and, from their standpoint, appropriate remarks; but I do not hesitate to affirm that folios after folios of the CONGRESSIONAL RECORD are filled with statistical and other compilations, originating on the Republican side which, while wholly cumulative compelled modifications in our bill, yielded under compulsion as the only means of shortening that which threatened to last world without end. Much of this profuseness will not be studied or read until the hieroglyphics of ancient Egypt have all been deciphered; until the partially eradicated stories which linger in the ruins of Asia Minor or arrest the archæologist's attention in the land of the Aztecs have been fully interpreted and understood.

During the discussion to which I have referred a diminutive minority (diminutive as to numbers) upon the other side of this Chamber declared themselves ready to talk until March 4 to beat the bill. And if there had been a slight addition to their strength the threat would have been executed.

Another and very striking illustration of the consequences of our rules was furnished on February 9 and 11 by a distinguished Senator. The bill making appropriations for the maintenance of the Post-Office Department of the Government was under consideration. A certain amendment thereto was proposed by the committee, and a point of order was made to the effect that the amendment was such general legislation as to conflict with the first subdivision of Rule XVI. The Senator referred to thereupon took the floor and proceeded to discuss the Alabama election controversy, devoting hours to its consideration, presenting numerous affidavits, statements, etc., bearing upon the transactions incident to recent proceedings at the polls in that State. That Senator, whom we all know to be able and intelligent, did not pretend that he was addressing himself to the subject then before the Senate. On the contrary, he had sought to be heard upon the election matter during the earlier part of the day, and being cut off by the parliamentary situation, did not hesitate to say that he would take the floor and make his speech in any event. He is not to be greatly blamed for this. He was merely exercising a privilege allowed him by the absurd procedure which the Senate tolerates in defiance alike of sentiment and sense.

The following is one of the many samples of the working of the present rule. Omitting names, I will read the report of an occurrence of the last session, which was published in a journal of this city. The report was substantially correct:

AIMS A BIG GUN.

Mr. A did not attempt to further prolong the delay in passing the bill, although for a few moments it looked as if the Senate was on the verge of a speech three months long. Mr. B's amendment providing for legal proceedings to test the constitutionality and validity of the tax before the taxpayer had paid it had been ruled out of order, and the decision of the Chair had been sustained by an overwhelming vote. Thereupon Mr. A, in order to get a vote upon the question directly, offered another amendment to the same effect; but Mr. D, declining to let the proposition be voted upon on its merits, raised the point of order. It was immediately sustained by the Chair, Mr. E being the presiding officer. Never a word said Mr. A, but, reaching beneath his desk, produced a pile of manuscript that was a foot and a half high and must have contained at least a thousand pages. It was a speech.

Mr. C laughed out loud. Mr. A smiled quietly and Mr. G nearly fell out of his chair. Mr. A, with a face as solemn as any clergyman's, unbuckled the

great leather strap with which the immense mass was fastened, took up the topmost pages and began to look through them. Half a dozen Senators at once gathered around him.

"Are you going to make some remarks?" one of them asked him.

"I am going to make these remarks," was the Senator's reply, pointing to the mountain of manuscript, and the very ludicrousness of the situation brought a smile to his face.

Mr. H went over to plead with him. Mr. I also approached to view the threatened danger, and then Mr. G walked across the Senate to interview Mr. A. The result of the conference was seen a moment later, when Mr. A again introduced his amendment. This time no point of order was made against it. It was voted upon, and, as Mr. A had doubtless anticipated, was defeated by a vote of 19 yeas to 32 nays. But he had gained his point, and sinking back in his chair with an expression of beatific satisfaction he watched his clerk once more buckle up the thousand pages and stow them away under the desk, where they still remain to be again forthcoming when Mr. A has anything to gain by their appearance.

I know that some will probably say that there has not been any filibustering here. I am not particular about words or names. I am referring to transactions as they occur. During the last session, and after the tariff bill finally passed, it was pretty well known that there were in that bill defects — certain errors — which the alleged dominant party wished to correct. The adoption of all the Senate amendments by the House rendered the usual committee revision impossible. It was suggested here that one or two of the inaccuracies should be cured; but no; the minority informed the majority that this could not be done, and the few had power to control the many. We threw up our hands and submitted without more than a murmur. Hence but little effort was made in the line of even clerical improvement. The press correctly informed us that the leaders of the other side concluded that there should be no more tariff legislation. The minority thus dictated to the majority, and the majority acquiesced. Others again affirmed that there must be no financial legislation. It may be that the majority here believe, as I do, that it is practically impossible to enact a complete financial scheme at this session; but it is wholly immaterial whether the majority or the minority favors legislation. The majority can do nothing unless the minority consents.

True, the minority can not enact a bill disagreeable to the majority, but practically the Senate is governed by a minority. It is common experience for a majority leader to say to his restive subordinates: "Wait awhile; have patience; I have been in consultation with Senator Blank, the leader of the minority, and he agrees that if we will make the following concessions he will see that the majority is allowed to proceed." The followers sometimes are irritated, use non-parliamentary language in the cloakroom, refuse for a day or two to bow down, but they always come to time. They have to come to time under the rules — the constitutional rules of the Senate. Even our leaders do not relish having to do this. No one pretends that it is just right. The most plausible excuse that can be given is that nothing is perfect, even in the Senate, and that these difficulties are of less moment than those that might, could, or would be produced by more positive and less curious regulations.

I will show that there is nothing in these excuses or arguments. Just now there are various important bills before us. Perhaps we may be allowed to vote upon them. Many of them present no party issue. But one opposing Senator may baffle us. If we assume that

there is a majority of 10 or 20 only, either for or against one of these bills, and if the measure reaches a roll call or a determination, it will be because the minority have so willed. In other words, the passage of a bill is effected when the opponents thereof agree thereto. This is certainly a harmonious anticipation involving peace and good will. We vote because of the magnanimity of those whom we outnumber.

I know that some who differ from me declare that bills are always passed on. This is not true. But if it were better founded it would be a remarkably weak response. Are those rules the perfection of human wisdom whose only value is that notwithstanding their existence legislation may be had? Rules framed for a legislative body defended because in spite of them work may be done! Rules are everywhere supposed to be designed to promote work. If the argument is worth anything, it is for the reason that it means that the essence of Senatorial statesmanship is the impeding of legislation. A body formed to legislate is, according to this view, performing its obligations when it does its best to negative the object of its creation. Organized for action, it luxuriates in inaction and deliberates and deliberates and deliberates, while one part of the country is swearing and the other is yawning.

ILL-ADVISED LEGISLATION IS NOT AVOIDED BY A SYSTEM WHICH CONSUMES TIME AND ENLIGHTENS NO ONE.—THE DISCUSSION WHICH RESULTS IN BENEFIT IS PERTINENT, DIRECT, AND PITHY DEBATE.

The person who tells me that addresses which are listened to only by the suffering Presiding Officer and by the party who is talking enlighten anybody does not appeal very strongly to me. When a minority resolves upon the death of a bill the speeches, while fatal to the measure, are also dull to the Senate and void of intelligent consequences. If mistakes have been made in bills which have passed here after lengthy debate, it does not prove that we did not spend enough of time upon such measures, but does establish that our hours were not as well employed as would have been the case had there been a brisk and apposite discussion upon which was centered the undivided attention of the whole body. The present plan inhibits such educating consideration. Reasonable rules will produce the improved condition. I frankly admit that I do not like to be driven, and I also know that self-respect requires us to maintain our integrity against demagogic onslaught. If you do not respect yourself, how can you expect others to respect you, is a pointed inquiry upon a proper occasion. It is an inquiry which I would address to those who inflict kill-bill compilations upon their brethren, which compilations are never read again nor intended to be read by men or angels — certainly not by angels who are not paying the fearful penalty of transgression. It is because I revere this place, long and now tenanted by many great and good men; it is because I trust that our posterity may see in this Chamber nothing to offend and but little to improve, and it is because I feel that unless we remodel our practice we will be righteously condemned that I make this appeal, especially to those Senators whose extended and valuable services to their country leads me to hope that they will finally decide aright.

THE DIGNITY OF THE SENATE IS NOT MAINTAINED BY ADHERING TO PARLIAMENTARY ANOMALIES.

Much has been said with reference to the dignity of the Senate, and it appears to be intimated that it would not be dignified to have

a previous question here; that other bodies may condescend to such restrictions, but that it would be indecorous for us to do so. But the Senate was created for the purpose of, to some extent, legislating for the country. Such, certainly, is one of its most important duties. It was designed to act with the House of Representatives, and both together to form the National Legislature. It was not organized merely that its members might be impressive. But dignity (dignus) is the equivalent of true worth, of excellence. It does not depend solely or chiefly upon external manifestations nor lofty bearing. Senatorial dignity should result from the full discharge of the obligations of a Senator. It is not begotten of rules; it exists only in just appreciation of high responsibility, and is the companion of onerous, patriotic labor, carefully, ably, and conscientiously done. Due comprehension of the importance of his trust should influence the manner and conduct of a Senator. He should ever remember that his fealty to the great power which he represents inhibits improper and unseemly action. But the people of the United States did not make this body for any other purpose than to conserve, develop, and perpetuate the principles of liberty, which they hoped would enable them to pursue, without fear or favor, their legitimate affairs. The Government, after all, is an agency of a strictly business character. The unessential embellishments of power, the pomp and circumstance of authority, are daily becoming less and less tolerable. The diffusion of education, the fact that the printing press is so generally in use and literature so available tends toward the equalization of mentality as far as such equalization is natural and renders too much display and obtrusive consciousness of the possession of authority repulsive to the average American. Recognition of the courtesies of enlightened life must undoubtedly prevail; the enforcement of regulations dictated by regard for order and adequate veneration of our country's institutions is also vital, but here the patience of our constituents is disposed to cease.

THE SENATE SHOULD NOT BE AN EXCEPTION TO ALL LEGISLATIVE BODIES.

Every effective assemblage in the civilized world is controlled by rules which make the transaction of business by the majority always attainable within a reasonable period. This is true of short-lived bodies, such as conventions, of more permanent organizations, such as parliaments, diets, chambers of deputies, etc. Even the Senate claims to have rules, and I think I have heard it admitted that these are valuable as aids to affirmative action. How absurd to fix hours for morning business or to designate a time when the Calendar may be considered or anything else taken up, when we contumaciously and with premeditation so manage our affairs that one-fourth of the body can readily defeat a roll call on the merits. That a quorum may be present and actually debating, and yet by declining to vote members present may make the record show no quorum, is a condition perfectly familiar and indefensible. If we are to have rules at all, let them reach the vital part. If we are here for work, let the work be done. If it be better for the country that no legislation should be had — and I have heard a distinguished man defend our rules on this ground — then let us meet only to adjourn. If a bill is good, ought it not to pass? If it is bad, should it not be disposed of according to law? Talking a bill to death, while in harmony with Senatorial usage, is unreasonable. Rational consideration, full con-

sideration, every measure indeed should have, even at the risk of weariness, but a minority should not be allowed to effectively say, "We will not permit clerical errors or other obvious defects in a tariff or other bill to be changed. Our policy is to compel the country to act under the measure as it is. We claimed that the bill was defective, nevertheless it was made a law. We will now decline to permit mistakes to be rectified, even though the same may have been exposed by us. It is against our policy to permit the majority to act."

Is it wonderful that the people of the United States censure the Senate? Is it remarkable that this is not a popular body? Is it singular that every one asks us why the Senate is so slow? And is it not peculiar that our excuse must be that our rules will not permit us to do anything — that we are disciplined to inaction? Is it true of other advanced peoples that their highest legislative chambers are compelled to admit that their rules, their own instruments, created to facilitate business, are efficacious only to prevent the determination of important issues? It was never designed by the framers of the Constitution that this body should be an insuperable obstacle to reform, or that it should place about its limbs shackles of its own fashioning and justify its torpor by referring to impediments of its own proper design.

THE FORCE BILL.

I am aware that several Senators whose abilities and statesmanship long ago justly won for them high national reputation object to anything approaching a cloture, because they say we ever stand under the menace of the force bill, that the effort to enact that bill is a warning of the presence of kindred perils. Stated in a different form, this means that there is always danger that the majority may become tyrannical or may scheme for continuous dominancy, or may plot against the country's interests. The force bill seems to be used by each and all of those upon the Democratic side who rest upon this so-called argument. The pertinency of the illustration is hardly admitted by our Republican friends who defend the rules. I shall consider the subject first as it regards the obnoxious bill so fortunately buried. Then I shall attempt to maintain that the good or evil of any special measure can never warrant a general and century-extending policy which can not be justified except as a preventive to such ill-advised legislation.

Is it true that the country or the Democratic party would have been ruined had the force bill become a law? I do not think so. I have the highest respect for Senators who regarded that concoction as an edict of proscription and death. I fully agree that it contemplated an unrepublican system. I concur that the time of its introduction — a generation after the close of our lamentable civil strife — was most unhappily selected. Nevertheless, had that bill been enacted there would have been no temporary or other Democratic falling off, either North or South. The common danger would have solidified expression in the ballot box, and an attempt to repeat the criminality of carpetbagism or the errors of electoral commissions would have stirred the Union to such an extent that election cyclones would not have been causes of discomfort to this side of the Chamber. If I am not right about this, and if still I be correct in my disapproval of the force bill, it follows that our Government is a total failure.

For if an odious, unpatriotic, enslaving, power-perpetuating enactment, unjust in its conception and cruel in its workings, be not doomed to swift destruction by the honesty of the land, it can only be because it reflects public immorality and general wanton disregard of sacred privileges. Nor is it any response that the nature of that bill was such as to place the machinery for counting in and counting out in the hands of politicians, who would have exercised such authority selfishly and to the fullest extent.

This condition would no doubt require more decided public expression, greater majorities than are ordinarily determinative of party struggles, but the difficulty is purely theoretic. The American people occasionally "go out gunning" with weapons thoroughly charged. During these uprisings schemers, gerrymanders, force-bill men, *id genus omne* have only one recourse, viz, to take to the woods. Sometimes even the innocent go down with the guilty. If, which I do not deem likely, the Republican party shall come into complete power once more, having under its control the executive and legislative departments, its astute leaders will not attempt to enact a force bill any more than they will seek to re-enact the McKinley bill. They have tasted both to their heart's discontent, and will be found somewhat homeopathic even as to protection. While the people will often go too far — while, as in the late elections, they may perhaps visit the sins of one party upon the other — yet in the end the matter will be honestly adjusted — the fair thing will be done. To hold differently is to write one's self a pessimist, an unbeliever in republicanism, or, at best, a political agnostic.

I can well appreciate that Senators who lived under the impositions of carpetbag control, who watched the looting of their treasuries and of their people by imported conscienceless and merciless speculators upon patriotism, who saw not only their personal belongings taken away, their families humiliated and terrorized, their rights as citizens ignored and repudiated, but who also suffered from enormous State and municipal debts and the infliction of numerous other evils, should shudder at the remembrance of such a condition, and should protest against any concession rendering the recurrence of such enormities possible. But this very experience, the presence of hearts and frames yet bearing the scars of outrage and sorrow, is apt to exaggerate the peril. We are not upon the heels of an awful war; our people are commercially and otherwise one; and no such sad state as that to which I have alluded can be born of force bills or miscalled legal writs. The American people are too well educated in liberty and law to allow long life to any cruel or clearly unjust measure. So much for this feature of the case.

I affirm that we must not spend our time in rendering legislation difficult because we fear that the majority may pass an iniquitous bill. When I say the majority, I mean as far as this body is concerned, the Senate.

There are instances — as in the case of the expulsion of a member or upon impeachment trials or the ratification of a treaty — where more than a majority is required; but I allude now to those cases where those who sum up more than half a quorum are given by the Constitution the right to express the will of the Chamber. The Senate mentioned in enacting clauses and which Senate concurs with the House, is not practically and necessarily composed of more than a majority of a quorum. Of course nothing less than a quorum con-

stitutes the Senate. The contesting minority either does not participate in the enacting of a law, or if it participates, it is by way of protestation. It does not enact. It seeks to prevent enactment. That this minority has a right to require deliberation I grant. That it may dictate the extent of the deliberation and define what constitutes deliberation I positively deny. To admit such a proposition would be to permit the minority to deliberate to the death. Consideration there should be: patient, painstaking, earnest reflection; but as either the minority or the majority must determine when deliberation ceases and the wasting of time begins, I at once select the majority as the repository of the power.

Majorities are not infallible. The majority and minority both come from a body speaking a common language, living under a common Constitution, governed by a common Federal system, and having a common aspiration. They are all samples of one stock. Hence it is obviously demonstrable that the majority will be oftener correct than the minority. I prefer to live under a plan which sometimes leads to wrong rather than under one which generally leads to wrong. Usually the majority is in sympathy with the latest expressed will of the people. Hence it is not easy to avoid the conclusion that the majority will commonly enact the popular will, and no one is bold enough to claim that we should not, as a rule, defer to the public will by which we have been inducted into our places. There may be an extreme case, but I am not discussing such. My argument is a protest against the adoption of a policy based upon exceptions. I repudiate the view which forces me to follow a line of conduct usually which is only tolerable in isolated instances. I ask for a rule that now and then may work an inconvenience, but which, in the vast mass of cases, must be beneficial. My adversaries invoke a plan which, as I have said, ignores the rule and recognizes the exception, adopts the special and rejects the general. I am afraid of majorities, says one. Very true. But I am afraid of minorities. If we can not trust the majority, *a fortiori* minorities must be avoided. The basis of our Government is the recognition of the majority. Many of those who have endeavored to enforce minority control are in jail. Some of them have been disposed of according to law and with the judicial prayer, "May God have mercy on your soul." Outside of the faith of this Chamber, the American people do not believe in minority control. Mr. Webster well said "Liberty exists in proportion to wholesome restraint." Without some curtailment of the obstructive power of the minority liberty is in peril. When the majority representing the people can not prevail within a reasonable time the condition is menacing.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. JONES] as being entitled to the floor on the unfinished business.

Mr. WHITE. I inquire if the Senator from Arkansas prefers to proceed immediately? It will not take me very long to conclude.

Mr. JONES of Arkansas. How long will it take the Senator from California to conclude?

Mr. WHITE. About fifteen minutes.

Mr. JONES of Arkansas. I should be very glad indeed to proceed, but I do not like to interfere with the Senator's speech. I yield to him if he desires.

Mr. WHITE. I am much obliged to the Senator from Arkansas.

The PRESIDING OFFICER. By unanimous consent the unfinished business will be temporarily laid aside without losing its place. The Senator from California will proceed.

Mr. WHITE. The Committee on Rules is and has been composed of some of the ablest Senators; men of great experience, who have given much consideration to parliamentary problems as well as to general legislation; yet that committee, as heretofore organized, and I do not confine myself to any one committee or to any particular membership, suggests an admirable illustration of the evil against which many are now protesting. That committee creates not, neither does it destroy. It lulls into somnolence all tendered changes. The most energetic rule, the most stirring proposition, is afflicted with incurable lassitude when it comes within the anæsthetic atmosphere of this remarkable organization. Occasionally a member of the Committee on Rules notes the propriety of reporting back a proposed resolution. The vitalized committee member is informed that he can not even enjoy the privilege of filing a minority report, because a minority report presupposes the existence of a declaration from the majority, and the majority reports not, neither does it cease to be. So the progressive member may fuss, he may protest, he may storm, but the Committee on Rules, smiling upon him, benignly prescribes calmness. There are many centuries to come. Why should the minority of the Committee on Rules become agitated while the majority are so completely satisfied? You believe in majorities, they sarcastically say; hence demur not. This condition is the more remarkable when we reflect that the Senators who are and have been on that committee are and have been men of integrity, determination, ready judgment, and admitted fearlessness. But I am not addressing myself to any particular committee or to any special person. I spend not a moment from a mere disposition to censure an individual. To do so would be unjust. My aim is directed against a system which drags down not only the Committee on Rules but the Senate. The Senate is responsible for the committee and its customs and uages. It has been unjustly said that the Committee on Rules is the graveyard of Senatorial advancement. There is nothing left of a rule when it reaches that committee. There is nothing to inter. The suggestion not only sleeps, not only dies, but it is forgotten. No coffin conceals its wasting form, no urn contains its ashes, no parting words are uttered, no eulogy pronounced. The Committee on Rules is not obtrusive. Its power of annihilation is effectively manifested in silence, serenity, and solemnity. The numerous amendments which have been submitted to this committee at different times have not affected any controlling opinion within its circle. That body has had nothing to say as to the impropriety of the many propositions which the irate and nervous, the dignified and sedate have pressed for consideration.

The committee has not even officially informed us whether its

members think that the rules can be improved. We have not been told whether it is desirable to enact a rule to establish that we are present when we are not absent, or whether it is not possibly well that we should repeal a canon of practice which records us absent when we are demonstratively, though it seems unparliamentarily, here. We have not been informed whether it is right to place upon the Journal the presence of a Senator who declares in stentorian tones that he can not be counted because he is paired; who announces that because some one is really abroad he is constructively away. If a Senator should engage another Senator in desperate physical encounter — a supposition purely illustrative — and should in the midst of the melee declare himself paired or refuse to answer, he would not be counted, would be considered absent, although he might be expelled because of misconduct in the presence of the Senate while in session. Senators who do not know this body have, when in workful mood and as the result of rosy anticipations of duty performed, transmitted to the Committee on Rules declarations of principles of action which have been recognized as effective and necessary throughout civilization, vainly trusting that the hour for improvement had been reached. Visionary indeed are such aspirations; unfruitful such efforts; abortive such exertions. Time disciplines these enthusiastic tyros in Senatorial ways. They finally lapse into a semi-acquiescent state. When these rules are changed — and they will be changed — Senators, now young, who tendered these amendments, will stay their tottering steps as they proceed down the pleasant walks of their later lives, and will say, in the uncertainty of the utterances of old age, "Yes, yes; those amendments were proposed long ago, forty or fifty years ago. I made a few remarks concerning them; am glad to see that my sentiments have at last obtained. Singular that it should have taken half a century to induce the Senate to agree with unanimous expression. It has been a little slow — yes, quite slow; quite slow."

IT IS UNNECESSARY TO SEEK PRECEDENTS ABROAD CONCERNING THE DISIRABILITY OF A MORE PRACTICAL SET OF RULES.

We have a home example; a case not only in point, but a teaching, inspiring, chiding, and dominating case — that furnished by the House of Representatives. At the outset of the debate which there led to the final rules of the Fifty-third Congress, precedents were cited to show that there was no necessity for more restrictive forms. Attention was called there, as it is called here, to the truth that our country has managed to get along for a century under old conditions. Undoubtedly the founders of this Government did not consider the obstructionist of to-day. It is unnecessary to ask for the reason. It is sufficient to say that without the change business could not be transacted at all; and hence the good sense of our Representatives brought about the alteration. Although the majority of the party to which I belong denounced Mr. REED for his work with reference to parliamentary matters, it is safe to say that neither party will ever go back to the rules and regulations which have been abandoned. Our Republican friends deserve the credit of the first effective action in the House, though in inaugurating the work they but followed the precedent made by the Senator from New York while he was the presiding officer of the senate of the Empire State. But that party, after loudly proclaiming in justification of its course that it is traitorous to oppose the popularly selected majority, had no sooner been

condemned to second place than it immediately adopted dilatory tactics, and with pleasing abandon maintained that until the Democratic majority forced the Republican minority to do its duty, the latter was authorized to pursue its natural bent. The best advertised honesty in the Republican Congressional delegation advocated and directed this course. The Republican press applauded it. Republican bosses said: "Go on; your course is bold, but your immorality will demonstrate the need of coercive measures. We will sustain our virtue by insisting upon vice." This programme, faithfully carried out, resulted in the rules which finally prevailed at the other end of the Capitol during the last part of the Fifty-third Congress, and which gave the majority that control which the Constitution contemplates and the public rightfully demands.

It must be understood that I do not favor the House rules. The numerical parliamentary features existing there are not so marked here, and for that reason greater latitude can be allowed. My insistence is that some method shall be devised which will enable the majority, after a rational period, after liberal debate, allowing time which can not without unanimous consent be reduced, to put the previous question, and also to compel the record to speak the truth as to the presence of Senators. I know that no one will insist upon a vote even under these conditions at such an hour or day as will prevent a Senator from fully and fairly expressing himself, and I trust that I am not hoping against hope when I assume that the Senate will sometime exercise the power to determine that the reading of Paradise Lost, Webster's Dictionary, Mr. Gladstone's translation of Horace, etc., are not always in order, regardless of the subject under discussion. If such authority exists to-day, either in the Senate or its presiding officer, it is not exercised, and yet clearly irrelevant matter has been often projected upon us. The Senator who fathers an address so long that he can not afford to listen to it himself, which, perhaps, he may not have even read or heard read, should not be permitted to procure an enthusiastic colleague to publish it for him while he retires to be refreshed, that he may be able to come again upon the stage and challenge the physical endurance of those whose judgment he does not either hope or seek to affect.

Technical debate is not actual debate in this Chamber. Some one delivers a formal address to-day and it is answered by an equally formal preparation two months hence. The enormous accumulations contained in the CONGRESSIONAL RECORD would, I believe, be greatly reduced, to the benefit of all, if we proceeded upon business principles. Senators have stated here frequently that the number of bills passed by this body shows that the rules are good enough. It must not be forgotten that most of these measures have excited no great interest or active discussion. In such cases no trouble is experienced in obtaining speedy action; but when the great issues — the material matters pertaining to legislation — are before us, the obstructionist becomes omnipotent, and days and days and weeks are wasted. Senators may say that such discussion is not wasted. But no one listens to it. Occasionally some episode induces the public to fill the galleries and Senators to seek the floor; but for the most part the deliberative eloquence mentioned is spoken ineffectively, except in so far as it stops needed legislation.

The House of Representatives more than once has passed a resolution favoring the submission to the several States of a constitutional

amendment authorizing the election of Senators by direct vote. For months at a time that resolution has been here. It has been tied up, buried, ignored, sat upon by our preponderating ponderousness. Great interest is taken all over the country in this proposition. Representatives direct from the people have asked that the States be permitted to act upon the matter; but the Senate not only fails to permit such action, but declines to expressly say whether it will or will not submit it. For myself, I am emphatically in favor of the adoption of that constitutional amendment. The issue was submitted to the voters of California in 1892, and the vote stood: For the amendment, 187,958; against, 13,342. It must be understood that I am not blaming anyone in particular. The pernicious results to which I refer are the legitimate offspring of a system that is operative only for harm, and that should have been remodeled long, long ago.

I think that we owe something to the public. This body, while not chosen by the popular vote, is, nevertheless, elected by agencies of popular creation. While we are not bound by an initiative or referendum, still we should pay some attention to the desires of those who sent us here. As our Government is based upon the popular idea, we must not deny the long-continued demands of those from whom we have obtained our authority. I do not refer to the expressions of self-constituted newspaper critics, whose views of public conditions are sometimes most selfish and unreliable, but I speak of the actual beliefs of our constituents. I have been in many States of the Union — in large cities and small towns, and in rural districts — during the last two years. I have not discovered one man, woman, or child who favors our prevailing doctrine of legislative paralysis, and the subject has been and is one of constant consideration. In every instance the Senate has been censured and referred to as antique and as constituting more a relic than a life — a thing that has been, rather than a present existence. This situation is not pleasant; it is unfortunate; it is exaggerated and grossly unjust; but the provoking cause is plainly discernible.

The ill which we permit, and against which my words are leveled, is the parent of many of the unfounded attacks from which we suffer. It must not be thought that I believe that any Senator should sacrifice his views of the Constitution, his convictions of duty, to a mere external demand, whether from meetings hastily gathered together, or from more regularly convened bodies, or from newspapers, or from the press generally. These expressions should be duly weighed and should not be thoughtlessly ignored; nevertheless, I will not abandon or advise another to abandon conscience or independence. I am certain that the States here represented want firm as well as true counselors, men of integrity who will not be swerved by threats or flattery or by "the conscious simper and the jealous leer." I do not forget, either, that it often happens that those who criticise possess "a brain of feathers and a heart of lead." Still, while thus holding firmly to our rights and guarding according to our judgment public interests, we must not, as I have stated, fail to respect or consider opinions of those whose servants we are. I think that every cautious person will appreciate that the Constitution contemplates care in the passage of bills, and that that instrument made it practically impossible to enact a law without considerable deliberation. The passage through the House of Representatives of any bill is attended with much discussion.

The Senate was organized upon the long-term idea that it might

enjoy greater independence and be subjected less to exciting influences and political flurry. It was thought that when the more popular branch and the Senate united the country would not often have inflicted upon it an unwise law, and that when that occurred an Executive veto would arrest the theatened wrong, and that more than one-third of either body would, when occasion warranted, hasten to the support of the President. These and other safeguards, such as that requiring a roll call when demanded by one-fifth of the members present, were thought ample, and are, in my judgment, entirely adequate. There may be possible exceptions, but rules well conceived are not predicated upon exceptions. No one concerned in the making of the Constitution apprehended that a second veto power, or, rather, the authority to extinguish by protracted torture, resided in the minority of the Senate. No such bill-destroyer was called to the attention of the fathers. They no more anticipated that a Senator would filibuster against a vote than we look for a filibuster by a minority of the Supreme Court against a judgment of that court when attempted to be announced through the majority. But opinions of official responsibility have changed since then. In this epoch the Senatorial parliamentarian invokes as many quibbles as the most erudite professor of any class.

We should not forget the usually correct proposition expressed by Gibbon:

> All that is human must retrograde if it do not advance.

I understand the solicitude of those of my associates who fear that a change of rules just now will emphasize Republican influence in this body; but my remarks have been of no avail if I have not shown that the objections to the procedure of the Senate which I have urged are not conceived in partisanship, but arise from a deliberately formed judgment that the public welfare is involved and that it is imperative that attention should be paid to the well-grounded and universal demand for the adoption of an improved plan. The party advocate may and should be patriotic, but he does not rise above the level of selfishness if he insists upon saddling a parliamentary incubus upon an already heavily burdened body solely because he thinks that the majority, whose power is born of the people, may under prevailing conditions be unable to exercise the authority thus solemnly intrusted to their keeping without the intervention of technical obstruction.

Our rules should be reasonable, in harmony with the period for which we legislate and the civilization of which we partake. Let us have ample argument, but not argument lasting long after all have ceased to listen. Let us protect the minority, but permit the majority to assert their manifest privilege. Let no Senator openly avow his presence and place the same upon the record and then aver that he may not be counted as part of a quorum. Give to all wide latitude in debate, but do not refuse to call a Senator to order who willfully deserts his subject and consumes the time allotted thereto in the consideration of matter wholly foreign and palpably irrelevant. The star of progress glows with increased brightness. He who stands with sleepy visage, uncertain of his duty, is mischosen to place. Reverence of the great and gone should ever be cherished, but the examples of these have been given without profit if we do not move with rapid as with thoughtful step in the performance of the duties of an evolutionary age.

DEEP SEA HARBOR. SAN PEDRO--SANTA MONICA

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Friday, May 8, and Saturday, May 9, 1896, and Tuesday, May 12, 1896.

The Senate, being in Committee of the Whole and having under consideration the river and harbor appropriation bill—

Mr. WHITE said:

Mr. PRESIDENT: I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to strike out all the committee amendment, commencing on line 13, page 35, down to and including line 10, on page 36, and insert in lieu thereof the following:

For the purpose of selecting a proper location for a deep-sea harbor either in the Bay of San Pedro or at Port Los Angeles, in the Bay of Santa Monica, on the coast of Los Angeles County, Cal., a board of engineers, one of whom shall be an officer of the United States Navy, with a rank of not less than commander, to be appointed by the Secretary of the Navy, one a member of the Corps of Engineers of the United States Army, to be selected by the Secretary of War, and one a member of the Coast and Geodetic Survey, to be selected by the Superintendent of the Survey, shall personally examine the more northerly location in said Santa Monica Bay at Port Los Angeles, shown upon the first chart of House Executive Document No. 41, Fifty-second Congress, second session, as a proper place for a breakwater and deep-sea harbor, and shall also examine the location recommended for a breakwater and deep-sea harbor by the Board of Engineers of the United States Army, as appearing in said House Executive Document No. 41, Fifty-second Congress, second session, and shall determine the relative merits of said locations, and shall designate which of said locations is the more eligible for such breakwater and deep-sea harbor, and shall report to the Secretary of War their finding in the premises, and the decision of a majority of said Board as to said location shall be conclusive. And the sum of $100,000 is hereby appropriated for a deep-sea harbor, to be constructed at the point so selected by said Board; and if said Board shall select the said location at Port Los Angeles, then the breakwater for which this appropriation is made shall be constructed substantially as shown on the said first chart in House Executive Document No. 41, Fifty-second Congress, second session; and if said Board shall select the location at San Pedro, then the breakwater for which this appropriation is made shall be constructed substantially as recommended by said Board of Engineers in said House Executive Document No. 41, Fifty-second Congress, second session; *Provided*, That the Secretary of War may make contracts for the completion of said work, to be paid for as appropiations may be made, from time to time, according to law, not exceeding in the aggregate $2,998,000, exclusive of the amount herein and heretofore appropriated: *Provided, however,* That if the said board shall report in favor of the construction of a breakwater at Port Los Angeles no expenditure of any part of the money hereby appropriated shall be made until the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War that any railroad company may equally share with the said owner or owners in the use of the pier now constructed on the site of said harbor and the approaches thereto situated westerly of the easterly entrance to the Santa Monica tunnel upon paying its proportionate part of the cost of that portion of the same used by such railroad company and its propor-

tionate part of the expense of maintainance of the particular part of said approaches and pier so used to be determined by the Secretary of War in case of disagreement between the parties.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on agreeing to the amendment submitted by the Senator from California [Mr. WHITE].

Mr. WHITE. Mr. President, the question presented by the amendment which I have offered, and necessarily involved in the report of the committee, is of great local importance to those whom I in part represent, and it is of national importance on more than one account. In the first place, the United States are necessarily interested in everything pertaining to harbor improvements. This follows as a matter of course. Then the Government is also interested in seeing that appropriations made by the Congress of the United States by means of a river and harbor bill are made for public purposes, and that the diversion of the funds of the Government is not accomplished through private channels or for personal ends.

The situation must be briefly outlined. It will save some time in the future and doubtless be of advantage to me as well as to those who are to follow me in the discussion.

I place before the Senate a map which can not at once be seen, perhaps, by everyone in the Chamber, but it is as favorably located as circumstances will permit. It is a map of the State of California, and I particularly direct attention to the southerly coast. It will be noticed that the trend of the coast is southeasterly, so that at Santa Monica, located on the map at the point indicated by me [indicating], is some 250 miles, more or less, eastward of the parallel upon which the city of San Francisco is built. The coast from Point Concepcion, situated nearly north of the Island of Santa Rosa, tends strongly eastward; in fact the shore line for a considerable distance is almost east and west. Thence it proceeds southerly and easterly. We have here at this point [indicating] Point Dume, where Santa Monica Bay, so called, which is really an open roadstead, commences. Following along the coast southerly we reach Point Vincente, where the Santa Monica Bay, so called, ends. Thence we pass along the coast until we reach a point called Point Firmin. [Indicating.] There the Bay of San Pedro commences.

It is from a point close to Point Firmin that the breakwater recommended by the Government engineers is designed to be constructed. It is in Santa Monica Bay, at a point some 15 miles from Point Dume and northerly and westerly from the town of Santa Monica, that the breakwater provided for in the bill is sought to be erected. To more definitely fix these points according to the charts of the Coast and Geodetic Survey which are before us, I will refer to a chart obtained from that office in this city, which chart is marked "Pacific Coast from Santa Monica to Point Concepcion, including Santa Barbara Channel, California." Point Dume upon this chart is located at this spot [indicating]. It will be observed by a close inspection of this diagram that the water from Point Dume southerly and southwesterly is exceedingly deep, the figures reading 14, 150, 182, 233, 273, 322 fathoms, and so on, increasing. The soundings seem to cease beyond the point where 498 fathoms, or 2,988 feet, appear.

This diagram discloses the town of Santa Monica. The proposed pier, spoken of in the tracings as the pier of the Southern

Pacific Company, extends into Santa Monica Bay, at a point more westerly than northerly from Santa Monica, a distance from that town of something like 2 miles, or a little less, perhaps. This point [indicating a point southerly from the Southern Pacific wharf] is located, according to the Coast Survey chart before us, not far from the 8-fathom line, and reading the figures directly in front of and southerly or southwesterly from the wharf, we have the following: 8, 14, 26, 30, 60, 89, 180, 110, 40, 41, 61, and 113. Reading not directly, but over a bearing between the direct reading which I have made and Point Dume, we find that the water is somewhat deeper, culminating in 224, 238, and 255 fathoms.

I refer to this proposition because it is stated in the argument before the Committee on Commerce by an engineer who I see claims, in a document which he has issued here by unnamed authority, to be a semi-official individual, that the water near Santa Monica is not extremely deep and that one of its great advantages is that there is a gradual slope and an easy grade and that the waves come over such grade gently and without disposition to do serious injury when the Southern Pacific pier is reached. It will be noted that in the Coast and Geodetic Survey chart, to which I have attracted the attention of the Senate, there are no soundings in the portion of the diagram immediately south and southwesterly of the last sounding to which I call attention [indicating]. I presume that the depth is such that it was not deemed worth while to proceed further.

Mr. MITCHELL of Oregon. When was that diagram made?

Mr. WHITE. I received it very recently from the Coast and Geodetic Survey office. I do not know when the surveys were made. I presume it is the latest on hand, because I requested the best information in the possession of the office and I was furnished with this chart. It is the result of a series of compilations running down to 1881.

Mr. PERKINS. I will say to my colleague that it is customary with the Coast Survey to correct these charts annually and that this is undoubtedly the last issue of the Coast Survey.

Mr. WHITE. Yes, sir.

Mr. MITCHELL of Oregon. The Senator says it comes down to 1881. That would be a good while ago.

Mr. PERKINS. That is the original plate, but where the surveys have not been completed these corrections are made from time to time. That they are correct I am satisfied, because our navigators upon the Pacific Coast are using this series of charts. They are issued by and under the authority of the United States Coast Survey.

Mr. WHITE. The second plate, to which I am about to refer, is called "Pacific Coast from San Diego to Santa Monica, including the Gulf of Santa Catalina." The island which is observable upon the map [indicating] is called Santa Catalina. It is located about 18 miles from San Pedro. The Senate will notice that the words San Pedro and Wilmington occur frequently in the discussion of this matter and are often noted in official publications. As far as this question is concerned we may consider San Pedro and Wilmington one place, though, as a matter of fact, the towns are some little distance apart. However, the improvement which has been going on for many years in this neighborhood is known as the improvement of Wilmington Harbor. We are more in the habit of desig-

nating the inner harbor as San Pedro, but appropriations refer to the place as Wilmington. I will use the terms indiscriminately. The town of Wilmington is a small village situated upon the inner harbor, and San Pedro is upon the same waters.

Mr. COCKRELL. How far apart?

Mr. WHITE. Oh, a couple of miles apart.

The Island of Catalina, to which I have attracted attention, is some 20 miles or thereabouts in length and some 18 miles from shore. It will be observed that this large body of land furnishes protection from southerly and southeasterly winds. Its northern shore is thoroughly protected. So true is this that the little Bay of Avalon located at this point [indicating] on the northerly shore of Catalina Island is the most tranquil sea water which I have ever observed. It is so calm that there is no difficulty in ordinary weather in using any common rowboat handled by a lady or robust boy along a considerable portion of the landward coast of Catalina Island. The water on the ocean or southerly coast is comparatively rough. I mention that to show the effect of the island in stilling the water toward the mainland. Its length extends the calming influence and affects the sea to San Pedro.

Point Firmin is located at this point. [Indicating.] It is from a spot just easterly of Point Firmin that the Government engineers have designed the construction of the breakwater which they recommend. That breakwater, according to the last report, is to commence near Point Firmin, on the shore, and extend outwardly in a curved line, thus [indicating]. The town of San Pedro is located at the point marked San Pedro on this diagram, indicated by the pointer which I hold in my hand [indicating], and the town of Wilmington, also referred to, is located here. [Indicating.]

The Senate will notice in the report and in the bill an item with reference to the inner harbor at Wilmington. We have already made an appropriation to which it is necessary for me to advert before proceeding further, so that confusion may be avoided. We have upon page 36 of the bill made the following appropriation:

> Improving Wilmington Harbor, California, in accordance with the project submitted February 7, 1895, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $342,000, exclusive of the amount herein appropriated.

The harbor of Wilmington is located northeasterly about two miles from the town of San Pedro, and on the estuary. The inner harbor designed to be further improved by the $392,000 appropriation is separated from the ocean by a narrow neck of land, a sandy island known as Rattlesnake Island. [Indicating.] That island is nominally separated from the mainland, and the Terminal Railroad now runs upon the island and along Wilmington Harbor, where that corporation possesses wharves; and there, too, private parties, lumber dealers, and so forth, have built wharves under franchises granted them by the board of supervisors of the county of Los Angeles. Much trade has thus developed.

The inner harbor is, at its commercial point, about 500 feet in width. Upon one side of it, which we might for convenience call the shore side, there are located wharves of the Southern Pacific Railroad Company, and there that company is constantly running its

trains and transacting transportation business. On the other side of the harbor the Terminal Railroad Company conducts its business. There are, as I have said, many business men other than the railroad companies who are the proprietors of wharves or docks upon that inner harbor.

The Senate will notice that Point Firmin is located at a point where the bluff rises to a height of about 60 feet [indicating], and this bluff continues down to the town of San Pedro. Thence the grade reduces, so the land between San Pedro and Wilmington is flat. There are there lagoons and sloughs, as we call them, and marshy land over which at times the tide rises. That property is susceptible of commercial development. A part of this locality has passed into the possession of individuals. The major portion of it belongs to the State of California, and under the terms of our present constitution it is inalienable. Under our laws the board of supervisors have the regulation of the granting of franchises for wharves. These wharves are public, but in view of the outlay in their construction the proprietors are allowed to make certain charges by way of toll.

This inner harbor has been a marked success. When the Government engineers took charge of this work some years ago there were only 2 feet of water upon the bar, possibly a little over 2 feet. By dint of skillful management and in consequence of the appropriations made by Congress the depth has been so increased that at the present time there are 14 feet of water at low tide. The tidal rise in that neighborhood is about 5 feet. Hence there are upward of 18 feet of water at high tide at that place, where formerly at low tide there were but 2 and at high tide perhaps 7 feet.

Some years ago this estuary or inner harbor to which I have referred was employed solely for very light draft craft. I recollect very well twenty-two years ago when I first went to the city of Los Angeles from the northern part of the State in a steamer owned by my colleague and his associates. We anchored outside of San Pedro in the water which it is now designed to utilize for an outer harbor, and then we went upon smaller craft. Lighters were used for freight and very light craft for transporting passengers into this estuary to the town of Wilmington. Now vessels drawing 13 and 14 feet and more pass into the inner harbor and tie up at the wharves and discharge lumber and freight.

The main occupation there at this time is the lumbering business. Most of the lumber coming down the coast, save that which is consigned directly to the railroad company, and much that is consigned to that company, seeks this inner harbor.

The provision to which I have referred and which we have passed upon already involves carrying out what is known as the project of Colonel Benyaurd, by which he proposes to obtain a depth of 18 feet at low tide within the inner harbor; this will equal 23 feet at high tide, which will accommodate nearly all the vessels which come there.

Before passing from this point I wish to call your attention specifically to a map of the site of the proposed harbor at San Pedro, which contains soundings which will be of value in the discussion. It is said that there is much deep water at the point where it is intended to construct the harbor. It will be noted from the map now before the Senate, and which is called "Wilmington and San Pedro

harbors, California; published December 18, 1895; W. W. Duffield, superintendent; O. H. Tittman, assistant in charge of office," and so forth, date of publication 1888, that is not true, as stated in Mr. Corthell's paper before the Senate, and as heretofore erroneously claimed by many, that there is such abrupt bottom in the neighborhood of Point Firmin. It is true that as we go more southerly, westerly, and northerly there is a gradual and a rapid recession, as we also have observed in the case of Point Dume; but if Senators interested will notice the depths south and southeasterly from Point Firmin the depths extend, as shown upon this diagram, these figures in fathoms will be found to appear, viz, 7, 9, 13, 17, 16, 17, 16, 14½, 13, 13½, and to 19. The exact distance can be computed from the scale, but it certainly is several miles, so that there is no trouble to be apprehended from this cause. The water is not remarkably deep. The evidence is without conflict that the ocean swells proceed from the west, and that, although the wind may blow from the southeast and points not varying far from the southeast, still the swells, the dangerous seas, come uniformly, or nearly so, from the west, and it is designed to construct this breakwater at San Pedro so that it will cut off the westerly swells. I have referred to this diagram to prove that the assertion regarding the soundings which has been made by Mr. Corthell and others is not well founded.

You will observe, therefore, that when we speak of the inner harbor at San Pedro we are referring to something which has received the attention of the Government in the past, and for which we have already here made provision.

The outer harbor, with reference to which I have been speaking, is in the immediate neighborhood, though not directly connected with the inner harbor. The outer harbor would be peculiarly valuable if situated adjacent to the inner harbor.

The questions before the Senate may be summarized thus: First, is it necessary that we should have an outer harbor at all? Second, if so, should that outer harbor be located at San Pedro or should it be fixed at Santa Monica?

Mr. President, if it be conceded that the selection at San Pedro, as contended by my distinguished nautical friend the chairman of the committee [Mr. FRYE], is not well located, and that the Government is not warranted in making the expenditure at that point, the question still remains, will the Government be justified in making the expenditure at the point designated in the bill?

Mr. GRAY. Is Santa Monica on that map?

Mr. WHITE. I have here a map upon which it appears. I place before the Senate a diagram which was utilized in Los Angeles by the Architects and Engineers' Association and which Mr. Corthell correctly referred to in the hearing as an accurate picture of Santa Monica Bay. It shows the wharf and the bay. I shall be obliged if Senators will examine it. I likewise present a photograph of the inner harbor of San Pedro as it now exists, which I also ask Senators to kindly examine.

Such is a general statement of the location proposed for this governmental investment. Let us now inquire as to the official status of the matter before the Senate. It has long been the desire of the people in that part of the United States to have a good harbor. Senators are all well aware that most of the Pacific (so-called) har-

bors are not of the best, that we have been compelled to rely largely upon governmental bounty in the construction of harbors. We have a splendid harbor at San Francisco, a splendid natural harbor at San Diego, one which I think has enlisted the admiration of every competent judge who has seen it. But San Diego is far — some 130 miles — from the seat of that extensive population of which Los Angeles is the center. It is not practicable, from a commercial point of view, to rely wholly upon transportation facilities there. In pioneer days San Pedro, or Wilmington, was sought by those navigators who saw fit to come to that part of California for trading purposes. The locality was called El Embarcadero, and there, through the estuary to which I have already alluded, the modest commerce of that time was transacted; but as population grew, Los Angeles, having according to the census of 1880 some 11,000 inhabitants, and at present having perhaps 100,000 inhabitants, with a populous country immediately adjacent to it, the necessity for another harbor increased and the requests for better facilities augmented.

The town of Santa Monica was founded years ago because of the enterprise and good judgment of the distinguished Senator from Nevada [Mr. JONES]. He built a railroad from Los Angeles to Santa Monica, called the Los Angeles and Independence Railroad. His design at that time, most laudable and worthily ambitious, was to extend his enterprise from Santa Monica to Invo County, and possibly to Salt Lake. At any rate, everyone there was anxious that Senator JONES should succeed; but, for various reasons, unnecessary to enumerate here and beyond his control, the road fell into the hands of the Southern Pacific Railroad Company, and he failed to realize his plan and to bring about a result which would have advanced the wealth, prosperity, and happiness of the people.

Senator JONES at that period caused a wharf to be constructed at the town of Santa Monica. That location, I wish to impress upon the Senate, is not that where it is now designed to build the breakwater mentioned in the bill; that is, it is not the locality whereat the present wharf of Mr. Huntington is situated. I submit at this point photographs of Mr. Huntington's pier, which I hope will be examined. Senator JONES's wharf, after passing into the hands of the Southern Pacific Company, was allowed to go into decay, and finally it was partially eaten by teredos, and was then torn down and became a matter of memory.

At that time the Southern Pacific Company owned, as it does now, a large amount of property at San Pedro or Wilmington. There nearly all of its business was transacted. Redondo, a shipping place situated between Santa Monica and San Pedro, commenced to assume some commercial importance, and there a wharf was constructed. The water at Redondo is very deep, too deep, as the Government engineers found, to warrant any attempt at the erection of a breakwater. Redondo transacted much commerce, and finally Mr. Huntington, or the Southern Pacific Company, more accurately speaking, made an arrangement to get through the town of Santa Monica along the seacoast and up to the point where the wharf we are asked to protect now stands.

By the river and harbor act approved September 19, 1890, a board of engineer officers was constituted to examine the Pacific Coast between Point Dume and Capistrano, with a view to deter-

mining the best location for a deep-water harbor, with a project and estimates for the work. This board consisted of G. H. Mendell, colonel, Corps of Engineers; C. L. Gillespie, lieutenant-colonel, Corps of Engineers; and W. H. H. Benyaurd, lieutenant-colonel, Corps of Engineers. This board preferred San Pedro. In submitting the matter to Congress General Casey, then Chief of Engineers, said:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY.
Washington, D. C., December 18, 1891.

Sir: I have the honor to submit herewith a copy of report dated December 8, 1891, of the board of engineer officers constituted under the terms of the river and harbor act, approved September 19, 1890, to examine the Pacific coast between Points Dume and Capistrano with a view to determining the best location for a deep-water harbor, together with project and estimates for the work.

The board, after full examination, concludes that the selection of a site for a deep-water harbor within the limits designated by the act is restricted to the harbors in Santa Monica Bay and San Pedro Bay, and is of the opinion that San Pedro is the better of these, and submits alternative estimates of the cost of necessary breakwaters, as follows.

If constructed of rubble and concrete	$4,594,494
If constructed entirely of rubble	4,126,106

After a careful consideration of the facts in the case as presented by the board, its views as to the location and general estimates of construction are concurred in by me. The difference in cost of the two breakwaters, for the same arcs of protection, is over $700,000 in favor of San Pedro, and when the other advantages of San Pedro, as detailed by the board, are taken into consideration, it would seem that its selection has been properly made.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

Hon. L. A. GRANT,
Acting Secretary of War.

This report, made by these three officers, headed by Colonel Mendell, is alluded to here generally as the Mendell report. It is proper for me to state that, so far as the men who constituted this board are concerned, that they were not only experienced officers, but Colonel Mendell had lived upon the Pacific Coast, where he now resides, during more than a generation, and was absolutely familiar with all the work, all the governmental projects, and all local points upon which money was designed to be expended; and, as you will observe, General Casey, in sending this report to Congress, did not merely transmit it without comment, but he transmitted it with specific approval as to site selection and otherwise.

This board recommended a semi-detached breakwater; or a breakwater, I might say, more properly, in two parts, commencing near Point Firmin, the common point of commencement of the two boards, running thence into the ocean southeasterly to a point. There an opening of 1,500 feet was provided. Thence, at a point 1,500 feet southerly from the end of this part of the proposed breakwater, an extension thereof commenced and was designed to extend easterly 5,600 feet, to insure protection from the southerly seas.

The last board which was appointed by the Government recommended a breakwater commencing at the same shore point and running on a curve seaward and terminating at the easternmost extremity of the detached section of the Mendell breakwater.

After Colonel Mendell's report had been filed here, objection was made to an appropriation for the harbor recommended. The maps and illustrations referred to will be found in House Executive Document 41, Fifty-second Congress, second session, and also in the Mendell report of September 19, 1890.

When the latter report reached Congress the Senator from Maine, who I hope is giving me his attention, suggested that, in his opinion, the harbor was not properly located, and I believe through his instrumentality, owing to his prominent position upon the Commerce Committee, of which he was then, as now, the able and distinguished chairman, procured another board to be appointed; and Congress, in compliance with his desire and through his committee, which acted in unison with him in that regard, procured the adoption of a provision which will be found in the river and harbor act of July 13, 1892, as follows:

> The Secretary of War is hereby authorized and directed to appoint a board of five engineer officers of the United States Army, whose duty it shall be to make a careful and critical examination for a proposed deep-water harbor at San Pedro or Santa Monica bays, and to report as to which is the more eligible location for such harbor in depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country, together with an estimate of the cost. Said board of engineers shall report the result of its investigations to the Secretary of War on or before the 1st of November, 1892; and $10,000, or so much thereof as may be necessary, are hereby appropriated for said purpose.

A very distinguished board was appointed by the then Secretary of War, the honorable junior Senator from West Virginia [Mr. ELKINS]. The board so chosen consisted of the following: William P. Craighill, colonel (now general), Corps of Engineers; Henry M. Robert, lieutenant-colonel, Corps of Engineers; Peter C. Hains, lieutenant-colonel, Corps of Engineers; C. W. Raymond, major, Corps of Engineers, and Thomas H. Handbury, major, Corps of Engineers.

This board went to California, and convened in San Francisco and in Los Angeles. After their field work they went to the city of New York, where the various computations necessary to be made were completed, and finally prepared a most elaborate report, which is known upon the official files as House of Representatives Executive Document No. 41, Fifty-second Congress, second session.

I will state that this document is very difficult to obtain, but in the minority report, prepared by me, I have inserted the whole of the report, except the maps, and Senators can thus easily obtain the body of the report. If there were available copies of the report itself the same would be valuable because of the maps; but I think there are but few in existence.

In proceeding to consider this subject the board had before it not only the knowledge that its views would necessarily be the subject of that criticism which is always given to a public document of importance, but, in addition to that, the board had the advantage of the comments which had been made upon the Mendell report. They were well aware that it was only by a careful, painstaking, skillful, reliable examination and the announcement of well-founded conclusions that they could hope to produce any results beneficial to the Government. They set about performing the duties intrusted

to them in the following way: As I have said, they visited the city of San Francisco and the city of Los Angeles. I was present for a while in the latter city during their deliberations. They had before them every means of reaching the truth usually afforded to men of impartiality. They did not meet in starchamber session; they sent for no favorites or particular friends of anybody; but they gave public notice that they would be in the city of Los Angeles on a certain day, and that they would expect all interested to be present and offer such facts as might be deemed pertinent to the matter in hand.

There were three places competing for the location of a deep-sea harbor at that time. One was Redondo, one was Santa Monica, and one was San Pedro. These interests were represented, not only by individual citizens who had their special opinions, but likewise by lawyers eminent at the bar and engineers of standing. The Southern Pacific Company was cared for by one of the best lawyers in California, a man apt and valuable in discussion and examination. The Santa Fe Railroad, which was interested at Redondo, was on hand, and the same was true of the advocates of San Pedro. They produced there not merely the views of the business men of that community, but they likewise tendered the expert notions of such persons as were deemed competent to express the same. Mr. Hood, the engineer of the Southern Pacific Company, who, with Mr. Corthell, has succeeded in impressing his notions favorably upon a majority of the committee, was there. He gave his conclusions, he had his plans, and he, as he always does, delivered himself with much skill and ability, and presented the advantages of his experience and his wishes to the board there assembled.

I speak of this, Mr. President, because it seems to be assumed that there was information, or that there were perhaps facts somewhere not brought to the attention of this board. I declare that I have never known a more fair, open, thorough hearing and examination than was given to these subjects at the hands of the Craighill board. The members of that organization are not unknown. They were, as were their predecessors, able and honorable men. It is unnecessary for me to pass any eulogy upon the Corps of Engineers of the United States Army. It is sufficient to say that intrusted, as they have been, with the discharge of delicate and important duties, and having in their keeping, as they have had, those interests which involve the expenditure of millions of dollars of money, often in the midst of contention — because money can never be disbursed without some dispute — there has never been a case, so far as I know, in the history of the Government where any ulterior influence has ever had the slightest effect upon a member of this remarkable corps. This fact justifies our pride and our confidence.

These engineers were not children in the work; they were not mere tyros; they were experienced men. It is said that they are fortification engineers. It is true they are fortification engineers; but at the same time there is not one of them who has not been in charge of riparian work, and in charge of all the important civil engineering work of the United States; and today we are in this bill giving the outlay of the millions to the members of that corps. These men, pursuant to law and under the direction of the Chief of Engineers, decide as to how this money shall be expended. It is

upon their skill, upon their integrity, upon their good judgment, not alone as fortification engineers, but as persons skilled in riparian and harbor work, as men conversant with all the subjects involved in this bill requiring engineering skill that we rely, that Congress depends, and upon which the country, too, rests in security.

Mr. President, after these examinations, thus conducted by eight of the engineers of the United States Government, a second report was filed favoring the location at San Pedro, with the changes I have stated in the form of a curved breakwater, commencing and ending where the Mendell breakwater commenced and terminated.

I pause here. When Colonel Mendell, who headed the first board, and who, I might say, next to General Casey, was the ranking member of the entire Engineer Corps, made his report, he considered Santa Monica, but the only place suggested to him at that time for the location of a harbor was not at the point which has been since selected, but was opposite, or nearly opposite, the town of Santa Monica. The present scheme, as I have said, suggests a harbor, not in front of the town, but above it, at Port Los Angeles, the official name of the Southern Pacific wharf.

That location was disregarded by Colonel Mendell because of the abrupt and rocky shore. This statement can be verified by referring to page 8 of Executive Document No. 41. At the time Colonel Mendell reported there had been no attention called to the Southern Pacific wharf, for the obvious reason it had not then been built, but he rejected the location where that wharf is now found because of the abrupt shore. At the spot where the pier of Mr. Huntington stands, as shown by the photographs which I have passed around in the Senate, the bluff rises almost absolutely straight to the height of 200 feet. At the base of that bluff there is a comparatively narrow strip of land. The title to that strip, so far as private property can go toward the ocean, is vested in those who own the property above. That ownership is dominated by Mr. Huntington. Of course, private ownership can not prevent the taking of property for public use, and the right of way can be condemned over the land of private parties whenever a proper statutory and constitutional showing is made.

But I am specially referring to the physical condition. There is a bluff rising 200 feet and a narrow strip below it. Now, let us assume, for the sake of argument, that there may be placed at the foot of that bluff a number of railroad tracks. It is said by the advocates of Santa Monica that eight or ten may be constructed there. I do not set myself up for an expert, but I do not believe this. It is, however, a mere matter of opinion. But there is no foundation or space there for buildings or warehouses, or any commercial edifices whatever. There is what we call a small canyon, or, more accurately, a diminutive gorge, coming in close to this wharf, furnishing enough level land for the erection by the Southern Pacific of a small building for engine-house purposes. Nothing else can very easily be erected there. At all events, Colonel Mendell thought the spot selected by Mr. Huntington was one which was not well suited to commercial purposes in the general sense, and he rejected it, and while preferring San Pedro, gave as the only possible harbor site in Santa Monica Bay a situation near the town of that name.

I am endeavoring to explain this matter in detail. It is, as I consider, of a great deal of importance that all these circumstances shall be understood. The bill proposes the expenditure of more than $3,000,000, and I am endeavoring to present the arguments pro and con as well as I can, that the merits of the case may be carefully considered.

When Colonel (now General) Craighill's board met, the railroad company had not completed its wharf at Port Los Angeles. The work had proceeded considerably, and was attracted to the attention of the board. It was to that particular proposition that Mr. Hood and others who were interested for the Southern Pacific addressed their remarks. So far as the Craighill board was concerned they had the advantage of all the facts and arguments which the then situation afforded.

When that report came before Congress no action was taken. The fight was still on. Its suggestion was no more satisfactory to the advocates of the Santa Monica Bay proposition than had been the judgment of the first board. Here permit me to call attention to the report of the majority of the committee as to the Santa Monica item. I will ask the Secretary to read Appendix H, page 401, of the report of the committee. It is not very lengthy.

The PRESIDING OFFICER. The Secretary will read as indicated, if there be no objection. The Chair hears none.

The SECRETARY read as follows:

The river and harbor act of 1890 authorized the appointment of a board of three engineer officers "to examine the Pacific coast between Points Dume and Capistrano, with a view to determining the best location for a deep-water harbor." Their report was submitted December 8, 1891. In it the board stated that the only eligible sites were at San Pedro and Santa Monica bays, set forth the advantages and disadvantages of each as viewed by its members, and submitted estimates for breakwaters at each place.

For the breakwater at Santa Monica the estimate was $4,549,494 and for that at San Pedro $4,137,591. The board expressed a preference for the latter, This report may be found in the Engineer's Report for 1892, pages 2631-2639.

The Committee on Commerce, when it was considering the river and harbor bill of 1892, after considering this report and other evidence, concluded that further light on the subject was desirable, and in that bill provided for a second board, consisting of five engineer officers, to make examination of these bays.

The report of this board was submitted October 27, 1892, and may be found in the Engineer's Report for 1893, pages 3238-3263. This report discusses relative advantages of the two bays at length, and concludes with the opinion that the location selected by the board of engineers of 1890 was the more eligible. An estimate of $2,885,324 was submitted for a breakwater at San Pedro.

It was stoutly contended by persons having large interests in the commerce of the Pacific Coast and familiar with the local conditions that the opinion expressed by the Board was erroneous; that to act in accordance with it would be a waste of money; and in the river and harbor act of 1894 no appropriation for a harbor at either place was made.

While considering the bill herewith submitted, exhaustive hearings were given by your committee to parties representing both sides of this vexed question, including eminent engineers, both civil and military, and a conclusion was reached, in accordance with which a provision has been inserted for constructing a breakwater at Santa Monica Bay, at a cost not to exceed $3,098,000.

Mr. WHITE. When this report was ordered to be made in the committee, I earnestly dissented from it, and reluctantly reached the conclusion that it would be my duty to file a minority report;

and after consultation with those of my associates who thought as I did and to whom I was able at that time to submit the matter involved, I, together with the Senator from Arkansas [Mr. BERRY], the Senator from Louisiana [Mr. CAFFERY], and the Senator from Florida [Mr. PASCO], did file such report. I was not able to present the document at that time to the Senator from Missouri [Mr. VEST], who, generally speaking, agrees with our views, as he was unavoidably absent from the city, and I thought that the river and harbor bill would come up the following day and believed it advisable to place the matter found in the views of the minority upon the desks of Senators at the earliest practicable moment.

In the minority report we outlined the points upon which it seemed the views of the minority should rest. I will read an extract from the report:

> The undersigned object to the amendment to H. R. 7977, making appropriations for the construction, repair, and preservation, of certain public works on rivers and harbors, and for other purposes, reported by the majority of the Committee on Commerce to the Senate April 27, 1896, which appropriates $3,098,000 for the construction of a breakwater near Santa Monica, Cal. This item was not placed in the bill at the suggestion of either of the Senators from California, nor at the instigation of the Representative from the Sixth Congressional district of that State, wherein the site involved is located. On the contrary, both of the Senators and the Representative objected to the construction of the breakwater at the point named in the bill, and the overwhelming sentiment of the community prefers another location.

I ask the Secretary to read to the end of subdivision 7, as showing the considerations which justify the minority view.

Mr. FRYE. The Senator from California will allow me to say right here that a rule of the Senate adopted some time since requires a brief report as to each item which is contained in the bill. The clerk of the Committee on Commerce always drafts those reports from the reports of the engineers, in order that they may be conveniently at hand for any Senator to see. So far as the report with respect to Santa Monica is concerned, it was made precisely in that way. I did not even look at it; I did not even see it; I did not even read it. I never heard of it until the Senator had it read just now.

Mr. WHITE. I have not said anything that can involve a criticism of the report.

Mr. FRYE. I make the statement simply to account for the brevity of the report.

Mr. WHITE. Yes, sir.

Mr. FRYE. It is simply intended to refer Senators to the documents where, if they please, they can find the information in full.

Mr. WHITE. I was endeavoring to present the matter in rather complete form, and referred to the report of the committee, which of course is very general in its terms and contains none of the argumentations and none of the reasons upon which the Senator from Maine and other members composing the majority of the committee acted in voting for the placing in the bill of the item which I am criticising. I only mention the report so far as it reaches a conclusion from which I dissent. I have referred to it, as I have said, not because it estops Senators from giving additional reasons, or because it presents their view of the case, but merely because it is a part of the record.

Now, let the Secretary read the extract from the minority report.

The PRESIDING OFFICER. The Secretary will read as requested by the Senator from California.

The SECRETARY read as follows:

The following considerations are submitted as justifying this minority report:

(1) The appropriation as proposed is inadvisable. The bill is otherwise sufficiently burdened. The condition of the Treasury does not warrant the use of the public money for this particular work.

(2) There is no official recommendation or other authority justifying the making of this appropriation.

(3) Those officers of the Government to whom has been committed the charge and management of harbor improvements, and upon whose recommendations Congress has been accustomed to act, have uniformly and unanimously reported against an appropriation for a breakwater at Santa Monica. There has been no conflict in the Engineer Corps upon this topic, notwithstanding strenuous exertions by private and powerful interests, and although two boards specially commissioned to examine and report have faithfully discharged their duties.

(4) The action of the committee establishes a dangerous precedent. The entire disregard of the carefully formed and unbiased opinions of two boards of able engineers and the arbitrary location of this extensive work at a point demanded by private interests is a dangerous exercise of power and threatens the removal of needed protection to a frequently imperiled Treasury.

(5) The ultimate success of the work authorized is problematical.

(6) The proper site for a deep-sea harbor is not at Santa Monica but at San Pedro.

(7) If there is doubt as to the availability of San Pedro for a deep-sea harbor, then the expenditure of the appropriation should be made to depend upon the judgment of a commission provided for in this act. Such commission, after taking into consideration all the information theretofore collected and that still is obtainable, should decide as between San Pedro and Santa Monica and should report to the Secretary of War, and a contract should thereupon be entered into for the construction of a breakwater pursuant to such report.

Mr. WHITE. In order to give the Senate as full information from a scientific source as I was able to produce, I and my associates in the views of the minority submit a synopsis of the Mendell report and we proffer the report of the Craighill board in full. These are contained in the minority suggestions and constitute as to extent the main part of the same.

Right here I wish to allude to another matter. It is said in the minority report that the insertion of this item is not owing to the importunity or the effort of either of the Senators from California or the local Representative. It is pretty evident from my attitude that it was not put in at my suggestion. It is equally certain that it was not placed there at the instigation of my colleague. At the hearing before the committee the very able gentleman who represents the Sixth Congressional district of California came before our committee and stated his views upon the subject. I consider them of sufficient importance (they are not very lengthy) to justify presenting at least a part of the same, and I therefore request the Secretary to read from Congressman MCLACHLAN'S statement to the end of the fifth line on page 5, Hearings.

The PRESIDING OFFICER. The Secretary will read as indicated, if there be no objection. The Chair hears none.

The SECRETARY read as follows:

Hon. JAMES MCLACHLAN, member of Congress from the Los Angeles district, said:

"MR. CHAIRMAN AND GENTLEMEN: Perhaps it would be well for me to state briefly the history of harbor matters in the vicinity of Los Angeles. Something like twenty years ago an appropriation was made by Congress for the improvement of the inside harbor at San Pedro, and appropriations have been made from time to time for the improvement of that harbor until the total of the disbursements up to this time aggregate somewhere in the neighborhood of $800,000. That was for the improvement of the inside harbor at San Pedro. The commerce of that locality is increasing rapidly, and it has become evident to all the people there that larger facilities are necessary to meet this increasing commerce. The Government engineers made a survey of what is termed the outer harbor at San Pedro and reported the feasibility of constructing a deep-sea harbor in that vicinity. A short time afterwards another survey was made by Government engineers, and I think that at that time they also made an investigation of Santa Monica, which is about 30 miles north of San Pedro.

"The reports of the Government engineers with reference to the investigation of these two harbors are matters of record here, and can be seen for themselves. It is a fact that those reports show that the Government engineers, on a comparison of the two locations, made a preference in favor of San Pedro for the second time. There has been a good deal of agitation over the question in the vicinity of Los Angeles, and there has been a wonderful conflict going on since that time between these two localities. Before I was nominated for Congress (this will show the condition and temper of the people at that time) I went on the platform of the Republican convention and stated that if I were elected I would go to Congress and would do all in my power to secure an appropriation for a deep-sea harbor at San Pedro. I think that every candidate on every ticket nominated in that campaign two years ago did the same thing. The general sentiment of the people, based largely, I suppose, upon the reports of Government engineers, was largely in favor of San Pedro for the deep-sea harbor. Those are the conditions on which I came to Congress.

"When I arrived at Washington in the beginning of this session I found, however, that the friends of San Pedro were in doubt as to the advisability of our contending at this session for an appropriation for an outside harbor at San Pedro. After consultation with each other, the friends of San Pedro decided that, on account of the depleted condition of the Treasury, so reported, and of the economical ideas which seemed to pervade Congress, it would be wise at this session of Congress to confine their efforts to an appropriation to deepen the inside harbor at San Pedro to 18 feet at mean low water, according to the report of Colonel Benyaurd, who stated that, in his judgment, it could be done for $392,000.

"I want to state to the committee that I was the last friend of San Pedro who finally assented to this course, and I think the friends of San Pedro will bear me out in stating that. I said to them that I was elected to come here to work for an outside harbor at San Pedro; that that was my pledge to the people, and that now I would not be justified in confining my efforts to the inside harbor. I was perhaps the last one who finally consented to this plan, because it was the best thing to do. I went before the House committee and asked the improvement of the inside harbor of San Pedro and an appropriation of $392,000 for that purpose, stating at the same time that we did not forego our claims to the outside harbor at San Pedro. At that hearing there was no objection to the request made by us, and we left the committee with the request that we should receive an appropriation that would enable us to complete the inside harbor at San Pedro.

"Afterwards, and before the river and harbor bill was reported to the House, it was learned that the committee had put in the bill an appropriation for the full amount that was asked for the inside harbor at San Pedro, and had also included an appropriation (as we are credibly informed) of about $2,800,000 for the construction of an outside harbor at Santa Monica. I am bound here to state, as the Representative from that district, that I never asked for an appropriation for Santa Monica. We simply confined our efforts to the inside harbor at San Pedro. And I am in duty bound to say, as a Representative from that district, coming fresh from the people that I am not here today asking for an appropriation for Santa Monica, but that I am here asking for an appropriation to continue that inside harbor at San Pedro according to the plan of Colonel Benyaurd. And if in the wisdom

of this committee it can see its way clear to give us an appropriation for an outside harbor, I am bound, under my pledges, to ask you to give that appropriation for the construction of the outside wall or breakwater at San Pedro."

Mr. WHITE. In addition to the extract which has just been read, I make the following quotation from Mr. McLACHLAN:

Senator ELKINS. You say that you appear here to get an appropriation for the inside harbor at San Pedro, and that you would like an appropriation for the outside harbor as well.

Mr. McLACHLAN. All the friends of San Pedro consider that on account of the economical tendency of this Congress, and on account of the condition of the Treasury, it would be wise to confine our efforts to getting an appropriation of $392,000 for the inside harbor; but since we discovered a disposition on the part of the House to give more to the vicinity of Los Angeles, I say, as a representative of that people coming here with those pledges, and that if there is to be an appropriation for an outer sea wall, I ask it for the beginning of the outer harbor at San Pedro.

The CHAIRMAN. But you do not expect an appropriation of some $3,000,000 for Wilmington Harbor provided the Government continues to make a deep-sea harbor at San Pedro?

Mr. McLACHLAN. Yes: because we believe that one of the most practical advantages to the deep-sea harbor will be the completion of the inside harbor at San Pedro.

Now, the Senate will understand that the $392,000 referred to in this testimony by Congressman McLACHLAN is provided for in the pending bill; that is to say, there is an appropriation of $50,000 and a continuing contract for an amount making the whole $392,000 for the improvement of the inner harbor which I have described, and a photograph of which is here before the Senate, and his statement is therefore fully supported.

I wish to call the attention of the Senate to what I consider an extraordinary feature of this case — a peculiar feature of the controversy. It is and would be in any instance rather singular that the Congress of the United States should find it necessary to make an appropriation of public money in the face of the desire of local representatives, and it is almost impossible that such a condition of things can ever exist unless there is some uncommon influence not usually applicable and not generally brought into exercise.

Let us examine this situation. In the report of the committee, from which I have read the general synopsis, we find the following:

It was stoutly contended by persons having large interests in the commerce of the Pacific Coast and familiar with the local conditions that the opinion expressed by the board was erroneous; that to act in accordance with it would be a waste of money.

The opinions thus expressed were the expressions of the Southern Pacific Railroad Company, and that persistency which has been referred to has been and is the persistency, the potential persistency, of that company. I recognize the right of every man to proceed upon proper lines to gain all grants from Congress which his eloquence and skill, his arguments and persuasion, may be able to obtain, but I do not recognize the right of such person to control me without some argument demonstrating that the appropriation of this large amount of money in defiance of official recommendation is for the public interest.

Let me go a step further in the history of this matter. Mr.

McLACHLIN in his lucid statement has perhaps made the matter plain enough, but I wish to allude to the subject, for I desire the Senate and every member of it to understand the situation, and so understanding it if members of this body are willing to take the responsibility of voting away $3,098,000 it is their affair, not mine. But I shall give the facts as I know them, and I shall state nothing that I do not believe to be true, and I shall gladly correct any statements which I may discover to be unfounded.

When the present Congress convened the situation of this matter was briefly as I shall state it. Nothing had been done upon the report of the board of engineers and no appropriation had been made. In the meantime Colonel Benyaurd had devised the project for the improvement of the inner harbor to which I have referred. I called for that project, which was filed away in the War Department by resolution which passed the Senate at the close of the last session. The report of Colonel Benyaurd was thereafter incorporated in the official records of the Chief of Engineers, and when the river and harbor bill came before the committee of the House for consideration I appeared there and so also did my colleague, and the distinguished member of the House already referred to was likewise there. We presented our claims for the further improvement of the inner harbor at San Pedro or Wilmington — I use the words indiscriminately — the Benyaurd project, against which there was, so far as we knew, or now know, no disclosed objection.

I stated there, as others did, that in view of the depleted condition of the Treasury, and because we deemed it wholly unlikely that Congress would care to embark in so expensive a work as a three-million-dollar outer harbor at this time, we should be satisfied if we were given a continuing contract for the inner harbor at San Pedro, involving the $392,000. We left. Nothing more was heard by me of this affair until I learned indirectly that a provision had been printed in the draft of the river and harbor bill for two million eight hundred and odd thousand dollars for a harbor at Santa Monica or Port Los Angeles, and that $392,000 had also, it was rumored, been appropriated for San Pedro.

Thus I discovered that to some extent my State occupied a higher plane than that upon which other Commonwealths have been in the habit of treading; that while there were some who were forced to solicit appropriations and to make arguments to obtain the same, in my instance such favors came not only unsolicited but unwanted.

Mr. GRAY. Thrust on you.

Mr. WHITE. However, a great local disturbance arose in Los Angeles. As shown by the hearings printed by the Committee on Commerce, a telegram was sent to Los Angeles stating that if the people there would unite they could have the inner harbor at San Pedro, but they must take it with the outer harbor at Santa Monica.

Mr. GEORGE. Who sent that telegram?

Mr. WHITE. The Representative. I will refer to the page in a moment. The result of it all was that the River and Harbor Committee dropped the whole matter, leaving only an appropriation of $50,000 for the inner harbor at San Pedro on the Benyaurd proposition and no continuing contract at all. Indeed, my State was not honored with any continuing contract in the bill as it came to this end of the Capitol. When the measure reached the Committee on Commerce the fight was renewed.

I neglected to say that the River and Harbor Committee had the benefit (not in my presence, however) of the testimony of Messrs. Corthell and Hood, whose views have been published by the House. The combat was thence transferred to the Committee on Commerce. Upon a day fixed by common consent representatives from the State of California were brought here, business men, persons of standing and integrity, who represented both sides of the question. Some of these gentlemen (and their evidence is in the hearings here) argued in favor of Santa Monica and some in favor of San Pedro.

Petitions were filed; telegrams without number were received. One of my constituents stated to me, "Let us have the appropriation, even if it is to go to Arroyo Seco," which means "dry creek." The impression prevailed in the community that there was an opportunity to get $3,000,000, and some thought that it was useless to longer make a fight for San Pedro, where the vast majority of the people wanted the harbor. Sooner than lose the appropriation for the inner harbor, and this large amount of money promised to be disbursed in the locality, they were willing to locate a harbor anywhere.

Of course that did not represent the universal sentiment. I may say the record here shows a telegram signed by two or three hundred of the leading business men of Los Angeles insisting upon my advocacy of both appropriations for San Pedro. But if I had not received that telegram I should not have changed my position. It can not alter my attitude standing here in the discharge of a public duty merely because a vote of mine is to prevent the expenditure of money in my locality. If I know that that expenditure is not to be made in the public interest — that it is sought for a private purpose — I will not vote for it. Were I outside of official life, selfishness, which dominates many of us, and to some extent influences us all, might perhaps lead me to applaud an act which would involve local disbursement of such an elaborate sum. But I could not find myself authorized, and do not deem myself empowered, to appropriate one cent unless I find it to be for a public purpose and for the public interest.

Mr. Lankershim, a very prominent business man of my city and a person of excellent standing, was before our committee and was examined, and favored the selection of Santa Monica. The distinguished Senator from Arkansas [Mr. BERRY] asked him the question whether it was not a fact that the people in that section of the State had finally come to the conclusion that they had better take the appropriation, because influences surrounding the case were such as to render it impossible to authorize the outlay elsewhere. I refer to the exact language. It can be found in Hearings, page 64.

Senator BERRY. You say now you have changed your mind and that others have changed their minds.

Mr. BERRY. Read just before — the first question.

Mr. WHITE. Oh, yes.

Senator BERRY. You worked for years, did you not, trying to get this deep-water harbor at San Pedro?

Mr. LANKERSHIM. Yes.

Senator BERRY. You say now that you have changed your mind and that others have changed their minds. Is not that change of mind attribut-

able in a large measure to the fact that these people have come to believe that the influences here at Washington were so strong against San Pedro that that harbor could not be built, and you came to the conclusion that it was better to take Santa Monica than none? Is not that a fact?

Mr. LANKERSHIM. Well, it is somewhat so. I was a good deal more in favor of San Pedro before I came here, but since I have heard the reports of these engineers I never will believe another day that a port can be built at San Pedro.

And so on.

Mr. GRAY. What engineers does he refer to?

Mr. FRYE. The civil engineers.

Mr. WHITE. He refers to Corthell.

Mr. FRYE. Corthell and Hood.

Mr. WHITE. Corthell and Hood. They were the engineers of the company.

Mr. GEORGE. Of what company?

Mr. WHITE. The Southern Pacific. Now, Mr. President, taking the situation as I find it, I have no hesitancy in the world in asserting that, as between the location at San Pedro and Santa Monica, were the people of my section permitted to make a choice there would be an overwhelming vote in favor of San Pedro. But there are those, and it can not be denied, who think that under prevailing conditions they can never obtain their preference, and they conclude that it is better to accept the situation such as it is without further contest and worry. That situation can not affect me; it should affect nobody. The question before the Senate is where ought this money to be put if it is expended at all. Mr. Hood and Mr. Corthell were practically before both committees; Mr. Corthell was personally before both, and Mr. Hood's statement was before both. These gentlemen, who were heard in behalf of the railroad company, explained their preferences, and Mr. Corthell not only made his argument before the committees, but as soon as the minority report already mentioned was filed I encountered in the hands of an employee of the Senate a printed document indorsed as follows:

DEEP-SEA HARBOR IN SOUTHERN CALIFORNIA.

Letter of Mr. E. L. Corthell, civil engineer, to United States Senators WHITE, BERRY, CAFFERY, and PASCO, of the committee on Commerce, relating to their minority report on the amendment to H. R. 7977, making appropriation for the construction of a breakwater at Santa Monica, Cal., May 1, 1896.

Turning the title page, which appeared to indicate a report from the third house, I found the interior decoration as follows:

WASHINGTON, D. C., *May* 1, 1896.

Hon. STEPHEN M. WHITE,

United States Senate, City.

DEAR SIR: On April 29 last you, representing yourself and Senators BERRY, CAFFERY, and PASCO, presented a minority report upon a location for a deep-sea harbor on the southern coast of California.

As the facts and opinions which I have laid before the Senate and House committees, and I may say the War Department, have been called in question in your report, it seems to me proper that I should at least remove some misunderstandings that evidently exist in the minds of yourself and your associates.

Then he proceeds in this charitable enterprise as follows:

From the time that I first appeared before the Senate Committee on Commerce, on June 19, 1894, I have frankly stated my professional connection with this question, both to the committees and to the War Department. Most of the statements which I have made are recorded in the printed reports of hearings. It is only necessary now to refer to the following, from an official communication addressed by me to the Chief of Engineers, December 13, 1895:

"Early in the spring of 1894 I was requested by Senator FRYE, of the Commerce Committee, and so stated by him before his committee, and by Mr. BLANCHARD, at that time chairman of the Rivers and Harbors Committee, and afterwards by Mr. CATCHINGS, subsequently appointed chairman of that committee, to make a careful investigation in reference to the question of location and plans for a protected harbor on the coast of Southern California."

This extract, it will be observed, is what Mr. Corthell styles "an official communication."

Mr. GEORGE. Who is Mr. Corthell?

Mr. WHITE. He is an employee, in this matter, of the Southern Pacific Railroad Company.

Mr. GEORGE. Has he any connection with the Government?

Mr. WHITE. I am trying now to work out his connection. I am endeavoring to proceed through the sinuosities of the situation to a conclusion or to some tangible result. In other words, I am trying to anchor him with reference to his opinions. This alleged official communication was sent in December 13, 1895. Now, he proceeds:

I was aware of the decided difference of opinion existing even then (1894) as between Santa Monica and San Pedro.

Mr. Huntington, president of the Southern Pacific Company, had also asked me, as I was about to start for California, to examine the question of harbor location —

It will be observed that this was a mere incidental request —

as I was about to start for California, to examine the question of harbor location, but I considered that I was making the examination for the committees of Congress —

We will see what there is in that pretentious and presumptuous claim in a moment —

and I determined to investigate the matter exhaustively, to decide the important questions involved carefully and impartially, and to present my opinion to the committees. It therefore seems unnecessary for me to repeat now that had I found the location at San Pedro more advantageous than at Santa Monica, I should have reported so.

This is his letter to me which was never delivered, as I have stated, through any intentional instrumentality of its author. Now, let us look a little further. This gentleman was interrogated upon this subject when he appeared before the Committee on Commerce. I refer to the hearings. When he took the stand, so to speak, although perhaps that expression is technically inaccurate (no one was sworn, and the statements of the gentlemen who appeared there were all accepted without any other verification than their word) he stated, I refer to page 36 of the hearings before the committee —

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: You recollect that about two years ago I made an examination of these conditions in California — as exhaustive an examination as if I had been employed professionally on the subject. I did it with the approval of three leading members of the Senate and House committees, and I came before you on the 19th of June,

1894, with a statement of what I had found and of my opinion in regard to where this deep-sea harbor should be located.

Later on the distinguished Senator from Arkansas [Mr. BERRY] asked the witness the following questions:

Senator BERRY. In the beginning of your remarks you said something about going out there at the instance of Senators. Did I understand you to say so?

Mr. CORTHELL. I meant with the approval of Senators.

Senator BERRY. They did not employ you to go out there, did they?

Mr. CORTHELL. No, sir.

Senator BERRY. Who employed you?

Mr. CORTHELL. Nobody at the time; but afterwards Mr. Huntington paid my expenses. Mr. Huntington asked me, in the first place, if I would make the examination. I said that I did not think I would like to do so in my position, because it would be officious if I should make an examination and ask to he heard before a committee. I said: "If Senator FRYE and Mr. BLANCHARD (then chairman of the House Committee on Rivers and Harbors) would like me to make an examination I will make it."

Senator BERRY. There was no order of Congress for you to make it?

Mr. CORTHELL. No; I received a telegram from Mr. CATCHINGS while at San Diego, asking my opinion, but expressly stating that he did not intend to employ me, but that he wished me to give my opinion.

Senator WHITE of California. You had done some work for Mr. Hunt--ington before that?

Mr. CORTHELL. I was, for four years, when obtaining a charter from Congress, the representative of six railroads at New Orleans, and the president of the Southern Bridge and Railroad Company while the charter was being obtained for a railroad bridge over the Mississippi, it was (by previous agreement among the directors of the companies) then transferred to the railroad interests. That was the object of getting the charter. I resigned my position as president and was re-elected chief engineer, and Mr. Huntington was elected president. Those are my relations with him. Of course I was very glad, on account of these relations, to do anything which I could properly do that Mr. Huntington requested.

Mr. President, what justification is there for the assertion that this was an official investigation? I appeal not only to lawyers, but to those used to analyzing human statements and to determining the candor or want of candor of individual declaration, and I ask, Does any man believe that the person who thus addresses this communication to me and other Senators is any more than the employee of the interest in this case, which is making this determined contest for personal profit? Is there any question about it? Official position! Who conferred it? I repudiate, deny, and controvert the assertion that the Committee on Commerce ever authorized this man to make any investigation. They never did.

Does anyone suppose that in the year 1894 I, conscious of this man's relation to an interested party, ever would have consented to or permitted without emphatic demurrer his appointment in any such confidential place? Does anyone believe that I would have been willing to intrust my constituents' interests to one whom I knew was in the pay of a person toward whom my constituents occupied an antagonistic attitude? Senators, indeed, might, if they chose, ask Corthell to make the investigation. That was their individual affair. He was first sought by Mr. Huntington. Mr. Huntington had a right to ask him. It was Mr. Huntington's affair properly to examine into the case and to employ the most skilled men he could obtain. Mr. Corthell is a very able and skillful engineer, and for years, as his testimony shows, he has been associated with Mr. Huntington. He

went out to my State and he made this inspection, and his expenses were paid by Mr. Huntington. I should have had a great deal more regard for Mr. Corthell if he had come out, like expert witnesses who are candid ought always to come out, and said: "Yes, I was employed and well paid for the work I did; it is good work, and I will stand by it and demonstrate that I am right." There would have been something about that which would have commended the man's utterances to me. But he has evaded the whole story.

Mr. President, it would have been singular had this man been sent to California officially to inspect a public improvement by gentlemen who were authorized themselves to act in committee upon that subject, without any regard in their committee that it was so done. There never was any such appointment. There never was any such authority. I have resided for half of my life, for all my manhood's days, in the county of Los Angeles, where this improvement is intended to be made. I know its people pretty well. I know the surroundings of the case pretty well. My associate has lived upon that coast since 1855. He possesses technical and nautical knowledge regarding it which no other man here enjoys. This he has learned in the course of his business. The Representative of that district, fresh from the people, lives in the city of Los Angeles. Ought not we know perhaps something about it? Were we not worthy of consultation? There is an alleged public officer, a man who professes to be an employee of the Government, who talks about his official communication, who visits our home and determines the merits of our arguments without even identifying himself. Mr. President, his investigation was uninvited by any committee, unsanctioned by any law. He was Mr. Huntington's agent then as he is now.

Mr. President, in so far as his statements disclose facts supported by reason so far are those statements valuable. In so far as he attempts to put himself in a situation of impartiality and fairness his efforts must prove unavailing. He is worthy of credit, as I say, as far as he is supported, but he is not entitled to that degree of confidence pertaining to an impartial man who, in the discharge of a public function, knows no master save his conscience, and does nothing merely to win individual monetary emolument. The one is ruled by a lofty sense of duty to his country, the other toils for the commendations of selfishness.

Therefore, Mr. President, we must proceed to examine such arguments as are adduced in support of these propositions upon their merits, without supposing that there is any official sanction for the report of the committee beyond that sanction which follows from our acts as Senators. It has been shown that the committee has had the regular reports of two boards of engineers; that their reports have been adverse to Santa Monica; that those politically authorized are similarly minded. Here I pause. I do not contend that any Senator or Representative has an absolute right to dictate to a committee where public funds shall be expended. As a member of the Commerce Committee I am only entitled to vote once — to vote my own notions — and I have no right to register the judgment of any other member. At the same time, perhaps, the custom which has grown up because of the teachings of experience is not a bad one — to pay some little respect to recommendations and representations of

those who speak within this Chamber of the necessities of their homes.

But what is there before this body to offset the official disapproval from these two boards concurred in by General Casey — distinguished boards, as I have said — one presided over by the present General of the Engineer Corps? Is there anything official to cancel this disapprobation? I have disposed of the claim that Mr. Corthell represents anybody officially, unless it be the railroad company. Mr. Hood, an able engineer, gives his views. He is the chief engineer, and an exceedingly good one, of the Southern Pacific Company. We have his evidence.

Mr. President, we have cast aside the reports of our engineers, and of the Chief of Engineers, and the views of those locally interested, and we have adopted the conclusions of those who are personally, individually, and financially interested. We have refused to appropriate the public money and place it where it is said by impartial and competent Government officers its disbursement would be of use to the public, and we have taken it and placed it where these officers have said it should not be expended. Perhaps we are right, perhaps the committee is right; but let it be plainly shown before we act affirmatively; let it appear most clearly that the committee is obviously right. No dubious evidence will suffice to justify such a singular course.

Mr. GRAY. Let me ask the Senator if there is no recommendation of the board of engineers or other Government authority in favor of the appropriation for Santa Monica?

Mr. WHITE. None on earth. Not only that, but it is sought to appropriate $3,098,000 for this improvement, when there is no official estimate of the cost of that improvement or recommendation for it.

This is not a case, Mr. President, where a Senator rises from his seat and says, "Here is something of necessity, here is something about which I know everything," and there is no dispute, and he is asked, "Have you a recommendation?" "No; there is no recommendation, but I am cognizant of the facts; they are so and so." The Senate sometimes, in such cases where the amount is small, takes the risk and perhaps makes the appropriation. But the present is an instance where there is negation. This is a case where the authorities to whom we have committed this matter, in an advisory sense it is true, but to whom nevertheless we have committed this matter, have reported adversely. We are to make this enormous expenditure, not only without their recommendation, but in the face of their condemnation.

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

Mr. WHITE. Certainly.

Mr. GEORGE. I only wish to ask a question; I know nothing about the matter and I have not heard all the debate. Is it a fact that two boards of United States engineers, acting under oath, have reported against the appropriation recommended by the committee?

Mr. WHITE. Yes, sir.

Mr. GEORGE. Is it a fact that both the Senators from California and the Representative in the other house of Congress from that district, are against the appropriation?

Mr. WHITE. Yes, sir.

Mr. GEORGE. Is it a fact that there is no other evidence upon which the Senate is asked to act except the statement of two men who are in the employ of the Southern Pacific Railroad Company?

Mr. WHITE. To be fair, I would say there is other evidence. There are gentlemen who testified before the committee; and, in addition to that, there is the personal knowledge, or whatever it may be, of those who have seen the locality, and who, upon that, have formed their views.

Mr. GEORGE. I mean any professional, any engineer reports?

Mr. WHITE. No, sir. I will say, however, that there are gentlemen upon the committee who have seen this location, notably the distinguished chairman, who has examined it personally, and who has reached a conclusion as the result of his examination. There are other members of the committee who are also familiar with it, very familiar with it. The Senator from Nevada [Mr. JONES] is very familiar with it, knows the ground thoroughly, and has for many years known it.

Mr. BATE. I should like to ask the Senator one further question, which I believe the Senator from Mississippi [Mr. GEORGE] did not ask.

Mr. WHITE. Certainly.

Mr. BATE. Is it or is it not a fact that all the boards and commercial organizations in the city of Los Angeles, which is tributary to this place, have decided in favor of San Pedro?

Mr. WHITE. The principal commercial board of the city of Los Angeles is the Chamber of Commerce. This board comprises within its membership most of the more prominent business men of that city. In 1894 the Chamber of Commerce of Los Angeles had a meeting and determined that its members should vote upon this subject, which they did, deciding by a large majority in favor of San Pedro. If the Senator from Tennessee will consult page 80 of the hearings he will find there an elaborate dispatch signed by men whom I consider to be representative business men of the city of Los Angeles, also in favor of San Pedro.

Mr. President, I dislike to go on further with this subject now. I will state the reason. I have been suffering from a severe cold for three or four days, and I feel the effects of it somewhat. I shall go on and finish in the morning. I should prefer to proceed now if I were physically able, but in my present condition I do not like to risk going on further tonight.

Mr. HARRIS. In view of the suggestion of the Senator from California, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 9, 1896, at 12 o'clock meridian.

Saturday, May 9, 1896.

Mr. WHITE. Mr. President, I will resume consideration of my objections to the Santa Monica item of the river and harbor bill, and will now proceed to consider some of the claims made by the advocates of Santa Monica and also the objections raised to the San Pedro location, although I deem it unnecessary to a correct solution of the immediate question pending that any elaborate presentation

of the particular subjects to which I allude shall be made, because the amendment which I have proffered involves the appointing of a commission to locate the harbor, and provides that upon a favorable report of a majority of the commission the appropriation shall be made available for the point selected by them. The merits of each site would thus be finally and satisfactorily settled.

I believe it has already been sufficiently shown and that it must continue to be apparent that there is at least reasonable ground to doubt the advisability of investing more than three millions of public funds in an unapproved breakwater site, and I trust that I may be able to show to the Senate that it is improper to make such an appropriation as is designed in the bill without any governmental sanction or without any regard to those safeguards which have heretofore been deemed essential to secure the proper disbursement of public money.

Notwithstanding the fact that I do not deem it absolutely material to consider objections to the contending locations, I will do so, as some may be influenced by the many charges and theories from time to time urged in this connection. In the views of the minority, page 31, occurs the following:

> It is asserted that since the last report of the engineers was made Mr. Huntington and his associates of the Southern Pacific Company have constructed an extensive wharf at Port Los Angeles (Santa Monica), and that the shipping experience since had evidenced the wisdom of the location. It is true that in ordinary weather vessels successfully discharge their cargoes at Mr. Huntington's wharf, but in this respect San Pedro possesses equal advantages. The evidence taken by the committee shows insurance rates to be less at San Pedro than at Santa Monica. The Mendell's report mentions that San Pedro Bay has been a shipping point time out of mind; that prior to the American occupation mariners touched there, and the locality was known as the "Embarcadero." During those periods no one thought of resorting to Santa Monica Bay.

In the letter circulated by and bearing Mr. Corthell's name I find the following response to the point to which I have just adverted:

> On page 68 of the report of the hearing is a digest of certain affidavits made by shipmasters this year, who have, some of them, for two or three years been engaged regularly in loading and unloading vessels at Port Los Angeles, It is my pronounced opinion that had the commercial experience at the wharf at Port Los Angeles been available for consideration by the Mendell board in 1891 it would not have hesitated to give an opinion in favor of building a deep-sea harbor at this point instead of at San Pedro. It is well known that the reason why "San Pedro has been a shipping point from time out of mind" is the existence of the mouth of a tidal lagoon at this place into which the small vessels which formerly plied along this coast could enter and unload upon the banks or wharves, and that it was not on account of any anchorage facilities which the open bay might possess.

In the same connection Mr. Corthell refers to the holding ground at San Pedro thus:

> The contention in regard to holding ground at San Pedro has been, and is that there are near the shore and in some other parts of the bay rocky areas which do not form good holding ground for vessels at anchor. It is generally conceded by shipmasters, and it certainly is evident from careful examinations made by borings and by experience in pile driving at Port Los Angeles, that that part at least of the Bay of Santa Monica could not have better holding ground.

Among the many fallacious impressions which obtain in some quarters, and perhaps yet prevail, in consequence of reiterated asser-

tion, is the notion that the holding ground at San Pedro is not good. There will be found printed in the hearings before the Senate committee the statement of some forty-odd shipmasters who have visited San Pedro at different times, and their evidence upon this subject is absolutely conclusive. Those shipmasters have not called at that port during one or two years, but have plied up and down the coast of California for extended periods. The statements to which I refer are on page 24 of the hearings and extend to the middle of page 28. The original affidavits are on file with the committee, and the matter presented in the report is in digested form. I quote:

O. A. Olsen, master mariner: Have been acquainted, in my capacity as practical sailor, with San Pedro Bay and Harbor nine years. Have been in San Pedro Bay several times, and have anchored in roadstead. Very good holding ground. San Pedro has the better anchorage ground. San Pedro has the better natural protection from prevailing winds and swells.

F. G. Miller, master mariner: Have been acquainted with San Pedro Bay and Harbor, as a practical sailor, for thirty years. Have been in San Pedro Bay and Harbor six times. Always anchored in roadstead. Anchored in winter of 1860-61 and since to date. Good holding ground, and with good ground tackle I think vessel will lay safe to her anchors the year round.

Here is the case of a man who has been engaged in managing vessels, acting as master mariner on the Pacific Coast since 1861, and he has frequently visited this bay.

H. A. Smith, master mariner: Have anchored in San Pedro Bay many times since 1888. Good holding ground. San Pedro best place for harbor. Is better protected from prevailing winds and swells than Santa Monica Bay.

John Peterson, master mariner: Have been acquainted with San Pedro Bay and Harbor twenty years, and have been there many times. Anchored in the roadstead. Very good anchorage ground. Have been acquainted with Santa Monica Bay twenty years. San Pedro has better anchorage ground and has better natural protection from prevailing winds and swells.

I will not read all the statements, but I will ask to have same incorporated in my remarks. Senators who care to do so may peruse these statements upon pages 24, 25, 26, 27, and 28 of the hearings. They are to the effect that the natural advantages of San Pedro are in every way superior to Santa Monica, and are specific and positive as to the character of the holding ground. These affidavits are made, not by theorists, but by men who have cast their anchors in that roadstead and know exactly what they are talking about. Their views should be regarded as conclusive. I submit their statements:

Sworn statements of sea captains as to holding ground for anchorage at San Pedro.

W. S. Southard, master mariner: Have been at San Pedro Bay and Harbor once. Anchored in the roadstead. First-class holding ground. Have been in Bay of Santa Monica, near Redondo. San Pedro is best place for harbor. Is protected by islands on one side, mainland on the other. Latter protects westerly winds, which prevail at different times of the year.

F. E. Magune, shipmaster: Been in San Pedro Harbor twelve times. Anchored in roadstead. The holding ground is good and very hard. San Pedro has better protection from prevailing winds and swells.

Barnard Olsson, master mariner: Anchored many times in San Pedro Bay, in roadstead. San Pedro best holding ground. Have always tried to keep away from Santa Monica Bay. The better anchorage ground is at San Pedro, by all means. San Pedro has better protection from prevailing winds and swells.

Henry A. Crocker, master mariner: Have been in San Pedro Harbor many times — too numerous to mention. Anchored in roadstead. Very good anchorage ground at San Pedro. Have been in Bay of Santa Monica. San Pedro has better anchorage ground and has better protection from prevailing winds and swells.

R. Brummer, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead. The holding ground is exceptionally good. Am acquainted with Bay of Santa Monica. San Pedro has better anchorage ground and better natural protection from prevailing winds and swells.

Charles Warner, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead. Anchorage ground very good. Was in Santa Monica Bay with cargo of piles and found great difficulty in discharging and holding ground very poor. San Pedro has better anchorage ground and better protection from prevailing winds, etc.

P. A. Johnson, master mariner: Have been on San Pedro route six years steady. Have anchored in roadstead many times. Good holding ground. Don't think favorably of Santa Monica. San Pedro has better anchorage ground and is better protected from prevailing winds and swells.

C. C. Birkholm, master mariner: Have been in San Pedro Bay and Harbor twenty times. Anchored in roadstead. Good anchorage ground. Have discharged two cargoes at Santa Monica. San Pedro has better anchorage ground and better protection from prevailing winds.

E. Christ, shipmaster: Have been in San Pedro Harbor many times. Always anchored my vessel outside. Have always found the holding bottom of first-class quality. Do not think there is any better. Never had occasion to anchor in Santa Monica Bay. San Pedro has better anchorage ground, I think. San Pedro has better natural protection from prevailing winds and swells.

O. Anderson, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead many times. Good holding ground. Have been acquainted with Santa Monica Bay since 1881, and do not know any good of it. San Pedro has better anchorage ground and better protection from prevailing winds and swells.

William Robb, master mariner: Have been in San Pedro Harbor twenty times or more. Anchored in roadstead. Have always found the anchorage good; in fact, superior to any bay on the Pacific Coast, San Francisco excepted, and only except San Francisco on account of the harbor being land-locked. Have anchored in Santa Monica Bay on different occasions in small boats and yachts. San Pedro has better anchorage ground and better protection from prevailing winds and swells. San Pedro is sheltered from prevailing winds on the Pacific Coast.

John W. Aspe, master mariner: Have been in San Pedro Harbor about thirty times. Anchored in roadstead every voyage. Holding ground is good. Am acquainted with Santa Monica Bay. San Pedro has best anchorage ground and better protected from prevailing winds and swells. San Pedro is a safe harbor for the summer winds, with good holding ground. Santa Monica has a constant westerly swell, with very poor holding ground.

M. Olsen, master mariner: Have been in San Pedro Bay many times. Often anchored in roadstead. Good holding ground. San Pedro has best anchorage ground. Acquainted with Santa Monica Bay only by my charts. San Pedro has better natural protection from prevailing winds and swells.

F. D. Wells, master mariner: Have been in San Pedro Harbor several times. Anchored in roadstead. I have anchored there in heavy blows and my anchors always held. San Pedro has best anchorage ground. Am acquainted with Santa Monica Bay. San Pedro has better natural protection from prevailing winds and swells.

C. Jansen, master mariner: Have been in San Pedro many times. Anchored in roadstead. Good holding ground; most emphatically good. Am acquainted with Santa Monica Bay. I consider San Pedro superior in all weather from the fact that San Pedro is protected from all prevailing winds and seas. San Pedro has best anchorage ground, and is recognized by all seafaring men as a safe port to anchor in.

J. W. Grove, shipmaster: Have been in San Pedro Bay. Anchored in roadstead. Good holding ground. Have been in Santa Monica Bay twice. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. The latter place is protected from the south by Catalina Island; from the north by the mainland.

William Kindlen, master mariner: Have anchored in San Pedro Harbor, in roadstead. San Pedro has good holding ground and shelter. Can not compare San Pedro with Santa Monica, for I do not know; but San Pedro is good. In my opinion San Pedro has better protection from prevailing winds and swells.

F. M. Johnson, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead. Good holding ground. Am acquainted with Santa Monica Bay from my charts. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells.

David Robinson, master mariner: Have been in San Pedro Harbor, and anchored in roadstead. I think the bottom is very good holding ground. I have never dragged my anchor there. Am not acquainted with Bay of Santa Monica. In my opinion San Pedro has best anchorage ground and better protection from prevailing winds and swells. I have been over to Santa Monica, and I noticed that there is a very strong undertow, and I should think it would be very hard to hold a ship at the wharf. As to anchorage, I know nothing, only from hearsay.

John Slater, master mariner: Have been in San Pedro Bay and Harbor many times. Anchorage ground good. Am acquainted with Santa Monica Bay for twenty years, and I at all times wanted to keep away from it. San Pedro has best anchorage ground, and has better protection from prevailing winds and swells.

C. Ryder, shipmaster: Have been in San Pedro Bay and Harbor many times. Anchored in roadstead many times. Good anchorage ground. As between bays of Santa Monica and San Pedro the latter has best anchorage ground and better natural protection from prevailing winds and swells.

William Rosendall, master mariner: Have been in San Pedro Bay and Harbor many times. Anchored in roadstead many times. Good holding ground. Acquainted with Santa Monica a little by knowledge acquired from my charts. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. San Pedro is protected from all prevailing winds and swells, excepting severe winds and seas from the southeast; these the bay of Santa Monica is entirely exposed to.

Martin Chester, shipmaster: Have been in San Pedro Bay and Harbor between three and four hundred trips and anchored in roadstead many times. Good holding ground. Never knew of a vessel meeting with any accident on account of poor holding ground. I was master of the first vessel that tied up alongside the old Santa Monica wharf. San Pedro has best anchorage ground and better protection from prevailing winds, etc. In my personal experience as master of different vessels bound for both ports I found that for safety and shelter San Pedro was preferable and more secure.

Richard Hillyer, master mariner: Have been in San Pedro Harbor and Bay hundreds of times. Anchored in roadstead. I have found anchorage good, and it can not be surpassed. Have been acquainted with Santa Monica Bay for many years. San Pedro has better anchorage ground under all circumstances than Santa Monica, and has better natural protection from prevailing winds and swells. Santa Monica has poor holding ground and but little shelter. I dragged my anchors in Santa Monica Bay, and was forced to go back to San Pedro Bay for protection.

R. P. Rassmussen, master: Have been in San Pedro Bay and Harbor. Anchored in roadstead twenty times or more. Have found the anchorage good for almost all winds, with hard blue clay for bottom, well adapted for holding ground, with a depth of water of from 5 to 15 fathoms. Am acquainted with Bay of Santa Monica by careful study of charts. In my opinion San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. San Pedro anchorage, with winds from due west to due south, is perfectly sheltered, while Santa Monica is exposed to both winds and swells between said points.

E. C. Generaux, master mariner: Have been in San Pedro Bay about ten trips. Anchored every trip, save one, in roadstead. Anchorage ground is excellent holding ground. No sudden rise and fall in the bottom and an average depth throughout the whole ground. Have been anchored in several gales and never dragged. Am acquainted with Santa Monica Bay, first from observations from the beach and how vessels anchored in the bay act, and from hearsay from shipmasters that have been there. From experience I know little concerning Santa Monica Bay, but I can plainly see that there is

too much water for vessels to anchor safely. Very heavy undertow. San Pedro has best anchorage ground by far, as Santa Monica has too much water and not an even bottom. San Pedro Bay has better protection from prevailing winds and swells, as it is only open to southerly and westerly winds. A vessel will ride a gale in San Pedro better than Santa Monica.

Walter H. Mackie, master mariner: Have been in San Pedro Bay. Anchored in roadstead. Good holding ground. San Pedro has best anchorage. ground and better protection from prevailing winds and swells than Santa Monica.

A. C. Glaser, master mariner: Have been in San Pedro Harbor and Bay several times. Anchored in roadstead. Good anchorage ground at San Pedro. Am acquainted with Santa Monica Bay. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. San Pedro is a natural harbor.

Edward Lewis, shipmaster: Have been in San Pedro Bay about ten trips. Anchored in roadstead. San Pedro is the very best holding ground, in my opinion, there is on the Pacific Coast, basing my opinion from the fact of having discharged full cargoes of coal in the outer harbor. San Pedro has better protection from prevailing winds than Santa Monica. The prevailing winds for about ten months in the year come from the westward, and a ship at anchor in San Pedro Bay, being protected by Point Firmin, is safe from the wind and swells.

J. C. Hansen, master mariner: Have been in San Pedro Bay and Harbor many times. Have anchored in roadstead many times — too numerous to mention. Find from my varied experience that the holding ground at San Pedro is of the very best. In 1876 in Santa Monica Bay I came near losing the schooner *Hayes,* a new vessel. Had all my lines out, and also many lines furnished by the company, and barely escaped destruction. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells.

A. P. Carlson, master: Have been in San Pedro Harbor various times and anchored in roadstead. Anchorage ground good. San Pedro has best anchorage ground and better protection from prevailing winds and swells. I have been in Santa Monica and rebuilt the wharf, and during that time I observed it to be a dangerous bay for shipping. Saw the seas break over the wharf at times while a personal observer.

J. Wiley: Have anchored in roadstead, San Pedro Bay, ten or fifteen times during last year. First-class holding ground; sheltered from all winds except a southeast wind, which we have three or four times during the winter months. They last only short time. No trouble of a vessel riding if their anchors are clear and have out good scope. Vessels never go to Santa Monica unless they are compelled to. San Pedro has best anchorage ground and better protection from prevailing winds and swells.

O. Anfindsen, master mariner: Have been in San Pedro Bay and Harbor six or seven times each year during all seasons. Anchored in roadstead often. While master of the schooner *Bobolink,* in 1886, anchored there about once a month. Anchorage ground I find excellent, with good shelter from northwest and southwest winds and from south and southeast winds. It is in my opinion, better than any harbor south of San Francisco, barring San Diego, and I have been in all of them. Am acquainted with Santa Monica Bay no more than from casual runs up and down the coast. San Pedro has by far the best advantage. Santa Monica is an open ocean and no shelter. San Pedro has the most advantage of a harbor for shipping, it being inclosed by land in a half circle, whereas Santa Monica is exposed to all quarters of the compass, and the undertow there is severe on the ship's ground tackle, which does not exist in the outer road of San Pedro.

George Dettmer, master mariner: Have been in San Pedro Bay and Harbor many times. Anchored in roadstead many times. Good holding ground. Have been many times in Santa Monica Bay and its locality. San Pedro has best anchorage ground and has better natural protection from prevailing winds and swells.

E. W. Sprague, master: Have been running to San Pedro Harbor off and on as master of vessel for twelve years. Always anchored in roadstead every trip. Have found it first-class holding ground and have never known a vessel to drag anchor there. Am acquainted with bay of Santa Monica to my sorrow. My experience is a heavy westerly swell setting in the year round,

and westerly wind has full sway, and there is no protection from them. San Pedro has best anchorage ground and better protection from prevailing winds and swells. Westerly winds are the prevailing winds and always a westerly swell, and San Pedro has a protection from them already, and Santa Monica has not, and in my opinion it never can have. Can easily anchor 100 ships in outer bay of San Pedro in a westerly gale in perfect safety.

O. Peterson, master mariner: Have been in San Pedro Harbor about one hundred times. Anchored in roadstead many times. Good holding ground. Have been acquainted with Santa Monica Bay since 1878. San Pedro has best anchorage ground and better protection from prevailing winds and swells.

F. O. Raven, shipmaster: Have been in San Pedro Harbor many times. Anchored in roadstead. Have anchored and lain in all kinds of weather and never dragged my anchors. Have been acquainted with Santa Monica Bay for eighteen years. San Pedro has best anchorage and better protection from prevailing winds. Have lain in Santa Monica Bay with cargo and distributed my cargo with great difficulty.

Alexander Smith, master mariner and pilot: Have been in San Pedro Bay and Harbor about five hundred times. Anchored in roadstead both light and deep draft. Anchorage ground is very good and will hold a long time if your anchors are clear. Am very well acquainted with Santa Monica Bay. San Pedro has best anchorage ground, and has better natural protection from prevailing winds and swells for three hundred and sixty days in the year. Santa Monica Bay has not good holding ground for any vessel's anchors; the bottom is too hard until you get 14 miles to the southeast of the new Santa Monica wharf. San Pedro Bay is the most eligible location for a deep-water harbor because the half of a natural harbor is there already.

Claus C. Hansen, master: Have been in San Pedro Bay and Harbor twenty times and more and have anchored in roadstead. It is a very good holding ground. San Pedro has best natural protection from prevailing winds. It is a better protected roadstead from westerly winds, which are most prevailing. Catalina Island protects some. Do not see any protection for Santa Monica Bay from any islands.

P. Sonerud, master mariner: Have been in San Pedro Bay and Harbor between twenty and thirty times and anchored in roadstead. There is a good holding bottom, and I think a vessel can lie perfectly safe in most any kind of weather. Am acquainted with Santa Monica by study of chart and wind and current setting into that place. San Pedro has best anchorage ground, and better protection from prevailing winds. From my constant trading to San Pedro I have always found it a safe place, and that the outside harbor has a natural protection from the prevailing winds that blow there; and, furthermore, never saw any swell setting in to interfere with discharging of deep-water vessels that always lay in the harbor discharging freight.

R. Johannessen, master mariner: Have been in San Pedro Bay and Harbor about a hundred times. Have anchored in roadstead many times. Anchorage ground there is excellent. Am acquainted with bay of Santa Monica for twenty-three years. San Pedro has best anchorage ground, and better protection from prevailing winds.

Is there anything in the proposition of Mr. Corthell and others that the Mendell board were ignorant of the situation and would have reached a different conclusion had they been aware that a wharf such as that of the Southern Pacific could be erected and maintained at Port Los Angeles? There is nothing anywhere to justify the assertion.

I have no doubt from the shipping experience at San Pedro that it would be possible to construct and operate a wharf there extending into the roadstead. The constant use of San Pedro Bay for years for shipping uses demonstrates this.

It is conceded that Mr. Huntington has built a magnificent pier at Port Los Angeles, and that he is able to handle shipping and transact business there. There are sometimes difficulties incident to rough water. Trouble of that kind has been lately experienced.

It has been said that there never has been an accident at the Santa

Monica wharf, and that ships have been wrecked at San Pedro. San Pedro Harbor has been utilized for commercial purposes, as the evidence before us shows, from time out of mind. No doubt in stormy seasons vessels can not at all hours lie there in safety, and there is evidence that there have been wrecks within that harbor. It is admitted that certain vessels have drifted ashore at San Pedro. But during the time that Mr. Huntington's wharf has been in operation at Santa Monica there have been no disasters at San Pedro — none whatever. It so happens there have been no very serious storms since that structure has been called into existence, and consequently no losses at either place. When the Mendell Board examined this subject they did not content themselves with equivocal language, but they announced their conclusions (page 9 of the Mendell report) thus:

> In view of the fact that San Pedro Bay in its natural condition affords better protection both from prevailing winds and from dangerous storms than Santa Monica Bay; that protection can be secured at less cost for equal development of breakwater at the former than at the latter; that a larger area of protected anchorage from the prevailing westerly swells can be secured, the severe storms from the southeast being infrequent, and that there is already an interior harbor that will be a valuable addition to the outer harbor, the Board considers San Pedro Bay as the better location for the deep-water harbor provided for by the act.

It was never supposed by Colonel Mendell or anybody else that a wharf would not stand during ordinary weather at the place pointed out by Mr. Huntington and selected by him. No one has ever argued that the storms upon the Southern California coast are severe enough to destroy a well-built pier, unless in exceptional cases.

It is evident from an inspection of the coast of Santa Monica Bay, where the railroad wharf is located, the westerly swells, admitted to be common and severe, must directly affect Santa Monica Bay. There is nothing to prevent such a swell disturbing the sea behind the breakwater proposed by the majority. The southwesterly swells and the westerly swells are those which mariners fear. It is shown by conclusive proof that, while the wind sometimes blows from the southeast, the swell never proceeds from that direction. The San Pedro breakwater is so designed as to completely intercept westerly and southwesterly swells. The breakwater will cut off the swell completely, and it is therefore a matter of indifference whether there is or is not deep water west of Point Firmin.

In the immediate neighborhood of the breakwater at San Pedro the water is not extremely deep; the bottom recedes, proceeding westerly, with considerable rapidity; but Mr. Corthell's diagram portraying the suddenness of the deepening near Point Firmin is not fair. No doubt deep water can be found by proceeding westerly from the point. But if Mr. Corthell will make his soundings southeasterly or southerly or toward Catalina Island he will find a gentle slope and better water than exists near Port Los Angeles.

Such a diagram can be made to show almost anything, depending upon the direction selected.

I have referred several times to the deep-sea matter and have, perhaps, given more attention to the point than it deserves; but I wish to quote briefly from the report of the Craighill board, showing

that those gentlemen took the subject into consideration and examined it with care. I read from page 6 of the Craighill report, as follows:

HYDROGRAPHY.

Throughout Santa Monica Bay the depth is very irregular —

That statement is fully justified by the charts —

Abreast of Santa Monica village there is a depth of 40 fathoms 4 miles off-shore, but off the beach, south of La Ballona, a submarine plateau 4 miles wide extends for 8 miles to the southwest, with depths very uniformly increasing to 40 fathoms, the bottom being gray sand, mud, and gravel —

This plateau is towards San Pedro from Santa Monica and is not necessarily involved here —

Westward of this plateau, toward Point Dume, the depth increases rapidly to nearly 300 fathoms, carrying 200 fathoms within a mile south of the point, and the bottom is muddy. On the east of this plateau, toward Point Vincente, there is a remarkable submarine valley only 1 mile wide between the 100-fathom curves, carrying from 280 to 100 fathoms to within 1 and 1½ miles to the beach, with a muddy bottom. The eastern side of this valley is very steep, dropping from 40 to 200 fathoms in three-eighths of a mile. The western side is more sloping, but the slope from 100 fathoms is very sharp, It has been named by Professor Davidson the Vincente Submarine Valley. Near the southern end of the bay a well-marked current running to the northward and westward has been observed.

I refer to this description to prove that the Bay of Santa Monica throughout — not merely in one particular point, but throughout — is irregular, and that the uniform grade or slope is largely the offspring of Mr. Corthell's poetic fancy. The report further proceeds:

The line of 10 fathoms, which may be considered the practical outer limit for breakwater construction, and the line of 5 fathoms, which is the inner limit of the deep-water anchorage, for both Santa Monica and San Pedro bays, are shown on the map accompanying this report.

And an inspection of the Coast Survey maps will fully sustain everything I have said upon this proposition.

In the minority report it is said:

It is claimed that the proposed breakwater at San Pedro it not protected from southeast gales; that therefore that locality is not desirable for harbor purposes, and that the land projection which culminates in Point Firmin shelters Santa Monica Bay from these winds. This subject has been carefully considered in the reports already noted, and the conclusion there reached by the gentlemen who examined into the matter was that no danger is to be anticipated from the southeast gales. It may be remarked in this connection that the inner harbor at San Pedro, which it is conceded is perfectly sheltered and upon the surface of which scarcely a ripple is ever observed, is largely exposed to the so-called dangerous southeast gales, and yet the shipping within that inner harbor has never been disturbed thereby. Manifestly, no breakwater can ever protect any harbor from wind; the essential feature in such cases is the guarding against ocean swells. The difficulty in this respect proceeds from the west, and the proposed breakwater at San Pedro will afford complete protection from this peril. A vessel lying within the proposed San Pedro Harbor with sails unfurled might be disturbed by southeast winds, but naked masts could never present sufficient surface for the serious operation of any wind likely to visit that coast.

In his letter heretofore mentioned Mr. Corthell says:

The objection stated by me and others upon this point is that the harbor, not the breakwater, is unprotected from southeast gales, and that the entrance

to Wilmington Harbor is entirely unprotected from these gales by the breakwater as designed, and an examination of the charts of the harbor and of the plan will evidence this to anyone.

In the report of the Craighill commission (H. R. Ex. Doc. 41, Fifty-second Congress, second session) we have a map, the second in that publication, from which it appears that the proposed breakwater at San Pedro protects an extended area, including the seven-fathom curve, from winter storms and from the western swells.

The subject of harbor protection is treated of in that report and the conclusion reached that the smooth surface at San Pedro is much more than that at Santa Monica. I call attention specifically to this matter, and invite study of the contrasts.

For the purpose of comparison—

Says Craighill, page 17—

the anchorage areas for the Santa Monica harbors are assumed to be the areas included within the breakwaters, the lines drawn through their ends normal to the shore, and the 6-foot contour; and for the San Pedro Harbor the area included between the breakwater, the line drawn from the end of the breakwater to Deadman's Island, and the 6-foot contour. The deep-water anchorage is assumed to be the area over which there is a depth of at least 30 feet; the remaining area will be referred to as the inner anchorage.

I will ask the Secretary to read, beginning with the last paragraph on page 17, down to the end of page 18 of the pamphlet which I send to the desk.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

ADVANTAGES FOR SHELTER AND FOR HANDLING FREIGHT.

For the purposes of comparison, the anchorage areas for the Santa Monica harbors are assumed to be the areas included within the breakwaters, the lines drawn through their ends normal to the shore, and the 6-foot contour; and for the San Pedro Harbor the area included between the breakwater, the line drawn from the end of the breakwater to Deadmans Island, and the 6-foot contour. The deep-water anchorage is assumed to be the area over which there is a depth of at least 30 feet; the remaining area will be referred to as the inner anchorage.

The total anchorage area at the San Pedro Harbor is 1,187 acres. This includes the area in Wilmington Harbor. The deep-water area is 339 acres and the inner anchorage 846 acres. The harbor at Santa Monica village has a total anchorage area of 1,078 acres. The deep-water area is 602 acres and the inner anchorage 476 acres. The harbor above Santa Monica Canyon has a total anchorage area of 994 acres. The deep-water area is 479 acres and the inner anchorage 515 acres. In the Santa Monica harbors the inner anchorage will be very much diminished by the wharves, which must extend completely across it to reach deep water. This is not the case to the same extent in the San Pedro Harbor.

To compare the exposures, it is assumed that so much of the anchorage area as lies north of southeast and southwest lines drawn through the ends of the breakwaters is not fully covered from the heavy swells. The harbor at San Pedro has a protected area of 852 acres and an unprotected area of 335 acres. The harbor at Santa Monica village has a protected area of 209 acres and an unprotected area of 869 acres. The harbor above Santa Monica Canyon has a protected area of 221 acres and an unprotected area of 773 acres.

The harbor above Santa Monica Canyon, within the anchorage limits assumed, has a land frontage 8,000 feet in length available for the construction of wharves. The harbor at Santa Monica village has a similar land frontage 8,000 feet in length. In the harbor first mentioned, however, the land approach

to the wharves is narrow and not capable of extension except at great expense, and there is no available place for the construction of interior basins. The conformation of the ground is such that free access to the landing facilities of the harbor would not be easily attainable by all parties engaged in the business of land transportation.

At Santa Monica village, on the other hand, the approaches from the land are more open, and at La Ballona an interior basin could be readily formed. At San Pedro there is a land frontage of 4,300 feet in the outer harbor without including the inner line of the breakwater. Since the breakwater is connected with the shore, a railway can be constructed along it, and wharves can be readily projected from its inner face. This advantage would be sacrificed if a western entrance were established. This gives for the outer harbor an additional frontage of 8,000 feet and a total frontage of 12,300 feet. The frontage of the inner harbor is about 4 miles long. The total frontage for the whole harbor is therefore 33,420 feet, or about 6⅓ miles. The approaches are good, as they include both sides of the harbor, and Wilmington harbor forms a magnificent interior basin.

In every harbor a portion of the area must be more or less exposed, owing to the necessity of providing convenient communication with the sea. In a port of commerce it is of great importance that the harbor should be so located and designed that the landing facilities should be established in the most sheltered part. In the Santa Monica harbors this imperative condition is entirely neglected, the landing facilities being necessarily situated entirely within the exposed area. As a consequence of this the wharves will not be well protected during storms, and small vessels will crowd the quiet spaces of the deep-water anchorage. At the San Pedro Harbor the landing facilities are situated within the unexposed area, and small vessels will find their best shelter in bad weather within the inner harbor.

The deep-water anchorage area is amply sufficient in all the harbors and can in all be readily extended in the future. In the San Pedro Harbor the landing facilities can be greatly extended within the inner harbor without any addition to the outer breakwater. This is not the case in the Santa Monica harbors.

In all the harbors the holding ground is good. Some doubts have been expressed with regard to the character of the holding ground at San Pedro, but after diligent inquiry the board is satisfied that it is as good in this location as in the others.

Mr. WHITE. The Senate will observe, therefore, that the Craighill board, perhaps to a greater extent and more carefully than that presided over by Colonel Mendell, took into consideration the relative value of the protection afforded by each plan of harbor construction, and concluded, in direct antagonism to the opinions of the Southern Pacific engineers, that the San Pedro project would afford more extended safe anchorage facilities.

It is said, and this is one of the favorite arguments of the majority of the committee, that running a line directly from Point Vincente to Point Dume there will be a water inclosure extending landward from the center of such line 12 miles, whereas San Pedro Bay, according to Mr. Corthell's first statement before the Commerce Committee, in 1894, when similarly examined, manifests only 6½ miles. This may reasonably be said to be an advantage, as far as it goes, favoring Santa Monica. But this circumstance was considered by the boards mentioned, and was not deemed vital or controlling.

You will observe upon the photograph of the Santa Monica shore, which is upon the blackboard, the real character of that so-called bay. It is nothing but an open roadstead; there is a 12-mile indentation, and it must be between 30 and 40 miles from Vincente to Dume, and looking from the shore out to the ocean the exposure is absolute; the waves roll in, as appearing upon the photograph, comparatively uninterrupted. There is but slight evidence of an actual bay in this case.

The wharf of the Southern Pacific Company, around which we are asked to place this government protection, is located in Santa Monica Bay, as shown on the photograph, and northerly and westerly of the town of Santa Monica. In my judgment the Mendell board was correct in saying that the very best site to be found in Santa Monica Bay was nearly opposite the town of that name. There the bluff is not remarkable. It recedes as we go east and south, until at South Santa Monica there is no precipice and the favorable conditions spoken of by Colonel Mendell can there be found. If we are to have a harbor in Santa Monica Bay this is the proper location. But such a work would be most accessible. The proprietors of the wharf which we are about to protect preferred a different spot, less open to intrusion and not as readily subject to competition.

In the testimony taken before the Commerce Committee it is said that there is ample room along the shore of the ocean from Santa Monica to the wharf for ten or twelve railroad tracks. The Santa Monica shore from the wharf to the town is an ordinary seabeach. The waves roll over it not tempestuously, but in a manner usual on the Southern California coast. Thousands from the city of Los Angeles visit this region for the purpose of seaside bathing. Santa Monica itself — a very delightful town and growing in seaside importance — is in the immediate vicinity of the most favored bathing spot. There are extensive and finely constructed bath houses, occupied and used in the summer, indeed, to some extent throughout the whole year, but principally in the summer, by anxious crowds coming from the city of Los Angeles and the interior. These people resort to the sea for objects of health and diversion. The presence of one railroad track within the municipality of Santa Monica and upon the seabeach is a positive disadvantage. Any person walking along the bluff, at the foot of which the railroad runs, while a locomotive is passing, will find the cinders excessively disagreeable; and while there is yet sufficient space between the bluff and the shore to enable the ordinary pursuits of pleasure which accompany diversions at the seaside, yet if there are to be additional tracks laid along that shore, if railroad freight and passenger traffic is to be carried on there by several railroads, the locality will cease to be available for present uses.

The question as to how many tracks may be placed along that shore is a matter entirely within the jurisdiction of the board of trustees. No condemnation proceedings can procure a right of way along the ocean within the town limits until after an affirmative vote of the board of trustees. I assume that that board will properly discharge its duties and will not permit the extension of that which is already a nuisance.

But it is contended that the proposed harbor can be reached by means of Santa Monica Canyon. It is possible, and I think practicable, to obtain a grade through the Santa Monica Canyon. But the route is circuitous, and a road thus built would be longer than that of the Southern Pacific Company. But when the shore is reached the expense will have but begun.

If we assume that the breakwater designed by the Southern Pacific engineers would be sufficient and adequate to protect an area great enough to permit the erection of two or three large wharves as proposed, nevertheless the expense is almost prohibitory. It will cost

at least three-quarters of a million dollars, and probably more, to build a wharf, to say nothing of the right of way and other difficulties of access. Now, it is proposed in this bill that the Southern Pacific Company shall give the use of their tracks upon this wharf to any railway that will pay a sufficient pro rata proportion of the cost thereof, to be fixed by the Secretary of War. There is now but one track and one wharf. If the business grows to the magnitude expected, these will never suffice. If it does not grow to that magnitude, then there is no justification at all for the proposed expenditure. Mr. Huntington will not make any foolish trades. His road will have an advantage at Port Los Angeles that no other road can enjoy.

At San Pedro, as shown in the report of the engineers, not only is the Southern Pacific already on the water front, but there is also a competing railroad upon the other side of the inner harbor, and while the latter would not be directly connected with the outer harbor, still the proximity is such that there could be no difficulty in the transference of shipping from one point to the other, especially if the inner harbor be deepened under the Benyaurd project.

It is said that the bluff near San Pedro, some 60 feet in height, presents insuperable obstacles to reaching the shore. I do not think it will be necessary for the purposes of commerce for years to come to build piers in any outer harbor on our coast. The inner anchorage will suffice; but, assuming that the demands of trade require such harbor to be reached from shore, there is no difficulty in making a grade, as the Southern Pacific did to the wharf which it commenced to build and afterwards abandoned at San Pedro, and thus reaching the shore. Colonel Craighill says in his report, and all of his colleagues agree with him, that the breakwater itself could be utilized for railroad tracks, thus using the interior of the bay right along the line of the breakwater for slips. This, Mr. Corthell says, is impossible. He takes issue with the engineers upon this proposition. I will quote his language. He says:

> Considering the location of this proposed breakwater — immediately under a verticle bluff, in the open ocean — and the impracticability, as shown by the physical facts, of building a railroad track under the bluff in the protected harbor, it is difficult to see how the top of this dike could be made accessible to railroads, and I think I am safe in saying that on a dike 10 feet above the surface of the water, or even 20 feet above the surface of the water, in such an exposed location a railroad could not be operated, or even maintained upon it, on account of the waves during heavy storms, at least, coming over the top of the breakwater, not only making the track unavailable, but also throwing masses of water upon the wharves placed under it. I have made no estimates of the cost of a breakwater at this place that would admit of the operation of a track upon it and of wharves behind it, but I should think it would cost twice, perhaps three times, as much as the breakwater shown on the plans of the Government engineers.

The Craighill board is positively to the contrary.

> Since the breakwater —

They say—

> is connected with the shore, a railway can be constructed along it, and wharves can be readily projected from its inner face. This advantage would be sacrificed if a western entrance were established.

At the hearings Colonel Hains, who was a member of the board, gave an opinion of a similar character. He says:

There is another thing in regard to the continuing breakwater. The first board recommended two breakwaters, with a gap. I do not think that there is any trouble about the filling in with sand, which some people apprehend, from the deposits along the shore. If the breakwater is continuous with the shore, it enables a protected area on the inside of this breakwater to be used for docks and that sort of thing. Often the inside breakwaters are used for docks and landings.

The breakwater at San Pedro can be approached by a cut. It is true the Southern Pacific Company claims to own land there. A considerable part of the property on the San Pedro bluff is controlled by that company; not all of it, however. The Government owns a reservation there, and private parties have holdings. However, condemnation proceedings properly conducted will remedy this trouble. The building of a track upon the breakwater will depend upon the demands of business. If the exigencies of the case warranted, a track would be laid upon the dike, and would afford superior facilities for harbor access. It hence appears that there is an available method of reaching an outer harbor at San Pedro preferable to anything at Santa Monica. Of course, at San Pedro wharves might be built into the sea, but such a programme would be attended with the expense of which I complain. For years to come there will be ample room in the inner harbor, when improved, for our commerce; and the San Pedro deep-sea area will accommodate vessels at anchor awaiting an opportunity to discharge.

Mr. President, there is another criticism to which I deem it wise to reply. I refer to Mr. Corthell's theory of the littoral current which moves sand in a northerly direction along the coast. He avers that the effect of the breakwater, constructed as proposed by the Craighill board, would be to detain a large amount of these sands near the shore and gradually destroy the harbor, or make it necessary to dredge extensively. Perhaps some little accumulation might occur. If so, it could be readily removed. Nowadays a reasonable amount of harbor dredging is an attendant upon nearly all public work of this character. One of the few exceptions is afforded by the Wilmington inner harbor, which has, ever since governmental improvement, always kept itself clear. But both Major Raymond and Colonel Hains are positive that no danger is to be apprehended from any sand deposit. They have studied the question carefully; it is considered in the reports from which I have quoted. All the Government experts rest their reputations as experts upon the proposition that no serious harm will accrue. Mr. Corthell, in the communication with which he has honored me—though delivery of the same was omitted—informs us that there are known instances of moving sands impelled by littoral currents upon the Pacific Coast. He tells me that I am acquainted with the condition of affairs at San Diego Bay, and that I must be aware that at the point where a jetty is now under process of construction at the entrance to that bay sand accumulates.

This statement is true, but the movement of sand particles there is manifestly attributable to the rush of water into the bay caused by the tidal rise. The torrent flowing with wonderful power in or out of the narrow harbor entrance is a sight worth witnessing. This naturally disturbs the sand and the inward current tends to accumulate the material below the jetty rapidly and obviously. I attracted the attention of Mr. Corthell to the fact that a ship laden with coal some years ago was wrecked at San Pedro; and that a large quantity of the coal was picked up afterwards south of that point, at the town of Long

Beach. I asked him how he accounted for that consistently with his theory. He gave the explanation which I shall read, which, I must confess, does not seem to me to be entirely conclusive. The following is the statement:

Senator WHITE, of California. Before you reach that, I want to say a word. I remember the circumstance of a vessel loaded with coal being wrecked in the neighborhood of San Pedro and sinking there, and a good deal of that coal was picked up on Long Beach. Long Beach is located southerly from San Pedro?

Mr. CORTHELL. Yes.

Senator WHITE, of California. If the shore currents are northerly, how do you account for the coal being carried to Long Beach?

Mr. CORTHELL. I had a memorandum made to explain that. That fact was called to my attention, and I will give you the reason for it. As I said to Senator NELSON, there are occasional southwestern swells so great that they may reverse the current for the time being, and they would move obstacles on the bottom. The current does not move coal; it moves fine particles of sand. What moved that coal across the bay was this: These lines here [indicating on the diagram] are kelp, which indicate rocky areas. That coal dropped on the rocky bottom, was affected by the heavy waves, and it simply drifted over the bottom and across it until it struck Long Beach and was thrown upon it by the waves.

Mr. President, in the first place southwesterly swells are not uncommon; the westerly is the regular swell incident to that coast; and here we have a statement that this discriminating current, alluded to by Mr. Corthell, does not move coal, while it moves fine particles of sand! This littoral current will not move coal, but it will move fine particles of sand. We reach the remarkable conclusion that coal drifts south and sand goes north; that one is moved by a current which influences coal, and the other by a current influencing sand!

Mr. President, it is a matter of fact, notorious upon that coast, that objects frequently float southerly. In two or three cases where persons lost their lives by drowning the remains were picked up south of the scene of disaster. It may be said that this was only an occasional manifestation, but that it was not the rule, that the current usually tends in the other direction. But no such deduction is authorized. But if there were any danger of the accumulation of sand at Point Firmin, inside this breakwater, how is it that there is at that place today a naked bluff? How is it that there is no sand spit? How is it that there are no sand dunes, no accumulations around Point Firmin indicating the tendency claimed? If the sand drifts, as stated by this expert, northerly, it would naturally be detained in the neighborhood of Point Firmin, and would certainly extend to that point. Right here I may remark—perhaps I should have said it in connection with another point—there there are no severe storms beating against Point Firmin. The unworn base of the bluff proves this. The material is comparatively soft and could not resist heavy waves. The unscathed shores disposes of the pretense that San Pedro Bay is a storm center.

Mr. President, the inner harbor at San Pedro is exposed to these so-called terrible southeasterly tempests. The land lying upon both sides of the inner harbor is almost level. There is nothing to prevent winds sweeping across the inner harbor; and yet no one ever heard of a vessel within its confines being harmed by any storm from any quarter. The swell which does injury, which strains chains, which divorces the anchor from the ship, comes from the west; the southeast wind, seldom serious even in connection with the swell, must be harmless without it.

Mr. President, in opening this argument I said that it was problematical whether the proposed structure at Santa Monica would ever be of much protective value. In support of my assertion I have the testimony of Major Raymond, who was examined before the committee. He made the following comments in this connection. It is of importance and I direct the attention of the Senate to it:

Major RAYMOND. I can state generally what were the essential differences which we thought were in favor of San Pedro as a location, as compared with location farther up the coast. To my own mind, as I remember it now, the extension of the present harbor of San Pedro and the improvements there, at an inconsiderable expense to the Government, made a rather remarkable impression.

Senator WHITE, of California. In what respect?

Major RAYMOND. Because jetty improvements of that kind have not, as a rule, been successful in this country. The depth of water at San Pedro was increased from 2 or 3 feet—the original depth—to about 14 feet at mean low water. The thing that made it especially interesting to me was the examination of the changed front in the inner harbor, which was so trifling as compared with the other places on the Atlantic coast. All the phenomena seemed to me less marked than any other place where I have been in practice. The shoaling was slow there. The tide is about 5 feet, I think. That there should be a jetty harbor of that kind so successful, and that the depth of water should be so increased, and that the problem should be so simply solved, was a matter of very great interest to me. I could see that the inner basin, the inner harbor, the inner anchorage, could be extended very readily without difficulty; and that was a feature in the future improvement which was very advantageous.

The inner anchorage is a very important thing, especially in time of war, Torpedo boats can run into the inner harbor, protected from the fire of the enemy. That was the thing most advantageous. When we came to examine the problem, step by step, we did not find any point in which the other location seemed superior to San Pedro, and we found several points in which we thought San Pedro superior to the other location. My own opinion is that a breakwater harbor, such as that proposed at Santa Monica, parallel to a nearly rectilinear shore, is fatal. I do not know of any place where there is an exactly similar harbor, and I can not conceive a place where I would be willing to construct it where the outlying breakwater is parallel to the shore, as in this case.

Senator WHITE, of California. What are the cardinal defects in that kind of a harbor?

Major RAYMOND. Generally speaking, the accessibility would be very good for a harbor of that kind, but the main defect in such a harbor is that the landing facilities are in the most exposed part of the harbor. Generally, motions of the waves are deflected by the ends of the breakwater, and the disturbance is generally created in the parts of the harbor farthest from the points of deflection. I do not remember that kind of a harbor in any place.

Afterwards, Colonel Hains, who was examined upon the same topic, thought that the wharves proposed by the Southern Pacific to be erected could be protected by the breakwater. I will read his statement in that respect:

Senator WHITE, of California. What do you think of the feasibility of such a harbor as that designed at Santa Monica?

Colonel HAINS. In what respect?

Senator WHITE, of California. Would it be a success?

Colonel HAINS. Do you mean the breakwater?

Senator WHITE, of California. Yes.

Colonel HAINS. I think that this breakwater there would protect these wharves [indicating on the map.] I do not think they need much protection. The fact that they use these wharves so much without a breakwater is pretty good evidence that they need very little protection from the outside. I think that a breakwater made of plank would accomplish the purpose.

If there were severe storms I presume it would be admitted that a breakwater of plank would not be very desirable, or there would be

no excuse for this application for a three-million-dollar appropriation.

Colonel Hains thinks the wharves designed would probably be protected by a breakwater. But his declaration shows that he does not anticipate gales.

Major Raymond, who has had more experience in breakwater construction than anyone who was before us, is of the opinion that the proposed appropriation would not accomplish its purpose, and says that he would not be willing to undertake the work.

Now, Mr. President, we are here, I presume, to enact a law providing for an appropriation to be expended for some useful purpose and under conditions giving reasonable assurances of success. We are not here to experiment. Colonel Hains says, in speaking of the character of the Port Los Angeles breakwater—I read from page 30:

> I do not think that a breakwater parallel with the coast is as good as one which connects with the shore, but it might accomplish the purpose.

Shall we engage in the business of constructing a harbor at a condemned place upon an uncertainty as to the result? Shall we spend this money upon a spot regarding which the testimony is at least conflicting, and concerning which our accredited engineer, who has had great special experience, expresses an adverse opinion? Is it proper thus to risk public moneys?

There are a number of incidental matters which I do not care to allude to now, but which may be mentioned hereafter. However, I will mention one. Commander Taylor, of the United States Navy, was engaged for some time in coast and geodetic survey upon the Pacific. His views were placed before the board of engineers at Los Angeles, and Mr. Corthell and members of the majority of the Commerce Committee rely not a little upon his opinions. He strongly favors Santa Monica. A memorandum of his theories and experiences was called to the attention of the Craighill board by Mr. Hood, who seemed to be advised concerning the same. That document is the strongest part of the Santa Monica presentation, and as I am endeavoring to state this whole case without reservation, I will ask that it be read, and will follow it with a statement by Professor Davidson upon the other side of the matter. I refer to page 109 of the executive document from which I have already made several extracts. I ask that the same be read at the desk.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Secretary will read as requested.

The Secretary read as follows:

MEMORANDUM REGARDING A BREAKWATER AT SANTA MONICA.

For many years the need for a harbor at Santa Monica has been apparent. Southern California is separated from the rest of the State by mountain systems and needs a port as an outlet for its products. The center of the business activity of Southern California is Los Angeles. This city has grown to be too great to let it be anticipated that that center will be changed. Indeed, the fertile plain and the adjacent valleys of which it is now the depot would require such a port if Los Angeles were not there.

San Diego, whatever its qualities as a seaport, is too far to the south; it has practically no back country of sufficient importance to justify a great seaport. To the east and southeast is the peninsula of Lower California, and farther in that direction lie the northern provinces of Mexico. But the ports of the Gulf of California will intercept traffic from that direction. To the north and northeast is a country of great productiveness, but that country is nearer to Los Angeles as a depot, and will find its outlet to the sea near

that city. As to the harbor of San Diego, it may be said (as of all harbors) that it is not entirely satisfactory. San Francisco itself, which ranks as the greatest of bar harbors, is dangerous to enter after long-continued stormy weather. From Puget Sound to Magdalena Bay, Mexico, few harbors exist, and none of great convenience. It is natural, therefore, that San Diego Harbor should be regarded of value on account of the great scarcity of harbors on the coast. It is not denied that it could be improved and its bar perhaps removed. The situation there is favorable to certain classes of engineering work, but the object of such work is not apparent when the position is not the natural sea outlet of an important tract of country.

A creek makes into the land at Wilmington and San Pedro, affording a shelter to small vessels, and expensive improvements have been carried on for several years by the army engineers, which have slightly benefited it, but, at the best that can be hoped, it can never have the accommodations of a great harbor. A breakwater to include sufficient area of shelter could be built, but it would include some shoals and rocks inside of it, and would also receive whatever discharge of sediment there would be from the creek. This creek was used in the beginning by schooners and small craft, which were sufficient for the trade of the then unsettled country. The circumstances of its location, favorable for such craft, are unfavorable for the formation of a great seaport such as the commerce of Southern California now demands.

We come now to that locality which appears specially to be favored by nature, Santa Monica.

The bay of Santa Monica is, in its combination of natural features, unique on the Pacific Coast. Here the depth of water increases from the beach outward with an ease and gradual slope for several miles. Here a breakwater can be established to inclose and shelter a capacious harbor, without being in water so deep as to make its construction impracticable or even difficult.

The marked feature of the Pacific Coast is the steep slope of the bottom as we move from shore to seaward. This rule has few exceptions, and it results that along the entire coast a breakwater to inclose a sufficient sheltered area would have to be placed in such deep water as to be impossible of construction.

Among the few exceptions is the bay of Santa Monica. It is a remarkable coincidence that the coast line in a deep curve here approaches nearer than at any other point to Los Angeles and to the fertile region of which it is the depot.

The bay of Santa Monica has, along most of its shore line, this quality of gradual deepening of the water, the bay of itself being occupied by a submarine plateau unique upon the Pacific Coast. But certain portions of the shore line of the bay have other advantages in addition. The town of Santa Monica is situated at a point on the shore near a neighboring range of mountains against or toward which blow the only winds of violence. The force of the wind blowing against a great barrier is deadened for some distance to windward of such barrier, and this probably accounts for the well-known fact that the winds at Santa Monica do not blow with violence. The swell which rolls in at this anchorage is much modified, even in the worst weather, by the effect of the large islands to seaward and by the deep recessed position of this portion of the bay shore.

I have had considerable experience in this bay while conducting the surveys carried on there, and have laid at anchor through all seasons of the year, at and near Santa Monica, on the Government vessel which I commanded. I have never seen any weather in which a vessel could not ride at her anchors there in safety, and but few occasions when unloading at a wharf was impracticable.

If Southern California needs a port, I am confident that Santa Monica is the only practicable place to construct such a port, and that Southern California does urgently need a port there can be no longer any question. The mountain ranges intervening between the central and southern parts of the State are of so difficult a character for railroads that the hauling of freight across these mountains is very expensive, and the products of the southern section of the State have now become so numerous and important that the construction of a proper harbor in Southern California can not longer be neglected. Also we have to regard Los Angeles no longer as a way station, but as a truly terminal point for several systems of railroads now built or to be built. With such a port close to the suburbs of Los Angeles, she would possess a most

attractive route for the transportation of products from the other side of the Pacific to her own vicinity, and thence across the continent.

Is a breakwater at Santa Monica practicable, convenient, economical?

Having had, some years ago, the opinion of an able and experienced civil engineer as to the amount and quality of rock to be obtained in the hills abreast of the end of this breakwater, after his personal examination, made at my request, I am justified by the opinion in taking for granted a plentiful supply of good rock at that point. With this basis of supply close at hand, I would propose a breakwater in 40 feet depth of water, 3,000 yards long, in a straight line parallel to the shore, or with a slight angle at the center of the line, the angle being convex to seaward, as shown on the chart submitted in blue. A section of it is shown on accompanying sheet. It would be 45 feet high, 20 feet across the top, 225 feet across the bottom. Its inner face would have the natural slope of dumped rock, its seaward face would be extended until its profile would be a modified form of that at Plymouth, England. This cross section would contain 677 square yards, and the whole breakwater, 3,000 yards long, would contain 2,021,000 cubic yards. I have taken as a basis of cost the prices at which contractors have successfully delivered stone at the breakwater now building by the United States engineers at Rockport, Mass., being an average for two years of 65 cents per ton, or allowing 2 tons per cubic yard, $1.30 per cubic yard. The difficulty and expense are, however, much greater in delivering rock there than they would be at Santa Monica. At the latter the hills which contain the rock are at a distance of only 2,300 yards, across water of moderate depths, to the nearest end of the breakwater. A tramway on piles can be constructed easily and cheaply to connect the two, and the quarries can be located in the hills at an elevation sufficient to cause gravity to move the loaded cars down, and bring back by their weight the empty cars. It is reasonable, therefore, to regard this estimate of $1.30 per cubic yard as being largely in excess of the probable cost. I have, however, added to this amount 33⅓ per cent. to cover the installation of working plant, the opening of quarry, the building of tramway, and all contingencies, as follows:

To excavate 2,100,000 cubic yards and deliver same in place, at $1.30 per cubic yard	$2,730,000
To install plant, etc., and for all contingencies, 33⅓ per cent.	910,000
Total	$3,640,000

It is my belief that this sum is much in excess, and that a breakwater can built for $2,500,000.

I will mention here that a smaller breakwater could be placed in 30 feet depth of water, 2,000 yards long, and of similar though smaller section than the above, at a cost of $1,800,000, and would afford a good shelter. It would not, however, possess the qualities of a great port, either in itself or in its powers of expansion for future needs, and it is a great port which Southern California now demands for its growing trade.

Under the shelter of 3,000 yards breakwater, with wharves properly planned and constructed, 130 ships of 300 feet length could lie alongside the wharves and leave space there and in the anchorage ground between them and the breakwater for 200 more vessels of various sizes. A breakwater 2,000 yards long in 30 feet depth of water would form an excellent shelter, but I would recommend one 3,000 yards long in 40 feet depth of water as the wiser project of the two. It would in fact, be a perfect project, leaving nothing to be chanced. In this depth a breakwater will be as distant from shore as will ever be necessary. Greater area of shelter, when desired, may be secured by extensions of the breakwater on its own line parallel to the shore.

Finally, I submit a plan of such breakwater, shown in blue print on the chart. I submit also a section of same, showing details of proposed construction.

Respectfully,

H. C. TAYLOR.

NOTE—The drawings, etc., referred to by Commander Taylor have been mislaid, the foregoing memorandum having been written several years ago.

Mr. WHITE. I have had this document read because it has been relied upon with confidence by the advocates of Santa Monica, and

although it does not in any manner sustain any claim to superiority on the part of the site upon which the Southern Pacific Company has made its pier, I presume that Taylor had reference to a harbor opposite the town. But there is an air of partisanship about Lieutenant Taylor's statement which I do not quite understand. For instance, he refers to an improvement at the inner harbor at San Pedro as being slightly beneficial, for he says:

> A creek makes into the land at Wilmington and San Pedro, affording a shelter to small vessels, and expensive improvements have been carried on for several years by the Army engineers, which have slightly benefited it.

The engineer's report is that the benefit has not been slight, but that it has been remarkable. There has been an increase of depth from 2 to 14 feet at low tide and an 18-foot low tide depth is anticipated. Then Lieutenant Taylor refers to the discharge of sediment from Wilmington Creek. There is no sedimentary discharge of an injurious kind. No deposits on the bar or outside can be found. I must say that Lieutenant Taylor seems to be a special advocate. His figures are peculiar, his calculations unique. I am quite willing that his expressions shall be read side by side with those of General Craighill's board.

But if there is any man upon the Pacific Coast who is thoroughly familiar with all topics pertaining to hydrography and who has given to Pacific harbor work the patient toil of almost a lifetime, that man is Prof. George Davidson, a gentleman of great attainments and sterling worth. His views of Santa Monica Bay I wish to put before the Senate. No more valuable expert opinion can be found in the United States or elsewhere, for that matter. I ask that the Secretary read the memorandum commencing on page 124, Executive Document 41.

Mr. PERKINS. I suggest to my colleague that he state that Professor Davidson has had charge of the Coast and Geodetic Survey on the Pacific Coast for forty years.

Mr. WHITE. Yes, sir.

Mr. PERKINS. He is author of the Coast Pilot, and is the best living authority on nautical matters relating to the hydrography of the ocean and coast that there is on the Pacific Coast.

Mr. WHITE. I desire to say further that during the hearings I requested Mr. Corthell to state whether in his opinion Professor Davidson was not an authority upon these matters, and he responded by saying that he had great regard for him.

The PRESIDING OFFICER. The Secretary will read as requested, if there be no objection. The Chair hears none.

The SECRETARY read as follows:

MEMORANDUM BY PROF. GEORGE DAVIDSON, UNITED STATES COAST AND GEODETIC SURVEY.

SAN FRANCISCO, *September 7*, 1892.

My experience begins with June, 1852, when the disabled steamer *California* anchored in San Pedro Bay. The navy-yard commission was on board of her, and to prevent great delay the members were carried to San Francisco by the United States Coast Survey steamer *Active*.

I mention this merely because the *Active* was then transporting me for the chronometer determinations of the longitude of all southern points with San Francisco. Before this incident, and afterwards, my duties compelled me to land through the surf at all the exposed stations on the main shore and the Santa Barbara Islands. And this bears upon the following statement:

In December, 1852, after selecting a base line, I was waiting for a steamer at the old adobe of San Pedro. The brig *Fremont* was at anchor off San Pedro, and rode out a strong southeast gale of two or three days' duration. (See Coast Pilot, 1889, pages 38 and 40.) The judgment there expressed is that formed from my own experience through subsequent years, the experience of Coast Survey officers, naval and civilian, and of captains whom I have known to be familiar with the place.

At the time of the *Fremont's* riding out the gale I had no doubt that I could have landed on the beach in a well-manned boat from the *Fremont.*

I have learned no facts to weaken my judgment expressed in the Coast Pilot. Vessels that have dragged into danger—and they have been remarkably few in the last forty-two years—have anchored in shoal water too close inshore, at anchor not well found in ground tackle, or both; and I express my judgment with confidence because I had command of the surveying brig *J. H. Fauntleroy* for four years in the waters from San Francisco to the Gulf of Georgia, and have anchored hundreds of times over every character of bottom and varying depths of water, under stress of weather, in exposed situations, with strong currents, and in very heavy weather. The northern weather is much heavier than the southern.

In our "southeasters," the swell of the Pacific comes from the southwest and along the greater part of the coast breaks squarely upon the shore, reaching from profound depths at a very short distance from land. The only fairly protected part of the coast is that from Point Conception eastward and southward to between San Pedro and San Diego. There is, however, a marked peculiarity of the winter storms of this coast which I have expressed in the Coast Pilot, the farther north we go in winter the heavier are the gales. In this low latitude of 33¾° the winter storms are relatively not severe, and, combined with this character of the storms, the great islands of Santa Barbara form barriers against the full force of the winter swell.

In the latitude of San Francisco, 37¾°, the southwest swell frequently breaks all over the San Francisco bar in 6 or more fathoms of water, while the swell of the same storm would not break on the bar of San Diego, where the depth of water is less than 4 fathoms. (See Coast Pilot, page 18.) San Pedro is but 95 miles from San Diego and not so open to the swell, because the great islands of San Clemente and Santa Catalina serve to break up the broad ocean swell of the winter gales.

This low latitude and these protecting islands are very important factors in judging of the safety of any anchorage. We know that it occasionally breaks on the shoal spots of 9½ fathoms off Cape Mendocino, and I have laid off the breaking bar of Humboldt for two weeks, but at the same time there would be no break on San Diego bar and no danger in San Pedro Bay. From the summit of Tamalpais I have seen a large English vessel forced to leave her anchorage on the southern edge of San Francisco bar before the swell was breaking, and such a vessel would lie in absolute safety at the same time in San Pedro Bay.

Smaller vessels at San Pedro, even well found in ground tackle, necessarily do not care to ride out a "southeaster" there, with its wear and tear and the annoyances, when the lee of Santa Catalina Island is only 18 miles distant and affording them ample protection. In this respect the anchorage is almost as much favored as Hueneme, San Buenaventura, and Santa Barbara.

One plain proof of the comparative weakness of the destructive action of the southeast storms on this southern coast is seen in the very slow wearing away of the sandy cliffs and of the bluff immediately at San Pedro; nor could the exposed wharves of this region stand if the destructive forces of the winter storms was great.

In regard to the anchorage of San Pedro, I have always believed that there was good bottom for holding ground. The bay is the northwestern limit of a very extensive plateau of comparatively shoal water along the seaboard from Point Firmin to about Newport, and the whole country behind the shore is sandy and so low that in winter it is flooded for miles inland by the rains and the overflowing of the low banks of the numerous streams frequently changing their courses. The detritus from these streams is moved seaward, and principally to the westward over this plateau, and helping to extend it, by the action of the inshore eddy current.

I believe that this material, mud, sand, and gravel, is sufficiently deep to give good holding ground for any sized vessel if properly found in ground tackle.

I may mention here that for many years I have believed that San Pedro Bay is an admirable location for a breakwater to form a first-class harbor of refuge against winter storms, when the commerce of the southern coast demands it. Gen. B. S. Alexander and myself frequently discussed the importance of a breakwater here, because I was not enamored of the smaller temporary jetty scheme which he had proposed. He was fully alive to the great advantage of a breakwater on a large plan, but he believed the commerce did not then warrant it, and that the Government would not then sanction it; and that the relief he proposed was temporarily sufficient. With the chart of the Coast Survey before us we have drawn rough lines of the suggested breakwater to cover the exigencies of vessels entering the harbor from the west or around the exterior extremity of the breakwater, and to give free movement to the inshore eddy current carrying its material to the westward. (He utilized this movement of material in planning the present jetty.)

My study of the great breakwaters of Europe has satisfied my judgment, and I see clearly that a capital harbor can be formed in San Pedro Bay by a breakwater in 10 fathoms of water, and that from my visits to Catalina Island building stone can be had in any quantity, if the rock of San Pedro hill is too soft, as I believe it is.

SANTA MONICA BAY.

I am not unfamiliar with Santa Monica Bay, but do not know it so well as I know San Pedro. I think the same would be said by all sailing and steamship captains on the southern seaboard.

I was along the "West Beach" as early as 1852 and 1853. In 1872 I had the following experience on the shores of Santa Monica Bay. With a loaded wagon I followed the beach from the arroyo east of Santa Monica to Point Dume. The high bluffs and cliffs came so sharply to the shore, and the arroyos there so deep that no road was practicable above high water, and I had to travel along the beach at low water. At Point Dume a very fierce westerly wind sprang up and retarded my operations so that in returning to Santa Monica I was on the beach through two low waters. I found the beach torn away along the whole shore line, and met with rocky obstructions, which in some cases had been wholly uncovered by the washing away of the sands. As we approached Santa Monica the evidences of this destructive action became more and more marked, and for the last 2 or 3 miles the beach was torn away from 10 to 12 feet in depth. We met a friend from the Santa Monica arroyo driving his buggy on the inner edge of the beach of four days before, where he was 10 to 12 feet above the new beach, and he was in such a hazardous position that we had to relieve him. When I soon afterwards left Los Angeles via San Pedro there were no signs whatever of damage done to the beach there.

Afterwards when I was appealed to for a letter recommending the location of Santa Monica for a commercial wharf I related the above facts and refused to give an unqualified indorsement of the location.

During the hydrographic survey of Santa Monica Bay from Point Vincente to Point Dume by the Coast Survey, the officer commanding the surveying vessel reported that when at anchor in the vicinity of Santa Monica, with a strong westerly breeze blowing, and the inshore eddy current running to the northward along the shore, the vessel rode to the current and her rolling in the swell falling directly on shore was so large and disagreeable that the vessel had to weigh anchor and seek a more comfortable berth.

I have had no personal experience of the winter storms at the head of Santa Monica Bay. A glance at the chart will demonstrate that it is more squarely open to the southwest swell than San Pedro.

In the winter of 1888-89, when my party was on the Los Angeles plains, I visited the wharf at Newport to learn what effect the winter's storms had upon it. This wharf is situated 15 miles eastward of San Pedro, and is more exposed to the open sea. It is located at the head of a submarine valley, just as that at Redondo Beach in Santa Monica Bay, but the storms had not sprung a plank. (See Coast Pilot, page 35, bottom.) At the same time I understood that the end of the wharf at Redondo had been badly damaged. (Coast Pilot, page 46.)

In conclusion, I may say that a few years since I was consulted to express an opinion upon the feasibility of a harbor or wharf or anchorage in Santa Monica Bay, between Point Dume Cove and the vicinity of La Ballona. I presented what facts I then had, exhibited tracings of the original surveys, and made such explanations to the deeply interested parties that they abandoned the project.

GEORGE DAVIDSON.

Mr. WHITE. Mr. President, this résumé of the situation by the best advised man upon the Pacific Coast, one who knows more about the hydrographic conditions surrounding this issue than any other individual, can not but be a most valuable contribution to this discussion.

Not only was Professor Davidson's information before the Craighill board, but the statement of Lieutenant Taylor was likewise received. The decision of the new board was made upon a complete case. Lieutenant Taylor has recently declared that he adhered to the presentation above cited, and Professor Davidson has informed me that he sees no reason to depart from the opinion which has been repeated here to-day.

There was much testimony before the Craighill board supporting the views of Professor Davidson. The hearing lately conducted by the Commerce Committee is of little moment when contrasted with the examination made by the board of engineers of 1892.

If Senators who care to thoroughly understand this case will read the evidence and exhibits returned by the board of 1892 the justice of my remark will be conceded. That board had all the information given before the Commerce Committee, except only that at that time the Southern Pacific wharf was not in operation. I imagine that the majority of the members of the Committee on Commerce (I do not include the chairman) have not thoroughly digested the evidence reported by the Craighill board. On page 62 of that paper will be found the statement of Mr. Johnson, with whom I was well acquainted. I have much confidence in his accuracy. He does not express himself, perhaps, with that technical correctness which is preferable in such controversies, but his remarks are to the point. He resided in San Pedro for years and spoke with knowledge. I ask the Secretary to read the statement of Mr. Johnson, commencing at the foot of page 62, to the end of the statement.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Mr. JOHNSON. Well, I will say the little facts I know about the harbor. I came here in 1852, in December, forty years ago, in the bark *America*. I went to anchor in the Bay of San Pedro; rode out two heavy southeasters with safety; two anchors, one with 45 and the other with 50 fathoms of chain. Then from that time until 1854 I lived at San Pedro, on the point which they call now Timms Point, in that neighborhood. Saw vessels coming there, few, as a matter of course, and two little steamers that were running there then, the only steamers on the coast — the *Seabright* and the *Ohio*. And they got there in all kinds of waters. and, with the exception of one losing her anchor once without having their chain shackled, there was never any trouble about riding out the gale, so far as the holding ground was concerned, within a couple of miles of the bluff. Southeast from there to here there is more or less loose sand. Of course, in the southeast wind, the only wind that is liable to do any damage, the vessels would naturally drift inshore toward the water, where the anchorage will hold better. In 1854 I was engaged by John Ord, the United States surveyor at the time, to run him about the coast, surveying — him and his party. I was engaged — the vessel and myself. And I got in the Bay of San Pedro there in all kinds of weather during the winter months in 1853, 1854, and 1855, and part of 1856; got to anchor there in the night and day, and all kinds of waters, and I never had any trouble of laying there safe, as far as the anchorage is concerned, to hold, as long as the moorage and tackles are good. Since that time, for fourteen years, I was running in and out the bay, night and day, any kind of weather, summer and winter; anchored in every place and any place within the anchorage as laid down in our official chart, and never had any trouble. And from that time I stopped following the sea and having anything to do with the vessels. But I resided in the neighbor-

hood and saw every vessel there. And no vessels ever dragged their anchorage who had their anchors clear. Those who dragged their anchorage either parted their chain or they had a fouled anchor which they neglected to clear before the storm came up.

Now, with regard to the inner harbor, we all know there is about 18 feet of water there to go over at high tide. Vessels go in there and they are well secured. They are like in a pond when they are in there. And the outer harbor is protected from all winds, with the exception of the east and southeast. The southwest wind that is prevailing here during the months of February and March, and sometimes a part of April, they are the strongest gales we have on this coast, which every seafaring man knows, because they blow more toward shore than any other wind; raise a heavier sea. San Pedro there is protected by Point Firmin. It is only the wind from the east and southeast. Catalina Island protects part of the harbor, but not sufficient for vessels to lie perfectly smooth in smooth water.

Now, with the money that has been expended in that harbor there, with very little breakwater insufficient water there to build it on a solid foundation, which is not to be found in every other place, a small breakwater would inclose there a couple of thousands acres for their deep-sea harbor. The inside harbor is nearly as good as finished. And we would have plenty of facilities for all the railroad companies, for all the community that would ever live in that neighborhood, for warehouses and everything else; lots of fine, level soil, and the facilities would be great. I heard a gentleman this morning speaking about ships going up to the Columbia River to get to Santa Monica. I have followed the sea since 1841, and I couldn't think even Columbus himself would have traveled so far to find the port of San Pedro or Santa Monica as to go to the Columbia River. Any vessel — or in fact, to make it short, allow me to state that we must in the future look to our trade by water. We expect to have communication from South America, West Indies, or at least Central America and Mexico. To have that trade we are nearest to Los Angeles of any of the towns.

In regard of making harbors what does a seaman want? A good lighthouse? We have got it in San Pedro. We have got Catalina lying out there for a point of land to navigate by. We have a Government reservation at San Pedro, if the Government wants to build any fortifications, or anything. They have 500 square varas of land there and, in fact, any facility anybody wants to have for the sake of a harbor.

Now, in regard to the time between San Francisco and here, the freight and the passenger traffic that has been carried in former years is nearly done away with. Everything goes by railroad that comes from there. We must not look to San Francisco for our trade. We must look to the East by water to have cheap transportation. Consequently, if we get it by water we are nearest to Los Angeles of any port. Any little freight or passengers that come from San Francisco to Santa Monica they gain a little time, that is true. But, outside of that, what is there in Santa Monica to protect shipping? It is open to the south, and we know we have heavy gales from the south and southwest. They speak about water being smooth there. I have been there hundreds of times, and always found plenty of surf for the bathers to bathe in, and heavy swells. I have known vessels to drag there, and they had to send steamers there in the month of May, 1878, to pull them out, keep them from going ashore, heavy swell, undertow, and one thing and another. Anchors didn't hold up laying alongside of the wharf. They were destroyed there.

In regard to the anchorage outside in Santa Monica, I can't tell, for the reason I never sounded much, other than the Point Dume. I was up there with John Ord, and he sounded there and put some signals ashore.

In regard to Redondo, my friend here has said all that could be said in regard to it. There is deep water, plenty of it; protected from the southeast, it is true, but it is open to the westward. If the gentlemen wish to inquire in regard to anything else I would like to state. I don't like to take up all your time.

Mr. WHITE. This is the opinion of a man of experience, who derived his knowlodge not from theories and statements of others, but from his own interpretation of events which had transpired under his direct notice.

I do not propose to expend any time with the proposition that it would be of advantage to have the harbor at Santa Monica because

of its greater proximity to the city of Los Angeles, for I do not believe that that fact is of sufficient importance to affect the result. Nor do I care to discuss the relative merits of the two localities; the superior advantages of Santa Monica as a most delightful seaside resort are too well known to require elaboration. Commercial considerations should control our decision.

I have just procured the time and distance tables issued by the Southern Pacific Company for the use of its employees exclusively, and by which its trains are operated and its freight tariffs made. This schedule shows that the distances from Los Angeles to San Pedro and Port Los Angeles, respectively, are as follows:

From Los Angeles to San Pedro, 22.10 miles.

From Los Angeles to Port Los Angeles, 20.70 miles.

I have already called the attention of the Senate to the circumstance that at San Pedro, or Wilmington, there is a large area in immediate proximity to the inner harbor owned by the State of California, inalienable because of its tide character, and subject to use under limited franchises, and therefore held for the benefit of the public. I think I have already shown that it is difficult to imagine the possibility of any other institution than the Southern Pacific Company obtaining access to the water of Santa Monica Bay, where Port Los Angeles is located, except at a very great expenditure of money. In my opinion no other wharf will be built there for years.

Mr. President, what is the amendment which I have introduced and upon which I ask a vote? What is the proposition which I make to the Senate regarding the subject? The gist of the matter is the making of an appropriation and the expenditure of the money at either San Pedro or Port Los Angeles, the location to be determined by a board consisting of an officer of the United States Navy, of rank not less than commander, to be appointed by the Secretary of the Navy; a member of the Corps of Engineers of the United States Army, to be selected by the Secretary of War, and a member of the Coast and Geodetic Survey, to be selected by the Superintendent of the Survey.

Now, I ask those who are disposed to be fair, who wish this important subject determined accurately, what objection can be rationally made to this plan. An objection might, indeed, be urged upon the part of those who advocate San Pedro and who are interested on the part of the Government in the disbursement of public moneys, upon the ground that two boards have already reported against Santa Monica, and therefore it may be said that we are going too far in selecting a third tribunal when we have two positive reports made by competent persons. In offering the amendment I do not in the slightest degree impugn the motive, question the integrity, or doubt the capacity of the eight distinguished gentlemen who have passed upon this subject. I believe that as to the location of the harbor their views are correct. I have entire confidence in the accuracy of their positions, but a majority of the Commerce Committee and several Senators who affirm that they have thought about this subject for seven or eight years announce that the engineers are wrong; that the boards are mistaken; that these eight impartial honest servants of the Government are all misinformed; that among these eight scientific men of integrity there was not one competent to pass judgment or able to reach the true conclusion. There seems to be a notion in some quarters that the Mendell and Craighill boards were prejudiced. Why, I am at loss to know.

There is no evidence or suspicion justifying such a conclusion, unless it be found in the opinion of a majority of the committee to the effect that both boards reached erroneous results.

But, Mr. President, as soon as it was asserted or intimated that there had not been an absolutely impartial and unbiased examination, as soon as it was intimated that the second board was influenced by the first board, and that there was an *esprit de corps* existing among those officers which made it impossible for one to determine anything against the other, it was suggested by one of my associates of the Commerce Committee that we might make the appropriation and leave the determination of this issue between these two points to an admittedly uninfluenced tribunal appointed pursuant to a plan agreed on by Congress.

I am not irrevocably committed to the plan proposed in my amendment. I have no desire to provide for the selection of a board which will not do equal, exact, and complete justice to all. I want a board satisfactory to the most critical. I want no one save persons of integrity, of capacity, and without partiality. I wish a board upon whom those who favor Santa Monica and those who prefer San Pedro can alike look with confidence and upon whose judgment any right-thinking man should be willing to rest. But what do we encounter? It is to this most indefensible part of the Santa Monica contention that I attract the attention of Senators. Here we have a harbor site condemned officially. It has no legal indorsement. The employed agents of interested parties, and with whom certain Senators seem to concur, declare that we should reject all the evidence bearing official authenticity. The point is made that the reports of the eight engineers should be rejected because not founded upon fact, or because conclusions not properly deducible from facts presented have been announced. But are we to proceed without any favorable intimation from any of our officers?

Let me ask those who oppose my view, Why object to the appointment of a skilled and unbiased commission to pass upon the subject? If he be not satisfied with that which has been done, if it be contended that the action of previous boards must be disregarded, can we not find some one somewhere to whom we will be willing to commit this subject? Will Senators who have no more knowledge of the situation than that derived from the cursory and scattered hearings before the committee pretend to tell me that they know absolutely and conclusively that these eight officers of the Government were wrong, and that they are so satisfied of this that they want no more light; that the glorious radiance flashing from the information which they have received here renders the advent of other knowledge impossible? That the limit of intellectual absorption has been attained? Is this the position? Will anyone admit that he is unwilling to lay this matter before a competent, impartial board? Yes; the advocates of Santa Monica must so concede. They will not consent to the submission of their pretensions to any person or officer. They say in effect by this refusal that no board will report in favor of their location. They decline to submit their arguments to competent scrutiny. Why? Not because they think their success possible. They would not then refuse. They decline, because — and there is no other deduction possible from their conduct — they know that no impartial and competent tribunal will decide in their favor. They fear fairness.

Is the constitution of the proposed board objected to? If so, why not suggest improvement? I and those who are contending in conjunction with me are prepared to do that which is honest and equitable. Is it possible to form any commission to constitute any board to which the majority of the committee will be willing to submit? Evidently it is not possible. Mr. President, you can not find, you can not devise, you can not suggest any tribunal, any board, any committee, any qualified person or persons to whom this discretion will be committed by my friends of the opposition. They rest in security upon the theory that Senators are ready to vote against the report of the Government engineers and against everything official, are willing to appropriate in the face of authoritative condemnation, and they do not therefore propose to risk any board.

This sort of procedure may sometime — surely it ought to be — condemned. Here are three millions of money, Senators, to be disbursed in defiance of official recommendation. How are you to justify this outlay? Where is your authority? Have you any official indorsement at all? Two boards have reported adversely. You say that they were not fair, that they were in error. Do you not think it well to have the approval of some one not interested and who is possessed of technical knowledge before you make this expenditure? The answer comes "No; we will not consent to this amendment." "We have waited long enough," it is said. True, you have waited long. You have never had the concurrence of Senator, Representative, or engineer. You have waited long indeed to find anyone competent and impartial treating this matter your way.

Now, at this hour when the committee reports in favor of an appropriation for an unrecommended and repudiated place we are asked to vote for that report to appropriate this enormous sum simply upon the general evidence taken before the Commerce Committee, which, as the record will show, is of little significance and in defiance of the authorities to whom we are in the habit of committing such matters. Why this extraordinary zeal to do something unprecedented?

Mr. President, when the Southern Pacific Company built its pier at Port Los Angeles no one had any idea of erecting any breakwater in that part of the open ocean. It has attracted us there. The committee proposes to use now $3,098,000, and Heaven only knows how much more in the end, to guard and make convenient the private property mentioned. What will the breakwater protect? If it answers its purpose, as those who are advocating it claim that it will, it will defend the railroad pier and not another structure. There is nothing else in the bay; there is nothing in the neighborhood; there is no inner harbor to be benefited; there is no adjacent commercial interest to be gratified. The expenditure of this money as designed by the committee will be the donation of $3,098,000 to a private corporation. It will be taking that sum, which the engineers of this Government have recommended be not expended, and expending it for the immediate benefit of individuals. Prospectively, it may be said, others will derive profit. This is mere speculation. The immediate object, the immediate effect, is an individual advantage. No public interest is to be subserved, but the money is given because it is asked for by enterprising citizens engaged in the development of a large commerce over one of the most magnificent wharves in the world.

Mr. President, I do not believe that an appropriation made as designed in this bill can be justified. I think that its consummation will be an outrage upon the public. Suppose that the distinguished gentlemen who favor Santa Monica are right in their scientific opinions, and that the boards and other trained officers of the Government are in error, still there stands a controversy, in which officials of integrity and no selfish interest are ranged upon one side, and upon the other stand interested parties reaching for the Treasury. Grant that the latter are also intelligent; grant that they are also men ordinarily free from bias; they are nevertheless personally concerned, and hence not reliable judges.

You refuse to recommit for examination; you decline to subject it to candid investigation, but it is proposed to boldly overturn and cast aside the suggestions of those to whose recommendation we should at least award decent consideration, and to substitute therefor the conclusions of employees of Mr. Huntington and to enable them to place at his feet a great winning made from the Government of the United States.

If the advocates of Santa Monica believe that they have the meritorious side, then let them face a commission chosen upon impartial lines. With the judgment of such a board I shall be content. Until some fair, competent, and disinterested man, appointed according to law, has determined that this appropriation is justifiable, I shall continue to oppose it and to raise my voice against it, even though I stand alone.

Mr. President, I shall not offer anything further at present. I have endeavored to put the facts very fully before the Senate, citing various opinions and conclusions adverse to my contention as well as those upon which I have relied. There are other Senators who desire to speak upon the matter, and I care to say no more now, but may later have occasion to detain the Senate should the remarks of Senators who take a different view in my opinion justify further comment.

REPLY TO MR. FRYE.

Tuesday, May 12, 1896.

Mr. WHITE. Mr. President, I desire to say a few words in response to the statements made by the Senator from Maine [Mr. FRYE].

In the first place, I repudiate the intimation that there is anything of the so-called sand-lot agitation to be found upon the San Pedro side of this controversy. I wish to say to the Senator from Maine that the people of California are as law-abiding, and, with due deference to him and his constituents, as fully competent to take care of their own affairs, as intelligent, and as enlightened and progressive as are those whom he represents.

As far as I am personally concerned, he places an estimate upon my character far from flattering when he assumes that I can be swerved in the slightest degree from the pathway of my duty by any ulterior influence or unreasoning excitement. I say to the Senator from Maine that however independent he may be I claim similar independence. I deny that my constituents are animated by any motives not creditable, manly, and thoroughly American. Those who are immediately interested in Los Angeles are persons of discrimination,

fairness, and education. Nor is it true that I said one word in the somewhat lengthy argument made by me here that can be called undue criticism or uncalled-for censure of Mr. Huntington. I used no imprecatory phrase, no denunciatory epithets. I am confident that I have acted within the rules of politeness and duty. True, I do not and did not regard the soil upon which he treads as sacred, but I trust that I uttered no expression in reference to Mr. Huntington which was not becoming. His affairs when connected with legislation are to that extent proper matter for comment; so also of his motives. He is entitled to fair treatment and nothing more.

As my colleague [Mr. PERKINS] has said, the people of our State are always ready to do justice and have no disposition to oppress. They have resented certain interferences by Mr. Huntington and his associates in local affairs, and have demanded immunity in politics from corporate domination. The issue before us, however, must be solved upon other lines. I have endeavored to consider it on its merits, and Mr. Huntington's personality has less influence upon me perhaps than upon some who might be identified.

While the Senator from Maine was most eloquent and laudatory, and, I believe, extravagant in his praises of Mr. Huntington, I do not complain. It is a matter of taste for which I am not responsible. He can record his admiration, if it pleases him so to do. But I do complain of the caustic phrases he has used toward those who sent me here, and I assert he was not justified in the attacks so gratuitously made. The Senator from Maine says very truly that the proposed outer harbor is not to be a mere local improvement, and that the entire Senate — the country at large — is interested, and that it makes no difference what the people of Los Angeles want. He takes pains to tell the Senate he does not care what they want, a proposition which perhaps it was not necessary for him to announce thus formally.

It is true that the nation is concerned in works of this kind. It is true that the views of the Senators from California are not conclusive. It is equally true that I might invade the domain of my friend the Senator from Maine and pass judgment upon public works in the State of Maine, and pay no attention to his recommendation. This course I might adopt as a member of the Committee on Commerce. Perhaps it would be my duty in certain contingencies to do so. I might act likewise regarding proposed improvements in other States. But surely I would not follow such a course without the gravest cause. It is the habit to yield somewhat to those who come from the locality immediately affected. It is sometimes the case that Senators who have resided for a long time in a particular neighborhood know more about it than a gentleman, however able he may be, whose eyes have been transitorily cast upon the troubled waters.

The distinguished Senator from Maine stood on the shore at San Pedro and he viewed the sea from the bluff. On Sunday he found himself upon the cliffs of Santa Monica, and looking upon the bay was charmed. This survey thus made by the Senator from Maine settled the harbor question, engineers to the contrary notwithstanding. It is true he did not make any soundings. Camille Flammarion, the celebrated astronomer, has very recently written that it is now possible to ascertain whether the oceans in Mars are deep or shallow. As science has thus progressed, it is not singular that the Senator

from Maine was able so accurately to determine the true inwardness of the harbor question during his brief visit to the Pacific.

The Senator from Maine tells us that he does not profess to be scientific; that he does not claim to be an engineer, familiar with all the details of breakwater construction, yet he also declares that anyone — any man of sense who gazes upon the map which he produced must read there a recorded judgment in favor of Santa Monica. Perhaps I and other Senators may be able to endure in good health this flattering reference to our restricted and constricted and arrested mental development. But I submit that the evidence which is thus alluded to as conclusive does not convince and should not control those who are anxious to reach a correct result. There are other matters of far greater value to be considered.

There are various propositions that can not very well be understood by a mere glance at the map. However, it is true that this plat is useful. It shows that Santa Monica is merely an open roadstead. It can scarcely be called a bay. A casual inspection of the Coast and Geodetic chart dispels the delusion that there is any protection at Santa Monica from the dangerous ocean swells. The Senator from Maine several times declared that the southeast gales are the winds which are generally feared. We find in the Craighill report, under the head of "Meteorological conditions," the following:

> The prevailing wind on the California coast is from the northwest, nearly parallel to the coast line north of Point Concepcion, which is in latitude 34° 27′ N. At this point the trend of the coast changes from northwest to west. This fact, in connection with the bold topography of the shore, causes the prevailing winds along the southerly coast of California to be westerly. This wind never becomes more than a moderate gale. It never produces the heaviest waves. The disturbance of the water due to it is, however, always an inconvenience to vessels lying at a wharf exposed to its action, and when the disturbance is greatest there is danger to vessels. This wind prevails on the southern coast during the greater part of the year with the intermission of calms in the autumn and winter. In the last-named season occur the southerly offshore winds, which produce the heaviest waves to which the coast line is exposed.

"Southerly offshore winds."

> A northeasterly land wind, known as the "Santa Ana," occasionally blows from the dry hot plains lying to the eastward. Its duration is short and it is severe, but having no fetch over the sea, it raises no waves near shore. It occurs both on Santa Monica and San Pedro bays.
>
> The southeaster comes in the winter and spring and brings rain. The storm first manifests itself by a wind from the southeast, which continues for a few hours, shifting then to the south and southwest. The storm clears up when the wind gets to the northwest. In these storms a heavy sea is developed, which breaks upon the coast line in waves of great magnitude. These waves come from the south and southwest. The waves produced by the southeast wind are short, designated by the sailors as choppy. The south and southwest seas, on the other hand, are long and heavy. A vessel at anchor under this exposure must, under these circumstances, get to sea, with the possibility of otherwise going ashore. It is the heave of the sea rather than the wind, although the latter alone is sufficiently dangerous, that makes the strongest ground tackle at times of no avail.

So the alleged frightful southeast gales amount to little, except in so far as they are ultimately the cause of the swells which proceed from the south and southwest. The southeast wind itself directly develops no waves save the short choppy waves just referred to, and the testimony, so far from sustaining the Senator from Maine, shows that it is the heave of the sea proceeding from the south and south-

west which is to be remedied or counteracted. These exposures are absolutely protected by the harbor designed at San Pedro.

The Senate will notice the protection afforded San Pedro by Catalina Island, which is 17½ miles in length. The testimony is (and we scarcely need evidence to sustain that view) that this island tends to protect San Pedro Harbor. As I said in my opening argument, the calmest water anywhere in that ocean is on the land side or lee of Catalina, and the island being, as I have stated, 17½ miles in length, naturally affects the water even to San Pedro. Santa Monica is not thus favorably influenced by Catalina. The presence of enormous waves at San Pedro is the creation of the imagination of my friend the Senator from Maine. No one who has resided there and who is familiar with that coast has ever seen these alarming manifestations.

The San Pedro bluffs afford proof that there are no such dangerous storms as those to which our attention has been called. The bluff shows no evidence of the battering to which we are told it has been subjected. It is a silent witness in refutation of the charge.

Said the Craighill board:

> A strong evidence of the weakness of the destructive action of the southeast storms is seen in the very slow wearing away of the sandy cliffs and of the bluffs at San Pedro; nor could the exposed wharves be maintained in this region if the destructive action of the storms was great.

I have heretofore inquired why the southeast storms do not affect the inner harbor. Here [indicating] we find a narrow neck called Rattlesnake Island. The surface is but little above the sea, and if the winds blow with the force described, surely the shipping in the inner harbor would be injured. Nobody has ever heard of ships being affected at all in the inner harbor by the wind. No disturbance of that sort has ever been witnessed.

Again, the Senator from Maine stated that neither the first nor second board of engineers had any knowledge with reference to the westerly swells. The Senator is obviously mistaken. In the first report Colonel Mendell says:

> San Pedro Bay is sheltered from the westerly winds by Point Firmin. It is open to the winds and seas from the southwest and to the prevailing *southwest swell* above noted, over an angle of 60° to the westward of Catalina Island.

It will be observed that Colonel Mendell speaks of the southwest swell, and one of the engineers, Colonel Hains, testified about it at the recent hearing. He said the same peculiarity is mentioned in the report of Colonel Craighill, already cited.

> Colonel HAINS. The breakwater is to be carried around in such a direction that that exposure does not amount to much. In the first place, the southeast gales are of very short duration. They do not last long. The wind starts in from the southeast, but the sea comes from the southwest. The sea is what causes the trouble, not the wind; and the sea comes from the southwest.
>
> Senator NELSON. It can not come from the southeast?
>
> Colonel HAINS. Some seas come from the southeast; but the heaviest swells come from the southwest, even if the wind is blowing from the southeast. Then the wind generally shifts round to the northward.

The reason for the curved construction of the San Pedro breakwater is because it is designed to resist the westerly swells. While it is a fact that out as far as 7 miles from Point Firmin in the direction of Catalina Island there is to be found water not over 15 fathoms

deep; while it is true also that 3 miles in a westerly direction there is water of very moderate depth, nevertheless if it be conceded that the depth westerly from Point Firmin is as claimed by Santa Monica advocates, still no point is made against San Pedro, for the breakwater will absolutely intercept this swell.

The very object of its construction is to cut off these waves, and that the section proposed is well designed there is now no question. On the other hand, when we come to Santa Monica Bay we have absolutely nothing to interfere with the southwesterly swells. The surf is not serious or the sea remarkably rough anywhere along the coast of Southern California. At Hueneme, at Newport Landing, and at other places referred to by my colleague there are wharves extending directly into the ocean. In Monterey Bay there are wharves built seaward, and they stand. Senators not familiar with these uncommon conditions can not well appreciate the difference between the Atlantic and Pacific in this regard. The success of the Southern Pacific wharf is by no means phenomenal.

At Redondo, for instance, shown on the map, there is an excellent wharf in full operation. The water is extremely deep, and the pier is consequently short. It is worthy of note that while the water is deeper near Redondo than at many other places on the bay, no great difference in the westerly swells is observable. Before Mr. Huntington made his development above Santa Monica most of the Los Angeles coast business coming from San Francisco was transacted at Redondo because vessels were able to come up to a wharf and discharge their cargoes. The Pacific Coast steamship has been in the habit of calling at Redondo, and it has been rarely found difficult to discharge at that wharf. These illustrations suffice to show the availability of the Southern California coast for wharf construction. A glance at the map discloses a number of shipping points similar to those mentioned.

The Senator from Maine alluded several times to Mr. Huntington's abandonment of Wilmington Harbor. He never abandoned Wilmington Harbor. The Southern Pacific commenced to build a wharf near Point Firmin; Mr. Hood had charge of it. Mr. Hood was the same skilled engineer then that he is now, and he has been for a long time at the head of the engineering department of the railroad company. He was their chief engineer long before the Santa Monica wharf was built, and he was thoroughly familiar with San Pedro when he commenced the pier near Point Firmin.

About the time that Mr. Huntington commenced work at Port Los Angeles the Terminal Railroad was built to Rattlesnake Island and commenced the transaction of business there. Redondo was doing, as I have said, the major part of the northerly business, taking most of it from Wilmington because of its proximity to San Francisco. So Mr. Huntington built his pier, not because of any special harbor advantages, but to meet the competition referred to. He selected a point as far up as it was possible to go. The beach narrows proceeding towards Poine Dume and Mr. Huntington has so arranged matters that it is practically impossible to pass him.

I have shown a photograph of the approach to Mr. Huntington's wharf. It will be observed that it is at the foot of a bluff about 200 feet high. I exhibit the picture to the Senate. The isolation of the situation is clear. A study of the photographs filed makes com-

ment unnecessary. Mr. Huntington controls the land upon this bluff, and the ownership extends to the sea and for some 2000 feet along shore.

I do not deem the fact that any particular person owns this land as of controlling importance, but I desire the facts in the matter to be made of record.

I wish to call the attention of the Senate to the accessibility proposition. The Senator from Maine says that he does not know why the Atchison, Topeka and Santa Fé Railroad Company people are opposed to the Port Los Angeles breakwater. If the conditions were as the Senator from Maine describes them, of course the Santa Fé would not be opposed to it. If the managers of that corporation were not fearful of a monopoly they would naturally aid this appropriation. They want to reach tide water. They are already here [indicating] at Redondo Beach, and are not far, it will be observed, from San Pedro. Indeed, I have heard that they have some arrangement by which they pass over the Terminal line. But that is unimportant, and my knowledge regarding it is limited.

The Senator from Maine says that ten or twelve tracks can be constructed along the seashore at Santa Monica. But what will become of that town? Santa Monica is one of the most charming seaside resorts of which I have any knowledge. It is susceptible of great development and adornment. Its beauties will fade if its beach is devoted to railroads and locomotives. I can not believe that the trustees who control the subject will ever allow the intrusion of more railroads along the water front. Can boys and girls, women and children, nurses and babies safely be trusted upon a shore thus devoted to commercial uses? It is not to be anticipated that the members of the boards of trustees of Santa Monica will ever permit the place to be ruined.

But if further destruction of the beach is forbidden, how can competing railroads reach the protected harbor? It may be said that Santa Monica Canyon can be utilized for approach. But the difficulties of this plan are many. The route is circuitous, the grade severe; many private interests must be condemned. I believe that no competing railroad will construct a wharf there for years, and the erection of piers by parties of moderate means is impossible. It is not a matter of surprise to me that so much opposition is manifested to Mr. Huntington's plan by those who are actuated by business considerations rather than by sentiment.

The Senator from Maine mentions that there has never been the slightest trouble in maintaining the wharf which Mr. Huntington has built at Santa Monica. I have already observed that there is nothing remarkable in this. I do not doubt that this situation will be maintained for many years.

Occasionally landing will be difficult. For instance, last March the British ship *Dunboyne* was forced to leave the wharf because of an uncommon swell. She was towed away by the Pacific Coast Steamship Company's vessel *Corona*. But under all ordinary conditions I concede that any wharf on the Southern California coast will fairly accommodate shipping. Santa Monica has no monopoly in that respect.

The Senator from Maine made a very able defense of Mr. Corthell. I do not complain that Mr. Corthell was employed by Mr.

Huntington. I never have objected to that, but I do resent his attempt to pose as an official employed to give a disinterested opinion. He actually tells us in the letter which he addressed to the minority of the Commerce Committee that he acted in an official capacity. I read his language during this debate. What official authority had Mr. Corthell to make this examination? He says he was first spoken to by Mr. Huntington, and the Senator from Maine, who wanted, of course, an impartial report, sought the services of a man already spoken to by Mr. Huntington, and who had business connections with the latter, to make the examination.

Mr. Huntington was undoubtedly at liberty to employ Corthell, but the fact of such employment destroyed Corthell's disinterestedness. Could Corthell be bribed by the mere payment of a board bill? No one ever charged that he was bribed by the payment of a board bill or bribed in any other way; but I have asserted, and do say, that no hired expert, no man who is engaged to give an opinion by a party to a controversy, is as reliable a witness as a public officer who has nothing but his honor and reputation in issue. Mr. Corthell was employed for what? To assist Mr. Huntington in getting an appropriation for Santa Monica, a work in which he has been engaged ever since the Senator from Maine asked his opinion. Mr. Corthell, therefore, is an opinion witness testifying for his employer.

The very best men — persons of finest standing — have been found unequal to the task of impartiality under such conditions. Mr. Corthell is no exception. He is as intensely partisan as anyone can be. He is a loyal and warm advocate of Mr. Huntington, with whom he has long been associated, and whose interests he is seeking to conserve.

Certainly the Senator from Maine will not claim that Mr. Corthell's opinions as an employee of Mr. Huntington are to be treated as disinterested and conclusive. Mr. Corthell is greatly interested. His correspondence with Senators, his anxiety to mix in its discussion, is demonstrative of his feeling. When the Senator from Maine and others connected with the river and harbor bills sent for Mr. Corthell and spoke to him about making this investigation in a State represented by other Senators, it was a little singular, it seems to me, that not a word was said to the officers entitled to speak for that State. Would it not be regarded as a little peculiar if I, as a member of the Commerce Committee, were to delegate some one to go to Maine to pass upon river and harbor matters there without consulting him at all? The Senator from Maine has said that he wishes to be courteous to everybody. Does he think this action to be the quintessence of courtesy?

The Senator from Maine says he is always anxious to yield to Senators upon the committee. One of the many characteristics of the Senator from Maine that I admire is his firmness, his positiveness, and the fact that, when he has an opinion, he is not afraid to express it, and to do so forcibly, and he generally adheres to his view. Does not each member of the Committee on Commerce know that if there ever was a determined chairman who not only wishes to have his own way, but nearly always does have it, it is the Senator from Maine? Talk about concessions! I have never known a man in my life to make fewer concessions than my friend the chairman of the Commerce Committee.

Mr. FRYE. I am always right. [Laughter.]

Mr. WHITE. Well, you think you are, and you are happy. I believe the Senator from Maine believes that he is always right; but one who credits himself absolutely is frequently in error. I hope the Senator from Maine will never again state in the presence of members of his committee that he is of such yielding and plastic temperament, of such conciliatory and conceding disposition. The Senator describes the formation of his opinion on this issue. In 1893, in the month of April, the Senator from Maine asserted upon this floor that his mind was fully made up. Why he desired any further investigation I do not know. Whether the Senator from Maine has ever in the course of his life changed an opinion formed by him deliberately I am unable to state. He may have done so in his younger days, but not in connection with his duties upon the Commerce Committee. His judgment is irrevocable.

The Senator from Maine, while disclaiming engineering attainments, seems to think that I was reflecting upon him in some way when I spoke of him as a navigator. I did think that the Senator from Maine was possessed of much nautical knowledge; but if I was in error I will withdraw the remark. [Laughter.] But while the Senator from Maine disclaims familiarity with technical matters he informs us that anyone can see the conclusive merits of his argument by a mere glance at his map. Those of the most ordinary intellectual development must see that he is right. This is his faith, and he does not hesitate to set up his non-professional judgment against those who have been employed by the Government to pass upon this subject. He not only relies upon himself against skilled authority, but he tells us that as there is one chance in ten of a decision in favor of San Pedro he will vote against the amendment which I offer. This is more conciliation.

Mr. President, the amendment which I have advocated involves the appointing of a commission of admittedly unbiased and impartial men to determine between these two locations — San Pedro and Santa Monica. What is the objection to this? The Senator from Maine says that possibly there might be a decision for San Pedro — only one chance out of ten, he declares. But this is quite enough. No impartial experts who choose San Pedro can, according to his view, be relied on. No impartial or other board for him. What does he want? He demands the power to personally solve this dispute his own way.

The Senator from Maine says that General Craighill stated that he was a fortifications engineer. So he did; and so he is; but the engineers of the Army of the United States have some riparian knowledge, I presume. They have general engineering skill. Their attainments are not confined to providing methods of defense. They have all had vast practical experience as well as thorough education in all branches of engineering science. It has been said that the reports of the board of engineers as to San Pedro show that the main point considered was as to the availability of the harbor site for defense. This is inaccurate. The reports of these boards are here and show that but little space was devoted to mere fortification or defensive questions. A more intimate knowledge of the contents of these documents would prove beneficial.

Look at these seven volumes on my desk, compiled in the War Department and sent here for the study and enlightenment of myself.

the Senator from Maine, and other Senators. What do we find? Only references to fortification matters? By no means. We find the advice and recommendation all through these books of the Army engineers concerning riparian improvements. The great rivers, over which pass hundreds and thousands and millions of tons of commerce, are kept in proper condition under their management and control. The harbors needing improvement are committed to their care, not merely to carry out a project elsewhere devised, but their advice is solicited and obtained and acted upon with reference to the character of the improvements to be made. They furnish projects at the instigation of Congress. Grant that they are sometimes mistaken. Everybody is sometimes mistaken, except my friend from Maine, and we have his authority that he is never wrong. We concede that engineers are human — they are fallible — but if we have doubts as to the correctness of a conclusion which they have reached, let us investigate in an orderly way and obtain proper indorsement and authorization somewhere before we pledge ourselves to a contrary policy. If the eight engineers whose reports are being discussed are not all wrong this appropriation should not be made.

I have been criticised because I remarked that the Santa Monica site had been condemned. I would have been strictly accurate had I said that the engineers recommended San Pedro as the preferable place, and alluded to Santa Monica as comparatively undesirable. But this is a decision against Santa Monica. It is a virtual rejection of that site. It is true that many competent officers hold that the Santa Monica breakwater can be successfully constructed. Major Raymond does not think so, and I believe he has had more experience in the matter of breakwater building than anyone in the United States. He thinks — and his views seem to me rational — that the westerly waves will pass in behind the artificial protection. The construction parallel to the rectilinear shore does not appeal to his experience or mathematical investigation.

But, at all events, this disputation merely amounts to this, that my friend from Maine, the majority of the committee, and other intelligent, non-professional gentlemen, think that the engineers have made a mistake, and they propose not to let any contingent contract, not to do as Congress did in the case of the Brunswick Harbor, or in the Eads jetty matter — which, by the way, was approved by numerous members of the Engineer Corps — no success no pay — but we propose to appropriate flat $3,098,000 against the recommendation of our own officers, and in compliance with Mr. Huntington's unapproved solicitation. It is to that style of business that I object; and it is to the candid judgment of this Senate that I appeal. Senators, are you willing to make this appropriation without any recommendation, and are you ready to vote down the proposition that there must be some approval by some competent official authority? Can we afford to contribute governmental funds without any sanction or excuse?

I demand the judgment of a competent board. I have entire confidence in the Army Corps and in their opinions. Others differ from me. I am not unreasonable; but I insist that, even if Senators believe that developments lately transpiring indicate the preferable character of Santa Monica, still it is essential that we be accorded the favorable opinion of an able, qualified, and unprejudiced board suggesting the propriety of our action. Can you afford to vote down such a proposition?

I have repeatedly asserted that I announced no dogmatic rule for the formation of such a commission. I have no friends in this case to serve, no enemies to punish, but a duty I have to discharge. I want no stuffed commission, no prejudiced institution, nobody biased in any way whatever. I have submitted time and again to the majority of the committee the proposition that they should suggest some method of constructing an impartial board, and I have said that I would acquiesce, and yet that proposal has been refused, without reason assigned. I resubmit my proposal. I plainly suggest that there is no excuse, even tolerably plausible, against my tender.

My friend from Maine says that if there is to be an outer harbor at San Pedro then the inner harbor should not be improved. From this view I utterly dissent. The inner harbor of San Pedro is most valuable, even as it is. Wharves line the harbor frontage at that point — not piers costing hundreds of thousands of dollars, but wharves owned by moderate mercantile interests in Los Angeles — over which extensive commerce is transacted. This is done though only 14 feet at low tide is found upon the bar. When the Benyaurd project, adopted in this bill, shall have proved successful there will be 18 feet at low tide within that harbor and hundreds of wharves will demonstrate the reasonableness of the project which the Engineer Corps has indorsed. The inner harbor is confined by low land. The bluff rises rather abruptly farther on at San Pedro. The facilities for wharves and docks are marked, and the improvement of the so-called inner harbor has not only proven successful as far as it has gone, but few commercial projects offer more striking possibilities.

I have never known or heard of a citizen of Los Angeles opposed to the improvement of the inner harbor. The entire community appreciates its advantages and merits.

I have learned many things about the people of my home. Notwithstanding my long residence there I have been informed that the lawfully elected Representatives of that section are in the dark. My friend from Maine says that the present Congressman from that district was instructed when first nominated to support San Pedro, and that now he is renominated by a convention which passed a resolution in favor of Santa Monica.

The Congressional district convention — Republican, I am glad to say — to which allusion is made, passed a resolution in favor of all appropriations. In other words, they said, "We will take all the money you will give us." A willingness to absorb, not dependent upon a choice of places. A sentiment favoring donations common to all enterprising communities.

The Republican convention in California lately assembled was a very curious affair. I do not intend to discuss politics, but I must say that that body passed a resolution denouncing the Pacific Railroad funding bill as a fraud and an outrage, and at the same time put on the electoral ticket the vice-president of the railroad company offending — a very estimable gentleman. The only member of the California Congressional delegation who indorsed the funding bill, and who, by the way, is an able member of the House Committee on Pacific Railroads, was elected a delegate to the national Republican convention upon a platform declaring not only against the funding bill, but also in favor of William McKinley and free and unlimited coinage at 16 to 1. [Laughter.] If there is any subject not covered on both sides by my Republican local brethren, if my friends of the opposition

have not agreed to all things that conflict, I am at a loss to interpret their singular platform. But the general sweeping resolution mentioned by the Senator from Maine merely amounts to an acceptance of all appropriations which we may make. Very few Republican conventions (I mean no offense) will decline to assimilate that which they can get. [Laughter.]

Mr. ALLEN. Did that convention make any specific reference to Santa Monica?

Mr. WHITE. No; but in the county of Los Angeles, where there are six assembly districts, two only of such districts acted upon the subject in recent Republican conventions and these passed resolutions in favor of San Pedro. So you have it. The immediate locality favors San Pedro. The Republican State convention indorsed the railroad as far as nominees were concerned, advocated all appropriations, McKinley, and free coinage, and opposed Democracy, monopoly, and the funding bill.

I am not responsible, I am glad to say, for the proceedings of the late Republican convention held in California. The Republican delegation being absent from that State, the convention evidently escaped from proper or consistent management. As far as the sentiment of the people of Los Angeles is concerned, I know whereof I speak when I say that their judgment is overwhelmingly for San Pedro. There are many, as I have admitted, who prefer to take Santa Monica rather than lose the appropriation; but, be it said to the credit of Los Angeles County, and let it be said to the credit of the workingmen of that prosperous section, and to the honor of the Chamber of Commerce and the Board of Trade, that they have all elected to sacrifice a mere appropriation rather than to lose independence. The leaders and officials of almost all the labor organizations of Los Angeles have manfully and grandly supported the right in this struggle. They have emphatically declined to submit to blandishments and have approved of the course of my colleague and myself.

I feel that we should reach a vote upon this proposition at once, and I concur that the bill should go to conference immediately. I submit the issue to your candid judgment. Your opinion can not be coerced or controlled. You know this case now. Its various phases have been fully examined. I have sought to impress the facts upon you, content to rest my claims upon justice and truth.

The struggle which I have made here may seem stubborn to some, but it is maintained in the consciousness and belief that I am acting for the public interest. No demagogical appeal — notwithstanding intimations to the contrary — has influenced or ever will influence me. I have been as able as the Senator from Maine to maintain myself in my conservative methods without condescending to belittlement. I experience natural pride in my presence here, but I would willingly sacrifice that honor rather than yield my maturely formed judgment to any senseless clamor, to threats or flattery, to condemnation or applause, and I might say, Mr. President, that I would rather be a lawyer whose word was as good as the rich man's bond, and whose opinion upon an intricate question of judicial science was valued by the master minds of my profession, than to hold in my hand all the honors that ever were won by appeals to the passions or prejudices of men. [Applause in the galleries.]

* * * * * * * *

Mr. FRYE. Mr. President, the Senator from California has painted a picture of me which I do not believe any Senator who has been associated with me for quite a number of years will recognize. I think I do yield very frequently, and to a certain extent I am going to yield now, notwithstanding the charge which has been made against me — the navigator of the committee. I objected very seriously to the amendment offered by the Senator from California. It contained an Army engineer as one of the commission. I am not saying anything against the Army engineers, but in a question of this kind, in which there has been so much discussion and friction, to put on that commission an Army engineer, when his chief is the head of the Engineer Department, and was the head of one of the boards which made report to Congress and has been under consideration, I do say that it is packing, in all human probability, the foreman of that jury, for he would be the foreman, and I should not be content with nor would I risk a commission of that kind. It was on that account that I said there might be one chance in ten of a commission so constituted reporting in favor of San Pedro.

The Senator has offered an amendment to strike out the item which the committee had inserted in the bill, and to insert his amendment. It is my right, before that question is taken, to perfect, so far as I may, the amendment which the committee itself reported, and I am going to propose a commission which, under the statement of the Senator made within the last fifteen minutes, I fail to see how even he can refuse to accept.

In order that the Senate may understand the amendment I now propose, I will read the first two lines of the amendment reported by the committee, which read in this way:

For a deep-water harbor at Port Los Angeles, in Santa Monica Bay, California.

After the word "California," in line 14 of that amendment of the committee, I move to insert these words:

Or at San Pedro, in said State, the location of said harbor to be determined by an officer of the Navy, to be detailed by the Secretary of the Navy, an officer of the Coast and Geodetic Survey, to be detailed by the Superintendent of said Survey, and three experienced civil engineers, skilled in riparian work, to be appointed by the President, who shall constitute a board, the decision of a majority of which shall be final as to the location of said harbor. It shall be the duty of said board to make plans, specifications, and estimates for said improvement. Whenever said board shall have settled the location and made report to the Secretary of War of the same, with said plans, specifications, and estimates, then the Secretary of War may make contracts for the completion of the improvement of the harbor so selected by said board, according to the project reported by them, at a cost not exceeding in the aggregate $2,900,000, and $20,000 are hereby appropriated, so much thereof as may be necessary to be used for the expenses of the board and payment of the civil engineers for their services, the amount to be determined by the Secretary of War.

Mr. VEST. I will suggest to the chairman of the committee that he insert the words "who shall personally examine the localities named."

Mr. FRYE. I will say "who shall constitute a board and personally examine."

Mr. WHITE. I presume the Senator from Missouri has in view what he thinks is the necessity of re-sounding this harbor.

Mr. VEST. Yes. I do not want this work done by proxy, as has been done in other cases.

Mr. WHITE. I will suggest that the Coast and Geodetic Survey charts, upon which navigation is conducted on that coast, are presumably accurate. However, I only make that statement because I do not think it is just to criticise General Craighill for not making soundings, which had been officially done by the Coast and Geodetic Survey. Still, I am not objecting to the re-soundings.

Mr. TELLER. I suggest to the chairman of the committee that $20,000 is not an adequate sum for that kind of work.

Mr. FRYE. The Senator from Iowa [Mr. ALLISON] was just making that same suggestion to me.

Mr. TELLER. I want to say that if the President of the United States selects three engineers such as he ought to select, each one of them should have at least $10,000 for that work.

Mr. FRYE. Suppose we make the amount $40,000?

Mr. TELLER. I should say it ought to be at least $50,000 — say "to be used in the discretion of the President, not exceeding $50,000."

Mr. FRYE. Very well.

Mr. PERKINS. I would also suggest to the chairman of the Committee on Commerce that there should be limit of time within which the matter shall be determined. It does not seem to me that it should be like Tennyson's brook, to run on forever. I think there should be a limit of time.

Mr. FRYE. No; I do not think there should be. I think the board should have all the time they need to settle this question. There is one thing above everything else I wish, and that is a settlement of this vexed question.

Mr. BERRY. I wish to remark to the Senator from Maine that it seems to me that it would be fairer and better to take two of the members of the board from civil life and two from the Coast and Geodetic Survey, or one from the Coast and Geodetic Survey and one from the Navy. It occurs to me that it would be better to have more public officials on the commission who are responsible to the Government. I simply make the suggestion as giving my views about it.

Mr. FRYE. I am obliged to the Senator; but I have all day been running this over in my mind, and as a conclusion, a fair conclusion of this contest, I finally have settled down upon this proposition. As a matter of course, I have yielded a good deal in doing so. The Senator from California is practically having his own way, when he says he simply asks an entirely impartial board.

Mr. BERRY. Is the proposition satisfactory to the Senator from California?

Mr. WHITE. I have stated that I would accept any impartial board, and I usually stick to what I say, or try to do so, and I believe the President of the United States — I not only believe, but I know — will do his duty in this regard. If I had my way about it I would rather have one Army engineer, but I see no reason to think that this will not be an absolutely impartial board. I think all the other boards have been impartial; but this is an endeavor to reach a conclusion satisfactory to the Senate, and I will adhere to what I stated. I have consulted with those who agree with me about this matter, with as many as I could talk to about it, and it seems to be the general impression that I should accept the amendment. While I have my preferences, as stated, I do not wish to interpose any objection to the accom-

plishment of a plan which is a concession by the Senator from Maine and also a concession by the Senator from California. I think we can afford to stand upon it.

Mr. FRYE. I offer the amendment, then, Mr. President.

Mr. PASCO. Mr. President, as one of the minority of the committee who objected to the majority report, I am entirely in favor of this amendment, and I am very glad that the Senator from Maine [Mr. FRYE], the chairman of the committee, has conceded so much. There never was a time during the sessions of the committee when the minority of the committee would not have joined with him in obtaining what we all regarded as a fair and impartial board; and I think the amendment he now offers to us proposes just such a scheme as that. For one I hope that it will be adopted and that this plan of settlement will be agreed upon by the Senate.