

By Mr. HARRIS, of Virginia: The petition of Z. W. Pickerill, of Petersburg, Virginia, to be compensated for tobacco taken by United States troops, to the Committee on War Claims.

By Mr. RICHMOND: The petition of Nathaniel Carey, for an appropriation to test his invention for producing rain by artificial means, to the Committee on Appropriations.

By Mr. SENER: The petition of owners of steamers and sailing-vessels plying Chesapeake Bay, for the erection of a light-house on the eastern terminus of Dammeron's Marsh, in said bay, to the Committee on Commerce.

Also, the petition of Mrs. Triffy Evans, of Accomac County, Virginia, for compensation for sloop Georgeanna and schooner Sea Flower, seized by the naval forces of the United States in 1862, to the Committee on War Claims.

By Mr. SESSIONS: The petition of W. T. Duvall, for relief on contract with the Supervising Architect of the Treasury, to the Committee on Public Buildings and Grounds.

By Mr. SHANKS: The petition of citizens of Montpelier, Blackford County, Indiana, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. VANCE: The petition of G. W. Hayes and 44 other citizens of Cherokee County, North Carolina, asking aid in building the Western North Carolina Railroad from Old Fort, North Carolina, to Ducktown, Tennessee, to the Committee on Railways and Canals.

By Mr. WHITTHORNE: The petition of George N. Stine and 76 others, of Dickson County, Tennessee, for the restoration of the 10 per cent. reduction of duties on iron and steel, and for free banking, to the Committee on Ways and Means.

By Mr. WOODWORTH: The petition of the Girard Iron Company and 154 other persons and business firms, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

IN SENATE.

WEDNESDAY, June 17, 1874.

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

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

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

HUDSON'S BAY COMPANY.

Mr. HAMLIN. I ask permission of the Senate to allow me to call up House bill No. 3351. It will take but a very few minutes, and it fulfills an obligation which is imposed on this body that I am sure no Senator will disregard.

There being no objection, the bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany under the treaty of Washington of May 8, 1871, and for other purposes, was considered as in Committee of the Whole.

The preamble recites that it was stipulated by article 1 of the treaty concluded at Washington on the 15th of June, 1846, between the United States and Great Britain, that the line of boundary between the territories of the United States and Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude, up to which it had already been ascertained, should be continued westward along that parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean;" and that by article 3 of that treaty it was stipulated that "in the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be in the occupation of land or other property lawfully acquired within the said Territory, shall be respected;" and that by article 34 of the treaty concluded at Washington on the 8th of May, 1871, the question of where "the boundary which runs southerly through the middle of the channel aforesaid" should be located was submitted to His Majesty the Emperor of Germany, whose decision was to be final and without appeal; and that by the award of His Majesty the Emperor of Germany, of October 21, 1872, the boundary was established, and it now devolves upon the United States to discharge its treaty obligations. Therefore the bill provides for the appointment of a commissioner by the President of the United States to make and report to the Secretary of the Interior a list of all British subjects who, on the 15th day of June, 1846, were in the occupation of land, lawfully acquired, within the limits which were the subject of the award of His Majesty the Emperor of Germany, together with a description of the land actually occupied by each at that date. The commissioner shall proceed to the vicinity of the land in question, and there receive proof of the occupancy of such land and of the mode by which such occupancy was acquired, after first giving reasonable notice as to the matters to be reported by him. Such proof shall consist of oral testimony, under oath, and such documentary proofs as the occupants

may present. The testimony of all witnesses shall be reduced to writing, and all documentary proof offered by the parties and received by the commissioner shall be attached to the deposition of the party offering such proofs, which testimony and proofs shall be submitted by the commissioner with his report, and such report shall be subject to review by the Secretary of the Interior, whose action thereon shall be final.

The commissioner is to receive for his services ten dollars per diem, together with traveling expenses at the rate of ten cents per mile for the distance actually traveled in the execution of his commission; and the sum of \$1,000 is appropriated to defray such expenses.

All British subjects whose claims shall be approved by the Secretary are to be allowed to purchase from the United States the land so designated at any time within one year from such approval, at the ordinary minimum price per acre where the lands are situated outside railroad limits, and at double minimum price where the lands are within railroad limits. Such entries are to be according to legal subdivisions, so as to include the improvements of the occupants; and where two or more parties shall have improvements on the same smallest legal subdivision, they may make a joint entry thereof. In case entry and payment be not made within one year from the date of such approval by the Secretary of the Interior, all possessory rights named in article 3 of the treaty of June 15, 1846, shall be considered forfeited, and the lands shall thereafter be deemed and treated as a part of the public domain, to be disposed of as other lands.

Mr. THURMAN. This may be right, but I should like to ask the Senator from Maine a question about it. By the treaty commonly called the Oregon treaty of 1846 it was provided that—

In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

After the execution of that treaty the Government of the United States settled with the Hudson's Bay Company and obtained a release; and the question that I wish to have answered is whether that release covers this island which we always claimed after the execution of that treaty, but which was not finally determined to be ours until the Emperor of Germany made his award, or whether the release of the Hudson's Bay Company for which we paid a pretty round sum, and a great deal more in my humble judgment than that company was entitled to, was limited to that territory which was not disputed between us and Great Britain? If these islands which were in dispute were excepted from that release, then it seems but right and in fact we are bound by the treaty to respect those rights or to make some compensation or in some other way to extinguish them. But if they are embraced by the release which was executed to us by the Hudson's Bay Company, then that company can have no further claim.

Mr. HAMLIN. In reply to the inquiry or suggestion made by the Senator from Ohio, I will say that I understand our Government and I understand the British government do not regard the lands lying outside of the line named in the treaty of Washington, so called, as included in the release. In other words, this bill does not cover any of the lands named by the Senator for which compensation has been made. It understood by our Government. It is so understood by the British government. This bill is only to carry out the provisions of the treaty of Washington as understood by the respective parties. None of the land covered by this bill was at all affected in the settlement which was formally made, and therefore the bill is eminently just. I will add that the bill was carefully drawn at the State Department where all the facts were known; it underwent a careful inspection by the Committee on Foreign Relations and received their unanimous approval.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ADDITIONAL LAND DISTRICTS IN KANSAS.

Mr. HARVEY. The Committee on Public Lands, to whom was referred the bill (H. R. No. 203) to create two additional land districts in the State of Kansas, have had the same under consideration and have instructed me to report it back without amendment; and I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NAME OF A YACHT.

Mr. WASHBURN. There are two little bills on the Calendar that will take but a moment which I should like to have considered. The first is House bill No. 2384.

By unanimous consent, the bill (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY S. HOWE.

Mr. WASHBURN. I ask for the consideration of House bill No. 2670.

By unanimous consent, the bill (H. R. No. 2670) granting a pension to Mary S. Howe was considered as in Committee of the Whole.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Howe, widow of David Howe, late special agent of the provost marshal's office for the fourth district of Massachusetts, and to pay her a pension at the rate of eight dollars a month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WYOMING TERRITORIAL APPORTIONMENT.

Mr. HITCHCOCK. There are a couple of bills reported by the Committee on Territories to which there will be no objection, and I should like to have them disposed of. I ask first for the consideration of House bill No. 2450.

There being no objection, the bill (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes was considered as in Committee of the Whole. It provides that the apportionment of the Territory of Wyoming for the election of members of the next Legislative Assembly of the Territory shall be made by the governor thereof, in accordance with the provisions of an act of Congress entitled "An act to provide a temporary government for the Territory of Wyoming," approved July 25, 1868; but for the purpose of such apportionment it shall not be necessary to take a new or additional census or enumeration of said Territory. The power hereby conferred upon the governor is to be continued in full force until an apportionment shall be made by the Legislative Assembly of the Territory, under the provisions of the organic act thereof.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TERRITORIAL PENITENTIARIES.

Mr. HITCHCOCK. One other bill I wish to have passed. It is House bill No. 440.

By unanimous consent, the bill (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873, was considered as in Committee of the Whole. It proposes to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873, by striking out the words "Montana," "Idaho," and "Wyoming," wherever the same occur in that act, which is hereafter to have no applicability to the Territories of Montana, Idaho, and Wyoming. The penitentiaries in those Territories are to continue under the care and control of the marshal of the United States for the Territories, under and pursuant to the provisions of the act entitled "An act in relation to certain territorial penitentiaries," approved January 10, 1871; which last-mentioned act is revived and re-enacted so far as the same applies to the Territories of Montana, Idaho, and Wyoming.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SUFFERERS FROM MISSISSIPPI OVERFLOW.

Mr. WEST. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3373) making an additional appropriation to enable the Secretary of War to carry out the provisions of the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River," and for other purposes, to report the same back without amendment and to ask that it be put upon its passage immediately.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

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

The PRESIDENT *pro tempore*. The Senator from Delaware objects to the present consideration of the bill.

JAMES A. McCULLAH.

Mr. SCHURZ. I move that the Senate take up House bill No. 3173.

The motion was agreed to, and the bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri, was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to credit the account of James A. McCullah, late collector of the fifth district of Missouri, with a sum not exceeding \$7,814.19, being the amount alleged to be uncollected on assessment lists transferred by him to his successor in office, and which were destroyed by fire while in the hands of his said successor; but such credits are not to be allowed until it shall be shown to the satisfaction of the Commissioner of Internal Revenue, by affidavits general in their character and applying to said amount in the aggregate, that due diligence was used by McCullah to make collection of the same while the lists remained in his hands, and that it was not collected by him.

The Committee on Finance proposed to amend the bill by striking out, commencing in line 12, the words "by affidavits general in their character and applying to said amount in the aggregate;" in line 15, by striking out the words "the same" and inserting the words "said taxes;" and in line 16, by striking out the words "it was" and inserting "they were;" so as to make the proviso read:

Provided, That such credits shall not be allowed until it shall be shown to the satisfaction of the Commissioner of Internal Revenue that due diligence was used

by said McCullah to make collection of said taxes while said lists remained in his hands, and that they were not collected by him; it being the intention of this act to relieve said McCullah from complying with the strict requirements of existing regulations relative to the abatement of uncollected taxes.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

A. C. VORIS.

Mr. SHERMAN. I ask the Senate to act upon a pension bill which has been reported recently and which will take but a moment. I move to take up House bill No. 2671.

The motion was agreed to; and the bill (H. R. No. 2671) granting a pension to General A. C. Voris was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of General A. C. Voris, late colonel of the Sixty-seventh Regiment of Ohio Volunteers, at the rate of thirty dollars a month, to commence from the date of his discharge from the service of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROSA VERTNER JEFFREYS.

Mr. STEVENSON. I move to take up Senate bill No. 878.

The motion was agreed to; and the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys was read the second time and considered as in Committee of the Whole. It provides for the payment to Rosa Vertner Jeffreys of \$5,000, in full compensation for the use of and damages done to her property in Lexington, Kentucky, by reason of occupation of the same by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCOTT. I move to proceed to the consideration of House bill No. 2787.

Mr. FRELINGHUYSEN. I rose to call for the reading of the report in the case of Mrs. Jeffreys.

The PRESIDENT *pro tempore*. The Senator can move to reconsider the vote on the passage of that bill.

Mr. FRELINGHUYSEN. I did not know what the bill was about. I move to reconsider the vote if that is necessary to secure an explanation.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to reconsider the vote by which the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys was passed.

Mr. STEVENSON. May I ask the Senator from New Jersey why he made the motion?

Mr. FRELINGHUYSEN. I stated that I did not know what the bill was about.

Mr. STEVENSON. I did not hear the Senator ask the question.

Mr. FRELINGHUYSEN. I am perfectly willing to withdraw my motion and hear a statement from the Senator from Kentucky.

Mr. STEVENSON. This is a bill reported unanimously from the Committee on Claims. The dwelling-house of Mrs. Jeffreys, who was a loyal woman in Lexington, was occupied by the troops of the United States when she was at the North. I think every major-general who was there and occupied it has testified to the merit of this claim. The chairman of the Committee on Claims knows a great deal more about the case than I do, and I would be very glad if he would make a statement.

Mr. SCOTT. I can state very briefly about this claim. The house occupied was one of the finest in the city of Lexington, and it was filled with a library, plate, very fine furniture, and many other appliances of luxury used by the family to which it belonged. If it were possible to allow for the whole extent of valuation that was destroyed in that property \$20,000 would not pay the owner, and I regret very much that it was not in the power of the Committee on Claims to allow the full amount, and I regret just as much that the War Department has not seen proper in many instances to take the shoulder-straps from some officers who permitted such spoliation as the evidence showed were permitted in that house and on that property, where very valuable carpets, libraries, &c., in a house occupied as the headquarters of a high commanding officer, were permitted to be despoiled and carried away. The amount allowed, after very great contest in the committee, is not more than one-fourth of the damages suffered, and all such items were excluded. This amount is for rent and actual damages, and it was the result of a very protracted consideration in the committee. I think the claim is entirely just and ought to be paid.

Mr. FRELINGHUYSEN. I would ask the Senator from Pennsylvania a question. Of course everybody would be glad under the circumstances to vote this money; but the question I want to ask is one that involves the principle, whether this property was within our lines or within the enemy's lines?

Mr. SCOTT. It was within our lines.

Mr. FRELINGHUYSEN. Then I have no objection.

The PRESIDENT *pro tempore*. Does the Senator withdraw his motion?

Mr. FRELINGHUYSEN. No.

PITTSBURGH MARINE HOSPITAL.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Pennsylvania is before the Senate.

The bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site and the purchase of a new site and erection thereon of a new marine hospital, in the city of Pittsburgh, Pennsylvania, was considered as in Committee of the Whole.

Amendments were reported by the Committee on Commerce.

The first amendment was after the word "point," in line 14, to insert "and in accordance with designs to be prepared by the Supervising Architect to the satisfaction of the supervising surgeon of marine-hospital service and approved by the Secretary of the Treasury."

The amendment was agreed to.

The next amendment was to strike out in line 27, after the word "provided," the words "the terms of sale of the present building will not admit of their remaining therein" and insert "it is practicable so to do; but in the event of such provision being found to be impracticable, then the present building shall be occupied for such patients."

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM J. PATTON.

Mr. CLAYTON. I believe I have not asked the Senate to take up a bill this session. I now move to take up Senate bill No. 459.

The motion was agreed to; and the consideration of the bill (S. No. 459) for the relief of William J. Patton was resumed as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BUSINESS OF COMMITTEES.

Mr. BUCKINGHAM. The Committee on Indian Affairs have reported quite a number of bills which are on the Calendar which appear to be important. Some are from the House and some are original bills of the Senate. I rise to ask the Senate to give me from one to two hours to take up and act upon bills reported by that committee, and I would ask that they give me to-morrow evening. I propose that we have a recess to-morrow, and that to-morrow evening one or two hours, as shall seem best to the Senate, be given for the purpose indicated.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks the Senate to order a recess to-morrow, the session to-morrow evening being for the purpose of considering bills reported from the Committee on Indian Affairs.

Mr. STEWART. I do not think the evening is a good time.

The PRESIDENT *pro tempore*. The motion is not in order; but the Senator asks an understanding, so that the motion can be made to-morrow.

Mr. BUCKINGHAM. If the motion is not in order now I will withhold it.

Mr. CHANDLER. I ask unanimous consent, if it is in order, to move that the Senate take a recess to-day for the purpose of considering this evening bills reported by the Committee on Commerce.

The PRESIDENT *pro tempore*. It is in order to move for a recess to-day.

Mr. CHANDLER. I move that the Senate take a recess from five o'clock to half-past seven o'clock this evening for the purpose I have indicated.

Mr. ANTHONY. I think it would be much better to give the Senator from half past five as long a time as he may require than it would be for us to adjourn at half past five and come back at half past seven. What can we do from half past five to half past seven except to go through the heated streets, get a poor dinner, and come back again? I would much rather stay here the same length of time that we should have to stay in the aggregate if we took a recess and came back afterward. Therefore let the Senator ask for a particular time this afternoon, say at half past five o'clock, instead of taking a recess at that time, to take up his bills and then go through with them.

Mr. CHANDLER. That will suit me as well.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that at five o'clock this afternoon the Senate proceed to consider bills reported by the Committee on Commerce. Is there objection?

Mr. WEST. That arrangement undoubtedly will contribute very much to our comfort and perhaps contribute to the measure that the Senator desires to lay before the Senate; but it might have the effect of indefinitely postponing the post-office appropriation bill. If it is to be understood that that business which the Senator proposes to bring forward shall not interfere with that bill I have no objection, otherwise I must object.

Mr. CHANDLER. I will consent that that appropriation bill, if not passed by that time, shall be the unfinished business after we get through.

Mr. WEST. I am obliged to the Senator, but I must object to any

such arrangement, for it is an indefinite postponement of the post-office bill.

Mr. CHANDLER. It is not.

Mr. WEST. How not?

Mr. CHANDLER. Because it retains its place.

Mr. WEST. I object to its going over.

Mr. CHANDLER. I ask unanimous consent then that the post-office appropriation bill be considered the unfinished business at the adjournment to-day.

The PRESIDENT *pro tempore*. It is proposed that unanimous consent be given that at five o'clock to-day the Senate will proceed to the consideration of bills reported by the Committee on Commerce.

Mr. SCOTT. Let me inquire of the chairman of the Committee on Commerce whether it is his design to take up any other bill than the river and harbor appropriation bill?

Mr. CHANDLER. I do not desire to take that up this evening. I wish to act on other business.

Mr. SCOTT gave notice that as soon as the post-office appropriation was over, and that was concurred in by the chairman of the Committee on Appropriations, he would ask that the bill reported by the Committee on Claims for the payment of awards made by the claims commissioners be taken up.

Mr. CHANDLER. I propose to take up the river and harbor bill the moment we get through with the post-office appropriation bill.

Mr. SCOTT. I do not propose to object if that is the only bill the Senator from Michigan wishes to consider to-day.

Mr. CHANDLER. To-night I wish to take up general business of the Committee on Commerce. That committee has not had a day or an evening, and I propose to take up some twenty or thirty bills to-night, but not the river and harbor bill.

Mr. SCOTT. Let us take the recess, and let the Senate determine in the evening whether they will take up the Senator's bills or the bill I have indicated, and I shall abide the decision.

The PRESIDENT *pro tempore*. The Chair would like to learn whether there is any understanding on this subject. Is it understood that at five o'clock this afternoon the Senate is to proceed to consider the bills reported by the Committee on Commerce, and that the post-office appropriation bill is to be called up before the adjournment in order that it shall remain the unfinished business? Is there objection to that understanding?

Mr. DAVIS. If the river and harbor bill is the only one the Senator from Michigan intends to call up, there is no objection.

Mr. CHANDLER. It is not.

Mr. DAVIS. Then I object. I think that bill ought to be considered.

Mr. CHANDLER. I propose to take that up the very moment we get through with the post-office bill, and I do not wish to consider it at an unusual hour. I will call it up the very moment the post-office bill is through.

Mr. DAVIS. I want the river and harbor bill considered as soon as the post-office bill is through with.

Mr. CHANDLER. That I shall insist upon.

The PRESIDENT *pro tempore*. No understanding can be arrived at, apparently.

LAND DISTRICT IN COLORADO.

Mr. OGLESBY. I ask the Senate to proceed to the consideration of a bill which was taken up the other morning, read, and considered, and we were just about to proceed to vote on it. It does not require to be read at all. It will take less than quarter of a minute to pass it and there is no objection to it. It is the bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado.

By unanimous consent, the bill was considered as in Committee of the Whole.

Mr. OGLESBY. The Senator from Arkansas [Mr. CLAYTON] objected and he has withdrawn his objection.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHANGE OF NAME OF A BRIG.

Mr. MITCHELL. There are two local bills in which my constituents are very much interested. I do not think they will take one minute. I ask to take up House bill No. 3591.

There being no objection, the bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM L. ADAMS.

Mr. MITCHELL. I now ask to take up for consideration Senate bill No. 382.

There being no objection, the bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon, was considered as in Committee of the Whole.

The Committee on Claims reported an amendment to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That the proper accounting officers of the Treasury be, and they are hereby, directed to allow William L. Adams, late collector of the port of Astoria, in the district of Oregon, in the settlement of his accounts, so much of the public funds as

were stolen from him and never paid into the Treasury, while engaged, in February, 1866, in conveying said funds from his office in Astoria to San Francisco, California, for the purpose of depositing the same with the United States assistant treasurer in that city, pursuant to the instructions of the Secretary of the Treasury: *Provided*, That the sum so allowed said Adams shall not exceed \$12,190.

The amendment was agreed to.

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

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

REMISSION OF DUTY ON RECOVERED SUNKEN MERCHANDISE.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was recommended the bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered, to report it back without amendment, and as it is very brief, I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. Whenever any ship or vessel, laden with merchandise in whole or in part subject to duty, shall have been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States and within its limits, and shall have remained so sunk for the period of not less than two years, and shall be abandoned by the owners, the bill proposes to permit any person or persons who may raise any portion of the cargo of such ship or vessel to bring the merchandise so recovered into the port nearest to the place where such ship or vessel was so sunk free from the payment of any duty thereupon, and without being obliged to enter the same at the custom-house, under such rules and regulations as the Secretary of the Treasury may prescribe.

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

WASHINGTON MARKET COMPANY.

Mr. MORRILL, of Vermont. I desire to give notice that some time during the day I shall ask the Senate to take up Senate bill 937, annulling some acts of the Legislative Assembly in this District in relation to the Washington Market Company, and if Senators in the mean time will look at report No. 449, I do not think the bill will take five minutes' time.

JOSEPH S. READ.

Mr. FRELINGHUYSEN. I move that the Senate take up House bill No. 2463. It is simply a bill paying a few hundred dollars to a messenger here in the Capitol.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2463) for the relief of Joseph S. Read. It directs the proper accounting officer of the Treasury to pay to Joseph S. Read the sum of \$395.72; which is to be received in full compensation for the services of Read as an assistant door-keeper to the House of Representatives from the 1st of August to the 10th of November, in the year 1868.

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

COST OF SURVEY OF NORTHERN PACIFIC RAILROAD LANDS.

Mr. PRATT. At the instance of an old friend, an eminent citizen of the State of Ohio, who for many years was a member of this body and once its Presiding Officer, I desire to call up Senate bill No. 797. It is a bill that was referred to the Committee on Public Lands, fully considered by them, and reported unanimously. It will occupy but a short time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 797) to amend an act in relation to the survey of certain lands granted to the Northern Pacific Railroad Company.

The bill proposes to repeal so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted to the company, and no cost for surveying is to be collected from the company.

Mr. DAVIS. I should like to know how much is involved in this bill and what is to be paid under it? I observe that it proposes to release a railroad company from the cost of surveying lands.

Mr. PRATT. I will briefly state to the Senator from West Virginia what the trouble in this case is which is sought to be remedied by this bill. The charter of the Northern Pacific Railroad Company provided in its fourth section that a certain quantity of land on each side of the road should be conveyed to the company by patent upon the completion of every section of twenty-five miles, on the report of the commissioners provided for by the law. There are some ten million acres which have been earned by the company which are now withheld from patent because of a clause that was attached to the sundry civil appropriation bill of 1870, which reads as follows:

And provided further, That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company, there shall be first paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest.

This proviso is clearly in contravention of the terms of the original charter. Why it was ever put upon this appropriation bill, why it was ever enacted at all, I am at a loss to imagine. As I said a moment ago, the company have built about five hundred and fifty miles of their road, and about ten million acres under their charter are due to the company at this time, but are withheld from them until, in pursuance of this proviso that I have read, the company shall first pay the cost and expenses of the survey. Unless some gentleman is able to demonstrate that this provision hitched upon this appropriation bill was originally right, I hope this bill will pass.

Mr. DAVIS. My friend from Indiana has not yet stated how much money is involved in the bill.

Mr. PRATT. I do not know what was the cost of surveying these lands; but the original charter required that the United States should survey and convey by patent to this company these lands when the company should earn them by constructing sections of twenty-five miles.

Mr. DAVIS. I understand that there are seven or eight hundred thousand dollars involved, and that all the railroad companies who have got public lands heretofore have paid the cost of the surveys. I see no good reason why this company should be exempt, or have the money returned to them if they have already paid it. I do not wish to object to the bill, but I want the Senate to know what the bill is.

Mr. PRATT. I have stated the whole question.

Mr. HOWE. My attention is just called to this bill, and if it is not long I should like to have it reported once more.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the bill.

Mr. HOWE. Have any especial surveys been made upon the application of the company itself?

Mr. PRATT. Not that I am aware of. Here is the provision in the original charter which requires the United States to survey the lands without expense to the company.

Mr. HOWE. I understand about that. I think the subsequent law requiring them to pay the expenses of surveying was wrong; but the same legislation has been had in reference to the Union Pacific, and the Union Pacific it seems to me ought to have the same relief, and I do not know but that the Central Pacific should also. I would inquire of the Senator why he cannot amend his bill so as to extend this relief to other roads?

Mr. PRATT. I would prefer at this stage of the session not to amend the bill. This is clearly a matter of justice to this particular company. I do not know what other companies are entitled to a like measure of justice. But here is the charter which provides that these lands shall be conveyed without expense to the company, as they are earned, and I hope the Senate will pass the bill as it is.

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

LEVEES OF THE MISSISSIPPI RIVER.

Mr. ALCORN. I ask the indulgence of the Senate to take up House bill No. 2988, a bill to which I do not think there will be any objection.

Mr. FRELINGHUYSEN. What is the title of the bill?

Mr. ALCORN. I will read it: "A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation." Pursuant to the recommendation of the committee I reported the bill with an amendment, and I hope it will now be acted upon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the President to assign three officers of the Corps of Engineers, United States Army, and to appoint two civil engineers eminent in their profession and who are acquainted with the alluvial basin of the Mississippi River, to serve as a board of commissioners; the president of the board to be designated by the President of the United States. It is to be the duty of the commission to make a full report to the President of the best system for the permanent reclamation and redemption of the alluvial basin from inundation, which report the President is to transmit to Congress at its next session, with such recommendations as he shall think proper.

The second section provides that the members of the commission who may be appointed from civil life shall receive compensation at the rate of \$5,000 per annum. The commission may employ a secretary at a rate of compensation not exceeding \$200 per month for the time he is employed; and the necessary traveling expenses of the members of the commission not officers of the Army, and of the secretary, are to be paid upon the approval of bills for the same by the Secretary of War.

The third section appropriates the sum of \$10,000, or so much thereof as may be necessary to carry into effect the foregoing provisions, which is to be subject to disbursement by the Secretary of War in accordance with the provisions of the act.

The Select Committee on the Levees of the Mississippi River reported an amendment to the bill to increase the appropriation in section 3 from \$10,000 to \$25,000.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

MARSHAL FOR WESTERN DISTRICT OF NORTH CAROLINA.

Mr. MERRIMON. I move that the Senate take up House bill No. 225.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina," by adding thereto the following:

The bill proposes to amend section 8 of the act of June 4, 1872, entitled "An act to establish a western judicial district of North Carolina," by adding thereto the following:

There shall also be appointed a marshal of the United States for said western district of North Carolina, who shall receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law.

The Committee on the Judiciary reported the bill with an amendment to strike out the following words at the end of the bill:

Receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law.

And to insert:

Be entitled to a salary of \$200 per annum; payment to be made quarterly out of the Treasury of the United States, and in addition thereto the fees of office fixed by law.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

MARY E. GROSVENOR.

Mr. ALLISON. I ask the unanimous consent of the Senate to take up House bill No. 3306. It is a pension bill reported unanimously by the Committee on Pensions.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3303) granting a pension to Mary E. Grosvenor. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Grosvenor, widow of Thomas W. Grosvenor, deceased, late lieutenant-colonel of the Twelfth Regiment Illinois Cavalry Volunteers.

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

TAX AND TARIFF BILL.

Mr. SHERMAN. I am directed by the Committee on Finance to report back the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws and for other purposes, commonly known as the tariff bill, with sundry amendments; and I desire to state to the Senate that it is manifest at this stage of the session, if it is expected to pass this tariff bill, it will have to be taken practically as it is. The Committee on Finance have added no new matter, simply because we thought to add new matter would probably defeat the bill at this session; but we have proposed to strike out various sections of the bill, leaving in it the matter to which we think there is no objection in either House.

Mr. CONKLING. What are the sections stricken out?

Mr. SHERMAN. The last section is stricken out in regard to the tax on all sales of bonds, stocks, &c., and there are some sections about the tobacco tax stricken out, and there are modifications in a slight degree of other sections; but the substance of our report is the unobjectionable points of the House bill. I desire to state further that if Senators propose to pass this bill, it should be done at least to-morrow or the next day, and it will have to be passed without any material amendment.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and printed, with the amendments of the committee.

METHODIST EPISCOPAL CHURCH AT NEW CREEK.

Mr. BOREMAN. I ask unanimous consent to take up Senate bill No. 295.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia.

The bill requires the Secretary of the Treasury to pay to James Carskadon, P. M. Dayton, R. S. Dayton, James I. Barrick, Edmund Duling, and William Warner Smith, trustees of the Methodist Episcopal church at New Creek, Mineral County, West Virginia, to be used for church purposes only, the sum of \$1,400, for the occupation and conversion to the use of the Army of the United States of the house of worship of the said church at that place as a bakery, by the Commissary Department, from the 1st of April, 1862, until the 28th of November, 1864, under orders of the proper officers of the Army; on which last-mentioned day the house of worship being so occupied was destroyed by the rebel army.

The Committee on Claims proposed an amendment in line 9, to reduce the appropriation from \$1,400 to \$1,000.

The amendment was agreed to.

Mr. BOREMAN. I move to strike out the latter clause, that was put in merely as an incident, "on which last-mentioned day the said house of worship being so occupied was destroyed by the rebel army."

Mr. WRIGHT. I should like to inquire of the Senator from West Virginia what his object is in striking out the latter clause?

Mr. BOREMAN. That is merely stated as an incident. We do not claim for the destruction of the property by the rebel army. We merely claim for the use and occupation of the property.

Mr. WRIGHT. But I suggest to my good friend that if he strikes that clause out, it will be open so that they can make a claim for the destruction of the house hereafter. This \$1,000 is intended to cover all damages and the destruction, and if you strike out the latter part the destruction may be claimed for hereafter.

Mr. BOREMAN. I withdraw the amendment.

Mr. CONKLING. Whether the amendment is withdrawn or not, I have a suggestion to make about this bill. It is very hard to object to a claim on behalf of a house of worship, especially when it was used as a bakery; but notwithstanding those peculiarities it is one of the cases in which it is proposed to pay for the occupation or injury of property during the war; and how far or how near in respect of the theater of war, I do not know and the Senate cannot know without hearing the report read and hearing a discussion of this bill. It is taken up although the morning hour has actually expired. I do not mean to object to it if the Senator having charge of the unfinished business does not, but I want to hear the report and I want to know the facts before this bill passes.

Mr. WEST. I call for the regular order.

Mr. BOREMAN. Allow me a word. I would willingly submit this case to the Senator from New York for his judgment if he would take the trouble to read the papers and become familiar with the facts.

Mr. WEST. I call for the regular order.

The PRESIDENT *pro tempore*. The unfinished business is the post-office appropriation bill.

MOIETIES UNDER CUSTOMS LAWS.

Mr. SCOTT. When reports were in order I endeavored to get the floor for the purpose of moving to take up the report of the committee of conference on the disagreeing votes of the two Houses on the moiety bill, but in the press of business was unable to move it. That being in the nature of a privileged question, I trust there will be no objection to taking it up now, and I therefore move that the Senate proceed to the consideration of that report.

Mr. WEST. Laying aside the post-office bill informally?

Mr. SCOTT. Yes.

Mr. MORRILL, of Maine. I object to that. We cannot afford to allow anything to interpose against an appropriation bill that is ready at this time, unless you are willing to extend the session.

The PRESIDENT *pro tempore*. The Senator from Maine objects.

Mr. MORRILL, of Maine. As soon as this appropriation bill is through we shall not trouble the Senate again for a day or two.

The PRESIDENT *pro tempore*. If there be no objection the Chair will now receive strictly morning business, as there was no opportunity for it during the morning hour.

PETITIONS AND MEMORIALS.

Mr. OGLESBY presented a petition of 500 workmen of North Chicago, employed in rolling-mills, praying the restoration of the 10 per cent. duty on iron and steel and for free banking; which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

The message also announced that the House had passed the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills:

- A bill (S. No. 707) granting a pension to Andrew J. Lasley;
- A bill (S. No. 613) granting a pension to Jefferson A. French;
- A bill (S. No. 814) granting a pension to Ebenezer W. Brady;
- A bill (S. No. 877) granting a pension to John W. Truitt;
- A bill (S. No. 690) granting a pension to Thomas Smith;
- A bill (S. No. 768) granting a pension to John S. Long;
- A bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;
- A bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phoebe Soffield, a pensioner;
- A bill (S. No. 536) granting a pension to Lavinna Ingraham; and
- A bill (S. No. 609) granting a pension to Margaret A. Hoffner.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

- A bill (H. R. No. 2095) granting a pension to Charles McCarty;
- A bill (H. R. No. 3652) providing for publication of the revised statutes of the United States;
- A bill (H. R. No. 1948) granting a pension to Mary J. Blood; and
- A bill (H. R. No. 1227) granting a pension to Eliza A. Maxham.

The message further announced that the House had passed the bill (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 505) to amend the act entitled "An act making appropriations for current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1849, and for other purposes," approved July 29, 1848, reported it with an amendment.

Mr. HOWE, from the Joint Committee on the Library, reported a bill (S. No. 956) for the relief of William Tod Helmuth, of New York; which was read, and passed to a second reading.

Mr. HOWE, from the Committee on Railroads, to whom was referred the bill (H. R. No. 3231) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved May 2, 1864," reported it with an amendment.

Mr. HOWE, from the Joint Committee on the Library, to whom was referred the bill (S. No. 944) authorizing the delivery of certain bronze ordnance, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 685) to authorize the Librarian of Congress to send books to the governor of Iceland, and for other purposes, reported adversely thereon.

Mr. FRELINGHUYSEN. I should like to have that bill placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of John Montgomery, praying compensation for the use of his property by the Army, submitted a report thereon, accompanied by a bill (S. No. 951) for the relief John Montgomery and Thomas E. Williams.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Jeremiah Beatty, of Walker's Station, West Virginia, asking compensation for property lost in the Government service in 1862, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Sarah E. Ballantine, widow of David Ballantine, sr., of Booneville, Missouri, praying compensation for property destroyed by the United States troops in June, 1861, by order of General Lyon, reported a bill (S. No. 952) for the relief of Joseph Kinney, administrator of David Ballantine, of Missouri; which was read and passed to a second reading.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 456) for the sale of the Black Bob Indian lands in the State of Kansas, reported it with an amendment.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the bill (H. R. No. 3663) for the relief of Smith & Matthews, of Illinois, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis, reported it without amendment.

He also, from the same committee, to whom was referred the petition of J. W. McClure, asking to be allowed a moiety out of the proceeds of certain cotton captured by him and turned over to the special Treasury agent at Mobile, Alabama, in 1865, asked to be discharged from its further consideration, which was agreed to; and he submitted an adverse report thereon, which was ordered to be printed.

Mr. MORRILL, of Maine, from the Committee on Naval Affairs, to whom was recommended the bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore, reported it without amendment.

Mr. ALCORN, from the Select Committee on the Levees of the Mississippi River, reported a bill (S. No. 953) for the relief of the overflowed levee districts in the States of Mississippi, Arkansas, and Louisiana; which was read and passed to a second reading.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 939) extending the time for the completion of a railroad in the State of Louisiana, from the Texas State line to

a point on the Mississippi River opposite Vicksburgh, Mississippi, reported it without amendment.

Mr. CRAGIN. The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Navy Register, have had the same under consideration, and have directed me to report it back without amendment, and to ask for its passage. It is a very short bill, and I ask for its present consideration.

Mr. WEST. I object to the consideration of any bill now.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

NAVY-YARDS AND NAVAL HOSPITALS.

Mr. CRAGIN. The Committee on Naval Affairs, who were by a resolution of the Senate instructed to inquire into the expediency of reducing the number of navy-yards and naval hospitals, have directed me to report the following resolution, and ask for its present consideration:

Whereas the Committee on Naval Affairs is instructed to inquire into the expediency of reducing the number of navy-yards and of naval hospitals, and report by bill: Therefore,

Resolved, That the Committee on Naval Affairs be continued during the recess, and that they be authorized to visit the different navy-yards and naval hospitals on the Atlantic coast for the purposes of such inquiry; and that the Secretary of the Navy be authorized to furnish the necessary facilities for transportation, &c.

The resolution was considered by unanimous consent, and agreed to.

CONNECTIONS OF PACIFIC RAILROAD COMPANIES.

Mr. HITCHCOCK. I desire to call up the Senate bill No. 713, for the purpose of moving its indefinite postponement.

There being no objection, the bill (S. No. 713) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," was taken from the Calendar and postponed indefinitely.

BALTIMORE AND OHIO RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes; which were read, as follows:

In section 1, line 3, after the words "Washington branch" insert the words "one and a half miles north of Boundary street."

In the same section, line 5, after the words "any point" insert the words "one mile north of Boundary street."

In the same section, line 7, strike out the word "five" and insert the word "two."

Add at the end of the first section the following: "The said line shall avoid all Government property."

Also add at the end of the first section the following: "The points of intersection as well as said lateral branch to be approved by the engineer of public buildings and grounds."

Add at the end of section 2 the following: "This act may be altered, amended, or repealed."

Mr. DAVIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, being the unfinished business of yesterday, is before the Senate as in Committee of the Whole, the pending question being on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment of the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

Mr. FRELINGHUYSEN. If I have a right to do so I will accept the amendment of the Senator from Vermont, as that seems to give general satisfaction, so as to end this debate in reference to the whole subject.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the amendment to the amendment.

Mr. RAMSEY. It can be done by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to permitting the Senator from New Jersey to accept the amendment offered by the Senator from Vermont. The Chair hears no objection. The amendment is so modified; and the question now is on the amendment of the Senator from New Jersey, as modified, which will be read.

The Chief Clerk read the amendment, as follows:

SEC. —. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department or other person entitled to the franking privilege when the law was passed abolishing the same. And the postage on no single volume of a public document shall exceed the sum of twenty-five cents; and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document," written or printed on the envelope containing any public document and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term "public document" shall be deemed to include all publications printed by order of Congress or either House thereof or of any Department of the Government. And if any such document shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of postage due thereon, and shall account to the Post-Office Department for the proceeds thereof: *Provided*, That this shall apply only to documents ordered to be printed previous to the passage of this act.

Mr. CONKLING. I know I have no right to call on the Chair to construe proposed legislation; but I should like to know from the Chair or from somebody what the proviso means when it says "provided, that this shall apply." What is "this?" The right of the postmaster to sell if the postage is not paid, or more or less of the matter that precedes it? I see the Senator from Vermont is here, and I suggest to him that this amendment ought to be changed so as to contain something more than the words "this shall apply." I take it he means the proviso should restrict the provisions of the whole section.

Mr. MORRILL, of Vermont. Yes, sir.

Mr. CONKLING. I suggest that he make it so.

Mr. MORRILL, of Vermont. I insert the word "section" after the word "this."

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. CONKLING. I now ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. COOPER. I propose an amendment to the amendment to strike out the following words:

And the postage on no single volume of a public document shall exceed the sum of twenty-five cents, and the same if not prepaid shall be payable by the person to whom the same may be directed and received.

And also to strike out these words:

And if any such document shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

The effect of my amendment is simply to allow the passage of the documents provided for without postage. The amendment of the Senator from New Jersey, as amended by the Senator from Vermont, limits it to documents already printed. The amendment I propose seeks to let such documents pass free of postage. That is all.

Mr. WEST. I think the attention of the Senate should be called to the nature of this amendment before it votes without understanding it. It virtually throws open the whole post-office machinery to the transmission of mail matter free of charge and actually restores the franking privilege on all public documents. I think the Senate ought to understand the proposition of the Senator from Tennessee before they vote upon it.

Mr. COOPER. I supposed the Senate did understand it.

Mr. CONKLING. What is the question?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee to the amendment of the Senator from New Jersey.

Mr. CONKLING. I may be alone in not understanding what that amendment is—

Mr. COOPER. I sought to say that it is an amendment providing for the transmission of the documents already ordered to be printed, free of postage. It is confined to those that we have already ordered to be printed.

Mr. CONKLING. Without being sure that I understand the full force of the amendment of the Senator from Tennessee, it is a matter of great indifference to me whether it shall prevail or not, because I am opposed to this proposition whether it be amended or not, and I will occupy but a single moment in giving my reasons.

I voted to abolish the franking privilege. I thought it ought to be abolished. I am for its abolition or its remaining abolished now. I shall be in favor of it always unless by actual and fair experiment it turns out that its abolition was a blunder. The essence of the abolition of the so-called franking privilege was to subject all mail matter to lawful postage. Surely, everybody will agree with me in that. What does this proposed legislation mean? To exempt large classes of mail matter and of the recipients of mail matter from the postal laws. I will not run the risk of encountering my friend from Ohio by venturing to say that it means a restoration of the franking privilege. I will avoid those words because I have no wish to provoke controversy or difference of opinion. Surely, I state a fact that all will admit when I say that although we have abolished the so-called franking privilege here comes a proposition to send through the mails an immense bulk of matter without its being subjected to the prepayment of any postage and without its being subjected in any event or contingency to that postage which the law declares. I am opposed to it for that reason. I am opposed to it for other reasons, but I stop with that because I do not wish to consume the time of the Senate.

In this connection, Mr. President, I beg to make another remark about a fact which escaped me yesterday. I do not know that I can make the remark without in some way endangering the already imperilled liberty of the people. I find of late that there is great danger in saying anything which relates to newspapers without thereby endangering the very altars of liberty in respect of the press. But notwithstanding that, I venture to call the attention of the Senate to the fact that in the amendment offered by the Senator from Ohio, which in the first instance was adopted, I find these words:

That newspapers, one copy to each annual subscriber residing within the county where the same are printed in whole or in part, and published, shall go free through the mail; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as now provided by law.

I should like to inquire of the Senator from Ohio or some other Sen-

ator whether any petitions have been received asking for this legislation.

Mr. SHERMAN. I will say to the Senator from New York that this provision of the amendment I offered is found in a bill passed by the House of Representatives at its present session, and I am sure it had the assent and approval of the Committee on Post-Offices and Post-Roads of this body. As I stated when I introduced the proposition, the whole of it was simply the work of the Post-Office Committees of the two Houses. It is a restoration to the country papers of the old privilege they so long had, and I think it is right on this ground. The postal laws make no discrimination on account of distance; they charge the little country paper that weighs about an eighth as much as the great metropolitan journals for carrying it twenty miles as much as they do for carrying the metropolitan journals from New York to San Francisco. This provision giving the country papers the freedom of the mails within the county I think is a kind of fair mode of distributing the cost of the mail service between the large and the small papers.

Mr. CONKLING. The Senator from Ohio mistakes me in supposing that I intend in any way at this time to challenge this provision. I do not call attention to it for that purpose. I inquired of the Senator whether petitions had been sent here in behalf of the newspapers asking that they be exempted from postage, that they be exempted from the abolition of the franking privilege.

Mr. SHERMAN. I ought to say to the Senator that I have received myself such petitions and have presented them for reference; and the country editors in their local meetings have generally asked this privilege.

Mr. CONKLING. I did not know how that was. I believe in my own State some of the papers have denied that this privilege was coveted by newspapers at all. Without, however, saying anything on that point, and without stopping to discuss the merits of this proposition, without indicating any opposition or objection to it, I call attention to it for this reason: Having abolished the franking privilege in order to subject to postage all mail matter, what does this section do? It provides not merely that the little papers as the Senator from Ohio says, but that the great papers, as for example in the city of Chicago, shall go three hundred and sixty-five days in the year, if they emit a Sunday edition, as I believe some of them do, through the great county of Cook. The same thing is true of all the Western States. In the State of Ohio, I have just inquired of the Senator farthest from me [Mr. THURMAN] as to the size of their counties, and the minimum he gave me shows that they are of great geographical extent. Accordingly from every great newspaper center in the country the enormous weight and bulk of newspapers is to be carried daily through the mails for the benefit of subscribers free of postage. Now, without denying the propriety of that, without inviting any discussion in that regard at this time, I ask is not that a very strange commentary upon the theory on which, in accordance with the summons of the press and of public opinion, we enacted that all mail matter should pay postage to the end that the post-office revenues might be nourished and to the end that cheap postage might in the end be won?

I have not before me the figures to show the relative weight and bulk of this species of mail matter. Every Senator knows that it is a great proportion of all the contents of the mail. Now having abolished the franking privilege and having substantially restored it as to all executive officers, as the Senator from New Hampshire [Mr. CRAGIN] proved from the papers yesterday, we propose to restore it virtually as to public documents, we propose to restore it as to newspapers; and nothing is to remain except that our constituents cannot write to us and we cannot write to them upon public business without paying postage.

Mr. President, as I said, I mean to stand fairly by that for which I voted, namely, putting an end to that burden and inconvenience which was known as the privilege of franking by members of Congress. I will stand by the whole of it while I can, and when I can stand by only a part of it I will stand by that; but I submit to the Senate that this legislation, the pending proposition taken in connection with all that we have done heretofore and with the other provisions of the amendment of the Senator from Ohio, is a virtual recall of the repeal of the franking privilege in every respect except that which pertains to us. It will still stand as a barrier against every pensioner, every constituent, every petitioner, every claimant who has a right to come to Congress. It will stand as a barrier between us and our constituents in respect of public business and everything else; but when you pass beyond that field, it seems to me that by degrees we are giving up the whole thing.

Mr. HAMLIN. Mr. President, yesterday I believe was a day for confessions by Senators, and there are very few in this body who did not state how they voted upon the abolition of the franking privilege, and many stated why they voted, and most expressed regret for the vote they had given. I have no apology to make, no confession to make. I did vote to abolish the franking privilege, and I mean faithfully and fairly to stand by it to the end. I think I voted right then. I believe now that I voted right. I do insist that to the country what we are doing will hardly seem reputable to the body, and I feel sorry to see what I witnessed here. I think we had better bear the little burden that the repeal of that law has imposed upon us without exhibiting that kind of uneasiness which will be

attributed to this body. Whether it be true or not, it will be said all through the land that all this controversy has relation to the little thing of postage which we pay, and we cannot avoid it if we would. When I speak frankly, I am obliged to admit that there is more in it than I wish there was. It will also be believed all over the country, whatever may be the motive of Senators offering or voting for the proposition, that this amendment if not designed is calculated as the first blow to break down the abolition of the franking privilege by adding immensely to the burden of the mails and making a select quantity of matter go without being prepaid.

I say to the Senator who offered the substantial amendment to this bill—I mean the Senator from Ohio, [Mr. SHERMAN]—that his amendment surprises me as coming from him, and why? He has offered an amendment here which changes the whole law and makes prepayment necessary in relation to all the newspaper press, all the periodicals, and everything that went through the mails before without prepayment. He proposes by his amendment that on every newspaper, save the local newspapers in their counties, postage shall be prepaid, and that upon all mail matter passing between newspapers and periodicals the postage shall be prepaid. As a matter of revenue there can be no doubt that it will be highly beneficial to the Government. We receive now only about one-third part of the revenues which we ought to derive from these two classes of mail matter. Prepayment at one and a half cents an ounce on newspapers and three cents on periodicals will increase your revenues more than a million dollars. But the rate which the Senator has fixed in his amendment will diminish your revenue to a point which no man can calculate. The Senator shakes his head. That is my judgment. When you put your rate of postage at four cents a pound you drive every pound out of your mail, and the express companies will compete with you and compete successfully. I doubt whether the express companies will not compete with you at the rate of one and one-half cents per pound on newspapers and three cents for magazines; but the newspapers say they are willing to accept these terms, and we may try them.

But that was not the point. The Senator for the purpose of aiding the revenues, I apprehend, and of correcting an existing evil proposes an amendment here that all this matter heretofore going through without prepayment shall now be prepaid, and he follows that with an amendment in contravention of the whole spirit of the amendment which he had offered before, that documents shall go free. In other words, he brings in one class which has been free and compels the prepayment of postage, and then he brings in another class on which heretofore prepayment has been required, and lets that go, the postage to be paid at the end of the route.

Mr. SHERMAN. That is perfectly right.

Mr. HAMLIN. O, yes; the Senator thinks it is perfectly right.

Mr. SHERMAN. The present law discriminates in favor of newspapers against public documents; public documents must be prepaid, but newspapers need not be. I propose to reverse it. I think there ought to be a discrimination in favor of the distribution of public documents printed at public expense by Congress; but if I am in error in that, the Senate can very easily vote me down.

Mr. HAMLIN. There is just where I disagree with the Senator. If you are going to require all mail matter to be prepaid, or if you are going to require newspapers and periodicals to be prepaid, you should not be so inconsistent, as I consider it, as to turn around and say at the same time you will let documents go free, and they need not be prepaid. You will find the same result arising from sending public documents without prepayment that you have found by sending newspapers and periodicals without prepayment, to wit: you will not get one-half of the postage that legitimately attaches to them. Your amendment provides that documents remaining in the post-office uncalled for may be sold for the postage. My friend who sits beside me [Mr. HOWE] asked me what was the value of this document, [holding up the report of the Select Committee on the Affairs of the District of Columbia,] which has been laid on our tables this morning, and my reply to him was, "Tell me its weight and what the man who collects paper gives per pound for it, and I will tell you what the document is worth." It is not worth, and will not bring, the amount of the postage. And so your documents that have been transmitted through the mails subject to postage in many instances will never pay the cost of transportation.

But, Mr. President, I insist that it is inconsistent while you are compelling the postage on the newspapers and periodicals to be prepaid to let this other class of documents go free. I oppose the amendment for perhaps a much better reason. I have seen the expenses of our public printing spring from a few hundred thousand dollars up to two or three millions. I never had much confidence in a very great diminution of the expenses of transporting the mails in consequence of the abolition of the franking privilege, but I did have some faith in a very marked reduction in the expenses of our public printing; and if Senators will only hold on to the law precisely as it is, stop distributing these public documents except to persons who wish for them, and are willing to pay the postage on them, and let them be printed at cost for all who wish them, we may witness a still greater diminution in that regard.

But the Senator from California [Mr. SARGENT] yesterday stated correctly that the actual expenses of printing have been reduced at least one and a half million dollars, and I think we may add one and a half million dollars more to that. But if you inaugurate a measure

that will let members send these documents away by simply putting their names upon them and trusting the expense of their transmission to be paid by the recipients, you encourage precisely what we shall see; you encourage the printing of these documents, you beat down the repeal of the franking privilege, and you come back to all the abuses of an immense quantity of printing that costs you millions of dollars each year. That will be the result of it. The country will so look at it. It will end in that.

I hope, therefore, that the amendment to the amendment will be defeated, and then I hope the whole amendment will be defeated. I think that is in the line of sound economy. I think that is in the line of correct principle.

Mr. BUCKINGHAM. Mr. President, I do not know whether I have a confession to make or not. If I have, it is a confession of ignorance, for I did not know enough to vote for the abolition of the franking privilege; and the reason I did not vote for it was this: although it had suffered abuse, yet it appeared to me that it was important for the people of the country that they should have that information which they could secure by the transmission through the mails of public documents and information which was sent from this Capitol throughout the country. It did not appear to me to be advisable to destroy the bridge that carried this news until you had provided some other way to cross the river. For that reason I did not vote for the abolition of the franking privilege; nor have I since it was abolished, if I recollect the course I have taken, voted in any manner for the restoration of the privilege or any portion of it.

My own judgment now is that we should wait until the people know by actual experience whether it is wise or not to restore it; that we should wait until we shall have a general law which will meet the demands of the public, and also furnish Congress and the heads of the Departments with those facilities which are necessary to transmit information from the capital throughout the country; and until the public demand shall be crystallized in such a manner as to present to us some plan which will meet this contingency, I do not propose to vote for any measure which will tend to restore the franking privilege.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment offered by the Senator from Tennessee [Mr. COOPER] to the amendment offered by the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

The amendment to the amendment was rejected.

Mr. HOWE. I rise to inquire of the Senator from New Jersey what is meant precisely by the expression, "a single document?"

Mr. FRELINGHUYSEN. That has been altered to "a single volume of a document," by an amendment.

Mr. HOWE. I think that is a better expression. Would the Senator object to changing the rate of postage from twenty-five cents per volume to a certain rate per pound, say four or five or six cents per pound?

Mr. FRELINGHUYSEN. Would not that come to about the same thing on the average?

Mr. HOWE. I do not know how it would average, but I think it would be more equitable.

Mr. MORRILL, of Maine. That is the rule adopted in the bill, to pay by the pound.

Mr. HOWE. That would make this amendment in harmony with the principle of the bill.

Mr. MORRILL, of Maine. Yes; entirely.

Mr. HOWE. What is the rate per pound in the bill?

Mr. MORRILL, of Maine. Eight cents.

Mr. HOWE. That is too high.

Mr. SHERMAN. Four cents.

Mr. MORRILL, of Maine. Four cents for newspapers, eight cents for books.

Mr. FRELINGHUYSEN. My impression is you would realize as much revenue in that way; but I do not know. I should be willing to accept such an amendment.

Mr. MORRILL, of Maine. The Senator from Minnesota will know what the rate is. I ask him what is the rate fixed for books per pound? Is it eight cents?

Mr. RAMSEY. That is third-class matter. We are simply legislating now on second-class matter—newspapers to subscribers.

Mr. MORRILL, of Maine. We do not raise that question. As it now stands, I think it is sixteen cents a pound.

Mr. RAMSEY. Books are two cents an ounce. The proposition appears to be to reduce it to one cent for two ounces, making it uniform with the other rates for third-class matter.

Mr. MORRILL, of Maine. My understanding is that it is eight cents a pound.

Mr. SHERMAN. Eight cents for books and four cents a pound for newspapers and periodicals.

Mr. HOWE. I think eight cents is perhaps a little high.

Mr. SHERMAN. I see that the postage on newspapers and pamphlets is only four cents a pound, and that would be high enough for public documents, in my judgment.

Mr. HOWE. I think it would be.

Mr. MORRILL, of Maine. On what principle could that be so? Why should we burden the mail with documents at a lower rate than the publishers of other books not less desirable possibly, I might venture to say to the people, are permitted to send them through the mails?

Mr. HOWE. For a very good reason as it seems to me. First, we do burden the people with the expense of publishing these books upon the theory that they are specially desirable and necessary.

Mr. MORRILL, of Maine. Does not my honorable friend understand that we have abolished the franking privilege for the very reason that the sending of these documents through the mail had become a burden to the people?

Mr. HOWE. Well, partly that and partly because the people felt that they did not get the benefits of the books that they paid for publishing; whereas if you let the books go to those who call for them and are willing to pay the postage upon them, those will get the books who most desire them.

Mr. MORRILL, of Maine. Now, let me state a proposition which is in harmony with the whole features of this bill, and that is, that there shall be some adequate compensation to the service for all mailable matter transmitted through the mails.

Mr. HOWE. Some compensation?

Mr. MORRILL, of Maine. Some equitable, fair compensation; some remunerative compensation.

Mr. HOWE. Very good.

Mr. MORRILL, of Maine. You have placed the rate upon the books at eight cents per pound, and graduated other things accordingly.

Mr. HOWE. That is the rate assigned to merchants who make books for sale and for profit, and is the rate at which the Government will undertake to carry that kind of commodity from the merchant to the purchaser. This is very different.

Mr. MORRILL, of Maine. That is not stating it exactly, perhaps; that is the price at which the publishers are able to communicate with their customers. Now, why should a different rate apply in regard to public documents which people may desire? The people on all hands and on all sides desire to use this service for the transmission of books. At least I assume they do, because we have adopted that policy. Now, why should there be the slightest discrimination as to the class of books which the people may receive?

Mr. HOWE. Because, as I understand, there is no analogy, there is no similitude between the document which you publish by order of Congress or a House of Congress and the book which the Harpers publish for the trade; the one being a collation of these elementary political facts, a knowledge of which on the part of the people is essential both to the Government and to the people, not merely essential to the one who gets the facts, but essential to the life and well-being of every one of us that all our neighbors have possession of these facts; and I am one of those who believe that the weakest spot in our existence to-day grows out of the simple fact that so few of our people know what the Government is actually doing; whereas the book which is published by manufacturers engaged in that business is published for the sole amusement, instruction, or profit of him who will buy it. It is a pure business transaction. It is published by the publication house for profit, and is bought for individual instruction and individual advantage. The Government sends this last book from the manufacturer to the purchaser at a price which will compensate the Government. This other book I think should be sent through the mails at something less. We have heretofore sent it for nothing. I do not see any reason why we should not send it now for a sum which will fairly defray the cost of its transmission. I think that five cents per pound would be sufficient to cover that.

Mr. FRELINGHUYSEN. Was the suggestion of the Senator from Wisconsin to strike out "twenty-five cents" and insert "at the same rate fixed for periodicals?"

Mr. HOWE. I would agree to that.

Mr. SHERMAN. Say "the same rate per pound," or "per ounce."

Mr. THURMAN. Mr. President, I have taken no part in this discussion; but there is one view which I should like to move as an amendment if it is in order, and I presume it is now.

The PRESIDING OFFICER. It is.

Mr. THURMAN. I want to move an amendment that the CONGRESSIONAL RECORD shall go free through the mails. The people of this country have a right to know what is done in Congress, and they can learn that in no authentic way except by the record of our debates. Now, to whom do the CONGRESSIONAL RECORDS go? To whom did the Congressional Globe go before? I can speak for myself, and I think in doing so perhaps I am repeating the experience of every Senator on this floor. I forget the exact number of copies that I received of the Congressional Globe; I think about seventy. At least one-half of those I sent off to public libraries, to the State library, to certain great libraries in the cities, to college libraries, and some smaller libraries, taking about one-half. The rest go to the publishers of the newspapers.

There is, therefore, in the distribution of that RECORD, the best use possible made, so that the mass of the people can have access to it and see what their public servants have done. It cannot be said of them that they were so much waste paper; that they serve to make wrappers for grocers. On the contrary, they are kept in the libraries to which they are sent, or they are carefully preserved by the editors of newspapers who are desirous to have them that they may inspect the proceedings of Congress.

It is a distribution, therefore, of the debates of Congress which Congress ought to make for the information of the people, and I see no reason in the world why any tax should be levied upon that publica-

tion. It ought to pass free through the mails. For the very same reason that it is printed at the expense of the Government, for the very same reason it should be distributed free by the Government. Why print it at all, pray? Why not limit ourselves to our Journal? Why have anything in print of our debates if the matter printed is not to be distributed? Whatever may be the case with documents—I do not call the CONGRESSIONAL RECORD a document—whatever may be the case with documents properly speaking, whether they should pay postage or should not pay postage, in respect to the CONGRESSIONAL RECORD I submit to the Senate that we are bound to distribute that, and distribute it without cost. In other words, we are bound to inform the people as well as we are able to do it what their representatives in the Government have been about.

I therefore move to add at the end of the pending amendment the following proviso:

And provided further, That the CONGRESSIONAL RECORD shall be carried through the mails free of postage.

Mr. MORRILL, of Maine. Is that in order?

The PRESIDING OFFICER. It is.

Mr. MORRILL, of Maine. This subject seems to be a very prolific source of debate, and to afford a grand opportunity for the presentation of all sorts of unconsidered propositions. If it is in order, I move to lay the amendment of the Senator from New Jersey on the table.

The PRESIDING OFFICER. That motion is in order. The Senator from Maine moves to lay on the table the amendment of the Senator from New Jersey, which will carry the amendment to the amendment with it.

Mr. SHERMAN. That simply carries the pending amendment on the table.

Mr. THURMAN. The Senator from Maine moves to lay the amendment of the Senator from New Jersey on the table.

The PRESIDING OFFICER. Such is the motion.

Mr. STEVENSON. Does that carry all amendments with it?

The PRESIDING OFFICER. All the amendments to the pending amendment. There is but one.

Mr. STEVENSON. How would it affect the amendment which is offered by the honorable Senator from Ohio?

The PRESIDING OFFICER. It would carry that amendment with it.

Mr. THURMAN. On that motion I ask for the yeas and nays.

Mr. FRELINGHUYSEN. I suggest to the Senator from Ohio to withdraw his amendment and let us take a vote on this one, and then he can renew his amendment.

Mr. THURMAN. No; I would rather they should go together.

The PRESIDING OFFICER. The motion of the Senator from Maine is to lay on the table the amendment of the Senator from New Jersey, which carries with it the proposition of the Senator from Ohio.

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

The yeas and nays were ordered.

Mr. WASHBURN. Let the amendment be reported.

The Chief Clerk read the amendment and the amendment to the amendment.

Mr. CONKLING. Will the Chair be kind enough to state exactly what will be on the table if this motion prevails?

The PRESIDING OFFICER. The amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] and the amendment to that proposed by the Senator from Ohio, [Mr. THURMAN.]

Mr. CONKLING. Nothing else?

The PRESIDING OFFICER. Nothing else.

Mr. FRELINGHUYSEN. And also the amendment of the Senator from Vermont [Mr. MORRILL] limiting the amendment only to the distribution of the books on hand.

Mr. CONKLING. That is part of the original amendment now.

The question being taken by yeas and nays, resulted—yeas 23, nays 31; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Ferry of Michigan, Flanagan, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Morrill of Maine, Oglesby, Patterson, Ramsey, Robertson, Sargent, Schurz, Scott, Washburn, West, and Wright—23.

NAYS—Messrs. Alcorn, Allison, Bayard, Boggy, Carpenter, Clayton, Cooper, Davis, Dennis, Frelinghuysen, Goldthwaite, Harvey, Howe, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morrill of Vermont, Morton, Pease, Pratt, Ransom, Saulsbury, Sherman, Sprague, Stevenson, Thurman, Tipton, and Windom—31.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Texas, Johnston, Jones, Logan, Norwood, Spencer, Stewart, Stockton, and Wadleigh—19.

So the motion to lay the amendment on the table was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Ohio to the amendment of the Senator from New Jersey, by adding:

And provided further, That the CONGRESSIONAL RECORD shall be carried through the mails free of postage.

Mr. HOWE. Whom shall they be carried to?

Mr. THURMAN. To whoever they are directed to.

Mr. HOWE. Who shall direct them?

Mr. THURMAN. Somebody who writes a fair, good hand. It is only reviving what was the law as to the Globe. The Congressional Globe went through the mail without any frank. The law expressly so provided.

Mr. STEVENSON: I suggest to the Senator from Ohio in his amendment to add "that the words 'CONGRESSIONAL RECORD' shall be printed on the outside cover," so as to show the character of the document. That was the enactment in regard to the Congressional Globe.

Mr. THURMAN. I have no objection to that, but I do not think it is necessary. Suppose I direct that [holding up to-day's RECORD] to the Ohio State Library, you can see by looking at the wrapper that it is the CONGRESSIONAL RECORD. Why should it not go through the mail without any more formality? The Clerk can add the words indicated, however, if the Senate desire.

Mr. CONKLING. May I make an inquiry?

Mr. THURMAN. Certainly.

Mr. CONKLING. Suppose we add to the amendment of the Senator from Ohio, when he comes to send one of his speeches, as I hope he will to as many persons as he can afford to send it to, and take a part of the CONGRESSIONAL RECORD, not the whole of it, will that go free under this provision, or must he buy the whole RECORD?

Mr. THURMAN. Does the Senator mean a pamphlet speech?

Mr. CONKLING. No. If my friend from Ohio takes his speech in the RECORD to send off, must he buy the whole RECORD of that day although it may contain four times as many columns as the speech occupies, or will that part of the RECORD which contains his speech alone go free?

Mr. THURMAN. If I were Postmaster-General I should take the words "Congressional Record" to mean the CONGRESSIONAL RECORD and not to mean a portion of it cut out in that way. If the Senator from New York were to send off one of his speeches in the way he proposes to do, there might be some injury done in the public mind. The answer to it ought to go along with it, the antidote with the poison.

Mr. CONKLING. We could arrange that by a partnership; the Senator and I could club together and each contribute and send the two off in couples. The Senator has so much law and I have none that I hope he will not be impatient with me if I take off the first fourteen leaves of the RECORD to-day, marked "Congressional Record," and ask whether, under this provision they may go through the mail, or whether I must buy all the rest of this RECORD, containing to-day seventy-six pages? And I am serious about this because it will make a difference in my vote.

Mr. THURMAN. If the Senator does not speak of pamphlets I agree with him. I supposed he referred to pamphlet speeches. The whole includes all the parts, undoubtedly.

Mr. CONKLING. I think that aids the Senator's proposition if it is so.

Mr. THURMAN. Undoubtedly it is so.

Mr. CONKLING. A Senator wants to send off two or three pages of the CONGRESSIONAL RECORD to-day; must he buy the whole seventy-six pages and send them through the mail in order that he may send the two or three pages to a constituent who may be interested in something there?

Mr. CARPENTER. Say "the CONGRESSIONAL RECORD or any part thereof."

Mr. CONKLING. I think that would do.

Mr. THURMAN. Well I will put in "the CONGRESSIONAL RECORD or any part thereof."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. ALCORN. I suggest to the honorable Senator from Ohio whether he is not involving himself in a little difficulty and almost absurdity by the proposition he now makes? I hope he will not accept those words "or any part thereof." The RECORD contains the proceedings of Congress in entirety.

Mr. CONKLING. Here is the RECORD to-day of seventy-six pages. Does the Senator think it would be economical to the Government or fair to a Senator who wished to pay for something in it and to send it off, that he should be obliged to buy and pay for seventy-six pages of quarto printed matter and compel the mail to carry it when a single page may be all he wants to-day to transmit?

Mr. ALCORN. If the Senator were to inquire of me, I might say that perhaps I would vote for a proposition to permit the honorable Senator from New York to send his speeches printed in pamphlet form.

Mr. CONKLING. If the Senator should say that, I could not credit it. It would be a draft on my credulity that I could not honor.

Mr. ALCORN. I do not ask the Senator to make any extraordinary draughts on his credulity. I merely make a suggestion. The RECORD is an entirety, it is the day's doings in the Congress of the United States, and it is the purpose to send that RECORD out for the benefit of the people. It is a benefit to the country and not to a particular member of Congress that this free transmission through the mail is allowed. I desire to strip it of the characteristic of being a benefit to the member of Congress himself, but it shall go to the country as an entirety, as the record of Congress.

Mr. CARPENTER. Then we ought to make another amendment, because if the honorable Senator from Mississippi should make one of his able speeches it could not go to the country without benefiting that Senator, and therefore it would be improper to send it through the mails.

Mr. ALCORN. If I possessed the ability of throwing light on every subject that comes up here and did attempt it in the degree that is attempted by my honorable friend from Wisconsin, then I would be

held vulnerable to the charge he makes; but, sir, I see the purpose of this.

Mr. MORRILL, of Maine. I think the proposition of the Senator from Ohio is greatly in danger of having the beauty and symmetry of it marred; but nevertheless, as it illustrates a principle, I am glad to see it go on. It did seem to be a little striking, when the Senator from Ohio, having moved that the CONGRESSIONAL RECORD, being a record of our proceedings, should go free through the mails, said that the people ought to know everything that Congress says and does. There did seem to be some little force in the argument; but when you come to dilute it, when you come to get it down to a fine point to illustrate the exact thing we are about, it somehow or other reflects the idea that we want to get out to the country as cheaply as possible, in some cheap way, now that the franking privilege is abolished, the little bits of things that we say here before the Senate. Although it is a little gross perhaps to send the whole book, we are asked why can we not send a few pages, why not the little wise sayings that we get off? Suppose they are but a snatch, suppose they are just a paragraph, why should they not go free? To illustrate, why should not all this be put on the wires? Why should we not extend the wires from this Chamber that now go to the Departments, so that whatever we utter may go on the wings of lightning everywhere all over this land, so that my honorable friend may electrify his constituents morning, noon, and night? Then they would know when he sits down, when he gets up, and after he utters a thing here why should it not go to them? My respect for the honorable Senator and my admiration for his character and abilities are such that I should be delighted to see that thing done. Why not have something of that sort, so that all the speeches we utter, all the wise sayings we utter should go out in one stream circulating on the wires everywhere?

Mr. CONKLING. The postal telegraph could do that!

Mr. MORRILL, of Maine. The postal telegraph! If we may send out this volume, this book which we publish every morning, containing everything we say, word for word, why, if we choose to send detached portions which may affect one of our constituents and not the whole, should we not be at liberty to do that?

Mr. President, I wish we would get done with this. I want to get this bill through; but if there are so many conceits to be put upon it I see little hope. I know my honorable friend from Ohio does not want to embarrass this bill, but after the people of the United States had insisted upon it that the carrying of public documents, including the Congressional Globe, was an abuse, and after we had put an end to it, the idea that within a twelvemonth or so after we enacted the repeal, and enacted it under circumstances of such solemnity that one would think nobody who attended that ceremony would ever raise a voice in that direction, we should be found here by these insidious steps working our way back to the free delivery of the choice things we publish in the Senate Chamber does seem to me extraordinary.

Mr. THURMAN. Mr. President, there never was any complaint in this country that the Congressional Globe or the speeches of members of Congress delivered on the floor of the Senate or the House of Representatives were sent free through the mail. There never was any complaint by the people of any such thing. The complaints made were of the abuses of the franking privilege and of the violations of law. If the law had never been violated it never would have been repealed. It was because it gave rise to such violations of law, such abuses, that the people clamored for its repeal. It was not much of a clamor either; it was a stimulated thing got up in this city of Washington to give a certain officer of the Government a great reputation as a mighty reformer; and how much he has reformed, and how much expense he has saved to the people, we know now by the reports. But there were abuses, abuses that made me vote for its repeal; and what were they, pray? They were that perhaps one entire half of the franked matter that went through the mail in times of high political excitement was matter that was not frankable at all under the law. Do you know, sir, that if you were to deliver a speech outside of the Halls of Congress there never was a law which authorized you to frank that speech?

Mr. CARPENTER. If it was less than four ounces?

Mr. THURMAN. If it was less than four ounces.

Mr. CARPENTER. The Senator is mistaken.

Mr. THURMAN. I am not mistaken, for I have looked carefully into it. You had a right to frank your correspondence.

Mr. CARPENTER. The language of the law I think was "a package weighing not to exceed four ounces."

Mr. THURMAN. No, sir. You had a right to frank your correspondence; you had a right to frank public documents. There was no necessity for a law to frank the Congressional Globe, for it was expressly provided that it should go free through the mails. You had a right to frank speeches delivered in Congress, too, but you had not a right to frank even your own speech that was not made in Congress, and much less had you a right to frank here political pamphlets that were made up for electioneering purposes. How was it in the last presidential contest? I saw with my own eyes this Capitol filled after the adjournment of Congress two years ago with men, women, and children putting up all kinds of political stuff, extracts from the New York Tribune, almost a volume, to show what Greeley had said about the democrats, and not very interesting reading, I can tell you.

Mr. CARPENTER. To the democrats? [Laughter.]

Mr. THURMAN. Not to the democrats. Then in high Dutch and in low Dutch and in French were all sorts of political pamphlets of all kinds and descriptions. This Capitol was filled with men, women, and children putting them up in Government wrappers, and clerks were writing on them the franks of members of Congress when the members of Congress were hundred of miles away. I saw that with my own eyes. I have in my house now four of these documents, all purporting to be franked by the same man and his name written by four different persons, and he hundreds of miles away from Washington City at the time. That was the thing that was going on. It was because of the abuses of the franking privilege; it was because of the violations of law that it was abolished. But in respect to the provision of law that the Congressional Globe should go free through the mails there never was any complaint. That was not the franking privilege at all. There was no necessity for anybody to frank a Congressional Globe, for the law passed it free through the mail. Therefore when petitions came here asking for the abolition of the franking privilege they did not ask you to repeal that provision of the law which let the record of congressional debates go free through the mails. The people want those debates; they want to see what their public servants are doing; they want to know the reasons which they give for their action and for their votes.

My amendment simply proposes, not to restore the franking privilege, not to restore anything that came within the franking privilege as it existed, but to restore the old provision that made the record of the debates of Congress pass through the mail free without any frank at all. It is an entire mistake to treat this provision as having been a provision of law authorizing franking. It was not so at all.

Mr. CARPENTER. Will the Senator allow me to interrupt him to read the statute?

Mr. THURMAN. In a moment. On the contrary, the fact was that by special provision of law the record of the debates of Congress went through the mail free.

Now I have a word or two to say in answer to my friend from Maine [Mr. MORRILL] who has employed that wit which he possesses in such great abundance upon this amendment. He says that when this thing comes to be diluted, and we see what it is, it is only an attempt of Senators to get their speeches before the public. I submit to him that it is a duty that a Senator owes to send his speeches to his constituents that they may know what are his opinions and what he has been saying upon public measures that interest them; and instead of a Senator being reproached for that, that Senator best discharges his duties who, among the other good things he does, sends to his constituents the opinions which he as their representative has expressed in the Congress of the United States.

But, sir, that does not cover the case at all. Why is it that you publish seventy-odd copies for each Senator of the CONGRESSIONAL RECORD or the Congressional Globe? When a Senator sends one of those copies, three or four big volumes on which the postage would be I do not know how much, perhaps five, or six, or seven dollars—

Mr. MORRILL, of Maine. On an average, for five volumes of one session, \$3.50 I think.

Mr. THURMAN. When we publish such a book as that, I want to send it to libraries as I have been accustomed to do ever since I have had a seat here. I have sent copies of the Globe to the Mechanics' Library of Cincinnati, to the Mercantile Library of Cincinnati, to the Ohio State Library, to the various colleges in Ohio. In that way I have always disposed of more than half of those assigned to me. Why ought they not to pass free through the mail? They are part of the public transactions of this Government, and for almost as strong a reason as that which requires you to publish your laws you ought to publish and distribute your debates.

The PRESIDING OFFICER, (Mr. HAMLIN in the chair.) The question is on the amendment of the Senator from Ohio to the amendment.

Mr. ALCORN. Let it be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The Chief Clerk read as follows:

And provided further, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. ALCORN. I shall not vote for that amendment as it is presented. The CONGRESSIONAL RECORD of to-day is seventy-six pages. Under the operation of the amendment I can tear off thirty-eight leaves and each and every one of them may be sent through the mail separately. I do not think it would give strength to the proposition.

Mr. CONKLING. They would not weigh any more in that way.

Mr. FRELINGHUYSEN. The amendment which I introduced, as modified by the Senator from Vermont, simply provides for disposing of the printed matter which we have on hand by suffering those who wish these documents to pay the postage for them when they are received. I hope that that amendment will not be loaded down with other provisions. When we come here at another session if we want to make arrangement for the RECORD, or for anything else, then is the time to do it, not now.

Mr. HOWE. Mr. President, it seems to me if the Senator from Ohio means to make the amendment operate equally and fairly he ought to provide not merely that anybody may send the RECORD through the mails free, but that anybody may have the RECORD to

send free through the mails. If the amendment stands in the language the Senator has put it in, it allows that one document, that one commodity, to be carried through the mails for nothing; not merely carried from the office of publication to the subscriber for nothing, but the bound volumes, sets, are included, and they can be carried from the office of publication, they can be carried from anybody who has them. The book merchants who have back numbers can send them to purchasers; they can travel to and fro in the mail. That is perhaps right enough; but now if you provide that anybody may have them printed by just calling at the Government Printing Office, then, although it may not be a sensible provision, it would be an equitable one, so far as individuals are concerned.

Mr. THURMAN. Perhaps everybody ought to have the laws of the United States; but we only print a limited number of them and so we print a limited number of the CONGRESSIONAL RECORD. It is in the discretion of Congress to print more or less as it sees fit.

Mr. HOWE. The Senator does not propose to send the laws free through the mail?

Mr. THURMAN. They ought to be.

Mr. HOWE. It is not included in the amendment.

Mr. THURMAN. One amendment for one point is enough at a time.

Mr. HOWE. There are those here who think a great many things ought to be sent free through the mails, but it is not exactly the effort that we are aiming at to provide for sending everything through the mails free.

Mr. WEST. I am admonished by the prolongation of this debate that probably this bill will not be finished if the Senate adjourns at its customary hour. I desire to give notice to the Senate now that I shall ask the Senate to remain here this evening until a final vote on the bill can be had.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The question being put, there were on a division—ayes 15, noes 14; no quorum voting.

Mr. THURMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAGER. I do not understand the amendment now before the Senate. I should like to have it reported.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

The Chief Clerk read the amendment to the amendment.

Mr. OGLESBY. Mr. President, yesterday the Senate proceeded to the consideration of the post-office appropriation bill. If my memory serves me aright they had substantially finished that work when a class of amendments was presented to the bill which either directly or remotely had reference to the franking privilege. I have voted on several occasions this session on that subject, without having said anything about what my views were on the question. Although the RECORD does furnish to those who care to trace it something of the history of a man's views, it furnishes those views in such disconnected and so far-apart ways that unless it be studied connectedly through no man will ever know what a representative's views upon any given question are unless he hears something from that representative himself. It is too big a job to go all through the RECORD or the Globe to trace out the meanderings of a representative's votes to find out just where he stood or just where he did not stand upon any question before the country.

If I understand the public sentiment on this question of the franking privilege in all of its phases and in all of its bearings, if I have any just appreciation of the public feeling upon that question, it is that the country is opposed to it. I am very sincere in saying that I have arrived at this conclusion after giving some attention to the subject. I remember perfectly well that petitions were sent over the country a few years ago through the Post-Office Department soliciting signatures to those petitions for the repeal of the franking privilege; but I do not remember that where I live any man ever signed such a petition who was not absolutely in favor of it. It had grown to be in the public estimation a pestiferous thing.

I am free to confess that the public were not entirely unclouded in their consideration of that question. I believe that a great many false statements and representations were made to the public in regard to it. But as the Senator from Maine [Mr. MORRILL] has said on more than one occasion in the last forty-eight hours, and I think the Senator from Ohio [Mr. THURMAN] too, there was a well-settled belief in the country that the franking privilege had been abused. I think the statement of both those Senators will be corroborated by the recollection of every member on this floor as to the public sentiment in that direction, that the franking privilege had been abused. Therefore the country said with almost one voice, "Let us get rid of the franking privilege." Did they say anything else? If I understand the public they said something else; and when I adopt the public view upon a question I adopt it in all its length and depth and breadth. I take them at what I understand them to say. Accompanying that expression of public feeling in regard to the franking privilege there was another expression of the public very largely indulged in by the people, that Congress was publishing too much trash, that many of the documents were worthless or at any rate were undesirable; and the same public voice that said "Let there be no more franking privilege," also said "Let there be no more pub-

lication of worthless and unnecessary public documents." They did not discriminate between what were good documents and what were worthless documents; but there was a general sweeping denunciation through the country; and every other man you would meet would say "Of what consequence to me is that report" or "that document? I care nothing about it." Once in a while a man would get an Agricultural Report or possibly a report upon some of the western surveys or explorations, and once in a while an executive document—that is a document from one of the Departments of the executive branch of the Government—with which he was satisfied; and I have occasionally during the past winter received requests from the people of the West for executive documents, sometimes for the Congressional Directory, sometimes for copies of the Constitution of the United States, sometimes for the Agricultural Report, sometimes for surveys and explorations in the western country; but I have never yet received a request for a Coast Survey report, for the report of the survey across the Isthmus of Tehuantepec. I have received no request for the volume of statistics in regard to commercial relations, or in regard to finance, or in regard to many other reports published by Congress. Some of the grangers have asked for Agricultural Reports and for copies of the census of 1870 and of the censuses compendium; but in almost every instance in which I have received a request from Illinois for a public document either the postage has been sent to me or I have been requested to send it to the applicant by express.

I have not been borne down by my constituents; I have not been worried much under the prepayment of postage on public documents. I am not overly fond of that kind of enjoyment. So I wish to consider this franking privilege in all its length and breadth, and I shall vote against its restoration. Therefore I shall vote for the necessary corollary of that, which was so elegantly alluded to yesterday by the stalwart eloquence of the Senator from New York, [Mr. CONKLING.] He appealed to me to stand by him. I will stand by him or any other Senator here in voting against the restoration of the franking privilege. I have already voted once this morning in that direction, and I will stand by him and by every other Senator to keep the franking privilege out of the laws of Congress. I am asked if I ought not to send the RECORD through the mails free? Well, I ought not to send the RECORD through the mails free unless I can send a good record; and if I can send the RECORD how many can I send free? How many shall I get? Probably thirty or forty. That is all I can send.

How is it in regard to the amendment offered by the Senator from Kentucky to give seventy-five thousand copies of the Agricultural Report to the Senate for distribution? I should get one thousand copies and my colleague would get one thousand copies. There would be two thousand copies of the Agricultural Report for distribution in Illinois. How many legal voters are there in the State of Illinois to-day? Nearly six hundred thousand; and my colleague and I would get two thousand to distribute partially to a few friends, and you call on the other voters of Illinois to pay for the publication of the document, to pay for transmitting it free through the mails to two thousand selected men while the other five hundred and ninety-eight thousand go without it. Now I ask the public of Illinois if they can indorse that sort of distribution of documents? I do not ask Senators, I ask the voters of the State of Illinois if they have a right to call on me to stand here and vote for the publication and distribution of a partial and limited number of public documents for the favor and accommodation of my few friends, not to go to the residue of the public of the State of Illinois? I appeal to the voters of Illinois and ask them whether I shall give such a vote as that? No, I will not give it.

The PRESIDENT *pro tempore*. The Senator from Illinois should address the Chair. [Laughter.]

Mr. THURMAN. As I am not one of the voters of Illinois, and therefore am not just now addressed by the Senator from Illinois, I do not know but that it would be impertinent in me to ask him a question; but if I may be allowed as one not having the privilege of living in Illinois to ask him a question, I would ask him whether he proposes to print as many copies of the laws of the United States as will furnish every man, woman, and child in Illinois with a copy? Will he dare to limit the number of the laws of the United States and put them in the hands of a favored few?

Mr. OGLESBY. Yes, I will dare to limit the number to be published of the laws passed by the national Congress, and I will dare to limit the number of every public document ordered by Congress; and I will go further and dare to do what the Senator from Ohio, I believe, will not dare to do, I will say to the people of Illinois and to the people of the United States that the information that comes to this body through the legitimate channels of the Government and from the recognized constitutional Departments of the Government shall be published by authority of Congress, and under the direction of the Committee on Public Printing of both Houses of Congress it shall be distributed to all the people who will pay the postage and pay the cost of the printing and the paper in the document. That is what I will vote. That is the franking privilege that I desire.

The PRESIDENT *pro tempore*. The Senator's ten minutes have expired.

Mr. OGLESBY. It would afford me infinite pleasure to address myself to the Chair ten minutes longer. [Laughter.]

Mr. ANTHONY. I hope the Senator will have the privilege.

The PRESIDENT *pro tempore*. The Chair would be delighted to

hear the Senator. The question is on the amendment offered by the Senator from Ohio to the amendment of the Senator from New Jersey.

The question being taken by yeas and nays, resulted—yeas 28, nays 27; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Carpenter, Clayton, Davis, Dennis, Goldthwaite, Harvey, Ingalls, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Pease, Ransom, Robertson, Saulsbury, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and Wadleigh—32.

NAYS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Howe, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Washburn, West, and Windom—27.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cooper, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gordon, Hamilton of Texas, Johnston, Jones, Kelly, Logan, Morton, Stewart, and Wright—18.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from New Jersey [Mr. FRELINGHUYSEN] as amended, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 33, nays 26; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Carpenter, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Harvey, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morton, Norwood, Patterson, Pease, Pratt, Ransom, Saulsbury, Sherman, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and Windom—33.

NAYS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Ferry of Michigan, Flanagan, Gilbert, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Howe, Morrill of Maine, Morrill of Vermont, Oglesby, Ramsey, Sargent, Schurz, Scott, Stewart, Wadleigh, Washburn, and West—26.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Johnston, Jones, Logan, Robertson, and Wright—14.

So the amendment, as amended, was agreed to.

Mr. RAMSEY. I desire to move an amendment to the bill, merely to correct an omission.

Mr. ROBERTSON. I have an amendment lying on the Secretary's desk which I wish to have acted upon.

Mr. RAMSEY. I hope the Senator will allow this to go on. It is in harmony with the sections we have already adopted. The amendment is to add the following:

Sec.—That so much of this act as changes the rate of postage on newspapers and periodical publications shall not take effect until the 1st day of January next.

Mr. WEST. I should like to inquire of the Senator what is the occasion for that proposition?

Mr. RAMSEY. It is most obvious to any one. It was part of the original proposition as reported from the Post-Office Committee and as it came from the House of Representatives. Contracts are already made by publishers with their subscribers for the current year. We have now provided for a new state of things which ought not to take them unawares, and this amendment postpones its operation until the 1st of January.

Mr. SHERMAN. That was in the original proposition I submitted, but I struck it out and handed it to the Senator so that his attention might be directed to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. ROBERTSON. I have an amendment on the table, which I now offer and ask to have read.

The Chief Clerk read the amendment, which was to insert as an additional section the following:

That the act entitled "An act to abolish the franking privilege," approved January 31, 1873, be, and the same is hereby, repealed; and the franking privilege, as the same existed prior to the passage of said act, is hereby restored.

Mr. ROBERTSON. Mr. President, inasmuch as we have restored the franking privilege in its most obnoxious form to all the heads of Departments and taken it away from ourselves, and we propose to send public documents to our constituents for the purpose of giving them information and letting them know what we do, I offer this amendment, so that Senators can put themselves squarely on the record. I desire a vote upon it.

The PRESIDENT *pro tempore* put the question on the amendment and declared that the noes appeared to prevail.

Mr. ROBERTSON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 34; as follows:

YEAS—Messrs. Alcorn, Carpenter, Dennis, Goldthwaite, Gordon, Harvey, Hitchcock, Kelly, Merrimon, Norwood, Patterson, Pease, Ransom, Robertson, Sprague, Stevenson, and Tipton—17.

NAYS—Messrs. Allison, Bogy, Boreman, Boutwell, Buckingham, Chandler, Clayton, Conkling, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Lewis, McCreery, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Stewart, Stockton, Thurman, Wadleigh, Washburn, West, and Windom—34.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Conover, Cooper, Cragin, Davis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Howe, Ingalls, Johnston, Jones, Logan, Saulsbury, Spencer, and Wright—22.

So the amendment was rejected.

The PRESIDENT *pro tempore*. There is one amendment of the Committee on Appropriations which has not yet been acted upon. It will be reported.

Mr. SHERMAN. That is superseded.

The Chief Clerk read the amendment, which was in section 1, line 10, to add the following proviso to the clause appropriating \$16,400,000 for inland mail transportation:

Provided, That postages shall hereafter be prepaid on all mailable matter at the time of mailing; and all acts inconsistent herewith are hereby repealed.

Mr. MORRILL, of Maine. That amendment is superseded by the amendment which has been adopted.

Mr. WEST. The committee withdraw that amendment.

The PRESIDENT *pro tempore*. The amendment will be withdrawn if there be no objection.

Mr. WEST. I should like an opportunity of making a typographical correction in line 8 of the amendment offered by the Senator from Ohio; and that is, to strike out the comma after the word "circulairs" to make it correspond with the present law, as one of those commas would be very apt to give us trouble again.

The PRESIDENT *pro tempore*. That correction will be made if there be no objection.

Mr. STEVENSON. I offer the following amendment:

And that three hundred thousand copies of the report of the Commissioner of Agriculture shall be printed for circulation, which shall be duly stamped with postage stamps; two hundred thousand copies for the use of the House, seventy-five thousand copies for the use of the Senate, and twenty-five thousand copies for the use of the Commissioner of Agriculture.

Mr. CONKLING. How many are ordered now?

Mr. ANTHONY. I am not in favor of this amendment; but the proportions are not right. That is a document of which the House of Representatives have always had a much larger proportional number than the Senate. I do not think there has ever been an occasion when as many as seventy-five thousand copies have been distributed to Senators, while there have been more than one hundred thousand copies distributed among members of the House. It is a document which according to all the precedents of Congress belongs more to Representatives than to Senators.

Mr. MORTON. Under the amendment the number is two hundred thousand for the Representatives.

Mr. ANTHONY. There are documents of which Senators have the larger number, such as the CONGRESSIONAL RECORD. We have forty to each Senator, and the House of Representatives have twenty-five to each member; but the custom has always been to give a much larger number of the Agricultural Report to each Representative than to each Senator; for the manifest reason that the CONGRESSIONAL RECORD is intended for distribution in the way in which the Senator from Ohio, [Mr. THURMAN,] whom I do not now see in his seat, said he distributed his, to libraries and to editors, extending over all the State, of course, while the Agricultural Report is sent or should be sent to farmers. It is for popular distribution, while the RECORD is for a different kind of distribution and for more permanent uses. I think, therefore, it would be better to alter the proportion fixed in this amendment, giving to Representatives a larger number and to Senators a smaller number, although I state frankly I shall vote against the proposition.

Mr. STEVENSON. I only desire that the farmers of this country shall have the benefit of the Agricultural Bureau, and it is immaterial to me whether the report is distributed by the House or the Senate. I propose to print two hundred thousand for the use of the House and seventy-five thousand for the Senate, so that the people shall get it. I have given to the Commissioner twenty-five thousand, because the libraries and the granges who have libraries and all these people will write to him for a copy and will get it, and it seems to me the proportion is about right.

Mr. MORRILL, of Maine. I simply desire to emphasize an important statement of my honorable friend from Kentucky. In the spirit of liberality and magnanimity so worthy of the large-heartedness of that Senator he is disposed to do a big thing, a grand thing for the farmers! There are about six millions of them, I believe, and he proposes to distribute among them, to eke out through the partiality of Senators and members of Congress three hundred thousand copies of this report! I call for the yeas and nays on the amendment.

Mr. STEVENSON. I am disposed only to do what I think is my duty as a Senator. I represent here in part an agricultural State, and I am unwilling that the people of this country should be taxed to keep up a magnificent Bureau here where plants, trees, foreign seeds, and all things pertaining to agriculture are kept for the inspection of the people who come to Washington without giving the people at large the benefit of that which they are taxed to support. That may be big-heartedness or it may be blindness; I do not care which. It seems to me you should either abolish the Commissioner of Agriculture, or allow the people who are practical farmers to have the benefit of his research and of his foreign importations. Let us give them all the means of progress in agriculture; let us furnish them with the material by which they can advance the agriculture of the country. I hope Senators will not attempt to kill off this proposition by side-bar remarks.

I repeat, sir, let us either abolish the Agricultural Bureau, or distribute among the people the results of the labor of that Bureau. That is the simple question. If this were an original question as to the establishment of that Bureau probably I should not support it. I admit it has been of great benefit. It is among the instrumentalities of the Government which are in great favor with the people, and I have no wish to make capital out of this subject. My only desire

is, as long as this Bureau is kept up, to let the people have, free of expense, the annual report of that Bureau. I hope the yeas and nays will be taken on the amendment, so that every Senator can express his opinion upon it.

Mr. RAMSEY. I suggest to the honorable Senator from Kentucky that for the same reason he urges in this case he ought to send to the people the report of the Commissioner of Education. There is a Bureau of Education maintained here at Washington. Then again we have a Bureau of Public Lands, and its report ought also to be sent to the people; and there are various other Bureaus whose reports ought to be sent out among the people for the same reason which the Senator has given in support of his amendment.

Mr. STEVENSON. I will say to the Senator from Minnesota that the States have bureaus of education, and I suppose their reports are circulated, but I should think Minnesota would be the last State to object to this, especially as the Senator has already gotten a land grant during this session for his State out of the public Treasury.

Mr. RAMSEY. O, we only got our own lands, I beg to say to the Senator.

Mr. STEVENSON. I do not think, after the special privilege that has been conferred this winter upon Minnesota, the Senator from Minnesota ought to be so niggardly in his bounty to the people as to deny them the privilege, free of postage, of seeing what the Agricultural Bureau has been doing.

Mr. RAMSEY. All that you gave the people of Minnesota were their own lands, the value of which they had created. They were not worth a cent an acre when they went there, and they are worth whatever you get for them now.

But, Mr. President, one objection that I have to the Senator's amendment is that it does not go far enough, as I told him the other day when he offered it originally. There are three hundred thousand of these reports to be distributed, and we have two or three million farmers. If he were to give one to each farmer I could understand and appreciate the value of his amendment; but if one in ten or twenty is to be selected and favored by a copy of this report, I am unable to see the fairness or justice of it.

Mr. CARPENTER, (Mr. INGALLS in the chair.) The Senator from Minnesota thinks this amendment does not go far enough. The hero of the great reform must be patient. We cannot accomplish all these things in a moment. We propose to discipline his nerves by gradual advances up to the idea of allowing the people to have some little information, for which they pay, in regard to the management of the Government which is their government and which is directed by their agents. Three hundred thousand copies of this Agricultural Report are a great deal better than nothing. That is as much probably as the nerves of the Senator from Minnesota could stand at one dose. Next year perhaps he may stand five hundred thousand. I should vote for that just as cheerfully as I shall vote for this. The experiment succeeded here two or three years ago of shutting down all information from the people, cutting off the supply. Now we have got to feel our way back again. Three hundred thousand are pretty good for a start. Let the Senator from Minnesota get accustomed to that, and next year we will join him in going for five hundred thousand.

Mr. RAMSEY. I suggest to my honorable friend, who was the leader of the other great reform of the last Congress, the increase of pay, that we may perhaps be compelled to go back again on our action next winter. [Laughter.]

Mr. FRELINGHUYSEN. Is the amendment of the Senator from Kentucky amendable?

The PRESIDING OFFICER. It is.

Mr. FRELINGHUYSEN. I move to amend the amendment by striking out that part of it which provides that these Agricultural Reports shall go free by being stamped. We have already adopted an amendment providing that there need not be prepayment, but that the persons who wish these reports may pay for them when they receive them. That being the sentiment of the Senate, and by that arrangement everybody will get these books that wants them and those who do not desire them will not have them, I move to strike out the words "which shall be duly stamped with postage-stamps."

Mr. STEVENSON. I am surprised to hear the amendment offered by the Senator from New Jersey. I know him to be a most efficient friend of agriculture, and he must know that some of the best farmers and planters in this nation cannot afford to pay for this report, and to that extent he would deny to these men the opportunity of reading it.

But the Senator will remember that we have already to-day provided that the CONGRESSIONAL RECORD shall go free. Is not this report as valuable to the six million farmers in this nation as the RECORD, and if one goes free why should not the other go free? I think all must admit the importance of giving to the substantial interests of the country, to the laboring masses, the information which will be derived from this Agricultural Bureau. I think it is almost incalculable; and I do hope that the Senate will not only allow the printing of these three hundred thousand copies, but will permit them to go postage free.

Mr. FRELINGHUYSEN. The postage on one of these volumes will be about ten cents under the provision we have just adopted. It seems to me to be very tickle legislation for the Senate one half-hour to pass a law that the documents shall pay postage and the next half-

hour that they shall go free. I think the fact that a person writes for them and pays ten cents postage for them secures a better distribution than if they were sent free.

Mr. SAULSBURY. I hope the amendment of the Senator from New Jersey will not be adopted. If there is any public document printed that is appreciated, I am satisfied, from my experience in the distribution of documents while the franking privilege existed and since, that the report of the Agricultural Commissioner is more highly appreciated than any other public document printed by order of the Senate.

The Senator from Maine ridicules the idea that three hundred thousand copies amount to anything for the great farming interests of the country. It is utterly impossible to furnish every farmer or every person engaged in agricultural pursuits with a copy of the report of the Agricultural Commissioner; but these three hundred thousand copies will be distributed throughout the different States. Under this amendment there will go into the small State which I have the honor in part to represent some two thousand or twenty-five hundred copies. That will put a number of these reports in every neighborhood; and that is true of every State in this Union. Take the State of New York, for instance. While there are but two Senators here from that State, there are some thirty-three or thirty-four Representatives in the other House, and they will distribute into every neighborhood copies of this report. It will furnish valuable information to the agricultural community in which it is distributed, and now we ought not to begrudge so small a favor for the agricultural interest.

My friend from Maine, who opposes this amendment so zealously, certainly favors matters which protect special interests in his own section of the country. Why, sir, one tithe of the taxes that are imposed upon the people of this country for the benefit of the manufacturing interests of the country, so well represented by the Senator from Maine and others on this floor, one tithe of the tribute paid by the agricultural interest to those manufacturing interests by the way of protection, by the way of tariffs upon their interests, would put an Agricultural Report in every farmer's hand throughout the country. The farming community have been taxed for the benefit of other interests; and now when this small boon is asked, that three hundred thousand copies of the report of the Commissioner of Agriculture may be distributed among them, it is met with opposition. To my mind, it is most unreasonable and unjust.

The agricultural interest of this country has never asked protection, has never asked for any special favor at the hands of Congress; but Congress, in order to convey the impression to the agriculturists of this country that their interests were regarded, established here a Bureau that is costing, according to the appropriations for it the present year, nearly a quarter of a million dollars. The Agricultural Report is published. You have a publishing house established by the Government, and the small expense of the publication of three hundred thousand copies is but a trifle. Why may we not publish that number and distribute them free through the mails so that the farmers of the country may see what information this Agricultural Bureau is collecting on the subject of agriculture, so that they may be benefited if any good is contained in those reports?

I concur with the suggestion of the Senator from Kentucky that unless there is something practical for the farming interest to grow out of the establishment of this Bureau we ought at once to abolish it. The people of this country ought not to be taxed to the extent of a quarter of a million dollars for the purpose of keeping up an establishment here in the city of Washington where not more than one man in a thousand can see it. If it is not to distribute any of its benefits to the country, why keep it in existence here? If it is for ornament, for the same amount of money we can establish ornaments in every section of the country. Your quarter of a million dollars will put as great an ornament in every State in this Union in the course of ten years. We ought not to continue this Bureau, and I will vote myself to abolish it if none of the advantages which it was designed to effect are to be conveyed to the people.

Sir, we are distributing documents, we are publishing thousands upon thousands of documents that have no value as compared with this report. Documents, political in their character, are being published. We appropriated the other day \$200,000 for the purpose of making surveys for great works of internal improvement, when but very few Senators on this floor would avow their willingness to vote for the measures if they should be reported favorably upon by the engineers. What was that done for? We all understand it. It was to make a favorable impression upon the farmers of the West that something was to be done for their interests. I opposed that measure because I thought nothing practical would come out of it; that when the proposition came here for Congress to undertake the establishment of lines of canals and railways across this country the Senate would find they were destitute of authority and power under the Constitution to make them, and that the \$200,000 that we appropriated was thrown away, as I conceived, upon a political project, to make an impression upon the grangers of the West and others that their interest was being looked after here in Congress. But here is a practical good to the granger interest and the farming interest, the distribution of a document that is supposed to contain valuable information on the subject of agriculture, and yet when a proposition is made that it shall go free through the mails so that the people may get information from it, it is met with objection.

Sir, I will vote for this proposition, and if it is voted down, then I will vote for any other proposition that will restrict the publication of books and public documents to the absolute necessities of the Senate, and that no public documents shall be distributed whatever. I am prepared to meet this question fairly, to do it or not do it at all. Give the people the information they require, or else cease the publication of every kind of public document other than what is absolutely necessary in order that the Senate may transact the business devolving upon it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States; and

A bill (H. R. No. 3628) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States, and for other purposes.

NEWSPAPER PUBLICATION OF REVISED STATUTES.

Mr. STEVENSON. I ask leave to introduce a bill of public importance in order that it may be put on its passage at once and sent to the House. Yesterday, when I reported a bill for the publication of the revised statutes, the Senator from New Jersey [Mr. FRELINGHUYSEN] put a question to me as to whether there was in the bill a section repealing the publication of the laws in newspapers. I misunderstood that question. I supposed the question was as to the repealing of the contract with Little & Brown. It now turns out that there is nothing in that bill which repeals the act authorizing the publication of the laws in the newspapers. Therefore, if that law stands, the newspapers would, under their authority to print the laws, print these revised statutes. I therefore now ask unanimous consent to introduce a bill prohibiting the publication in the newspapers of the revised statutes, and I ask for its present consideration.

Mr. CONKLING. Before that bill is read, I wish to inform the Senator from Kentucky, that we may avoid confusion on this subject, that the provision which he now proposes has already twice passed the Senate. It was adopted yesterday early in the day on my motion as an amendment to the pending post-office appropriation bill. It turns out that it was also adopted as a part of the legislative, executive, and judicial appropriation bill, although yesterday we could not find it, and therefore, for abundant caution, I moved it as an additional section to the post-office bill, and it was added without objection. I think I may say further that there is no special need, though I have no objection to this bill, of a provision on that subject to-day or to-morrow. There was need, as the Senator explained yesterday, of immediate action on the bill he reported from the Committee on the Judiciary; but that bill being acted upon, the fact of the President signing the revised statutes will not thereby entail any obligation whatever upon the Government to publish them in the newspapers. On the contrary, if at any time within a week, or within the limits of this session, the pending appropriation bill becomes a law, or the legislative, executive, and judicial appropriation bill becomes a law with the clause there pending, his object will be accomplished. I state this, not in the nature of an objection, but my honorable friend was not in the Senate yesterday when the legislation took place to which I refer.

Mr. STEVENSON. If this bill passes it will dispense with the provisions of the amendments to the bills alluded to by the Senator from New York. It might be that under the existing law which is now before the President the newspapers might claim the right to publish the revised statutes as part of the laws, and upon consultation with the Committee on the Judiciary of the House, as this bill was intrusted to me, I prefer to make this matter certain; and as it will not take a minute, I ask to put the bill on its passage, that it may be sent immediately to the House and passed there.

By unanimous consent, the bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States was read three times, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 563) for the relief of John M. McPike; and

An act (S. No. 870) giving the assent of Congress to the acceptance by the officers of the United States ship Monocacy of silver medals presented to them by the King of Siam.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. I wish to present a conference report on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill. It is important that it should be passed now, so that it may go to the House this evening.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2064) making appropriations for

the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment numbered 12, 17, 18, 19, 49, 52, 63, 65, 69, 77, 91, 92, 94, 98, 101, 102, 106, 108, 113, 133, and 139.

That the House recede from their disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 29, 33, 43, 47, 48, 51, 53, 55, 57, 59, 60, 61, 62, 67, 70, 73, 74, 79, 80, 81, 85, 86, 87, 88, 89, 90, 103, 115, 117, 118, 123, 127, 128, 133, 134, 140, and 142, and agree to the same.

That the House recede from their disagreement to amendment numbered 11, and agree to the same with an amendment striking out the words "and eighty-eight;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 13, and agree to the same with an amendment striking out "five hundred and eighty-four" and inserting in lieu thereof "four hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 14, and agree to the same, with an amendment striking out "forty-two thousand seven hundred and sixty-eight" and inserting "thirty-seven thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 15, and agree to the same with an amendment striking out "eight thousand two hundred and fifty-six" and inserting "two thousand six hundred;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the twenty-first amendment, and agree to the same.

That the House recede from their disagreement to the amendment numbered 22, and agree to the same with an amendment, striking out "2,550," and inserting "6,816;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 23, and agree to the same with the following amendment:

Substitute for the words stricken out the following:

Provided, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall thereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President, by and with the advice and consent of the Senate.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the thirty-seventh amendment, and agree to the same.

That the House recede from their disagreement to the amendments of the Senate numbered 39, 40, 41, 42, 43, and 44, with an amendment as follows: In lieu of the words proposed to be inserted by said Senate amendments insert, after striking out the text of the bill from the word "dollars," in line 3, page 13, of the bill, down to and including the word "each," in line 7, same page, the following: "One principal clerk of warrants and appropriations, \$3,000; seven principal clerks, at \$2,800 each; eight assistant clerks, at \$2,400 each;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 46, and agree to the same with an amendment, as follows: Strike out "6,003" and insert in lieu thereof "two thousand one;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 50, and agree to the same with an amendment striking out "5,004" and inserting "2,006," and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 54, and agree to the same with an amendment striking out "8,003" and inserting "5,004;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 64, and agree to the same with an amendment as follows: Strike out "1,008" and insert "1006;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 66, and agree to the same with an amendment as follows: Strike out "eight" and insert "five," and after the word "each" in line 4, page 18 of the bill, insert the words "one stenographer, at \$2,000;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 68, and agree to the same with an amendment as follows: Strike out the word "twenty," and insert in lieu thereof the word "eighteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 71, and agree to the same with an amendment as follows: Strike out the word "fifteen," and insert in lieu thereof the word "fourteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 72, and agree to the same with an amendment as follows: Strike out "51,140," and insert in lieu thereof "43,540;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 75, and agree to the same with an amendment, as follows: In line 18, page 18 of the bill, strike out the word "five" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 82, and agree to the same with an amendment, as follows: Strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 83, and agree to the same with an amendment, as follows: Strike out "16,500" and insert in lieu thereof "15,750;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 84, and agree to the same with an amendment as follows: Strike out the word "six" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 93, and agree to the same with an amendment as follows: Strike out "18" and insert "16;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out the words "three thousand" and insert in lieu thereof the words "two thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 96, and agree to the same with an amendment as follows: Strike out "3,000," and insert in lieu thereof "2,800;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out the word "nine" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 105, and agree to the same with an amendment, as follows: Strike out the words "ninety-eight thousand four hundred," and insert in lieu thereof "seventy-two thousand;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 107, and agree to the same with an amendment as follows: In line 23, page 35 of the bill, strike out the word "five" and insert the word "six," and in the same line strike out the word "three" and insert the word "four," and strike out all after the word "dollars" in line 25, (same page,) down to and including the word "dollars" in line 26; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: Substitute in lieu of said amendment the following: after the word Department, in line 18, page 37 of the bill, insert the words "in the city of Washington," and strike out the words "Ordinance and Adjutant-General's Office" from said amendment, and after the word "duties," line 21, same page, insert the following:

Provided, That the Adjutant-General is authorized to retain during the next fiscal year, and no longer, such portion of his force of employés now on duty in his office, as may be actually necessary for the service thereof; but no new enlistments shall be made into the general service; and nothing in this act shall be so construed as to increase the aggregate force now employed in any office of the War Department.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment of the Senate numbered 112, and agree to the same.

That the House recede from their disagreement to the amendment numbered 125, and agree to the same with an amendment as follows: Strike out the words "five hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 131, and agree to the same with an amendment as follows: In lieu of "fifteen" substitute "ten," and after the word "dollars," in line 14, page 55 of the bill, add the following: "That it shall be the duty of the heads of the several Executive Departments, and of the heads of the respective Bureaus therein, in the interests of the public service, to require of all clerks of class one and above, and of chiefs of divisions, such hours of labor as may be deemed necessary for the proper dispatch of the public business, not exceeding, however, the time for which said Departments are by law required to be open for business, any usage to the contrary notwithstanding;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 135, 136, and 137, and agree to the same with amendments as follows: Insert in lieu of the matter proposed to be inserted by said amendment, after striking out of the text of the bill all after the word "Treasury" in line 20, page 56, down to and including the word "each" in line 22 that has not already been stricken out by said amendment, the following: "two principal clerks at \$2,500 each; two assistant clerks at \$2,400 each;" and strike out "3,503" and insert "3,409;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 141, and agree to the same with an amendment as follows: Strike out "six" and insert "nine;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 143, and agree to the same with an amendment as follows: Strike out "23,008" and insert "14,007;" and in line 9, page 57 of the bill, strike out "60" and insert "80;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 145, and agree to the same.

That the House recede from their amendment to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted by the Senate the words "this provision shall not apply," in line 1, and insert in lieu thereof the following: "this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress and this provision shall not apply;" after the word "Congress," in line 14, insert the following: "with his annual estimates;" and the Senate agree to the same.

LOT M. MORRILL,
A. A. SARGENT,
H. G. DAVIS,

Managers on the part of the Senate.

JAMES A. GARFIELD,
S. W. KELLOGG,
SAMUEL J. RANDALL,

Managers on the part of the House.

Mr. ANTHONY. I should like to have some points in this report explained. In the first place I understand that there is an important addition made to the salaries of certain officers of the House of Representatives, making them higher than the corresponding officers of the Senate. Is that so?

Mr. MORRILL, of Maine. I will state how that is. It is true that the House increased the salaries of certain employés of the House. It has been the custom heretofore of each House to fix the salaries of its own employés, and as a matter of courtesy it has been acquiesced in by the other branch. Therefore we did not feel that it was a matter absolutely within our province to insist upon the Senate amendment striking out the increase. Yielding to the courtesy which had obtained for many years, the conferees on the part of the Senate felt at liberty to recede from our position on that proposition.

Mr. ANTHONY. I have always been in favor of allowing each House to regulate the compensation of its own officers, and I do not wish to enter into a race with the House in raising the salaries of officers, but I recollect that when we desired to vote an adequate compensation to an officer of the Senate, for whom we all have the highest respect, and who has been here at least twenty years longer than the Senator longest in continuous service, we had the utmost difficulty in getting the House to agree to it, and then it was only on condition that it should apply to the present incumbent of the office.

Mr. MORRILL, of Maine. It is perhaps due to the House of Representatives that I should say that in regard to two employés whose salaries have been increased, it was upon the principle of complimenting those officers which had been adopted by the Senate in former years in regard to one of its own meritorious officers, and the example therefore has that in its favor.

Mr. ANTHONY. How many officers have their salaries raised?

Mr. MORRILL, of Maine. Five, I think.

Mr. ANTHONY. I would like to ask the Senator further, what is the status of the Congressional Printer?

Mr. MORRILL, of Maine. That has just been read, but the Senator's attention probably was not called to it. Substantially it is this: That whenever there is a vacancy in that office the officer is to be appointed by the President and confirmed by the Senate, and is to be denominated "Public Printer."

Mr. ANTHONY. But it does not legislate the present incumbent out of office.

Mr. MORRILL, of Maine. It does not.

Mr. ANTHONY. I think that is perfectly right. I think that the Public Printer should be nominated by the President and confirmed by the Senate like the other great officers of the Government. This change to the existing mode of appointment was made at the urgent request of the House of Representatives, and not until they had sent us a second bill for that purpose. I myself assented to it with very great reluctance. I think that the name "Congressional Printer" is a misnomer, for there is more printing done for the Departments than there is for Congress. At the same time I think to legislate a man out of office at a time when charges of the gravest nature have been preferred against him, which are now under consideration and upon which the committee of which I have the honor to be chairman will soon be called upon to report, would be an act of very gross wrong. Since the change in the tenure of the office and in the appointment of the officer was made at the urgent request of the House, I think that the committee of conference have done perfectly right in holding on to the measure which the House have compelled us to, until there shall be a vacancy under the existing law. Then I think the matter should be as the bill provides.

Mr. MORRILL, of Maine. There seemed to be no disposition, as I could understand, to legislate the present incumbent out of office. He is left as I have stated.

Now a single word in regard to the bill as a general proposition. It will be noticed that there are numerous amendments, in regard to which on the one side and the other the Senate recede and the House recede, which become necessary of course in order to any agreement upon a general conference. The House, exercising a very laudable ambition to curtail the public expenses, had cut down the public service so to speak pretty largely in many of the executive branches of the Government. When the bill came here this led to a very careful revision of the whole subject, and the Senate Committee on Appropriations reported to the Senate a large number of amendments in the direction as they believed of the actual demands of the public service. Of course that was the chief matter of conference, and it will be seen that the report restores the public service somewhat largely as the bill came from the House to the Senate, but still the conference report is a reduction of something over \$100,000 in the aggregate from the bill as presented by the Committee on Appropriations on the part of the Senate and as accepted by the Senate.

I know of nothing so striking or marked in the report as to lead me to make any special remark in regard to it. I will answer any inquiry which any Senator may desire to make in regard to any amendment.

Mr. ROBERTSON. I should like to ask the chairman of the committee one question: Does not this bill perpetuate the Congressional Printer in office so long as he lives?

Mr. MORRILL, of Maine. It does not. He may be reached by the power that created him. A vacancy unquestionably may be created in the office; but at the same time it does not legislate him out of office.

The PRESIDING OFFICER, (Mr. INGALLS.) The question is on agreeing to the report of the committee of conference.

The report was concurred in.

PENSION BILLS.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

- A bill (H. R. No. 2765) granting a pension to John W. Darby;
- A bill (H. R. No. 3683) granting a pension to Melissa Rankin, of Indiana;
- A bill (H. R. No. 3684) to increase pensions in certain cases;
- A bill (H. R. No. 3685) for the relief of George A. Schreiner;
- A bill (H. R. No. 3686) granting a pension to Nancy Curry;
- A bill (H. R. No. 3687) granting a pension to Victoria L. Brewster;
- A bill (H. R. No. 3681) granting a pension to William M. Drake;
- A bill (H. R. No. 3682) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery;
- A bill (H. R. No. 2400) granting a pension to William White;
- A bill (H. R. No. 2156) granting a pension to Nathan A. Winters;
- A bill (H. R. No. 2949) granting a pension to James R. Borland;
- A bill (H. R. No. 3692) granting a pension to Harriet W. Wilkinson;
- A bill (H. R. No. 3693) granting a pension to Aaron B. Hughes;
- A bill (H. R. No. 3694) granting a pension to Rebecca W. Taylor;
- A bill (H. R. No. 2235) granting a pension to Henry Korn;
- A bill (H. R. No. 3695) granting a pension to Eliza Flamant;
- A bill (H. R. No. 3696) granting a pension to Mary A. Hough, widow of Joseph Hough, late sergeant of Company B, Sixty-first Regiment of Pennsylvania Volunteers;
- A bill (H. R. No. 3697) granting a pension to Belinda Craig;
- A bill (H. R. No. 3715) granting a pension to Sarah Bacon, of Frankfort, Kentucky;
- A bill (H. R. No. 3698) granting a pension to William C. Davis, a private in Company B, Eleventh Regiment Tennessee Cavalry Volunteers;
- A bill (H. R. No. 3699) granting a pension to Lydia Simpson;
- A bill (H. R. No. 3700) granting a pension to Teter Wolfyoung;
- A bill (H. R. No. 3716) granting a pension to Elizabeth B. Dyer;
- A bill (H. R. No. 3717) granting a pension to Sarah McAdams;

- A bill (H. R. No. 3688) granting a pension to William O. Madison;
- A bill (H. R. No. 3689) granting a pension to Bernard Sailer;
- A bill (H. R. No. 3690) granting a pension to Peter Campbell;
- A bill (H. R. No. 3691) granting a pension to James Burris;
- A bill (H. R. No. 3718) granting a pension to Cornelia M. Arthur;
- A bill (H. R. No. 3719) granting a pension to Matthew B. Whitace;
- A bill (H. R. No. 3720) granting a pension to Charles C. Haight;
- A bill (H. R. No. 3721) granting a pension to Ezra C. Owen;
- A bill (H. R. No. 3724) granting a pension to Michael Quarry;
- A bill (H. R. No. 3725) granting a pension to Mary Ann Eaton;
- A bill (H. R. No. 3723) granting a pension to Catharine H. Gallagher;
- A bill (H. R. No. 3727) granting a pension to John M. Allen;
- A bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow;
- A bill (H. R. No. 1241) restoring to the pension-roll the name of Joseph V. Cartwright;
- A bill (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans;
- A bill (H. R. No. 3427) granting an increase of pension to Mary W. Shirk, widow of James W. Shirk, deceased, late commander in the United States Navy;
- A bill (H. R. No. 2354) granting a pension to Mrs. Emily L. Slaughter;
- A bill (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts;
- A bill (H. R. No. 3278) granting a pension to Margaret Beeler;
- A bill (H. R. No. 3277) granting a pension to Robert D. Jones;
- A bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips;
- A bill (H. R. No. 3711) granting a pension to Martin D. Chandler;
- A bill (H. R. No. 1644) granting a pension to Hannah E. Currie;
- A bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding;
- A bill (H. R. No. 3031) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow;
- A bill (H. R. No. 3713) granting a pension to Sarah S. Cooper;
- A bill (H. R. No. 3714) granting a pension to Moses B. Hardin, guardian of minor children of Stanley Smith;
- A bill (H. R. No. 1722) granting a pension to Martha Wold;
- A bill (H. R. No. 3703) granting a pension to Margaret H. Pit-tenger;
- A bill (H. R. No. 3707) granting a pension to Louisa Thomas;
- A bill (H. R. No. 3715) granting a pension to Eunice Wilson, mother of John C. Wilson, late private of Company D, Forty-ninth Regiment Illinois Volunteers;
- A bill (H. R. No. 3709) granting a pension to William H. H. Buck;
- A bill (H. R. No. 3710) granting a pension to Henry C. Mills;
- A bill (H. R. No. 3701) granting a pension to Mrs. Maria D. C. Bache, widow of General Hartman Bache, United States Army;
- A bill (H. R. No. 3702) granting a pension to Alice Roper;
- A bill (H. R. No. 3703) granting a pension to Catherine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers;
- A bill (H. R. No. 3704) granting a pension to Mary E. Stewart;
- A bill (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry;
- A bill (H. R. No. 3731) granting a pension to Bridget Collins;
- A bill (H. R. No. 3732) granting a pension to O. G. Van Dusen, guardian of minor child of Reuben M. Pratt;
- A bill (H. R. No. 2119) for the relief of Elizabeth McCluney;
- A bill (H. R. No. 2677) granting a pension to Mrs. Mary G. Harris;
- A bill (H. R. No. 3722) granting a pension to John Fink;
- A bill (H. R. No. 3723) granting a pension to Mary Logsdon;
- A bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868;
- A bill (H. R. No. 619) granting a pension to Elizabeth Tipton, of Tennessee;
- A bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips;
- A bill (H. R. No. 3725) granting a pension to Abby A. Dike;
- A bill (H. R. No. 3729) granting a pension to Anne Eliza Brown;
- A bill (H. R. No. 2504) granting a pension to Henry B. Bargar;
- A bill (H. R. No. 3730) granting an increase of pension to Washington A. Holloway;
- A bill (H. R. No. 1183) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio;
- A bill (H. R. No. 3276) granting a pension to Davenport Downs;
- A bill (H. R. No. 3275) granting a pension to Eli Persons;
- A bill (H. R. No. 3274) granting a pension to John S. Corlett;
- A bill (H. R. No. 3190) granting a pension to Harriet Leonard;
- A bill (H. R. No. 3191) granting a pension to Elizabeth Brannix;
- A bill (H. R. No. 3192) granting a pension to the minor children of J. A. Brewer.

The above bills were severally read twice by their titles, and referred to the Committee on Pensions.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, the pending question being on the amendment of Mr. FRELINGHUYSEN to the amendment of Mr. STEVENSON.

Mr. MORRILL, of Vermont. Mr. President, if this proposition of the Senator from Kentucky shall meet with the approval of the Senate to print three hundred thousand copies of the Agricultural Report, it follows that we are going back to the old practice and will publish documents *ad libitum* hereafter on all subjects whatever. That amount will give me enough to send about two copies to each post-office in my State; and there will be hundreds, many of whom receive their mail matter at the same office, who will feel that they are just as much entitled to be recipients of its favor as those who get it, and they will even be angry because they do not get it.

Therefore, Mr. President, it is absolutely impossible to publish enough of these reports to give copies to all those whom we may think deserving; and then if we publish these, why should we not publish the Land Commissioner's report? Are we to publish reports for only one class? There are also reports in relation to the mining districts. Are we to suppress them, or are they to go like these through the mails free of expense? Then there are various other reports, as suggested by my friend from Maine, [Mr. HAMLIN,] the report on education, perhaps the most valuable that we have. Is that to be excluded? Then take that on fish culture. Some of my sporting friends would be glad to distribute that.

But, Mr. President, I did not rise to discuss this question. It seems to me that we have a rule that no amendment in regard to appropriations shall be made unless it comes from a committee with previous notice. This evidently involves a cost of two or three hundred thousand dollars. I should like to make the inquiry whether this amendment is in order or not. If it comes in conflict with that rule, as it clearly seems to me it does, it is out of order.

The PRESIDING OFFICER. The Chair holds that as no appropriation specifically is made in the amendment, it is not amenable to the point of order.

Mr. MORRILL, of Vermont. It involves the expenditure of money. I do not desire to discuss the question; but it seems to me that it is clearly in conflict with the spirit of the rule.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey to the amendment proposed by the Senator from Kentucky.

Mr. WEST. Let it be read.

The CHIEF CLERK. The amendment as first proposed reads:

That three hundred thousand copies of the report of the Commissioner of Agriculture shall be printed for circulation, which shall be duly stamped with postage-stamps; two hundred thousand copies for the use of the House, seventy-five thousand copies for the use of the Senate, and twenty-five thousand copies for the use of the Commissioner of Agriculture.

It is proposed to amend the amendment by striking out the words "which shall be duly stamped with postage-stamps."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kentucky, [Mr. STEVENSON.]

Mr. WEST. Now I raise the point of order that, the amendment of the Senator from New Jersey having been rejected, this amendment offered by the Senator from Kentucky does increase the appropriation by these very postage-stamps that are put upon the documents. I submit that to the Chair.

The PRESIDING OFFICER. The Chair thinks that as the amendment contains no specific appropriation it is not open to the point of order; but he is willing to submit the matter to the Senate and have the sense of the body upon it if the Senator from Louisiana desires.

Mr. WEST. I do not desire it.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kentucky.

Mr. DAVIS. I think we had better have the yeas and nays.

The yeas and nays were ordered.

Mr. BOREMAN. I should like to have some explanation of this amendment. I do not understand how postage-stamps are to be put on these documents. It does not state whether the postage-stamps are to be placed upon the documents here or elsewhere, or by whom. It does not make it anybody's duty to do it.

The question being taken by yeas and nays, resulted—yeas 27, nays 27, as follows:

YEAS—Messrs. Bayard, Bogy, Carpenter, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hitchcock, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Ransom, Robertson, Saulsbury, Spencer, Sprague, Stevenson, Stockton, Tipton, and Windom—27.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Cragin, Frelighuysen, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Wadleigh, Washburn, and West—27.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Conover, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Gilbert, Harvey, Johnston, Jones, Logan, Pease, Stewart, Thurman, and Wright—19.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon.

The message also announced that the House had passed a concurrent resolution extending leave to the woman's centennial executive committee of Washington to occupy the Rotunda of the Capitol upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of the tea in the harbor of Boston on the night of the 16th of December, 1773.

PENSION APPROPRIATION BILL.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate, and agree to the same.

A. A. SARGENT,
D. D. PRATT,
JOHN P. STOCKTON,
Managers on the part of the Senate.
CHARLES O'NEILL,
J. M. RUSK,
ERASTUS WELLS,
Managers on the part of the House.

The report was concurred in.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3679) defining the qualifications of territorial Delegates in the House of Representatives—to the Committee on Territories.

The bill (H. R. No. 3535) relating to telegraphic communication between the United States and foreign countries—to the Committee on Foreign Relations.

The bill (H. R. No. 1565) relating to the commissioners of claims, and for other purposes—to the Committee on Claims.

The bill (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872—to the Committee on the District of Columbia.

EASTERN BRANCH BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern branch of the Potomac River at or near the site of the present navy-yard bridge, which was to insert after the word "appropriated," at the end of the first proviso, these words:

And no part of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties and with good and sufficient sureties to be approved by the Secretary of War for the construction and completion of said bridge, including the masonry, iron-work, and causeway, at a cost not to exceed \$146,000.

The amendment was concurred in.

BILL INTRODUCED.

Mr. MORRILL, of Maine. I ask unanimous consent, without previous notice, to introduce a bill which is necessary to correct a mistake in an appropriation bill. I should like to have it printed so as to have it acted on to-morrow morning.

By unanimous consent leave was given to introduce a bill (S. No. 955) to amend the "act to ratify an agreement with certain Ute Indians in Colorado;" which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

SHIP ALHAMBRA.

A message was received from the House of Representatives, by Mr. McPHERSON, its Clerk, announcing that the House had passed a bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra; in which it requested the concurrence of the Senate.

Mr. CONKLING. I am told by a member of the House that this bill has passed both Houses twice in the last Congress and this, and fallen between the two. It is a very small matter, and I ask that it be acted upon at once.

By unanimous consent the bill was read three times, and passed.

CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. CHANDLER. I move to postpone that and all prior orders for the purpose of taking up the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. CHANDLER. I hope that bill will not be taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania. If it be voted down, the Senator from Michigan can then make his motion.

Mr. LEWIS. I hope this bill will be taken up. My constituents are largely interested in this measure, and I hope the motion will not be voted down.

Mr. SCOTT. If the Senator from Michigan will listen to a very brief statement he will probably see that this bill will not occupy very long. It is a bill making appropriations for the payment of about

a thousand claims, and if read regularly through it would take probably near an hour to read it; but I presume that unanimous consent will be given to act upon the amendments to the bill without going through the reading of the whole of the thousand names. If that be done, I think the amendments can be acted upon in a very short time and the bill disposed of. It is, as has already been stated by the Senator from Virginia, a bill interesting to a very large number of people, and I hope it will be taken up and disposed of.

Mr. CHANDLER. I hope not.

Mr. DAVIS. There are nearly a thousand persons interested in this bill in various amounts, ranging from fifty to three or four thousand dollars. I hope the Senate will take it up. There will be no dispute about it.

Mr. SPENCER. I am satisfied it will only take long enough to read the bill to pass it.

Mr. CHANDLER. It is for the Senate to decide whether they prefer this to the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. CHANDLER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 40, nays 15; as follows:

YEAS—Messrs. Bayard, Boggy, Boreman, Clayton, Conover, Cooper, Davis, Dennis, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Pratt, Ransom, Robertson, Sargent, Saulsbury, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, Stewart, Stockton, Tipton, and West—40.

NAYS—Messrs. Allison, Boutwell, Buckingham, Carpenter, Chandler, Conkling, Cragin, Ferry of Michigan, Frelinghuysen, Hager, Ingalls, Ramsey, Wadsworth, Washburn, and Windom—15.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Harvey, Howe, Johnston, Jones, Logan, Morrill of Maine, Pease, Thurman, and Wright—18.

So the motion was agreed to; and the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, was considered as in Committee of the Whole.

Mr. SCOTT. Before the Secretary proceeds to read the bill I will ask to make a brief statement prior to asking unanimous consent to dispense with the reading of the whole bill. The bill as originally received from the House appropriated \$680,060.78, divided among the following States:

Alabama.....	\$37,682 90
Arkansas.....	83,889 73
Florida.....	13,365 00
Georgia.....	23,537 20
Louisiana.....	152,563 00
Mississippi.....	85,516 80
North Carolina.....	48,073 88
South Carolina.....	10,784 00
Tennessee.....	74,499 46
Texas.....	675 00
Virginia.....	145,051 01
West Virginia.....	4,482 80

The amendments which the Committee on Claims of the Senate propose will strike out from the present bill about \$62,000. There was one item which we had proposed to strike out, and which by subsequent agreement of the committee we decided to retain in a different form. It would have left the amount \$604,000 if that had been stricken out; and if it retained it will make about \$611,000.

Mr. SARGENT. What amendment does the Senator now refer to?

Mr. SCOTT. I will state very briefly the amendments which we propose. We propose to strike out three appropriations and send back the claims to the commissioners for re-examination, namely, one to William Bailey, of Louisiana, for \$45,161.72; the case of Letitia Elsey and Mariah H. Turpin, each \$3,563.48; and the case of John Campbell, administrator of the estate of Stephen S. Springer, deceased, \$9,225. The other one which we propose to retain in a modified form is to the legatees of John Fox, \$7,545.

With the exception of the amendments to which I have already referred, the others in the bill are merely verbal for the purpose of correcting the errors that have crept into the bill in the names. The more substantial amendments are those that I have already referred to. While I have no desire on that subject, I will state that time will be saved if the Senate will be satisfied to dispense with the reading of the bill and take up the amendments. Senators will see by looking at the bill that it is simply an enumeration of the names and the amounts due to claimants, covering sixty-six pages.

Mr. SHERMAN. Is there no legislation in it?

Mr. SCOTT. There is no legislation in it of any character but the appropriations and the amendments which I propose for the purpose of sending back some of the cases to the commissioners. I ask therefore to dispense with the reading of the bill and proceed to consider the amendments.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to dispense with the reading of the bill. Is there objection?

Mr. CONKLING. I wish to interpose nothing to consume time. Before consent is given to the request, I call the attention of the Senate for illustration to what appears on page 53:

To the public school trustees of Manassas, for the material of the Bradby school-house and church, \$450, to be paid on the basis of a compromise between the school and church trustees on file in the case.

If the bill is not to be read, such matter as this and other special matter is to be passed in the lump. I suggest to the Senator that we ought to know a little more about the bill than we do in taking it as a sealed volume containing sixty-six pages and selecting from it four amendments, confining our attention to those.

Mr. SCOTT. As I said, I have no desire on the subject. I made the suggestion simply to save time.

Mr. CONKLING. I do not make an objection, but I say to the Senator—

Mr. MORRILL, of Maine. I think the bill had better be read.

Mr. SCOTT. If the Senator from New York desires an explanation of the particular subject to which he refers I will give it.

Mr. CONKLING. I did not select it; I happened to fall on that because I opened the bill at that page; but nobody can go through this bill who is not familiar with it. Still I do not make an objection.

The PRESIDENT *pro tempore*. Is there objection to dispensing with the reading of this bill? The Chair hears no objection, and the amendments will be reported.

The CHIEF CLERK. The first amendment of the Committee on Claims is on page 2, line 19, strike out "Gilreath" and insert "Gilbreath."

The amendment was agreed to.

Mr. SHERMAN. I think the Secretary had better read where there is anything more than a mere name and amount. On page 17 I see something about the transfer of a judgment. Wherever there is anything except the mere name and amount I think the bill ought to be read. The Secretary can glance at it in a moment and see where those cases occur.

Mr. SCOTT. I have a memorandum of the amendments. The next amendment is in line 376, where the word "tenant" is misspelled.

The CHIEF CLERK. On page 16, line 376, it is proposed to strike out "tenant" and insert "tenant."

The amendment was agreed to.

Mr. SHERMAN. I ask for the reading of the clause on page 17, line 387.

The CHIEF CLERK. On page 17, line 387, the bill reads:

To Elizabeth D. Wade, administratrix of the estate of Henry G. Wade, \$9,750; and that the judgment rendered in favor of the United States against the sureties of the said Henry G. Wade, upon the bond given by Wade and his sureties for the purchase-money of the wharfeboat, be, and the same is hereby, discharged.

Mr. SHERMAN. What does that mean?

Mr. SCOTT. The Senator from Oregon is more familiar with this case than I am, he having examined it fully; but my recollection is that it is for the value of a boat which was taken and impressed into the service of the Government. Some claim arose about the boat after it was recaptured, and the judgment referred to here was against the sureties of Henry G. Wade upon a bond given by Wade for the purchase of the boat. This is a stipulation by which that judgment is to be released, the sum appropriated here being in full for both the value of the boat and its use while it was in the service of the Government. That is my recollection of it, but it is more familiar to the Senator from Oregon who examined the case.

Mr. MITCHELL. I will state for the information of the Senate that the claim was made for a boat taken by order of one of our generals during the war and used on one of the Arkansas rivers. The boat was some considerable time afterward turned over to an agent of the Treasury Department and sold. At the sale the owner became the purchaser. Instead of paying the purchase-money, the officers of the Government took his bond with certain sureties for a certain penal sum conditioned for the payment of the amount at a certain time. Afterward suit was commenced on the bond in one of the circuit courts of the United States, and judgment obtained. The commissioners in passing upon the claim allowed the claimant for the use of the boat, and also recommended that Congress release this judgment. That is all there is of it. The Committee on Claims recommend the same measure that the commissioners did.

Mr. SCOTT. If nothing further be desired in reference to that, the next amendment is in line 436.

The CHIEF CLERK. The next amendment of the Committee on Claims is on page 19, lines 436, 437, and 438, to strike out the following item:

To John Campbell, administrator of the estate of Stephen S. Springer, deceased, \$9,225.

The amendment was agreed to.

Mr. SCOTT. The next amendment is in lines 513 and 514.

The CHIEF CLERK. On page 22 the Committee on Claims propose to strike out lines 513 and 514, as follows:

To William Bailey, \$45,161.72.

Mr. WEST. Mr. President—

Mr. SCOTT. Will the Senator permit me to suggest before he goes on that while this is stricken out here the second section reported by the committee proposes to send the claim back for re-examination to the commissioners.

Mr. WEST. I will yield to the Senator from Missouri.

Mr. BOGY. I will state that I have been called upon to investigate this claim of Mr. Bailey. I have done so with some care, and I am at a loss to understand why the committee have made a report against the claim. It is embraced in the report of the commissioners of claims. It appears to be properly sustained by abundant testimony. It passed the House, and I am at a loss to understand why the committee report against it. I therefore move that the amendment reported by the committee be non-concurred in.

Mr. WEST. I understand there is a motion now made by the Senator from Missouri to non-concur in the amendment.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on agreeing to the amendment reported by the committee.

Mr. WEST. I wish to say a few words to the Senate on the subject of this claim. In the report that was made by the commissioners of claims and acted upon by the committee of the House of Representatives at the close of the last Congress, the claim of William Bailey for the sum stipulated in this bill was included, and the bill with that claim included in it was just about being passed in this body when some objection was made by some individual inducing the committee to withdraw their recommendation for its payment, to enable the commissioners of claims to consider the subject once more. Now the proposition of the Senator from Pennsylvania striking out the appropriation in favor of the payment of this claim, and also providing that it shall be recommended to the commissioners of claims, is a renewal of just what was done twelve months ago. Consequently if there is any justice in this claim at all the claimant is subjected to the delay, the perplexity, and the privation of once more submitting his claim to the commissioners.

Now, there is certain testimony tangible here that can be laid before the Senate which I think will justify them in declining to accede to the proposition of the committee. In the report that the commissioners of claims made at the close of the Forty-second Congress they used specifically this language:

After a careful examination of the testimony and all the papers in the case, and after the most thorough and searching inquiry, we find Mr. Bailey to have been a constant and consistent Union man during the whole war.

That was the finding of the commissioners; they themselves were compelled to admit that Mr. Bailey was a loyal man. There not being any written report from the Committee on Claims on this case, I have no means of knowing what their reasons are for withholding payment; but if the Senate will examine they will find that at the time the commissioners made this report there was a charge made against Mr. Bailey that he had been guilty of selling cotton to the confederate government. He was examined in regard to that. The commissioners also alluded to it in their report in these words:

General Bailey, upon his examination in this case, swears that he did sell five hundred bales of cotton to the confederate government, or to some confederate or State agent, alleging that he was compelled to sell it to get money to pay his taxes; and if he had refused it would have been taken or burned.

And yet, notwithstanding that investigation and admission by the claimant himself, for nobody else swore to it, the commissioners of claims considered that the claim was a just and equitable one and should be paid. There has come into the possession of the Government of the United States since this report was presented to the last Congress certain record evidence of the transactions of the confederate cotton bureau to what is known as the trans-Mississippi department. I was aware at the time this claim was presented to Congress last year of the existence of those records, and I was also aware, having examined them, of what they said in reference to Mr. Bailey. Those records prove conclusively, but no more conclusively than was proved by the admission of the claimant himself, that Mr. Bailey did sell that cotton; but his testimony is there, and the testimony is also there of the agent of the confederate government, that he sold that cotton under duress. The commissioners, in presenting a supplemental report particularly relating to this claim of Mr. Bailey, under the date of March 26, 1874, give the precise questions put to Mr. Bailey and answers made by him, as follows:

Question. Did you contribute anything to aid the confederate cause?

Answer. Never one farthing, neither directly nor indirectly.

Q. Did not you have to pay taxes?

A. I had; and I was compelled to sell five hundred bales of cotton to the confederate government, or have it burned and destroyed, in order to pay my taxes. I sold it to a young man, an agent of the confederate government there.

There is some allegation here that the young man who is alluded to was a son-in-law of the claimant. The facts were that at the time this young man was there confiscating the old fellow's cotton, he was confiscating the daughter also, and there was a slight disagreement between them on the question of cotton and on the question of the daughter, and the young man got them both, but he got them both under duress and contrary to the assent of the claimant.

There is abundant and overwhelming testimony of loyalty. I have it before me, but I do not consider it necessary to trouble the Senate with it, because I claim this man's loyalty under the admission of the commissioners themselves. If it is necessary to go into that, I can do so. I shall briefly, however, refer to one affidavit in the case to show that this man was not only loyal to the Government, but was loyal in heart and loyal to the core, and it is to such men throughout the South that we should give our encouragement and assistance. Here is what one man says:

During the Red River campaign there flocked to within our Army lines upward of ten thousand freedmen. These were of all ages and of every condition—sick, lame, naked, hungry. The Army was without adequate supplies, and the freedmen, in many cases, died by the wayside.

Mr. SCOTT. I ask the Senator whether he reads from testimony taken before the commissioners?

Mr. WEST. Here is testimony given by a man and his testimony is referred to by the commissioners. It is given by a man whom I very well know.

Mr. SCOTT. That is not the question. Was it taken as testimony before the commissioners?

Mr. WEST. I am not prepared to answer that question, but I have not a doubt that it was.

Mr. SCOTT. What is the date?

Mr. WEST. The 27th day of April, 1874.

Mr. SCOTT. Then it was not taken before the commissioners.

Mr. WEST. Well, we will take it now. There is no question of his loyalty now raised. They have admitted his loyalty.

It was during this campaign that I first met Mr. Bailey, and it was then—a year before the war ended—that he assisted in word and deed as none but a friend would do. The amount of supplies furnished from his place to the Army and the freedmen was immense. We must have had five thousand freedmen on his place at one time, and all these were in need of food which could be had at the time only from the country through which we passed. Nearly all the planters had concealed their stock of provisions or sent it within the lines of the enemy, but Mr. Bailey did not do so. On our arrival we were welcome to what he had, so that the Army on the one hand and the freedmen on the other swept everything. Not only did they take the pork, horses, sheep, and cattle that could be found, but the fences were burnt up for fuel, and I saw his mules driven away to the camp of the Army by some of our soldiers.

At this time, as well as in 1865, Mr. Bailey was the friend of the Army, and declared to me that everything he had on earth he would rather sacrifice than see the Union destroyed; and so far as slavery was concerned he avowed the conviction that he could do better with free than with slave labor.

Mr. Bailey manumitted two hundred of his slaves in the State of Virginia before the breaking out of the war. He was a man of immense wealth, having immense estates in Virginia, having immense estates also in the State of Louisiana, with enough slaves there to provide amply for himself and his family, with a very large estate, and he manumitted those who were in Virginia. The report of the commissioners themselves admits this man's loyalty; there is overwhelming proof of it; and I cannot see with what propriety the Committee on Claims can recommend the remission of the case to the commissioners of claims. They have given us no intimation of what their object was; they have not told us that this man was disloyal; and so far as the testimony goes it is conclusive that he was loyal to the Government.

I have so far merely stated the outside of the case. If the chairman of the committee has evidence or will state to the Senate that he has evidence of the man's disloyalty, I should like to hear it.

Mr. SCOTT. I had hoped that this case would give rise to very little discussion. The amendment is offered by the committee not for the purpose of depriving General Bailey of compensation for supplies furnished to the Army, if he is entitled to it, if he was in the language of the statute under which he claims a loyal man during the whole of the rebellion, but it is offered for the purpose of having the question heard before the commissioners of claims, so that what I shall state hereafter bearing upon his loyalty and against it can be met by him and what he offers to rebut it can be heard by the commissioners upon cross-examination of the witnesses that he produces.

Now let me state as briefly as I can the true position of this claim. The Senator from Louisiana has not looked as closely at the history of the case as he would have done, perhaps, from the statement he has made, had he been called upon to investigate it in committee. He has stated that after it was first reported by the commissioners of claims it was sent back to them, and that they had re-examined it. He is mistaken as to a matter of fact. This claim—and I state the fact from an examination of the papers—

Mr. WEST. On that point will the Senator tell me what I am to think of what I see in the CONGRESSIONAL RECORD of May 23? "Office of the commissioners of claims"—the revision of the case by the commissioners. That is what I based my statement upon.

Mr. SCOTT. I am aware that the Senator was reading from the CONGRESSIONAL RECORD and I am giving him what I get from the record; and the debate in the House has in it *ex parte* testimony just like that the Senator read, taken since the question has been mooted in Congress. I will state the position I occupy on this question.

We established the commissioners of claims for the very purpose of enabling them to examine these claims dispassionately, to do justice to the claimants and to do justice to the Government. The complaint was made in Congress that the hearings before committees were all *ex parte*, and so they were; that anybody could make out his case; and it was desired that instead of an *ex parte* hearing there should be hearings where the Government could be represented, and where the claimant could present his case. The commissioners of claims after hearing this case upon the testimony presented, first reported it, as they were required by law to do, on the 1st of December, 1872, and they reported it favorably. The Senator by referring to the record from which he quoted will see that that is the case. The bill passed the House at that session of Congress. It came to the Senate and this claim was struck out of it upon the motion of the then chairman of the Committee on Claims, the Senator from Wisconsin, [Mr. HOWE,] upon information given to him from some quarter alleging the disloyalty of General Bailey. Upon that it went back to the House, the amendment was concurred in striking out this case, but the case was not sent back for re-examination and it never has been re-examined before the commissioners. It remained in the House of Representatives, where all the papers remain under the law, the report being made to the House. When the Committee on War Claims came to make up the bill at this session they again inserted this claim in their bill and it was reported back by the com-

mittee to the House. But during the winter at some time information came to the commissioners of claims that the records of the trans-Mississippi cotton department of the Confederate States showed that two sales of cotton had been made by General Bailey to the confederacy in November, 1862, and January, 1863, that a portion of each sale had been taken by him in confederate bonds and the balance in money. That communication was sent to the chairman of the Committee on War Claims, and when the bill came before the House he moved to strike out this item, and upon that the discussion arose to which the Senator has referred. In that discussion statements, letters of General Sherman, General Sheridan, General Canby, and others were read, which had never been before the commissioners of claims at all.

Now what do we propose to do? We propose not to decide that General Bailey was a disloyal man, not to cut him off, not to strike at his case, but this testimony having come in against him—

Mr. WEST. What is the testimony that has come in?

Mr. SCOTT. If it is desired I will read it all; but I wanted to state the effect of the committee's action. As the Senator desires it, I will proceed to say what it is.

Mr. WEST. Where was that testimony taken?

Mr. SCOTT. I will tell the Senator; but one thing at a time. I have not the original book here although I have it in my committee-room, and I will therefore read an extract from a book which was obtained by purchase by our Government containing the archives of the trans-Mississippi cotton department under the confederate government—a transcript from that book of the agency which was kept by A. W. McKee, the person referred to as the son-in-law of General Bailey. This entry appears:

ALEXANDRIA, LOUISIANA.

A. W. McKee, Dr.

1862.			
Nov. 14.	To cash amount paid W. Bailey for 536 bales cotton, in bonds.....	\$20,000 00	
	Balance paid in notes.....	18,731 44	
			\$38,731 44

A. W. McKee, Dr.

1863.			
Jan. 1.	To cash amount paid W. Bailey for 680 bales cotton, in bonds.....	24,100 00	
	Balance paid in notes.....	30,001 64	
			54,101 64

Here follows the certificate that these entries are copied from the book. Thus from this book it appears that sales were made by General Bailey to the confederate agent, A. W. McKee, in November, 1862, and January, 1863, of cotton amounting to about \$92,000, and of the purchase-money he took about \$44,000 in confederate bonds and the balance in money. That is what appears against him on the book.

Mr. MERRIMON. May I ask the Senator a question at this point?

Mr. SCOTT. Certainly.

Mr. MERRIMON. I beg to ask the Senator if there is a fact or a circumstance in this whole case that tends to impeach the entire loyalty of the claimant except that simple memorandum, and furthermore whether he is any party at all to that memorandum?

Mr. SCOTT. That is the very reason why I wish to send this case back where he can be heard. Here is a book. The book itself is in the building; I have given an extract from it; and it is as to the regular business operations of that cotton agency in which appear these two entries showing that this man, on these two days, sold this cotton. The Senator asks me if there is anything else in the case which shows his disloyalty. So far as the question of disloyalty is concerned, I am not here, as I have already said, to say that General Bailey is or was a disloyal man. I am here to say that there is evidence enough to justify these commissioners in sending in this testimony as they did and in our sending this case back to them for re-examination. I do not want to prejudice him. I want to give him a fair opportunity to be heard.

Mr. WEST. If it will not interrupt the Senator, I desire to ask a question.

Mr. SCOTT. Put the question.

Mr. WEST. The question is, whether the papers relating to this Bailey case have not been withdrawn from the Senate and put in the hands of the commissioners of claims, between the time that the Government became the owner of these papers and the time that they made the report again?

Mr. SCOTT. No, sir; so far from that, the commissioners asked whether they had the power to reopen a case and rehear it, and they obtained the opinion of the committees of both Houses that a case could not be reopened, and could not be sent back to them without an act of Congress; that after they had reported a case it was out of their hands, and it has never been back for re-examination, and there never has been a subsequent report upon it.

Mr. WEST. That is not the question I asked the Senator. I asked whether the commissioners themselves did not withdraw the Bailey papers from the files of the Senate, and have they not had them in their possession up to December, 1873?

Mr. SCOTT. Not to my knowledge.

Mr. WEST. I am told it is the fact.

Mr. SCOTT. I am informed exactly the other way. Now, Mr. President, I prefer to give these papers in the order in which they occur without interruption, and I will gladly, when I get them in, answer any question that may be asked about them.

Here are these two transactions, and I ask the attention of Senators who are listening to the dates, November 14, 1862, and January 1, 1863. It is alleged that two sales were made of this amount of cotton and that a certain portion of the proceeds was taken in bonds. On the 4th of February, 1863, a letter was written by A. W. McKee to M. M. Rhorer, a man who was in his employ. I say a letter was written, because it is a letter certified as found among the same papers and now in possession of the Government, and I will ask the attention of the Senate while I read it. It is a regular business letter written in the course of their transactions; and so that it may be seen that the points to which I make special reference come in the course of the letter, I will read the whole of it.

HOUSTON, February 4, 1863.

M. M. RHORER, Alexandria:

MY DEAR SIR: I arrived yesterday from San Antonio after a tedious trip and much delay in returning in consequence of high water, bad roads, &c.

I am in receipt of your several favors of 14th, 18th, 20th, and 25th ultimo. Contents of all carefully noted.

Col. Thos. Martin went to Richmond for money, and I hope will bring a good lot, unless the Secretary of the Treasury concludes that he would like to see some of our monthly returns ere forwarding more. This department is informed of funds en route long enough to have reached here twice. * * * Bonds are largely in demand here at par, and in some instances at 1 per cent. premium.

Now I call attention to this sentence:

When Lasere pays you, the same funds can be used to buy with, and if General Bailey wishes to exchange \$10,000 of his bonds for notes, do so.

Now, mark it, Mr. President, a sale of cotton in November, 1862, about one-half taken in bonds; another in January, 1863, and nearly one-half taken in bonds; and this letter, February 4, 1863, in the regular course of business says, when you get this money, "if General Bailey wishes to exchange \$10,000 of his bonds for notes, do so."

Mr. BOGY. By whom was that letter written?

Mr. SCOTT. Written by A. W. McKee, the confederate agent for the purchase of cotton, the man who paid General Bailey, according to the entry, the bonds and the money—written to his clerk at Alexandria, Louisiana.

Now I ask not whether General Bailey is disloyal or not, not whether he took these bonds, for it is alleged that he did not—his affidavit is put in here since the thing is mooted saying he never had one of these bonds. When a letter is written by a confederate agent in the regular course of business, directing his clerk to exchange \$10,000 of money for bonds, is there not enough to put General Bailey on the defensive, for the purpose of showing that he did not get those bonds. We have made in the act of Congress continuous loyalty during the whole rebellion an element to be found by these commissioners before any man is paid; and if General Bailey sold cotton in 1862 or 1863 to the confederacy and took \$40,000 worth of their bonds it was an act of as high disloyalty as it would have been to give them \$40,000 worth of guns and ammunition, for cotton was their ammunition.

Mr. WEST. He had to sell it or they would take it.

Mr. SCOTT. We will come to that directly. I have his affidavit, put in here by himself since the thing was mooted, saying he never had the bonds. I produce this letter in connection with those entries not for the purpose of showing that he had the bonds, but for the purpose of saying that before we pass this claim it ought to go back before these commissioners, so that General Bailey may be permitted to meet this testimony; and if there is other testimony, as I am informed there is, bearing on this question, that it can be laid before the commissioners and they can cross-examine his witnesses.

Mr. SARGENT. Will the Senator allow me to ask him if he thinks that letter would be received as evidence in any court where Bailey was a party, a letter written by another man to his own clerk, not to Bailey, never coming to Bailey, but the simple statement of one man to another about something Bailey had done or might do, by which Bailey should not be criminated in any way?

Mr. SCOTT. I am glad the Senator puts the question. Within the last few days a pamphlet has been laid on our tables containing the affidavit of A. W. McKee, the man who it is alleged wrote this letter, and I have no doubt the Senator has seen it. It has been made in this city. He is living. When he was taken before that commission to make out the loyalty of the man who was his father-in-law, he could not tell whether he wrote that letter or not.

Mr. SARGENT. Does the Senator say he was his father-in-law at the time the letter was written?

Mr. SCOTT. Yes, sir; I believe he was.

Mr. SARGENT. No, sir; he was not his father-in-law until after the war.

Mr. SCOTT. Well, so far as that is concerned there is no exact date fixed as to when he did marry the daughter; but the Senator is mistaken in that respect. He was his father-in-law before the close of the war.

But, Mr. President, let me go on, because I am so constantly interrupted at the end of every sentence that I can hardly keep up any continuity in this statement. I was saying that there was evidence enough here to put General Bailey on the defensive for the purpose of showing whether he was loyal or not. Let me read on:

There is no objection to purchase his—

That is General Bailey's—
or your brother's cotton.

Showing, according to a statement of this agent at that time, that he takes it for granted that General Bailey's cotton can be purchased.

This follows right after the mention of General Bailey about the \$10,000—

There is no objection to purchase his or your brother's cotton; and if you can pick up enough to pay all expenses in this wise it is all right. I would not advise any alliances, however, with General B. More anon.

That sentence has been differently construed. One construction has been put upon it that General Bailey was a Union man, and there should not be any more alliance with him on that account. Another construction was that this man, writing to his familiar, his clerk, his confidant, referred to an alliance, in a playful way, to the General's daughter. I do not know which it is; but here is the letter following up these two alleged sales, showing that it was proposed, first, to exchange money with him for the confederate bonds which this agent said he had; and, second, to buy more cotton from him.

Now I go on to the other papers that are in the case. The third paper which I referred to, found among these archives, is a memorandum of G. W. Sentell's purchase of cotton for Bailey & Ward. I will not take the time to read the whole of that, but here are nine hundred and eighty-five bales of cotton purchased for Bailey & Ward, and this letter attached:

AUSTIN, TEXAS, May 12, 1864.

DEAR SIR: On my arrival at Houston I bought from Major A. W. McKee, as the agent by power of attorney from William Bailey, all the interest of the said Bailey in the nine hundred and eighty-five bales of cotton in the parish of Bossier. In the payment of the tax, &c., on the cotton, charge the same to my account.

I do not know to whom the letter is addressed, but it was written on the 12th of May, 1864, by J. T. Ward, in which he speaks of buying from Major A. W. McKee, as the agent by power of attorney, from William Bailey all the interest of Bailey in the nine hundred and eighty-five bales of cotton in the parish of Bossier.

Mr. SARGENT. If the Senator will allow me, is there anything disloyal in that one man buying cotton from another?

Mr. SCOTT. No, sir; but mark it: A. W. McKee is the agent for the Confederate States, purchasing cotton.

Mr. WEST. What is the date of that transmission?

Mr. SCOTT. One thing at a time while this cross-fire goes on between the Senator from California and the Senator from Louisiana.

Major A. W. McKee is the agent for the purchase of cotton for the Confederate States, and on the 12th of May, 1864—he had remained as agent during all of this time—J. T. Ward, in a business letter calls A. W. McKee the agent by power of attorney from William Bailey. It is alleged that William Bailey and A. W. McKee were at daggers points because McKee had married his daughter, and it is a little singular if that be so that General Bailey, a loyal man, would select the agent of the Confederate States as his attorney in fact for the purpose of selling his cotton. That is not the way in which a loyal man would act according to my experience of human nature.

Mr. WEST. Mr. McKee was not the agent at the date of that transaction.

Mr. BOGY. That was before the marriage.

Mr. SCOTT. I do not know when the marriage occurred exactly.

Mr. BOGY. I state the fact to be that it was before their marriage. Now the Senator answers that he does not know, and I know he does not know.

Mr. SCOTT. The difference between me and the Senators who have examined this case is this: I have looked all through the testimony to find the date of this marriage; I wanted to see it; I do not find it in the testimony. They have information perhaps from parties who can tell. Mr. McKee is here himself, and he has made an affidavit within the last week; but according to the statements in the testimony I drew the inference that it was very soon after this time in 1862 and 1863 that McKee married General Bailey's daughter.

I am not here, as I have repeatedly said, to argue these facts for the purpose of determining in the Senate that he is disloyal, but for the purpose of saying that before we set the precedent of paying to any man \$45,000 for supplies who in 1862 or 1863 sold cotton to the amount of \$90,000 to the confederacy, that man and the Government both should have a fair hearing. It is not General Bailey alone. That is not the question. This is the first case that has come before Congress arising out of the examination of these commissioners of claims involving the question of whether a sale of cotton to the confederacy is of itself one of those disloyal acts which should deprive a man of his claim before that commission. If you vote this case in before this testimony has been heard before the commissioners of claims, before the Government has the opportunity of being heard, it is not simply the appropriation of \$45,000, but it is opening the door to an avalanche of cases of a similar character, and the application will be made to open the door to extend the time for filing claims. It is on your table now. A bill came over from the House to-day to extend the time for filing the claims before these commissioners; and I warn the Senate that before they set any precedent it should be in a case fully heard before the commissioners of claims. This one has not been. This testimony which I have now read has all come to light since the commissioners of claims reported upon it.

Mr. ALCORN. Will the Senator allow me to ask him a question for information?

Mr. SCOTT. Certainly.

Mr. ALCORN. If a citizen of the Government of the United States as it existed at that time had purchased cotton of the con-

federate government, would the Senator take that to be a disloyal act on the part of the citizen of the United States? Would the purchase of cotton from the confederate government have been held to be an act of disloyalty?

Mr. SCOTT. I am not going to turn aside to discuss the question whether a purchase by a citizen from the Confederate States would be an act of disloyalty or not. I am discussing the question of the sale of cotton by a citizen to the Confederate States, and one question at a time is enough.

The next paper that is furnished from these archives is a list of cotton:

List of cotton purchased by M. M. Rhorer, sub-agent of A. W. McKee, general agent for Louisiana.

Date.	From whom.	Residence.	Bales.	Where deposited.
November 14, 1862..	Wm. Bailey.....	Alexandria ...	536	On his plantation.
	(Here follows a list of	sixty-nine other names.)		
May 27, 1863	W. Bailey.....	Alexandria ...	21	J. P. Grimbail's plantation.

Here are three distinct sales: one November 14, 1862; second, January 1, 1863, both large amounts; and third, May 1863, for twenty-one bales. These papers show these sales, if they are entitled to credit. It may be said they are not evidence against General Bailey. I say that while they are not to be taken as conclusive evidence against him, they are that kind of evidence which when produced should bid us halt before we pay him until he has had an opportunity of meeting it and rebutting it if he can.

If the Senator from Louisiana desires to see what report these commissioners have made, here is the report, the only other report which they did make after the first report, and after this testimony came into their possession. I think, as the Senator from Louisiana has alluded to it, I will have it read, and I will send it to the desk for the purpose of having it read. The date will show when they made the communication and sent it to Congress.

The Chief Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF CLAIMS.
Washington, D. C., March 26, 1874.

DEAR SIR: The records of the trans-Mississippi cotton bureau, purchased by the Government since the report was made in the case of William Bailey, No. 980, show facts which we deem it our duty to report to your committee. The case having been reported by us to Congress, we do not feel at liberty to make any further investigation of it unless specially directed by that body to do so.

It clearly appears that General Bailey sold to the confederate government on the 14th of November, 1862, five hundred and thirty-six bales of cotton. His son-in-law, Andrew W. McKee, had been appointed by the confederate government, namely, in October, 1862, general agent for the purchase of cotton in Western Louisiana and Texas. The first sale made was by General Bailey November 14, 1862. This five hundred and thirty-six bales of cotton was no part of the eight hundred and thirty-four bales of cotton in the United States district court for the eastern district of Louisiana in 1864. It may be perhaps the cotton referred to by General Bailey (see his testimony before the commissioners of claims of November 14, 1871, page 5) in his answers, as follows:

"Question. Did you contribute anything to aid the confederate cause?"

"Answer. Never, one farthing, neither directly nor indirectly."

"Q. Did not you have to pay taxes?"

"A. I had; and I was compelled to sell five hundred bales of cotton to the confederate government, or have it burned and destroyed, in order to pay my taxes. I sold it to a young man, an agent of the confederate government there."

He subsequently tells of an armed force coming out to burn his cotton; of his telling them he would sell it, &c. The statement is confused and inconsistent, the date uncertain, but might be November, 1862; and if the young man, the agent, was his son-in-law, it may identify the transaction, but will make the story of duress or an armed force very improbable.

It would seem to be clearly established by the papers now obtained that General Bailey on the 14th of November, 1862, sold, voluntarily, five hundred and thirty-six bales of cotton to the confederate government; that he was the first leading planter to so sell his cotton; and that his son-in-law was the confederate agent who bought it. It further appears from the "day-book" of the cotton agency in the custody of the Secretary of the Treasury (to which our attention has recently been called) that A. W. McKee, as confederate agent, bought of William Bailey, November 14, 1862, five hundred and thirty-six bales of cotton, and paid him therefor in confederate bonds \$20,000 and in notes \$18,731.44, making a total of \$38,731.44; also that on the 1st of January, 1863, McKee bought of Bailey six hundred and eighty bales of cotton, and paid him in bonds \$24,100 and in notes \$30,001.64; making \$54,101.64.

It also appears from the papers that one G. W. Sentell bought for William Bailey, or for Bailey & Ward, nine hundred and eighty-five bales of cotton in the parish of Bossier; that Bailey, through his son-in-law, the confederate agent, (McKee,) sold his interest therein to Ward, and that soon after the confederate government took possession of all this cotton for its own use. Considering the relations of Bailey and McKee, and that the property soon went for confederate use, it seems probable that Bailey should have shared in this purchase, and that it was made for confederate use.

It also appears from a letter found among these papers that Captain W. W. Withenburgh was an agent of the confederacy under McKee, and engaged in transporting cotton for the confederate government to market.

He was an important witness for and much relied on by General Bailey to establish both the facts and loyalty in his case. He claimed to have been loyal himself to the cause and Government of the United States. His connection with the confederate government was not made known to us at the time; but that fact would seem to have an important bearing on the credibility of the witness.

A. O. ALDIS,
J. B. HOWELL,
O. FERRISS,
Commissioners of Claims.

Hon. WILLIAM LAWRENCE, M. C.,
Chairman Committee of War Claims, &c.,
House of Representatives.

Mr. SCOTT. It will be seen from what has already been stated, taken in connection with this last paper read, that General Bailey alleged that he sold his cotton for taxes, that he sold it because if he did not sell it it would be burned, and it has been stated here and elsewhere that a trial occurred in New Orleans with reference to this and other cotton, in which it was shown that part of the cotton which he was alleged to have sold was never delivered; the sale was canceled. Now, I call attention to General Bailey's testimony. I have the whole of it here, and I have read it carefully as to the manner in which he stated the sale of these five hundred bales. Let it be remembered that Mr. McKee has been his son-in-law. It has not been stated, although I am informed since I was on the floor before that by reference to other papers, all of which I have not brought in here, it has been discovered that in 1864 when this agent McKee was on his trial before a confederate court-martial letters were there produced from his wife in which reference was made to their child. That is pretty good presumptive evidence that they were married before 1864. In stating the sale of this five hundred bales in his testimony General Bailey stated—I do not take time to quote him—that he was compelled to sell the five hundred bales or have them burned and destroyed, and in another place that he sold that cotton in order to pay taxes. To whom does he say he sold it? He says to "a young man, the agent of the confederacy." He does not name him at all; he does not say who he was in his testimony; but says he sold it for these purposes, and for the purpose of preventing it from being burned. The testimony in other parts of the case shows that no cotton was burned in that vicinity until probably a year after that time, in November, 1863.

Let me now refer to the dates. I do not deny that there is testimony in this case showing the strongest expressions of loyalty by General Bailey; but let us look when they are professed to have been made. These sales were in 1862 and 1863. That territory was then under confederate control. In 1864 General Banks arrived on the Red River, and he occupied General Bailey's plantation, and it is for the supplies furnished to that army after its arrival that this allowance is made, not for cotton in any form. I do not wish it understood that the claim is for cotton, although a part of it is for cotton destroyed by the troops, or used by them for bedding; but the claim is for supplies furnished after the arrival of General Banks in Louisiana in 1864. Now, then, if General Bailey did sell cotton in 1862 and 1863, the expressions of loyalty after 1864 can be readily accounted for consistently with this act of disloyalty in 1862 and 1863. He became a Union man—

Mr. WEST. It was a nice time to be a loyal man down there in 1862 and say anything about it!

Mr. SCOTT. That is what I am saying, Mr. President, that he may have committed acts of disloyalty, those acts which this Government in self-protection is bound to consider acts of disloyalty in 1862 and 1863; and whatever his expressions of loyalty may have been in 1864, after the arrival of General Banks, after he was under the protection of the flag, can be accounted for very consistently with those acts in 1862 and 1863. If he is entitled to this claim on the ground of his active loyalty before the arrival of General Banks on that ground, and if he shows that these transactions are not properly represented by these books, I shall be the last man to deny him his money.

But let me go on, Mr. President. I do not wish to take up time in going over all the allegations that have been made in this case. It has been said that in a trial at New Orleans the six hundred bales were shown not to have been delivered. I have looked through that testimony and let me state what there was in that. In 1864 eight hundred and thirty-four bales of cotton were libeled. The United States claimed these eight hundred and thirty-four bales of cotton as having belonged to the Confederate States. Proceedings were instituted in the United States court, and in those proceedings a number of witnesses were examined. There is no testimony identifying the six hundred and fourteen bales which appear in the books in January, 1863, as the same cotton which made up any part of those eight hundred and thirty-four bales. There is a reference to a sale of six hundred bales, but the specific date when it was sold, or an identification with these six hundred and fourteen bales is not given; and more than that, there is nothing to know what became of that proceeding. I have inquired for the purpose of showing what became of it. The testimony is given. There is no decree. My information is that by some arrangement between General Bailey and the officers of the Government a compromise was effected in regard to that cotton, which leaves the question of whether it was confederate cotton or his cotton entirely unsettled. I do not know what that compromise was, but I have looked through the testimony and I do not find anything in it which would disprove the statements that are made and that are relied upon as coming from these books.

There is a great deal of testimony that I might refer to if I were disposed to take up and argue the question of actual loyalty. If I am compelled to vote upon that, if the friends of General Bailey insist here that this tribunal, now, upon *ex parte* testimony brought in to meet this testimony which is also *ex parte* shall decide upon his loyalty, I shall vote upon it; but I want to send him back where he will have a fair showing.

Mr. SARGENT. I hope the Senator will tell us anything he knows

against the loyalty of General Bailey. If there is anything hidden, do not use mysterious language, but let us know it.

Mr. SCOTT. I do not wish to say what A, B, and C have told me.

Mr. SARGENT. That is not proof.

Mr. SCOTT. We have erected a tribunal for hearing these parties.

Mr. WEST. And they do hear what A, B, or C says. That is the trouble.

Mr. SCOTT. And they do send in to the Congress of the United States records which show that General Bailey ought to have a fair opportunity of a hearing before them. That is what I am showing.

Mr. MITCHELL. I understand the chairman of the committee to make but one point, and that is that there is testimony before the Senate showing that General Bailey at some time or other sold certain cotton to the confederate agent, and for that reason the chairman of the committee desires that this claim should go back to the commissioners in order that they may investigate that fact. Now, I do not understand that it is claimed by any person, not even by the chairman of the committee, that General Bailey or Mr. Bailey, whoever he was, committed any other act or thing that looked toward disloyalty except the single fact of having sold cotton to a confederate agent. I ask the chairman of the committee if Mr. Bailey when he was examined as a witness before the commission did not admit before that commission that he sold certain cotton to the confederate agent, and did he not there state that the books of the confederacy would show that fact? The point I wish to make is this: was not that fact called to the attention of the commissioners when this case was before the commission, and did they not then have full and ample opportunity to investigate the whole question and pass upon it, and therefore why the necessity of referring the case back again now?

Mr. SCOTT. I will state for the information of the Senator from Oregon that when General Bailey was before the commission he did say that he had made a sale of cotton to the confederate government and gave two reasons for it. One was that he had sold it to pay taxes; the other was that he sold it because if he did not sell it it would be burned. He did say in reference to the date that their books would show the date; it was a question of date; but he said not one word about having taken part of the proceeds in confederate bonds, and that fact was not before the commissioners when they made up their finding. The fact that he sold six hundred and fourteen bales was not before the commissioners, for General Bailey referred only to the sale of five hundred bales, and in neither instance did he say a word about having taken any part of the payment in bonds. This testimony produced shows not only two sales, but two different receipts of confederate bonds and confederate money to the amount of thirty or forty thousand dollars. It shows more than that; it shows that he got money for other purposes than to pay taxes; he was buying other cotton. It shows more than that; that he had a partner in the purchase of that cotton, and this testimony shows that that partner was a disloyal man. Positive testimony, if these books are testimony, circumstantial testimony enough certainly for the Government to say that this case shall go back to the tribunal which we have constituted for the purpose at the same time of doing justice to loyal claimants and protecting the Government against improper claimants. That is all I am asking.

I go further now. As the Senator from Oregon has said that this is the only circumstance, I will say there are other circumstances. The case is developing. Since this question has been made, or since it became apparent that it was going to be discussed in the Senate, I followed it a little further, and I may as well refer to that now; and I find in the War Department among the archives from the Confederate States, not those purchased from the trans-Mississippi department, but other archives, a copy of the proceedings of a confederate court-martial in which this man McKee, the confederate agent, was tried upon charges and specifications, and one of those charges, the fourth, with different specifications, was that he had confederated with Bailey to defraud the confederate government out of about a thousand bales of cotton on Bailey's plantation.

Mr. SARGENT. I should like to ask the Senator if he brings it forward as a proof of Bailey's disloyalty that he confederated with another man to steal from the confederate government?

Mr. SCOTT. The Senator seems to assume the attitude that I am bringing testimony against General Bailey and trying to convict him.

Mr. SARGENT. The Senator said if we wanted other evidence of General Bailey's disloyalty he was prepared to give it, and I challenge him to produce it.

Mr. SCOTT. I did not say I was prepared to give it, if the Senator will pardon me. The Senator from Oregon rose and asked me if I had a single thing to show General Bailey's disloyalty except the transcript from these books.

Mr. SARGENT. The Senator is answering by reading a document showing that General Bailey aided somebody who stole something from the confederate government, as a proof of his disloyalty against the Government of the United States.

Mr. SCOTT. I have not got through with my statement. I was stating the fourth charge, containing various specifications, and I had not gone any further. Let us see what came on.

Mr. SARGENT. I will not ask the Senator any more questions. I am sorry he is so impatient of questions. I do not desire to interrupt him.

Mr. SCOTT. I am not impatient of questions at all. I have been on the floor here intending to make a calm statement of these papers from beginning to end, and every Senator who seems to be advocating the payment of this money appears to take it for granted that he must cross-examine me at every stage.

Mr. SARGENT. I only wish to apologize for interrupting the Senator; I do not desire to trouble him.

Mr. SCOTT. I only wish to get the facts before the Senate. I am not arguing the case to show disloyalty on the part of General Bailey; I am simply showing that there is enough to send this case back to the judicial tribunal; that is all.

This charge is of disloyalty to the confederate government charged against McKee. What do they charge him with? Confederating with Bailey. It does not show that they were very great enemies. True, he was charged with confederating with Bailey to defraud the confederate government out of a thousand bales of cotton belonging to the confederacy on Bailey's plantation. There is some evidence to show that Bailey had sold the cotton on his plantation to the confederate government. These are circumstances which I think General Bailey ought to have the opportunity of meeting. They are brought out.

Why did I look for this? Because an affidavit was placed in my hands by the friends of General Bailey since this case came to the committee, alleging that McKee had been in irons and he was not worthy of belief, although his testimony had not at that time been brought before the Senate. Since then it is before us in a printed statement, and finding he had been in irons I wanted to know why, and pursuing my inquiries I found that this was the reason why he was in irons. He was tried and he was sentenced to be shot. He has not been shot, for he has been here giving his affidavit.

General Bailey may explain all this; he may answer, as Senators here attempt to answer, that the allegation that he was assisting McKee to defraud the confederacy is in his favor instead of against him. If it is in his favor, let it be so. I do not withhold it. I am giving the fact, and what I introduce it for is to show that Mr. McKee's testimony has been laid on the tables of Senators since this case has been before us, and now, mark it, Mr. President, he refers to the five hundred and thirty-six bales; he gives no account of the six hundred and fourteen bales at all, although he is the man who paid the money; and I ask Senators, without reading it, to take up that *ex parte* affidavit laid before us, examine it with reference to McKee's relation to this whole transaction, and there is enough in that to show that this case ought to go back for examination.

I do not wish to take up any very great length of time in discussing this question. I had hoped it would be passed over, for I felt I was doing General Bailey a kindness in sending this case back to the commissioners of claims. When it was here before it was struck out. It remained here. Now it is put in the bill, and this testimony is before us from the commissioners of claims, showing that if this testimony had been before them at that time a different result might have been arrived at. I will not condemn him on it. He ought not to be condemned on it. It is *ex parte* testimony, but he has given *ex parte* testimony also; and now I say the proper mode of proceeding is, as we have erected this tribunal, to send the case back there and let him meet these allegations. He knows them. Let the evidence on the part of the Government, if there be more of it, be produced where he can cross-examine the witnesses, and let the case be decided upon its merits.

But, Mr. President, in a case involving the question of whether the sale of cotton in large amounts to the confederate government in 1862 and 1863 was an act of disloyalty which ought to deprive a man of the right to claim before the commission, I cannot consent without entering my protest against it that any such claim shall be incorporated in this bill, and I think a little reflection upon the consequences that are to result will satisfy the Senate that the proper mode of proceeding is to send this case back to the commissioners of claims.

Mr. SARGENT. Mr. President, the proposition that is made by the Senator from Pennsylvania, and, as I understand, the majority of the committee on claims, is that this case be sent back to the commissioners of claims in order that they may report that this man is disloyal. That is really what it amounts to, stripped of everything in the way of paraphrase. These commissioners have gone out of their way to write a document to show that they believe this man is not entitled to this relief, and now we are asked to send back this case before this tribunal which has thus pronounced judgment in advance. That is just what this proposition is, neither more nor less. If any one will read the document to be found on page 8 of the CONGRESSIONAL RECORD of May 23, which was sent up to the desk by the Senator from Pennsylvania and read, he will find that all through it there is a prejudice forcibly expressed against General Bailey and an evident desire on the part of these commissioners to get their hands again upon this case.

It is contrary to everything that is fair and just to take a case from an impartial body, as this Senate is, and send it to a court to be decided but one way. They roll this alleged newly discovered testimony as a sweet morsel under their tongues; they parade it in italics; they insist that they cannot get hold of the case because they have reported it to Congress; and they in effect solicit that it may be sent back to them in order that they may give what they esteem to be the legitimate facts of this testimony and rule this man out of court.

If there is any merit in his case, if there is anything in his testimony of loyalty, if there is anything in any consideration of the dross to which he was subjected and to which all citizens in that region were subjected in 1862 and 1863, then I want the Senate to pass upon this question, and not send it back to a tribunal so obviously prejudiced as these commissioners are shown to be by this document. I am not reflecting upon these gentlemen. I have no doubt they are following what they deem to be the line of duty; but it is an extremely narrow line, which is not tinged for a moment with any consideration of equity. For the Senate to obey their behest and send this case back to them after it has come here is simply to exclude this person from any conclusion except the one which they have drawn in these papers.

Now, sir, there is one prominent fact which stands out in this case, and that is that General Bailey sold cotton to the confederacy. That is clearly and distinctly proved. It is not so clearly and distinctly proved whether he took bonds for it or whether he took money for it. Whether he took interest-bearing obligations or non-interest-bearing obligations. Confederate money is a matter on which great stress is placed by the Senator from Pennsylvania; but to my mind it amounts to nothing. Where is the distinction? What difference does it make whether he took confederate bonds or confederate money? And yet upon that distinction they endeavor to make a point against General Bailey.

Mr. MERRIMON. The evidence taken in the case that was tried shows that he did not take the bonds.

Mr. SARGENT. Yes, sir.

Mr. SCOTT. Has the Senator read that testimony?

Mr. MERRIMON. I read a summary of the testimony.

Mr. SCOTT. I could not find any such testimony, and I read it through.

Mr. SARGENT. The Senator from Pennsylvania is a very industrious man. We have reason to admire him for the evidences of it that he shows us every day; but when he takes up a bill of nearly one hundred pages, with an item to every line, and goes through the whole bill, he cannot necessarily be as well posted on all the facts with reference to each item as Senators who have had their attention drawn to a single item of the bill, and made that a matter of investigation. Therefore, while admitting the industry of the Senator, I still insist that we who have examined this claim and all the accessible testimony upon it, and have tried to get at the facts and do what was right, have a right to claim some knowledge on this subject, even if we are not members of the Committee on Claims.

Now, sir, it is a fact with reference to the form of regulations (which was a printed form) used in the purchase of cotton by the confederate government, it was always printed in the document that payment was made in confederate bonds. I understand the testimony to be that General Bailey refused to take the bonds, if that fact makes the least difference. I only comment upon it because the Senator from Pennsylvania seemed to lay some stress on that point. But McKee, who was not on good terms with General Bailey in 1863, who seized this cotton, and seized it among the first, who compelled General Bailey to sell his cotton and to sell among the very first, sometime thereafter, writing to his own clerk, and of course knowing that the paper which was in print referred to bonds as given for cotton in this case as in all others, said perhaps bonds which are 1 per cent. premium—I suppose he meant premium over confederate currency—could probably be obtained from General Bailey by giving him money for them. That was all, and that in itself is easily explainable under the idea that this was the printed form, and this person referred to the printed form, and knowing that this negotiation had been made by which the cotton was obtained by the confederate government, supposed that there was a place where bonds could be had. For what reason he wanted them I do not know, and that is entirely unexplained.

But, sir, the great fact stands out that this man did sell more or less cotton to the confederate government. It is a mistake to suppose that that fact was found out recently by these commissioners of claims. I call attention to the language of their report on this very case. They say:

General Bailey, upon his examination in this case, swears that he did sell five hundred bales of cotton to the confederate government, or to some confederate or State agent, alleging that he was compelled to sell it to get money to pay his taxes; and if he had refused it would have been taken or burned.

They did not cross-examine him on that statement. Here was this horrible crime committed of selling cotton to the confederate government. Their extract from his testimony, as given in the letter which they now send and which has just been read at the desk, shows that they did not cross-examine him upon it. They took his statement. They did not ask him the name of the agent. The Senator from Pennsylvania thinks it is atrocious that he did not state that this man's name was McKee. Was there anything said to call his attention to that? Did they ask what confederate agent it was? They themselves placed no value upon that point, because they say "he sold it to the confederate government or some agent of the confederate government." The gravamen of the statement was that he did sell cotton to the confederate government, and that is the crime now alleged against him. These commissioners understood that. It was there in his own statement. When you afterward found the books

of the confederacy which showed that they had bought of him, it only proved what he had said that he had sold it to them. Is there anything in that fact that should cause us to refer this case back to the commissioners of claims? They follow that statement, that he did sell this cotton to the confederate government, in this way:

The cases of loyalty among the large landed proprietors of the South were so very rare, that we felt it to be our duty to investigate this case thoroughly, and after doing so we feel fully justified in reporting this claimant as loyal.

They say that after stating that he sold cotton to the confederate government. Do they want this case referred back to them in order to say that if he sold cotton to the confederate government they would be justified in reporting him as disloyal? If that is so I say the court is whimsical; that it acts on no well-considered opinion; and that we had better abolish it; at any rate we had better not send back to them cases which are doubtful, but send them only cases which are very clear, only cases involving questions of amount and not questions of principle.

I say there is nothing new discovered in this case. The parade of documents which the Senator from Pennsylvania makes and the reference to the confederate books only relate back in effect to that which was determined upon before and to this very man's testimony. He was upon the stand swearing to these very things, and this commission, in view of his affidavit to these facts, say he is a loyal man, and that cases of loyalty among large landed proprietors of the South were so rare that they felt justified in reporting this case favorably to Congress, and glad to do so.

What amount did they report? Forty-five thousand dollars. His claim was for \$105,000, and they cut down the claim of this loyal man nearly two-thirds, allowing him but two or three dollars for a ton of hay where the hay was worth thirty or forty dollars. That was the system which they followed. They cut down this highly loyal man, as they reported him to be, below the prices of the articles taken either in the confederacy or within the loyal States, and upon no distinguishable rule. They had ample testimony before them as to the loyalty of this man, and it will not do to whistle it down the wind and to say that the distinguished military men who were brought in contact with this man and who knew him, as General Sherman said he had known him for years, were entirely mistaken. They were talking about a man, as was in proof and as will not be denied, who once owned a large number of slaves on a plantation in Virginia. Under the laws of Virginia he was allowed to emancipate his slaves. He did so; he manumitted them and went off down to Louisiana. He was not allowed under the laws of that State to manumit his slaves, but it is in evidence that he treated them with great kindness; that he was an anti-slavery man—rather unpromising materials to make a disloyal man out of. In this condition the war caught him two or three years after he went down there with a large plantation on his hands. General Sherman, with reference to this man with these antecedents, says:

General Bailey, of Rapides Parish, Louisiana, personally known to me before the war, and universally recognized as a Union man throughout the period of hostilities—

Is General Sherman a man who writes without weighing what he says? He says General Bailey was universally known throughout the period of hostilities as a Union man and known to him personally before the war. There is no doubt about his identity—

appeals to me personally to befriend him with you in the matter of a claim for cotton which has been formally presented for your adjudication.

This was in relation to another matter. General Sherman goes on to state that in his official capacity he cannot meddle with such business; but he says he has a "strong personal regard" for this gentleman.

General Banks, the major-general commanding the department, says—

Mr. SCOTT. None of that testimony was before the commissioners.

Mr. SARGENT. Whether the testimony was before them or not, it is before the Senate, and it has force and weight. We are trying this case. There is no appeal from us back to these commissioners. I know of no provision of the statutes that requires us if we are in doubt to solve that doubt and ease our consciences by virtue of this commission. They are *functus officio*. They have acted on this matter, and having acted on this very point, that this man did sell cotton and having sold cotton was a loyal man, I want to know what there is to take this case back to them. You might as well send back every case against which some one whispers to you here. It is said that this case was struck out of the bill last year because somebody whispered something in the ear of the then chairman of the Committee on Claims, and you want this matter to go back again now, because of the whispers and insinuations of some persons, enemies of his very likely because he was a Union man; because he would be certified to as loyal by such men as Sherman and Canby and the whole Louisiana delegation in the House, and by Governor Wells, of Louisiana, and other undoubted loyal men all through the war. Men who know that because they were disloyal they cannot get their claims allowed will gladly whisper slanders about their neighbors who stood up under a hail of persecution that could only be exceeded within the confines of the infernal regions. The man in that region who either by wink or nod, by word or act, showed that he had any sympathy with the Yankees, with the Government of the United States in the struggle that was then going on, was a marked man, not merely ostracized from

society, but liable to be shot down on the highway. He was hauled before persecuting courts, placed under continual espionage. A man who under these circumstances could stand up and preserve anything like manhood, anything like decency, anything like loyalty to the Government, would make not one, but hundreds and thousands of enemies who would gladly follow him with their enmity to the very grave itself, to the portals of your courts, to the Senate of the United States, and whisper in the convenient ear of some Senator, anxious to do right but hurried with business, "There is something wrong in that case; there is a cat under that meal," in order that that man might be prevented from getting his claim after he had been shorn down two-thirds of the amount which had been taken from him to supply the United States Army.

Mr. MITCHELL. There was an anonymous letter sent.

Mr. SCOTT. Twice, perhaps three times, the Senator from California has used a phrase that the enemies of General Bailey or persons hostile to him are whispering in the ears of Senators allegations prejudicial to him. Of course the meaning and direction of that cannot be misunderstood. Now I wish to say that I know of no one who has brought before the committee, I know of no one who has come to me to say one word against General Bailey. All that has been done has been to put in my hands papers from the officers of the Government which have been laid before them. But a more persistent effort to put everything into my ear, through agents, attorneys, and lobbyists, in favor of this claim, I have never met. I have been waylaid on all the avenues of the capital for the purpose of throwing into my ears something in favor of General Bailey. If there are any influences here against this claim, so far as I know about them they have not been brought to bear on the committee.

Mr. SARGENT. I did not intend to suggest, and I do not think the Senator should have so understood me, anything improper on his part or that of the committee. I understood him and the committee—

Mr. SCOTT. I understood the Senator just now to say that those here who were for sending the claim of General Bailey back to the commissioners had had whispered in their ears slanders against him.

Mr. SARGENT. I made the remark, following the Senator, that at the last session this case at the last moment was dropped from the bill on account of some private communication made to the chairman of the Committee on Claims. Am I correct?

Mr. SCOTT. I cannot say whether or not. The Senator from Wisconsin [Mr. HOWE] can answer for that. He was then chairman of the Committee on Claims.

Mr. SARGENT. I repeated what was said by the Senator from Pennsylvania, rendering almost literally his words. He stated the fact I was commenting upon. I was saying that these demands could be dropped on account of private communications in the ears of Senators—

Mr. SCOTT. I made inquiry to learn whether it was true that statement was made to the Senator from Wisconsin.

Mr. SARGENT. I take the Senator as authority. I have no doubt the statement is true.

Mr. SCOTT. My information at that time was from the Senator from Wisconsin himself that such information had come to him. Whether it was whispered in his ear or where it came from I do not know.

Mr. SARGENT. When I spoke of its being whispered in the Senator's ear, of course that was a mere figure of speech. It may have been shouted to him from the house-tops; but other Senators did not hear it; and the message struck the very spot where it would reach the bill. I was simply arguing that some enemy might have done this.

The Senator speaks about the importunity which is made for this claim. Are there not importunities for all claims? Are we like the unjust judge who finally yielded on account of urging and would not on account of justice? How otherwise, I ask you, are they to get their claims recognized before Congress? It is only by bringing them to the attention of Senators and members. I do not think they are to be despised, I do not think they are to be stigmatized because they are anxious, when they are ruined by the delay of Congress, that Congress shall attend to their cases. I cannot find it in my heart to object that any man who has an honest demand against the Government shall come to me, take my time, valuable as it may be, and plead with me to listen to him while he tells me of his wrongs or his rights. I think he has a right to do so; but when it becomes so wearisome that we cannot listen under such circumstances, then it seems to me we ought to pass the claims without examination. If we cannot give the time to examine them and find out that they are right, they should pass without it. When we complain of the labor and difficulty and importunity which are borne upon us and refuse to give any hearing to supplicants, Congress had better grant their prayers. The Government cannot afford to be deaf to petitions. It had better be improvident in granting them than do injustice.

Mr. SCOTT. Does the Senator say that when a Senator refuses to be waylaid in all the avenues of the capital he refuses to listen to a claimant? I say to claimants always, "I will decide your case on the testimony presented to me; and your verbal statements are not testimony." But if the Senator is disposed to criticize the remark which I made, all the punishment I can wish to impose upon him is that he shall be associated with me upon the Committee on Claims, and he will then understand the full force of the remark which I made.

Mr. SARGENT. I have no doubt it is a very onerous position, and I endeavored to do full justice to the Senator by speaking of the industry with which he fills it. I do not wish to be understood as reflecting on him in any respect. I have certainly not spoken in any unkind feeling or in a spirit of depreciation; but I do say it is inseparable from that place and inseparable from the office of Senators that we listen to the petitions of the people, to those who have grievances to redress, to those who have legitimate claims against the Government; and the Senator exaggerates, in the same spirit that I did myself perhaps in speaking of whispers, when he speaks of being waylaid on every avenue and every corner of a street. Claimants do come to our houses, and frequently come at inconvenient periods, come to our committee-rooms, sometimes lay siege to us on the streets; but they do not speak with any more importunity than they have a right to do if we should attend to their business and neglect it.

There are men who come to this capital in the bloom of youth and bright hope of manhood, ay, and women too, widows and orphans, and they see the flag go down on the 4th of March, that ends the Congress, year after year until their locks grow thin, until they are stooped with age, unable to get the ear of Congress with their importunity, and finally die, and their heirs perhaps may get the claim or may not. Is not that so? I do not say that it is a shame that Congress has done so, for I know with the burdens and the labors of forty millions of people we are overwhelmed; but I say we ought not to complain of these importunities, and if sometimes they are not in good taste the cause should speak to us if the manner of these persons does not.

But I was speaking about the loyalty of Mr. Bailey. I was quoting from the testimony of General Sherman, who speaks with life-long knowledge of him, and particular knowledge of his history during the period of hostilities. I was referring to the testimony of General Canby. General Oliver O. Howard, who is a Christian gentleman, a man of high character, a man whose word is unsullied—and I challenge contradiction of it—introduces this gentleman to General Mower, and says:

Allow me to introduce to you Mr. William Bailey, of Louisiana. I hold in my hand a very high recommendation of him as a Union man, thoroughly in sympathy with free institutions and humanity. The recommendation further calls to my mind a past record of the best character.

Calls to his mind, of his own knowledge, "a past record of the best character."

He is a planter in the vicinity of Alexandria, Louisiana. Any sympathy or assistance you may render him will be appreciated by him and afford me gratification.

These letters were written and express just what they say by men who know the meaning of language and men who are jealous of their own reputations and of that which they say, and could not be obtained by disloyal men. I ask the Clerk to read a letter signed by every one of the Louisiana delegation in the House of Representatives, testifying to their personal knowledge of this man and of his loyalty.

The Chief Clerk read as follows:

WASHINGTON, D. C., June 9, 1874.

DEAR SIR: We beg to call the favorable attention of yourself and fellow-members of your committee to the cases of William Bailey and Whitty M. Sasser, included in the "Southern claims bill" now before you. We do so, as Representatives of Louisiana, in order to express our unqualified belief that both Bailey and Sasser were consistent and faithful friends of the Union throughout the entire rebellion; and that it would be an act of great injustice to pronounce them "disloyal" on the ground that they sold certain cotton to the rebel authorities. The well-known condition of "duress" that existed at that time in Northern Louisiana, as well as the absence of any other purchasers than confederate agents, from whom currency could be obtained for paying taxes and carrying on plantation business, alike made such sales absolutely necessary in most cases; and not even a suspicion of disloyalty should, we think, be attached to Bailey or Sasser on this account.

Very respectfully,

GEORGE L. SMITH.
FRANK MOREY.
C. B. DARRALL.
J. H. SYPHER.
L. A. SHELDON.

Hon. JOHN SCOTT,
Chairman of Committee on Claims, United States Senate.

Mr. SCOTT. I know the Senator from California does not wish to do any injustice by the introduction of that letter. That letter is one that was printed in a statement that has been laid on the desks of Senators as a letter laid before the Committee on Claims. It is addressed to me as chairman. Now I say that that letter reached the committee-room after this case had been decided. It never was before the Committee on Claims at all. I only refer to it as showing the persistency with which a feeling has been worked up here, and to say that the Senator from California of course is not aware in introducing it that that was the fact.

Mr. SARGENT. Then if the committee made up this judgment without referring to this letter, this letter is valuable as additional testimony to the Senate. You have not acted on the letter. You have not acted on the consideration that GEORGE L. SMITH, FRANK MOREY, C. B. DARRALL, J. H. SYPHER, and L. A. SHELDON, honorable members of the other House, associated with us, and well known to us, speak of their own knowledge of the loyalty of this man and say that you are doing great injustice in not allowing this claim.

Mr. SCOTT. The Senator misapprehends my point. I referred him to a printed statement laid on the desks of Senators which alleges that a letter, which he has sent to the Chair and had read, addressed to me,

was before the Committee on Claims, undertaking to allege that we decided against the case notwithstanding that letter. I now state as a fact that the letter which he thus sends up reached the committee-room after the case had been discussed and was disposed of.

Mr. SARGENT. That I understand.

Mr. SCOTT. Whether it was testimony that might have weighed or not, I do not undertake to discuss.

Mr. SARGENT. That I understand perfectly, and I was commenting on that fact that the judgment of the committee was made up before this came. That does not make it any the less valuable to the Senate that Mr. SMITH and Mr. SHELDON and these other gentlemen say that they know themselves that Mr. Bailey was a loyal man. That does not make it less valuable as testimony, because it was not before the committee before they decided. That makes it more valuable, because the testimony of these gentlemen must have some weight with any man. It must have some weight with the Senate most assuredly, when five gentlemen like these say this was a loyal man according to their own knowledge. It is a misfortune in this case that their testimony was not before the committee because it probably would have changed the result; at any rate it might have made them hesitate a little longer before they came to this conclusion. But on account of its great value as the testimony of these men, I add it to that of Sherman, of Sheridan, of Canby, of Howard, and all those other eminent men who speak of their own knowledge of the record of this man, of his sacrifices in the cause of the Union, of that which he suffered from day to day on account of his adherence to the cause which seemed lost in the South; and any man who would dare to do it was the object of malignity and hate on the part of his neighbors, which we in the more settled feelings of the North had no opportunity to appreciate or to measure.

General Canby says about this gentleman, General Bailey:

This gentleman has been a great sufferer in person and in property by the rebels because he was a Unionist, and I am sorry to say by our own troops, although he was protected by a safeguard.

Is such testimony worth nothing? Has it no bearing at all? The Senator says he speaks as a friend of Dr. Bailey when he asks that this may be delayed a year. Here is a man impoverished and broken down on account of his losses in the rebellion, and the Senator speaks as a friend to him in asking that he shall go back and prove his loyalty! How shall he prove it? By calling General Sherman up to swear that he had known this man before the war and through the hostilities and that he was a constant Union man? The Senator assents. I say no, sir. I say here is the proof. Is there any doubt about the authenticity of these letters? The proof is before the Senate. It does not need to sift it through these commissioners who will not give it any value because they say this man sold cotton to the confederates, a thing which they knew before he had done, and yet said in the judgment that he was a loyal man. To send the case back for the testimony of Canby and Sheridan and Howard is a mere form. It is an insidious blow at the proposition that the man be paid, I do not care how you disguise it. You may talk about excellent feelings to this man; you may say you love him, that you do this as his friend; but I say it is an unfriendly act, whatever the intention may be, to send him back to these commissioners where there is no law requiring us to send the case back, where there is no appeal from us to them. It is to ignore all these gentlemen and go back to the written judgment you have in advance published in the CONGRESSIONAL RECORD.

With all the frankness of the man himself, not drawn out of him, he admitted that he had sold cotton to the confederacy, not being particular as to amounts or dates, because he was not cross-questioned about it, but with this admitted in advance I am in favor of disposing of this case by the Senate, and letting this man go off with the little pittance that the commissioners, even in their highest view of his loyalty, were willing to allow him out of the more than \$100,000 claimed in his account.

Furthermore, if it shall be held that in all cases where there is division of opinion in the Senate we cannot pass upon them but must send them back to the commissioners of claims, I should like to ask when we shall ever dispose of these matters? It is just as important that the commissioners shall reconsider a question as to amounts as the question said to be here involved. The principle would carry back half the cases reported by the court, and every one where a doubt could be raised by anybody.

Further, in reference to this man, he had a safeguard and he took the oath under Lincoln's proclamation. A very serious question has been discussed in both Houses of Congress whether that of itself did not entitle a party to the restoration of all his rights under the laws of Congress, where such taking did not work entire amnesty and oblivion of past offenses. But such argument is not necessary in the case of this man, because there was never anything disloyal in his conduct requiring it. It does not make any difference whether there were five hundred bales of cotton sold or subsequently six hundred more; the disloyal act was just as great in selling the first five hundred as the six hundred subsequently. The discovery of six hundred subsequently sold or any other amount does not make the man more or less a Union man. It does not make him a loyal man because he only sold five hundred bales, because there was no virtue in that. If selling cotton was disloyalty, then selling a single bale was disloyalty. Now he came forward frankly and admitted the whole case as it would be if it were sent back to the commissioners of claims; that is, that

he sold cotton. He says he did it under duress, when he had to pay his taxes, and if he did not do it the cotton would have been seized. He did not sell all he could sell, but he only sold five hundred or at most a thousand bales, and yet he had, as is admitted, on his plantations nearly three times that amount.

If he was selling because he could make a speculation by selling cotton, and selling because he wanted to put cotton which the Senator says was ammunition in the hands of the confederate government, why did he not put more there? He had it. He could have sold more. The very fact that he sold a part and no more would imply that the part he sold was what he was compelled to sell. If it was of his accord, there was the confederate government ready to take the rest on the same terms. If it was a good bargain for him to sell it or a favor to the confederates, there was an opportunity for him to extend the favor. On the contrary he only sold about a quarter of the amount which he had, and that he frankly admits. In addition to that when there was the first opportunity for loyal men to make themselves known in Louisiana, when Banks came there with his army and liberated the sentiment of the people, this man was the vice-president of a meeting which met to welcome the Union forces into that part of the country. Was that a disloyal act? Was there any necessity for it? Could he not have gone off and hid himself as disloyal men did, as other citizens of the State of Louisiana did? On the contrary he came forward with another person whose name is mentioned in this bill, and presided or assisted to preside over a loyal meeting called to welcome the United States forces. I ask if that was the act of a disloyal man? And this was subsequent to the sale of the cotton. Is this to be brushed aside like all the rest?

This proof shows that he had the same feelings he had when he went to Louisiana as an abolitionist, having emancipated all his slaves in Virginia at the great sacrifice of his property. They were worth from \$1,000 to \$3,000 apiece, and he emancipated a large number. He shows that the old abolition feeling which existed in his mind, and which necessarily and naturally made him a loyalist, still existed, and at the very first breathing spell, the first ray of light let in on Louisiana showed him with his hand outstretched to receive the Union forces and welcome them when they came there. Such a man of course ought not to be entitled to consideration; he ought, on any anonymous communication, or secret whisper, or pleading of anybody, to be deprived of the little practical right which was conceded to him in this bill! Let us haste to crucify him.

Mr. CONKLING. Mr. President, I shall vote with the committee upon this proposition; and I think it would be extraordinary, to say the least, if the Senate should override the committee. But at this moment the Senate, if it is not without a quorum, has scarcely more than a quorum present; and there is upon the table business of an executive character which it will oblige a number of Senators if we may have a short session to dispose of. The Senator having charge of this bill has no objection to an executive session; and therefore as the bill must go over in any event, I submit the motion that the Senate proceed to the consideration of executive business.

Mr. MORRILL, of Maine. I ask the Senate to yield to me to make a motion.

Mr. CONKLING. I will hear the motion.

DAILY SESSIONS.

Mr. MORRILL, of Maine. By the order of the Senate the hour of meeting will be twelve o'clock to-morrow unless otherwise ordered. Now in the interest of economy of time, which I am sure we all desire, I make this general proposition for the residue of the session unless otherwise ordered:

Ordered, That on and after to-morrow the Senate will meet at eleven o'clock a. m. and remain in continuous session until six o'clock p. m. on each day, unless otherwise ordered.

That will make it a little flexible. That will give us seven hours continuous session, about as much as human endurance will admit, according to my experience, and we are more likely to accomplish the necessary results than in any other way.

Mr. CONKLING. There is no objection to that, I imagine.

Mr. MORRILL, of Maine. I offer the order which I have just read. The order was agreed to.

EXECUTIVE BUSINESS.

Mr. CONKLING. Now I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I hope not.

Mr. CONKLING. The motion is not debatable; but I ask my friend to allow some of us who want a short executive session a hearing. It will not interfere with him at all if we devote five minutes to executive business.

Mr. CHANDLER. With the understanding that I shall have an opportunity to take up business from the Committee on Commerce when we come out, I shall not object.

Mr. CONKLING. The Senator can make his motion afterward.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The question is on the motion of the Senator from New York that the Senate proceed to the consideration of executive business.

The motion was agreed to—ayes 29, noes not counted.

A. H. VON LUETTWITZ.

Mr. SPENCER. While the doors are being closed I ask the Senate to proceed to the consideration of the bill (S. No. 633) for the relief of A. H. von Luettwitz, late lieutenant Third United States Cavalry. There being no objection, the bill was considered as in Committee of the Whole.

The preamble states that A. H. von Luettwitz, late a first lieutenant in the Third United States Cavalry, who was cashiered from the United States service by sentence of a general court-martial on the 8th day of July, 1870, has established his innocence of the charges upon which he was so cashiered the United States service. The bill therefore directs the Secretary of War to amend the record of A. H. von Luettwitz so that he shall appear on the rolls and records of the Army for pay and rank as if he had been continuously in service; and the amount required for the payment of this officer is appropriated out of any money in the United States Treasury not appropriated for other purposes.

The Committee on Military Affairs proposed to amend the bill by striking out the words "pay and," in line 5, and in line 6 after the word "service" striking out the words "and that the amount required for the payment of this officer be, and is hereby, appropriated out of any money in the United States Treasury not appropriated for other purposes," and to insert, "provided that nothing shall be paid to him for the interval of time from the 8th day of July, 1870, until the passage of this act;" so as to read:

That the Secretary of War be, and is hereby, directed to amend the record of the said A. H. von Luettwitz so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service: *Provided*, That nothing shall be paid to him for the interval of time from the 8th day of July, 1870, until the passage of this act.

Mr. FRELINGHUYSEN. What amount does that call for?

Mr. SPENCER. It does not call for any money.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 733) regulating gas-works, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana;

A bill (H. R. No. 3584) to grant certain lands in the Territory of Arizona;

A bill (H. R. No. 3611) for the relief of Nelson Green; and

A joint resolution (H. R. No. 111) authorizing the President to negotiate with civilized powers in regard to international arbitration.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOWE, from the Committee on the Library, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEVENSON, Mr. MITCHELL, Mr. MERRIMON, Mr. CLAYTON, Mr. HITCHCOCK, Mr. PRATT, and Mr. ROBERTSON submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPENCER, from the Committee on Military Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WINDOM submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business; and, after eleven minutes spent in executive session, the doors were reopened.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States—to the Committee on Public Lands.

The bill (H. R. No. 3611) for the relief of Nelson Green—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona—to the Committee on Private Land Claims.

The joint resolution (H. R. No. 111) authorizing the President to negotiate with civilized powers in regard to international arbitration—to the Committee on Foreign Relations.

TAX ON SAVINGS-BANKS.

The bill (H. R. No. 3678) for the relief of savings institutions having no capital stock and doing business solely for the benefit of depositors, was read twice.

Mr. BOUTWELL. I should like to have the bill put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that no further collection of internal-revenue taxes shall be made on the earnings of savings-banks or institutions for savings having no capital stock and doing no other business but receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits without profit or compensation to the association or company, whether the earnings of the same have been or may hereafter be divided annually, semi-annually, or at any other period.

Mr. SCOTT. Before that bill is proceeded with, I wish to have it understood that the unfinished business is not displaced by this or by the motion of the Senator from Michigan.

Mr. CHANDLER. Certainly not; it is laid aside informally for the purpose of taking up bills from the Committee on Commerce.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PORT OF DELIVERY AT MONTGOMERY.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery.

Mr. SCOTT. I understand the Senator from Michigan desires to proceed with bills from the Committee on Commerce. If the bill of which I have had charge this afternoon relating to the payment of southern claims is not displaced, as I am not well enough to remain in the Senate during the evening, I shall make no objection to his proceeding with bills of that character.

Mr. CHANDLER. I hope by unanimous consent that bill will be laid aside informally and will be left as the unfinished business for to-morrow morning.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) If there is no objection the bill to which the Senator from Pennsylvania has referred will be laid aside informally to be considered the unfinished business to-morrow.

Mr. STEVENSON. I ask the Senator from Michigan whether he proposes to bring us back here to-night?

Mr. CHANDLER. I propose to continue right on with these miscellaneous bills and not to take up the river and harbor bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery was considered as in Committee of the Whole.

The Committee on Commerce proposes to amend the bill by adding to it the following proviso:

Provided, That the law constituting Selma, Alabama, a port of delivery, approved January 27, 1853, is hereby repealed; this act to take effect June 30, 1874.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

JOHN HORN, JR.

Mr. CHANDLER. I move now that the Senate proceed to the consideration of House bill No. 2398.

The motion was agreed to; and the bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BRIDGE AT LA CROSSE.

Mr. CHANDLER. I move to proceed to the consideration of House bill No. 3586.

The motion was agreed to; and the bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LETTERS FOR VESSELS' NAMES.

Mr. CHANDLER. I move to proceed to the consideration of Senate bill No. 683.

The motion was agreed to; and the bill (S. No. 683) to authorize

the use of gilt letters for the names of vessels was read the second time, and considered as in Committee of the Whole. It proposes to amend section 3 of the act entitled "An act concerning the registering and recording of ships and vessels," approved December 31, 1792, so as to allow the name of any vessel to be painted upon her stern in yellow or gilt letters.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES DE LONG.

Mr. CHANDLER. I move to take up House bill No. 526.

The motion was agreed to; and the bill (H. R. No. 526) for the relief of James De Long was considered as in Committee of the Whole. It provides for the payment to James De Long, late consul at Aux Cayes, Hayti, \$2,816; \$1,166 of the sum so appropriated being for money advanced and expended by him for the relief of destitute colored emigrants colonized under authority of the acts of April 16 and July 17, 1862, and \$1,650 being for extraordinary expenses incurred by him at the siege of Aux Cayes during his consulship at that place.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PROTECTION OF NAVIGABLE WATERS.

Mr. CHANDLER. I move to take up the bill (S. No. 528) to protect the navigable waters of the United States from injury and obstruction.

Mr. STOCKTON. Do I understand that these bills are called up subject to one objection?

Mr. CHANDLER. No, sir.

The PRESIDING OFFICER. The Chair does not so understand.

Mr. STOCKTON. I object to that bill, and I desire that it shall not be called up.

The PRESIDING OFFICER. The question before the Senate is whether the Senate will proceed to the consideration of the bill moved by the Senator from Michigan.

Mr. CHANDLER. If the Senator from New Jersey will pardon me, I will suggest that his colleague has an amendment which will be entirely satisfactory to the Senator from New Jersey. His colleague will offer an amendment which will be accepted. I ask that the bill and amendment be read.

Mr. STOCKTON. I would rather that at this time of the evening a bill of that kind should not be passed. It is a very important bill regulating all the harbors of the United States. But if my colleague, who understands this question quite as well if not better than I do, has examined the bill and is satisfied that it is correct with his amendment, I shall not object.

Mr. FRELINGHUYSEN. I would a little rather that the Senator should look at the bill himself, and that other Senators should do so. The effect of the bill, as I have read it, is to make it an offense not only to deposit ballast but to make any deposit in the waters of the United States without the consent of certain officers named, which is going a great way. The amendment which I was going to propose is this:

Provided, That nothing contained in this act shall be construed to either permit or prohibit the construction of piers, bridges, bulk-heads, or other structures, or the filling in of flats on the borders of navigable rivers.

That is an amendment which I introduced to a like bill last winter or the winter before, and which was passed by the Senate.

Mr. CHANDLER. That amendment I will accept if it is acceptable to the Senator from New Jersey.

Mr. STEVENSON. This is too important a bill to be passed without consideration.

Mr. CHANDLER. Very well; I will pass it over and go to the next bill.

The PRESIDING OFFICER. The motion to take up the bill is withdrawn.

OCEAN-COURSES FOR STEAMSHIPS.

Mr. CHANDLER. I move to take up Senate bill No. 368.

The motion was agreed to; and the bill (S. No. 368) to provide for the establishment of an international commission of the maritime powers to lay down ocean-courses for steam-vessels, and otherwise provide for increased safety of sea-travel, was considered as in Committee of the Whole. It provides that the President shall nominate and, by and with the advice and consent of the Senate, appoint a commissioner on the part of the United States to meet with such other commissioners as may be appointed by the maritime powers of Europe to frame such international laws and regulations as may seem adequate to secure increased safety to ocean-travel by the laying down of ocean-courses for inward and outward passages, summer and winter, of steam-vessels, by the enforced use of electric and other lights upon all steam-vessels crossing the North Atlantic or other fog latitudes, and the requirement of sufficient raft-accommodation on all iron steamers for the safety of life in case of disaster.

The Committee on Commerce proposed to amend the bill by inserting as section 2:

That the compensation of such commissioner shall be \$2,000 and necessary traveling expenses, to be certified to and allowed by the Secretary of State; and no appointment shall be made pursuant to the act until one or more of the maritime powers of Europe shall signify its readiness to appoint a commissioner or commissioners to co-operate in securing the object in the first section mentioned.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPRAGUE subsequently said: I enter a motion to reconsider the vote on the bill (S. No. 368) just now passed, to provide for the establishment of an international commission of the maritime powers to lay down ocean-courses for steam-vessels, and otherwise provide an increased safety of sea-travel.

The PRESIDING OFFICER. The motion to reconsider will be entered.

CHARLES J. SANDS.

Mr. CHANDLER. I move to take up House bill No. 1206.

The motion was agreed to; and the bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York, was considered as in Committee of the Whole. It provides for the payment to Charles J. Sands of \$202.39 for salary due him for service as United States marshal of consular court at Chin-Kiang, China, from the 5th of October, to the 19th of December, 1865, inclusive.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

J. & W. R. WING.

Mr. CHANDLER. I move to take up House bill No. 2898.

The motion was agreed to; and the bill (H. R. No. 2898) for the relief of J. & W. R. Wing of New Bedford, Massachusetts, was considered as in Committee of the Whole.

By the bill the Secretary of the Treasury is authorized to pay to Messrs. J. & W. R. Wing, agents and managing owners of the late American whaling-bark Xantho, of New Bedford, Massachusetts, the sum of \$642.22 in gold, in full payment for expenses incurred by them for the support and transportation of the crew of that vessel after its wreck in the Indian Ocean, June 18, 1871.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. CHANDLER. I move to proceed to the consideration of Senate bill No. 775.

The motion was agreed to; and the bill (S. No. 775) to authorize the construction of a bridge over the Willamette River at Portland, in the State of Oregon, was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the bill by inserting at the end of section 1 the words:

Provided further, That the said bridge shall be so constructed and built as not to obstruct, impair, or injuriously affect the navigation of the river; and in order to secure a compliance with these conditions, the corporation, association, or company proposing to erect the same, previous to commencing the construction of the bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge, and for the distance of a mile above and below the site, exhibiting the depths and currents at all points of the same, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of the act not to obstruct, impair, or injuriously affect the navigation of the river: *Provided further*, That the Secretary of War may detail an officer to superintend the survey and examination of said river with a view to said location.

The amendment was agreed to.

The next amendment was to insert the following as section 2:

SEC. 2. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and other information, and upon being satisfied that a bridge built on such a plan and at said locality will conform to the prescribed conditions of this act not to obstruct, impair, or injuriously affect the navigation of said river, to notify the said corporation, association, or company proposing to erect the same that he approves the same; and upon receiving such notification the said corporation, association, or company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War approve the plan and location of said bridge, and notify the said corporation, association, or company of the same, the bridge shall not be built or commenced.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF NAME OF A VESSEL.

Mr. CHANDLER. I now move that the bill (S. No. 855) authorizing an American register for the French brig Sidi, and a change of the name of said brig to that of Sea Waif, be indefinitely postponed for the purpose of taking it off the Calendar, as we have passed a House bill on that subject.

The motion was agreed to.

WILLIAM WALKER.

Mr. CHANDLER. I move next to take up House bill No. 2292.

The motion was agreed to; and the bill (H. R. No. 2292) for the relief of William Walker was considered as in Committee of the Whole. It provides for the payment to William Walker, of Milton, Wisconsin, of \$374.98, for unpaid salary as vice-commercial agent at Gaboon, from October 1, 1870, to February 12, 1871.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PROTECTION OF IMMIGRANTS.

Mr. CHANDLER. I now move to proceed to the consideration of the bill (S. No. 808) for the better protection of immigrants.

Mr. STOCKTON. That is one of a class of bills so common now in Congress interfering with private matters. I do not know how objectionable it is in its details, but I should like a vote of the Senate whether it shall be taken up or not.

Mr. CHANDLER. It is recommended by the Secretary of the Treasury, and his letter is with the bill.

Mr. SPRAGUE. It had better be laid over.

Mr. CHANDLER. Very well; let the bill go over.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MERRIMON. It is very manifest that there is no quorum present. I move that the Senate adjourn.

Mr. CHANDLER. No; let me get through. I shall be through in twenty minutes, I think. I hope the Senator will withdraw the motion. I shall be through in twenty minutes at the outside.

Mr. MERRIMON. Well, I withdraw the motion.

INFECTIOUS DISEASES.

Mr. CHANDLER. I move to take up House bill No. 2887.

The motion was agreed to; and the bill (H. R. No. 2887) to prevent the introduction of contagious or infectious diseases into the United States was considered as in Committee of the Whole. It provides that it shall not be lawful to bring any vessel or vehicle coming from a foreign port or country, and affected with a contagious or infectious disease, or conveying persons, merchandise, or animals affected with contagious or infectious diseases, into any port of the United States, except under the regulations hereinafter provided.

The second section constitutes the Surgeon-General of the Army, the Surgeon-General of the Navy, and the supervising surgeon of the marine hospital service, *ex officio*, a board to make the regulations to be observed by persons controlling vessels or vehicles coming from foreign ports or countries into ports of the United States by passengers upon and persons connected with vessels or vehicles so coming, and by pilots at the several ports of entry, to the end that no persons, animals, or goods affected with infectious or contagious disease may enter the United States. The board may prescribe the times, manner, and places of performing quarantine by vessels, vehicles, persons, animals, and goods coming from foreign ports or countries, and may make all needful rules and regulations not inconsistent with law, and alter and amend the same, for the efficient execution of the purposes of the act; but no rule or regulation or amendment to the same is to have effect until approved by the President. The board is to make report annually to the Congress at its meeting in December.

Section 3 provides that there shall be detailed or assigned by the President from among the commissioned medical officers of either the Army or the Navy, or from among the surgeons of the marine-hospital service of the Treasury Department, to be selected without regard to rank, but solely with reference to skill and experience in hygiene and public sanitary science, one who shall be the secretary to the board, and shall in addition, under the direction of the board, be charged with the supervision of all matters pertaining to the establishment and maintenance of the system of quarantine provided by the act.

For the execution of the duties arising out of the act the fourth section provides that medical officers of the Army or of the Navy, or surgeons of the marine-hospital service of the Treasury Department, may be detailed or assigned, according to the exigencies of the service, with especial regard to economy and efficiency; but no person in the employment of the Government so detailed or assigned to duty is to receive any additional compensation therefor; and the President of the United States is to issue such instructions to the officers of the various Departments of the Government not interfering with their peculiar duties as shall secure the aid and co-operation necessary to perfecting and enforcing the regulations provided for.

The Committee on Commerce proposed to amend the bill in the sixth section by inserting after the words "apply to" the words "or interfere with;" so as to read:

SEC. 6. That the provisions of this act shall not be so construed as to apply to or interfere with the health regulations and quarantine measures maintained by States or municipalities; and such local systems and their appendages shall remain under the control of the respective local authorities.

Mr. STOCKTON. I regret very much to object to so many bills; but this is one of the same class, interfering with the regulations of harbors in quarantine matters. The highest power that is exercised in this country is the power to protect health. The municipal governments exercising this power go further in their action than is permitted to any other body. Why should the United States assume this power? Why should the Senate at this time of the evening pass a bill giving a jurisdiction to the United States that never has been claimed before? I cannot understand it.

Mr. CHANDLER. If the Senator will read the last section he will see that it does not interfere in any way, manner, or shape with local regulations.

Mr. STOCKTON. I listened very attentively, and I heard those words with pleasure; but while it does not interfere, it establishes a system never established before, a Federal Government system of quarantine in reference to harbors in the different States. It seems to me that that involves a great principle. I do not mean by objecting to the bill to say that there may not be some propriety in it; but it certainly ought not to be passed in this way, as there are but six or seven Senators in the Chamber.

Mr. CHANDLER. Very well; I will lay it aside.

Mr. SPENCER. I wish to appeal to the Senator from New Jersey to withdraw his objection. This bill was prepared with a great deal of care by the member of Congress from the Mobile district. The object was to keep the yellow fever out of the Gulf ports.

The PRESIDING OFFICER. The bill has been laid aside by the consent of the Senator from Michigan.

Mr. SPENCER. I was in hopes the Senator from New Jersey might withdraw his objection.

LIFE-SAVING STATIONS.

Mr. CHANDLER. I move to proceed to the consideration of House bill No. 2655.

The motion was agreed to; and the bill (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. CHANDLER. I now move to proceed to the consideration of House bill No. 1564 establishing life-saving stations, and appropriating therefor, and that it be indefinitely postponed, as it is virtually the same bill as that just passed.

The motion was agreed to.

LIGHT-HOUSE BOARD.

Mr. CHANDLER. I move that the Senate proceed to the consideration of House bill No. 3522.

The motion was agreed to; and the bill (H. R. No. 3522) to extend the jurisdiction of the Light-House Board, was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the bill by striking out all after the enacting clause, and in lieu thereof inserting:

That the Light-House Board are hereby directed to cause examinations to be made, and to report to the Secretary of the Treasury what light-houses, lights, beacons, and buoys are required for the better security of navigation on the Mississippi, Ohio, and Missouri Rivers, including specific statement as to the respective localities where and by whom now maintained, where required, and estimated cost of their construction and maintenance.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

REGULATION OF COMMERCE.

Mr. CHANDLER. I move to proceed to the consideration of the bill (S. No. 747) to facilitate and regulate commerce among the several States and with foreign nations.

Mr. BOUTWELL. I must object to that bill.

The PRESIDING OFFICER. Does the Senator from Michigan insist on his motion to proceed to the consideration of the bill?

Mr. SPRAGUE. Let it lie over.

Mr. CHANDLER. If the bill is objected to, I cannot insist under the present circumstances.

Mr. SPENCER. I am very sorry that the Senator from Massachusetts objects to this bill. I think it is amended so that it will not be objectionable.

Mr. BOUTWELL. I do not object to hearing it read; but unless it is changed materially from what it was when I last saw it, I must object to its consideration.

PROTECTION OF IMMIGRANTS.

Mr. CHANDLER. I think my friend from New Jersey will withdraw his objection to the bill (S. No. 808) for the better protection of immigrants. If the Senator would listen to a letter from the Secretary of the Treasury I am sure he would not object. I appeal to my friend to allow that bill to pass. It brings foreign ships under the same regulations now imposed on our own, and is really very important, in my judgment. The committee were unanimous.

Mr. STOCKTON. The Senator from Michigan asks me to withdraw my objection, and he is exactly in the same position as the one who told me he came near having a very fine horse. He met a man riding on a nice horse and asked him to give it to him, but the man said "no." I was trying to listen to the Senator when we were pressed with other business, hoping that I could agree with him. I will say to him candidly that it is really unpleasant to me to object to a bill when I have the power, there being no quorum in the Senate, to prevent its passage of my own volition. It is very unpleasant to me to feel obliged to resist these appeals, but, as I said when the bill was up, I really think it is a bad bill and I should not like to see it passed without other Senators examining it.

So far from the Senator persuading me to support the bill, I should like to get hold of him for two or three minutes to tell him what I think about the bill, and I feel satisfied I could persuade him that he would be sorry himself to have the bill passed. It is a bill, as I understand, taking a subject which is now entirely in the jurisdiction of the courts in the cities and States where the immigrants land, and putting it under congressional care. It is the tendency of all the bills from the Committee on Commerce. They all seem to tend in one direction. When you accomplish this object, when you have

done this thing, you will find that you have absolutely destroyed the safeguards which have been put over immigrants under the laws of the States. I do not think that other gentlemen in the Senate who are absent now would feel that I did right if I allowed the bill to go through.

Mr. CHANDLER. I wish to express my gratitude to the Chair and to the Senators who have been thus kind to me. I have no more bills to offer at present.

Mr. SPRAGUE. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and thirty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 17, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. CROOKE. I move that the reading of the Journal be dispensed with; it is very long.

Mr. SENER. I object; the House is too thin.

The Clerk commenced the reading of the Journal, but before concluding,

Mr. COTTON. I ask that the further reading of the Journal be dispensed with.

Mr. SENER. I withdraw my objection.

No further objection being made, it was so ordered.

REPORTS FROM THE DISTRICT COMMITTEE.

Mr. COTTON. I ask unanimous consent that the Committee on the District of Columbia have one hour this morning to conclude their reports. Under the rule they were entitled to submit their reports on Monday last, it being the third Monday of the month; but it being within the last ten days of the session they were deprived of their opportunity. I understand the gentleman from New York, [Mr. TREMAIN,] who has a motion to suspend the rules coming over from yesterday, is willing that we should take an hour now.

Mr. TREMAIN. Will my matter come up immediately afterward?

The SPEAKER. It will.

Mr. POTTER. I have an unfinished matter from yesterday, upon which a division was ordered.

The SPEAKER. The Chair will recognize the gentleman afterward.

No objection was made, and the request of Mr. COTTON was granted.

WASHINGTON AND GEORGETOWN RAILROAD.

Mr. COTTON. There is a bill in the hands of the Clerk, which was reported the other day by the gentleman from Illinois, [Mr. RICE.] I ask that it be now considered.

The pending bill was a bill (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, reported from the Committee on the District of Columbia with an amendment.

The bill provides that the Washington and Georgetown Railroad Company may extend its tracks in Washington City, District of Columbia, from Seventh street west, down Water street, to the intersection of P street south, thence along said P street to the west side of the arsenal gate; provided that wherever the foregoing route may coincide with the route of the Anacostia and Potomac River Railroad, on Water street or elsewhere in the District, or connect portions of such route, but one set of tracks shall be used by both companies; which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company thereby incorporated shall be entitled so to use and enjoy the tracks of such other street-railroad company, and the amount and manner of compensation to be paid therefor; and provided further, that neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping-place to await passengers, but shall only be entitled to use the same for the ordinary passage of their cars, with the ordinary halts for the taking up and the dropping of passengers.

The amendment was to add to the bill the following:

And provided further, That such railroad track shall conform to the grade established by the board of public works of the District of Columbia.

The amendment was agreed to.

The question was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. RICE. I desire to state to the House that this bill is for the purpose of allowing the Washington and Georgetown Railroad Company, already built, to extend its track about three hundred yards, not for the purpose of benefiting the company, but for the benefit of the property-owners in that region. This railroad terminates at the foot of Sev-

enth street. There are three wharves near there from which excursion steamboats run, but this railroad does not extend to those wharves. The owners of the wharves desire to have the railroad extended. The railroad company are willing to do this if permission is granted by Congress. I have been over the ground. The street is not yet paved; and the provision is made that this shall be done in conformity with the grade established by the board of public works. I believe that this measure is entirely proper for the accommodation of the people.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

Mr. COTTON, from the Committee on the District of Columbia, reported a bill (H. R. No. 3739) to amend the act entitled "An act to provide for the creation of corporations by general law," approved March 3, 1870; which was read a first and second time.

The bill was read.

The first section amends the fourth section of the act entitled "An act to provide for the creation of corporations in the District of Columbia by general law," approved May 5, 1870, so as to authorize the formation of companies under the provisions of said act for constructing locks, docks, and wharves in the District; and for these and all other purposes mentioned in said fourth section subscriptions to the capital stock, or any part thereof, of such corporations as have a capital stock may be made in lands and leases of lands, or easements, rights, and privileges relating to the object of such corporations, (where the property so subscribed shall be such as it is proper that the corporation shall own for the advancement of the purposes for which it was incorporated,) at a valuation to be fixed by a board of appraisers consisting of three competent and disinterested men appointed by the supreme court of the District of Columbia or any of the judges thereof, upon a petition filed for that purpose, whose report and appraisal, to be made under oath, shall be approved by the said court; but such subscriptions shall not be otherwise received, nor shall they be so received, unless the same shall have been previously authorized by the stockholders assembled in general meeting, pursuant to a call, to consider the propriety of receiving the said subscriptions and of fixing the terms upon which they shall be received. Where property of any kind is received by the authority of the stockholders, in general meeting as aforesaid, in payment for stock, the books of the company are to be so kept as to show at all times fully what property was received for the stock, at what value, and the number of shares of the capital stock issued for the same. In all other cases money only shall be considered as payment of a subscription to any part of the capital stock.

The second section provides that the act referred to be further amended so as to authorize the formation of mutual life and fire insurance companies, which shall be subject to all the provisions of said act so far as the same may be applicable thereto.

The third section provides that Z. D. Gilman, William Dickson, William H. Pope, George W. Stickney, Charles H. Moulton, Henry D. Barr, Giles H. Edwards, William Tyler, N. G. Starkweather, and their associates, a company organized under the name of the Cottage Hill Company, for the purpose of improving certain real estate contiguous to Washington, by the construction of cottage, villa, and other residences, be authorized to organize as a body-politic and corporate under the fourth section of the act entitled "An act to provide for the creation of corporations in the District of Columbia by general law," approved May 5, 1870, in the same manner and with the same rights and privileges, and subject to the same regulations and restrictions, as are therein provided with regard to corporations authorized by said act.

The fourth section declares it lawful for associations of three or more persons desirous of carrying on any lawful business within the District of Columbia to organize under the provisions of the aforesaid act; and they shall be entitled to all the privileges and subject to all the regulations and restrictions therein provided with regard to corporations authorized by that act.

Mr. COTTON. Mr. Speaker, the act of May 3, 1870, for the formation of corporations in this District purports in its terms to be a general incorporation act, but it is not so; it is somewhat restricted. Section 4 provides that—

Corporations may be formed for manufacturing, agricultural, mining, mechanical, business, insurance, mercantile, transportation, or marketing purposes.

This would not seem to include corporations for improving real estate. A corporation has been formed in this District for that purpose. This bill authorizes that company to incorporate under the general law, and it further provides that hereafter corporations may be formed for any lawful business under this general incorporation act, and that insurance companies mutual in their character may also be organized under this law. All these corporations, I will say, are confined to business within the District of Columbia. We further provide that corporations may take stock subscriptions in land where the land is deeded for the business of the corporation and for no other

business; but the consent of the stockholders is first to be obtained, and the land is to be appraised by commissioners to be appointed by one of the courts of the District. This is the effect of the provisions of the bill.

Mr. WILLARD, of Vermont. Does this bill allow real estate to be subscribed for stock in these companies?

Mr. COTTON. That portion of the bill in respect to taking land for stock was for the benefit of the wharfing company.

Mr. WILLARD, of Vermont. I understood the gentleman to say that this bill modifies the general law allowing land to be subscribed as stock. I wish to know if it so amends the law in reference to corporations simply as regards those dealing in real estate?

Mr. COTTON. Instead of passing a special law in reference to this wharfing company we thought Congress would much prefer to pass a general law. We provide in this bill where a corporation may need land for the purposes of the company it may take it in subscription for stock. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COBURN. Is this bill a charter for a mere building company? I understand the original charter was for a company to build houses. I hope the gentleman will state what was the original law.

Mr. COTTON. The original law was for various purposes. This provides that persons may incorporate in the District of Columbia for any lawful business. It is like the general incorporation law of Illinois and Iowa. That is embraced in the last section of the bill.

Mr. COBURN. What is the specific object of the bill?

Mr. COTTON. First, it authorizes corporations to take land where they need it for the actual business of the corporation, in place of insisting the stock shall all be paid in money. In the next place, it allows corporations to be formed in the District of Columbia for any lawful purpose. It is in effect a general incorporation law.

Mr. COBURN. Is this an amendment to the general law?

Mr. COTTON. There was a company organized heretofore. That seemed to be outside of the law. We legalize that company and make it a valid corporation in this law.

Mr. COBURN. But subject to the general provisions of the law in reference to corporations.

Mr. COTTON. Yes; and we cure the defect in reference to that corporation as at present organized.

Mr. COBURN. I see also a provision for life insurance companies.

Mr. COTTON. The present law does not seem to cover insurance companies. We provide they may be incorporated under this act. After specifying all these cases we put on the general provision that hereafter any persons in the District of Columbia may incorporate themselves for any lawful purpose. It is the same as the general incorporation act of Illinois and of Iowa, and I believe of other States.

Mr. HAWLEY, of Connecticut. Mr. Speaker, I am not quite satisfied in regard to this bill. It is an attempt to establish a general joint stock company law under which all manner of associations may be organized—insurance companies, manufacturing companies, wharf companies, dock companies, &c. It allows them to subscribe not in cash alone but in real estate. It strikes me the provisions of the bill are very loose.

The gentleman from Iowa likens the bill to the general joint stock company law of Illinois and of New York State. If he will take the statute of New York—and perhaps there are others who can speak of it with more certainty than I can; but I refer to one department—if he will take the New York law in regard to insurance companies he will see that that cannot be done in any one line or any one section. It is impossible for a section to be framed to provide a general law, for the incorporation of insurance companies as it ought to be done. Here we have but a line or a section providing a general law, merely naming the companies. I would much prefer a bill like this should be carefully matured by the Committee on the Judiciary. It is a subject not lightly to be dealt with. Under it all manner of corporations can be framed in this District of Columbia. Under it there may be subscriptions, not in money alone, but in real estate and in almost anything else they may choose to pledge for stock. If in order, I move the reference of this bill to the Judiciary Committee.

Mr. COTTON. Mr. Speaker, the gentleman mistakes the bill.

Mr. HAWLEY, of Connecticut. If it appears I have mistaken it, after it has been referred to the Committee on the Judiciary and examined then it can be reported back to the House and passed. There should be some examination by that committee of the provisions of this bill.

Mr. COTTON. There was a general law passed in 1870 to which I will call the attention of the gentleman from Connecticut, and that law does contain all the safeguards to which he has referred. I have the law before me, and the gentleman can look at it. This simply provides for corporations to be formed under the general law which contains all the necessary safeguards. The last section of this bill merely provides that persons in the District of Columbia may form corporations for any lawful business.

Mr. COBURN. Will the gentleman explain the last section authorizing three persons to be incorporated for the purpose of going into any sort of business?

Mr. COTTON. That is because the old law reads that way. The fourth section of the act of May 4, 1870, provides that "at any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on," &c., may incorporate. We adopt this provision in regard to the corporation of three or more persons in this bill, because the existing law provides for the incorporation of that number of persons. And instead of limiting their incorporation to certain business purposes, we provide that they may be incorporated for any lawful purpose. And that is exactly in accordance with the laws in the States. We are careful to confine them in their operations to the District of Columbia.

Mr. BUTLER, of Tennessee. Would that authorize the grangers to be organized as a corporation?

Mr. COBURN. It would authorize the organization of almost anything. In the States, as I understand it, the power to incorporate is given for certain specific business purposes, and not for any purposes whatever. The acts of incorporation in the States mention the purposes for which organizations can be incorporated.

Mr. COTTON. The gentleman is mistaken. They do not. The statutes in the States include this very language: "And persons may incorporate for any lawful purpose." And I ask my friend why they should not be allowed so to do; why they should not be allowed to incorporate for the purpose of engaging in any lawful business as to incorporate for the purpose of building houses or railroads? The general law, the act of 1870, has in it all the safeguards desired by the gentleman from Connecticut.

Mr. HAWLEY, of Connecticut. My objections to the bill have not been removed. I find that in the first section the existing law is so amended as to authorize the formation of companies, under the provisions of said act, for constructing locks, docks, and wharves in said District; and that, for these and all other purposes mentioned in said fourth section, subscriptions to the capital stock, or any part thereof, of such of said corporations as have a capital stock, may be made in lands and leases of lands, or easements, rights, and privileges relating to the object of such corporations. I do not see but under this, if I had a right of way across my neighbor's back yard, I might subscribe that as a part of the stock of a corporation for improving the wharves of the city.

Section 3 proposes to incorporate certain individuals, or to provide for their being incorporated under the general law, as the Cottage Hill Company. I wish to ask is this a general law providing for the incorporation generally of joint-stock companies or a special law for the Cottage Hill Company? The bill is partly in print and partly in manuscript, so that there is a difficulty in understanding what it does precisely provide for.

Section 4 provides—

That hereafter it shall be lawful for associations of three or more persons desirous of engaging in any lawful business within the District of Columbia, to organize under the provisions of the aforesaid act, and they shall be entitled to all the privileges and subject to all the regulations, &c.

That is to say, that there shall be no longer any individual liability.

Mr. DAWES. Does the gentleman mean to say that by this bill any three persons can get incorporated for any business?

Mr. HAWLEY, of Connecticut. Yes, for any business under the sun. Under the provisions of this bill any three persons may form a mutual or general stock life insurance company, and carry on its operations all over the Union. And I may subscribe part of my back lot as part of the stock of such a company.

I move that the bill be referred to the Committee on the Judiciary.

Mr. COTTON. I have the floor and do not yield to the gentleman for that purpose. I think I know as much about corporations and the general corporation law as my friend does who has just spoken, and I wish to call the attention of the House to the fact that at this very time, under the law passed in 1870, three persons can form a corporation in this District for insurance purposes or for any purpose authorized by this law. The gentleman from Connecticut objects to this bill because it authorizes generally an incorporation for all lawful purposes, and the gentleman from Massachusetts [Mr. DAWES] inquires whether or no it authorizes three persons to form a corporation. The gentleman seemed to indicate surprise that there should be a provision of that kind in this bill.

Now if you look at the act of 1870 you will find that Congress at that time authorized three persons to form a corporation for insurance business and for a great many other purposes. The fourth section of the act reads:

That at any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, or marketing business in the District of Columbia, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the register of deeds, a certificate in writing, in which shall be stated the corporate name of the said company and the objects for which said company shall be formed, &c.

But in this bill certain objects are specified. It was thought that the purposes for which this corporation is formed might not come under the head of "manufacturing business." Therefore to secure their organization they require this act, that their corporation may be legalized. Then a company has been organized to carry on mutual insurance business. They were afraid that the language of the act of 1870 might not cover them, and so we provide that they shall be included in the law. And then, to avoid the questions arising, that

have several times required special legislation to cover the particular purpose for which a company sought to be incorporated, we put in this fourth section, which gives the same right of incorporation as is given in the several States of the Union.

As to the taking of land, the bill only provides that they shall take land where it is necessary for the particular purposes of the corporation, such as for maintaining a wharf. Such a case was brought to our attention where the party owned the land which he desired to put into the company, and this is to enable that to be done without the party being first required to pay the money and then after paying in the money going through the form of receiving it back for the land; but the committee were careful to so limit the bill that land is not to be taken for any purpose except simply for the actual use of the corporation in its business, and this with the consent of the stockholders and after approval by commissioners appointed by the courts of the district. We have given this bill, we think, ample care, and believe that there is nothing wrong or mischievous in it.

Mr. HOLMAN. I desire to ask the gentleman a question, and that is in what manner the liabilities of this corporation are intended to be secured, and to what extent there is individual liability on the part of the corporators? It seems that any three persons may constitute a corporation for any purpose under this bill. Are they mere partners, with entire liability for the debts of the corporation, or is the corporation alone as such responsible for its debts?

Mr. COTTON. The liability against the parties who may be benefited by this act will be just the same as it is now under the general corporation act of the District to which I have referred, and I will call the gentleman's attention to a section of that act. It is as follows:

No stockholder shall be personally liable for the payment of any debt contracted by any company formed under this act which is not paid within one year from the time the debt becomes due, unless a suit for the collection of such debt shall be brought against such company within one year after the debt became due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in any such company, for any debt contracted by said company, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

That, of course, applies to this bill as well as to the old law, and it goes beyond the laws of most of the States in making these parties liable.

Mr. POTTER. To what extent are they liable?

Mr. COTTON. There is no limit except as to time.

Mr. HOLMAN. What the gentleman has read is an exception in favor of the stockholders. Where is the affirmative section or clause that creates the liability of stockholders?

Mr. COTTON. This says that they shall be personally liable for the debts.

Mr. HOLMAN. That says that no stockholder shall be personally liable for the payment of any debt.

Mr. POTTER. There must be a section which fixes the liability, of course.

Mr. COTTON. Here is the section:

The stockholders of any company organized under the provisions of this act shall, jointly, severally, and individually, be liable for all debts that may be due and owing to all their laborers, servants, and apprentices, for services performed for such corporation, and shall be individually liable for all debts of said corporation to the amount of the stock of each stockholder.

And now, Mr. Speaker, I move the previous question on the bill.

Mr. POTTER. I desire to ask the gentleman a question or two.

Mr. COTTON. Let the previous question be sustained and then I will yield to the gentleman for any question.

Mr. POTTER. I merely want to ask some questions; I do not care when I do it.

On seconding the previous question there were—ayes 34, noes 35; no quorum voting.

Tellers were ordered, and Mr. HOLMAN and Mr. COTTON were appointed.

The House divided; and the tellers reported ayes 19 noes not counted.

So the previous question was not seconded.

Mr. HAWLEY, of Connecticut. I now move that the bill be referred to the Committee on the Judiciary, not to be brought back by a motion to reconsider.

The motion was agreed to.

BALTIMORE AND OHIO RAILROAD COMPANY.

Mr. PELHAM, from the same committee, reported back with amendments, and with the recommendation that it do pass, the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

The bill was read, as follows:

That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct a lateral road, from any point on its Washington branch, into the county of Washington, in the District of Columbia, to intersect the Metropolitan branch thereof at any point in said county and District outside of the city of Washington: *Provided*, That such work shall be completed within five years after the passage of this act.

SEC. 2. That all the provisions of the several acts of Congress relating to the lateral road authorized to be built into and within the District of Columbia by an act passed March 2, 1831, entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio road into and within the

District of Columbia" and the supplements thereto shall apply, and they are hereby declared to apply, as far as they are applicable and in conformity to the provisions of this act, to the location, construction, and use by said company.

The amendments reported by the committee were read, as follows:

In section 1, after the words "Washington branch," insert the words "one and a half miles north of Boundary street."

After the words "any point," in line 7, insert the words "one mile north of Boundary street."

Strike out in line 9, in section 1, the word "five" and insert the word "two."

Add to section 1 the following:

The said line shall avoid all Government property, and the point of intersection as well as said lateral branch to be approved by the engineer of public buildings and grounds.

Add to section 2 the following:

This act may be altered, amended, or repealed.

Mr. ELLIS H. ROBERTS. Will the gentleman tell us the object and purpose of this bill?

Mr. PELHAM. The only object is to enable the Baltimore and Ohio Railroad to make a junction with the Metropolitan branch one and a half miles outside of the city of Washington; that is all there is in it. They are to build the road at their own expense, and the line is to be approved by the engineer in charge of the public buildings and grounds of the city of Washington. It does not interfere with anybody or with any property, and does not ask for any appropriation. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to.

The bill, as amended, was then read the third time, and passed.

Mr. PELHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGULATING GAS-WORKS.

Mr. COTTON. I ask that Senate bill No. 733, regulating gas-works, in charge of the gentleman from New York, [Mr. SESSIONS,] may be considered during our hour, it being a bill relating to this District.

No objection was made.

Mr. SESSIONS, from the Committee on Public Buildings and Grounds, reported back, with amendments, Senate bill No. 733, regulating gas-works.

The bill provides, in the first section, that from and after the 30th day of June, 1874, the illuminating power of the gas furnished by any gas-light company, person, or persons, in the city of Washington, District of Columbia, shall be equal to sixteen candles by the Bunsen photometer, using the English parliamentary standard Argand burner, having fifteen holes and a seven-inch chimney, consuming five cubic feet of gas per hour; and such gas shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet, nor more than five grains of ammonia in any form in one hundred cubic feet; that when the illuminating gas supplied by any company, person, or persons in the city of Washington, District of Columbia, shall at any one time be of less illuminating power or of less purity than according to the standard just heretofore given, it shall be so reported by the inspector of gas and meters to the company, person, or persons supplying the same, who shall be subject to a penalty of \$100, to be recovered before the proper tribunal and paid into the treasury of the city of Washington aforesaid, for each and every day during which such violation shall continue; provided, however, that if it shall appear that such deviation from the above-named standards could not have been prevented by ordinary care and prudence, but was occasioned by some unavoidable cause, then the said penalty shall not be enforced.

The second section provides that a suitable and impartial person, competent as a chemist, who is not a stockholder or employé in any gas-works, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, to be designated and known as inspector of gas and meters, whose compensation shall be a salary of \$2,000 per annum, and whose duties shall be to test and determine the illuminating power and purity of the gas furnished by any company, person, or persons in the District of Columbia; and to test, prove, and seal all meters that may be hereafter used by them; and that a suitable person, who shall be a gas-fitter by trade, shall be appointed by the President, as aforesaid, on the recommendation of the inspector of gas and meters, as an assistant inspector, at a salary of \$1,000 per annum, who shall assist in the duties specified under the direction of the inspector of gas and meters.

The third section provides that a laboratory shall be provided and fitted up by the Washington Gas-light Company, subject to the approval of the inspector, in the central part of the city of Washington, at a distance, as near as may be, of two thousand feet from any gas works, and furnished with suitable apparatus for the transaction of the business of the inspector and assistant inspector, for which it is intended, and the laboratory shall be kept open on all business days between the hours of eight o'clock in the forenoon and five o'clock in the afternoon; provided that the cost of fitting up said laboratory shall be paid for by each gas company in the District of Columbia in proportion to their sale of gas in 1873.

The third section provides that the company, person, or persons furnishing the gas may, if they see fit, on each occasion of the testing of the gas by the inspector or assistant inspector, be represented by some officer, but such officer shall not interfere in the testing.

The fifth section provides that daily inspections, Sundays excepted, shall be made in conformity to the intent of this act, between the hours of five and eleven o'clock in the afternoon, and a record shall be kept of each inspection, giving the illuminating power and purity, which shall be open to the public, and a copy of the daily inspection shall be furnished the following day to the company, person, or persons furnishing the gas, Saturday's inspection to be furnished on Monday, and a full report for the month to be furnished, upon request, to any daily paper printed in the city of Washington on the day of their publication next after the 24th day of each month, to include each day's test from the date of previous publication, and giving the average illuminating power for the month.

The sixth section provides that all bills for gas furnished by any company, person, or persons shall state the average illuminating power for the month; and if the same shall fall below sixteen candles, as in this act prescribed, then the amount of the bill shall be reduced *pro rata*.

The seventh section provides that in testing meters, the inspector or assistant inspector shall ascertain whether the meter is of proper construction, and requires only the pressure of a column of water indicated by the water-gauge, commonly used for such tests, of one-fourth of an inch high to work it, and whether it works regularly and correctly, and registers exactly the amount of gas passing through it, first, at the rate the meter is marked to supply; secondly, at one-third its rate; thirdly, at twice its rate; that the standard foot shall be one cubic foot, containing 62.32 pounds, avoirdupois weight, of distilled water at the temperature of 62° Fahrenheit, and with a barometrical pressure of thirty inches; and meters registering within 2 per cent. either way of the exact number of such feet passing through them at the first-named rate, and within 3 per cent. at the second and third rates, and no others shall be deemed accurate and be stamped by the inspector; and that the inspector shall keep at the laboratory a correct record of all meters inspected by him, with their proof at the time of inspection, which record shall be open at all times to the public for any reasonable examination by any company, person, or persons having any interest therein.

The eighth section provides that any gas-meters now in use shall be proved and tested on the written request of the consumer of gas on whose premises it may be, and in his presence, if he requires, upon the payment in advance to the inspector or assistant inspector of fifty cents for each and every meter inspected, proved, and sealed, and if any such meter, on being tested, shall be found to register inaccurately to the injury of the consumer to an extent exceeding 2 per cent., the fee of fifty cents shall be returned to the person applying for said inspection and be paid to the inspector by the company, person, or persons supplying the gas; and every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas of not more than 2 per cent., and a record shall be kept of the same and of all fees so collected; that all meters hereafter used by any gas company, person, or persons shall be first inspected, proved, and sealed at the laboratory provided for by this act; and for such inspection, proving, and sealing the company, in the first instance, and thereafter the company, person, or persons applying to have the meter inspected, shall pay fifty cents for each meter, a record of which shall be kept and of the fees so collected; and all fees shall be applied to the payment of the expenses for maintaining and keeping in good order and repair the laboratory and apparatus.

The ninth section provides that each company, person, or persons manufacturing illuminating gas in the District of Columbia, shall, when required, in writing, by the inspector of gas and meters, bring to the laboratory any meter that may have been required to be inspected, proved, and sealed, and to return the same to its proper place after such inspection; and it shall not be lawful for any other party or person to remove and return meters.

The tenth section provides that the inspector and assistant inspector of gas and meters shall each give bonds to the extent of double his annual salary, and shall each take an oath or affirmation, before some officer legally qualified to administer the same, that he will faithfully, diligently, and impartially discharge the duties of his office.

The eleventh section provides that the Washington Gas-light Company shall be authorized, on and after the passage of the act, to charge and receive for coal-gas furnished to and paid for by the Government of the United States at the rate of \$2.50 per one thousand cubic feet; and when furnished and paid for by other parties, or by the inhabitants of the city of Washington, at the rate of \$2.75 per one thousand cubic feet; provided that if the party or inhabitants so furnished shall pay monthly any bill within seven days after the same shall have been presented, said party shall be entitled to a discount upon the amount of such bill at the rate of twenty-five cents per one thousand cubic feet. And all laws authorizing any higher rates are thereby repealed.

The twelfth section provides that the Washington Gas-light Company shall be authorized and required to furnish illuminating gas to the government of the District of Columbia within the distance of fifty yards from any of their mains, on the same terms as to the Government of the United States, and in case of the non-payment of any monthly bills by the said District beyond the period of ten days from the time of presentation, the company shall be entitled to demand and

receive interest thereon from date until paid; that the said company shall light, extinguish, keep clean, and repair the Washington City street-lamps at the uniform price of forty dollars for each lamp per annum, to burn two thousand two hundred hours per annum, with a six-foot burner on each lamp, subject to any regulation that may be prescribed by the city authorities as to the time of lighting and extinguishing the same, and any extra number of hours to be charged and paid for at the same rate; provided that the city of Washington shall furnish, when necessary, new lanterns to replace old ones, and shall furnish and pay for the reasonable expense of erecting new lamp-posts to replace such as are old, damaged, and unfit for use.

The thirteenth section provides that if any person or persons, supplied with gas, neglect or refuse to pay the amount due for the same, such company may stop the gas from entering the premises of such person or persons; and that in no case shall the officers, servants, or workmen of the company remove a meter from premises supplied by the company, unless by consent of the consumer, without first giving forty-eight hours' notice in writing by leaving the same at the premises of the consumer; and said removal shall take place only between the hours of eight o'clock in the forenoon and two o'clock in the afternoon.

The fourteenth section provides that it shall be lawful for Congress at any time hereafter to alter, amend, or repeal the act, and all acts and parts of acts inconsistent therewith are thereby repealed.

The fifteenth section provides that any person who, with intent to injure or defraud any gas company of the District of Columbia, shall make or cause to be made any pipe, tube, or other instrument or contrivance, or connect the same or cause it to be connected with any main, surface pipe, or other pipe for conducting or supplying illuminating gas, in such manner as to connect with and be calculated to supply illuminating gas to any burner or orifice by which any illuminating gas is consumed, around or without passing through the meter provided for measuring and registering the amount of gas there consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months or by fine not exceeding \$250.

The sixteenth section provides that the price which may be charged for gas by the Washington Gas-light Company shall be uniform and the same to all consumers, and any reduction made in the price or cost of gas to any person or persons, except the officers of the company, shall furnish a legal right on the part of any other person or persons to demand gas at the same cost or price.

The first amendment reported from the committee was in section 11, to strike out "coal," before "gas," and insert "illuminating."

The second amendment was to add to section 11 the following:

Provided, That when the price of gas-coal delivered at the works of the Washington Gas-light Company shall advance to \$8 per ton, the price of gas to consumers may be advanced 10 cents per thousand cubic feet, and an additional 10 cents per thousand feet for each additional dollar per ton that gas coal may advance in price; and in like manner a reduction of 10 cents per thousand feet shall be made for each and every dollar per ton that gas coal may fall below \$7 per ton; and for that purpose the Washington Gas-light Company shall in the month of May in each year furnish the Secretary of the Interior with a statement of all their coal contracts or purchases for the ensuing year, sworn to before a justice of the peace by their engineer or secretary, and the advance or reduction of price shall take place on the 1st of July ensuing.

Mr. SESSIONS. I now call the previous question on the bill and amendments.

Mr. O'NEILL. I desire to offer an amendment.

Mr. SESSIONS. I do not yield for that purpose.

Mr. LEACH. Has not the hour of the Committee on the District of Columbia expired?

The SPEAKER. It is about expiring.

Mr. LEACH. I hope this bill will be referred to the Committee on the District of Columbia.

The SPEAKER. The question can be fairly tested by the House on seconding the call for the previous question.

Tellers were ordered; and Mr. O'NEILL and Mr. SESSIONS were appointed.

The House divided; and the tellers reported that there were—ayes 117, noes 31.

So the previous question was seconded, and the main question was then ordered.

The amendments were agreed to; and the bill, as amended, was then read a third time.

The question was upon the passage of the bill.

Mr. O'NEILL. I move to lay the bill on the table.

The motion was not agreed to, there being ayes 11, noes not counted.

The question recurring on the passage of the bill, it was passed.

Mr. SESSIONS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGULATION OF CONGRESSIONAL ELECTIONS.

The SPEAKER. The House resumes the consideration of the motion of the gentleman from New York, [Mr. TREMAIN,] to suspend the rules and pass the bill (H. R. No. 1979) reported from the Committee on the Judiciary, entitled "A bill to preserve the ballots cast at, and all papers connected with, elections held for Representatives or Delegates to Congress, and for other purposes." When the House comes to order the bill will be read. The Chair observes that some persons

admitted to the floor, not by right but by favor, are abusing the courtesy granted to them.

SMOKING IN THE HALL.

Mr. NIBLACK. I desire to give notice that during the remainder of the session I shall insist upon a strict enforcement of the rule against smoking anywhere in the Hall. It is exceedingly offensive to me under all circumstances. The air in this Hall is at best very impure.

The SPEAKER. It is in gross violation of the rules of the House for any gentleman to smoke in the Hall.

Mr. NIBLACK. I shall, without regard to any feeling of personal delicacy, insist upon the enforcement of the rule under all circumstances both day and night.

REGULATION OF CONGRESSIONAL ELECTIONS.

The Clerk read as follows the bill as amended by the Committee on the Judiciary:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ballots, lists of voters, tally-sheets, and all other papers connected with any election hereafter held for Representative or Delegate in Congress shall be preserved and safely kept by the lawful custodians thereof in the several States until the adjournment of the first session of the Congress next thereafter to be affected by said election.

SEC. 2. That either party to any contest in the House of Representatives may, when there is an allegation in either the notice of contest or the answer thereto, that a portion of the ballots cast at any precinct or precincts at an election held for Representative or Delegate in Congress have been fraudulently changed previous to the count thereof, or falsely counted, have a subpoena, in accordance with the law governing contested elections, directed to said custodian, who shall produce, as required therein, the ballots, lists of voters, tally-sheets, and all other papers connected with said election in his custody or control, and the same may, after the usual notice to the contestant or contestee, be examined and compared before any person authorized to take depositions in contested elections; and said person shall certify, under his hand and seal, and forward in the manner provided by law, said examination and comparison, and the result thereof, to be used as evidence in the case.

SEC. 3. That said ballots, lists of voters, tally-sheets, and all other papers produced in response to said subpoena shall immediately, after the examination and comparison thereof, be returned to the lawful custodian in the same condition as when produced.

SEC. 4. That any custodian of the ballots cast at any election for Representative or Delegate to Congress who shall willfully neglect or refuse to safely keep and preserve the same, and the lists of voters, tally-sheets, and all other papers connected therewith, or who shall willfully neglect or refuse to produce the same as required in this act, shall forfeit and pay the sum of \$1,000, to be recovered, with costs of suit, by the party at whose instance the subpoena was issued, and for his use, by an action of debt, in any court of the United States, and shall also be liable to an indictment for a misdemeanor, and be punished by fine and imprisonment at the discretion of the court.

SEC. 5. That at all elections for Representative or Delegate to the Congress of the United States, the vote at each election precinct shall be counted at the close of the election by the managers and officers conducting such election, in the presence of such managers and of the supervisors (if any there be) appointed under the act of Congress in such cases made and provided, whose duty it shall be to attend for that purpose; and the result of the ballot at such precinct shall be thereupon announced and made public; and any such manager, officer, or supervisor willfully neglecting or refusing to perform the duties imposed by this section shall be guilty of a crime, and, upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, and imprisoned in the penitentiary not less than three months and not more than two years, one or both, at the discretion of the court trying the same.

SEC. 6. That any person using fire-arms, or proposing or threatening to use fire-arms, or other deadly weapons offensively against individuals, or assemblages of individuals, at or near the place and on the day or days of any election of a Representative or Delegate to the Congress of the United States, for the purpose of intimidating or injuring such person or persons, either before or after the election, or while the same is progressing, shall be guilty of a crime, and upon conviction shall be fined not less than \$500 nor more than \$1,000, and imprisoned in the penitentiary not less than one year nor more than three years, one or both, at the discretion of the court trying the same; *Provided*, That the open or concealed carrying of fire-arms or other deadly weapons at such election shall be taken as presumptive evidence of the intent to intimidate under this act.

SEC. 7. That whenever, in any city, town, county, or parish there shall be fifty voters thereof, who, not less than fifteen days prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or, if there be no registration, at least fifteen days prior to any election at which a Representative or Delegate in Congress is to be voted for, shall petition, in writing, to the judge of the circuit court of the United States for the circuit wherein such city, town, county, or parish shall be, to have an election precinct and voting place established at some convenient place, to be designated in said petition, it shall be the duty of the said judge of the circuit court, within not less than ten days prior to said registration, if one there be, or, if no registration be required or had, within not less than ten days prior to said election, to hear and determine said petition; and if it appear to said judge that notice of the presentation of said petition has been posted up in said city, town, county, or parish, at the place where it is proposed to establish a voting place, not less than five days prior to the presentation of the petition, and stating at what time and places said petition would be presented, and that no legal voting place exists within six miles of the place where said petitioners pray to have a voting place established, said judge shall make an order establishing an election precinct and voting place as prayed for by said petitioners, and the same shall be a legal precinct and voting place for the election of Representatives or Delegates in Congress: *And provided*, That in any city having less than one voting place to each six thousand of its population, or fraction thereof over six thousand, according to the then last census of the United States, said judge may establish one additional voting place for such additional six thousand, or fraction thereof, at some convenient point within not less than one-half mile of any other legal voting place: *And provided further*, That said judge, in establishing precincts and voting places as herein provided, and in appointing supervisors for the same, shall possess the same power and authority conferred by the act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" approved February 23, 1871, and for that purpose may sit either as a court or at chambers.

SEC. 8. That in case the registration officers appointed under the authority of any State or Territory shall refuse or neglect to give the persons entitled to vote at any precinct or voting place established under the provisions of the last preceding section an opportunity to register in the manner required by law for legal election precincts, such refusal or neglect shall not disqualify the persons entitled to register and vote at said precincts from voting.

SEC. 9. That the district courts of the United States within their respective districts and the circuit courts of the United States within their circuits, respectively, shall have concurrent jurisdiction of offenses committed against the provisions of this act.

SEC. 10. That at any election for Representative or Delegate to the Congress of the United States, it shall be unlawful for any person to vote more than once or to cast more than one ballot for such Representative or Delegate; and any person voting more than once or casting more than one ballot, or attempting to cast more than one ballot, at such election for Representative or Delegate to the Congress of the United States shall be guilty of a crime, and upon conviction thereof shall be fined not less than \$100 and not more than \$1,000, and may be imprisoned in the penitentiary not less than one year and not more than three years, at the discretion of the court trying the same.

SEC. 11. That upon the application in writing of ten persons who are qualified voters and residents of any congressional district in which it is desired to have supervisors of election appointed, to the circuit judge of the United States whose circuit embraces such congressional district, said judge shall appoint and designate one United States commissioner residing at some convenient place in the congressional district who shall have power to appoint supervisors of election at each voting place in the congressional district as hereinafter provided.

SEC. 12. That it shall be the duty of the United States commissioner appointed and designated by the circuit judge, as provided in the foregoing section, upon the application in writing of at least ten qualified voters, residents of any county or parish of the congressional district, to appoint two supervisors of election, who shall be qualified voters in and residents of the congressional district, for each precinct in the county or parish named in the said application as a precinct where it is sought to have supervisors of election appointed; and such supervisors so appointed by the commissioner shall take the oath of office, and shall possess the powers, perform the duties, and be liable to the penalties now provided by law for supervisors of elections of Representatives or Delegates to the Congress of the United States.

SEC. 13. That whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any congressional district, the marshal for the judicial district in which said congressional district, or any part thereof, is situate, shall, upon the application of ten citizens residents of any county or parish in such congressional district, appoint special deputy marshals, whose duty it shall be to aid and assist the supervisors of election in the verification of any list of persons who may have voted; to attend in each election district or voting precinct at all times for holding elections at the polls in such district or precinct; and who shall possess all the powers and perform the duties as now provided by law of such special deputies in cities or towns of twenty thousand inhabitants or upward.

SEC. 14. All laws and parts of laws contravening the provisions of this act are hereby repealed.

During the reading of the bill,

Mr. ELDREDGE said: I observe that the Clerk does not read the sixth section of the printed bill.

The SPEAKER. That section has been stricken out in the bill presented by the gentleman from New York, [Mr. TREMAIN.]

Mr. ELDREDGE. How could the gentleman do that?

Mr. TREMAIN. I was directed by the committee to report the bill striking out that section in regard to furnishing intoxicating liquors to voters.

The SPEAKER. At all events, no question can be raised upon the matter, because the motion is to suspend the rules. The bill is not presented in the shape of a regular report.

Mr. ELDREDGE. I did not understand that the gentleman was instructed by the committee to report the bill with the section omitted.

Mr. TREMAIN. It is true, however; otherwise I should not have so reported it.

Mr. ELDREDGE. Well, that is one of the rotten planks of the bill; I am very glad to have it out.

Mr. TREMAIN. I supposed striking out the liquor clause might induce some of my friends on the other side to vote for the bill.

Mr. ELDREDGE. But it would induce as many on the gentleman's side to vote against it, and therefore nothing would be gained by the gentleman's proposition.

The Clerk concluded the reading of the bill.

Mr. COX. I appeal to my honorable colleague [Mr. TREMAIN] to allow some debate on this bill. When the bill was before the House the other day—

Mr. TREMAIN. I have no power to allow debate. The rules of the House regulate that.

Mr. COX. This bill requires debate; and I hope it will not be pressed through in this way.

Mr. TREMAIN. It is a very simple bill; it does not require any debate.

Mr. COX. It is a complicated, multifarious bill; and it is a very bad bill.

Mr. TREMAIN. It is a very simple bill. It merely provides for an honest and fair election. That is all.

Mr. ELDREDGE. It provides for no such thing as an honest and fair election. It provides for the destruction of the States, and placing them utterly in the control of Federal power. It takes away all State rights.

Mr. HAYS. I object to debate.

Mr. BECK. I move to amend the titles so as to read—

The SPEAKER. No debate or amendment is in order.

Mr. COX. Will my colleague [Mr. TREMAIN] hear an amendment?

The SPEAKER. Debate is objected to.

The question being on seconding the motion to suspend the rules, tellers were ordered; and Mr. TREMAIN and Mr. COX were appointed.

The House divided; and the tellers reported—ayes 116, noes 78.

So the motion was seconded.

The question recurring on agreeing to the motion to suspend the rules,

Mr. ELDREDGE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 102, not voting 40; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Bufinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crocker, Crutcheff, Curtis, Darrall, Dawes, Dobbins, Duell, Dunnell, Field, Foster, Frye, Hagood, Hagens, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazel, ton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hurlbut, Hyde, Hynes, Kelley, Lampert, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam-Monroe, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Henry B. Saylor, Scotfield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Shields, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Townsend, Tremain, Tyner, Waldron, Wallace, Marcus L. Ward, Wheeler, White, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—147.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crooke, Crossland, Crouse, Danford, Davis, Eames, Eden, Eldredge, Fort, Giddings, Glover, Gunckel, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hubbell, Hunton, Jewett, Kendall, Killinger, Knapp, Lamar, Lamson, Leach, Luttrell, Magee, Marshall, Martin, McLean, Milliken, Mills, Moore, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Pendleton, Perry, Phelps, Potter, Read, Robbins, James C. Robinson, John G. Schumaker, Sener, Sloss, J. Ambler Smith, John Q. Smith, Southard, Spear, Standiford, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitehouse, Whithorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodford, and John D. Young—102.

NOT VOTING—Messrs. Archer, Barnum, Bass, Clayton, Corwin, Cotton, De Witt, Donnan, Durham, Elliott, Farwell, Freeman, Garfield, Robert S. Hale, Hersey, Hunter, Kasson, Kellogg, Maynard, McJunkin, McNulta, Mitchell, Purnan, Randall, William R. Roberts, Sawyer, Milton Saylor, Lazarus D. Shoemaker, H. Boardman Smith, William A. Smith, Stanard, Stephens, Taylor, Todd, Waddell, Walls, Jasper D. Ward, Wilber, Jeremiah M. Wilson, and Pierce M. B. Young—40.

So (two-thirds not voting in the affirmative) the rules were not suspended, and the bill was not passed.

During the roll-call,

Mr. DONNAN stated that he was paired with Mr. RANDALL, of Pennsylvania, who if present would vote in the negative, while he himself would vote in the affirmative.

Mr. SAYLER, of Indiana, stated that his colleague, Mr. HUNTER, was absent on the business of the House.

Mr. BECK stated that his colleague, Mr. DURHAM, was absent in New York on the business of the House with the sub-Committee on Banking and Currency.

Mr. COOK stated that his colleague, Mr. YOUNG, was absent by appointment of the Speaker at West Point.

Mr. ALBRIGHT stated that his colleague, Mr. SHOEMAKER, was absent on account of sickness.

The vote was then announced as above recorded.

CELEBRATION OF THE BOSTON TEA PARTY.

The SPEAKER. There comes over from yesterday a motion to suspend the rules and pass the following concurrent resolution moved by the gentleman from New York, [Mr. POTTER,] which the Clerk will read.

The Clerk read as follows:

Resolved, (the Senate concurring.) That the woman's centennial executive committee of the city of Washington have leave to occupy the Rotunda of the Capitol, under the supervision of the Commissioner of Public Buildings and Grounds, upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of tea in the harbor of Boston on the night of the 16th of December, 1773.

Mr. POTTER. The gentleman from Massachusetts, [Mr. G. F. HOAR,] who objected to the resolution yesterday, withdraws his objection, and asks me to insert in the resolution these words: "In aid of the national centennial exhibition." I agree to it, as that really is the object of the resolution.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the concurrent resolution was passed.

BOZEMAN LAND DISTRICT IN THE TERRITORY OF MONTANA.

Mr. MAGINNIS. I move to suspend the rules and pass the bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana.

The bill was read.

The first section provides that all that portion of the Territory of Montana lying east of the range line between ranges two and three west of the principal meridian and south of the first standard parallel north of the base line of the public-land surveys of said Territory shall be constituted a separate land district, to be known as the Bozeman land district, the office of which shall be located at Bozeman, but may be changed from time to time, by the direction of the President of the United States, as the interests of the public service may require.

The second section provides that the President shall appoint, by and with the consent of the Senate, a register and a receiver of the public moneys of the United States for said district; and said officers shall reside in the place where the land office is located, and they shall

have the same powers and perform the same duties and receive the same emoluments as are or may be prescribed by law in relation to land officers of the United States in other Territories.

Mr. HOLMAN. Does this bill come from any committee?

Mr. DUNNELL. Yes; it is the unanimous report of the Committee on the Public Lands.

The motion to suspend the rules was seconded. The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

INTERNATIONAL ARBITRATION.

Mr. WOODFORD. I move to suspend the rules and pass the following concurrent resolution:

Resolved by the Senate and House of Representatives, That the President of the United States is hereby authorized and requested to negotiate with all civilized powers who may be willing to enter into such negotiation for the establishment of an international system whereby matters in dispute between different governments agreeing thereto may be adjusted by arbitration, and if possible without recourse to war.

Mr. KELLOGG. I think we had better first decide the Geneva award matter.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the concurrent resolution was passed.

SHIP ALHAMBRA.

Mr. HOOPER. In behalf of the Committee on Commerce I move to suspend the rules and pass a bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

The bill, which was read, authorizes and directs the Secretary of the Treasury to issue an American register to the British ship Alhambra, built in Boston, in the State of Massachusetts, in 1859.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

BRIDGE OVER WILLAMETTE RIVER, OREGON.

Mr. CONGER. In behalf of the Committee on Commerce I move to suspend the rules and pass the bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon.

The bill was read.

The first section provides that it shall be lawful for the county commissioners of the county of Marion, in the State of Oregon, or for the said commissioners jointly with the county commissioners of the county of Polk, in said State, to build a bridge across the Willamette River at the city of Salem, in said county of Marion, at a point to be selected and determined by the said board of commissioners of Marion County, or by said board jointly with the board of commissioners of Polk County aforesaid; provided that there shall be placed in said bridge a draw of not less than two hundred feet in width, with a center abutment not to exceed forty feet wide, and ten feet above the water-line, leaving a passage on each side of the abutment of not less than eighty feet in width, and so constructed as not to impede the navigation of said river and allow the easy passage of vessels through said bridge.

The second section provides that the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge is hereby expressly reserved, but any change needful to that end shall be made at the expense of the counties in which such bridge shall be located.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

TITLE TO LANDS IN ARIZONA.

Mr. CLYMER. I move that the rules be suspended, and that the Committee on the Public Lands be discharged from the further consideration of the bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona, and that the same be passed.

The bill was read.

The preamble recites that certain lands in Santa Cruz Valley, county of Pima, and Territory of Arizona, have for many years been occupied and possessed by persons of Mexican birth, who became citizens of the United States under the treaty of Guadalupe Hidalgo and the Gadsden treaty; and that said persons desire to secure patents for said lands in the small and irregular tracts in which they were originally taken up under Mexican authority, and have been held and cultivated to the present time, and they cannot do so under the existing land laws of the United States.

The bill therefore provides that all the right and title of the United States to the land embraced in sections 2, 11, and 14, and the east half of sections 3, 10, and 15, of township 14 south, range 13 east, Gila and Salt River meridian, in the county of Pima, Territory of Arizona, be, and the same are thereby, relinquished and granted to the person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors, for twenty years next preceding the date of the passage of the act; and it shall be the duty of the register and the receiver of the United States land-office for the district in which said land lies, to hear and determine, subject to the approval of the Commissioner of the General Land Office, the rights of the parties claiming under the act; and for that purpose the said register and the said receiver shall have power to sum-

mon witnesses, administer oaths, and take testimony relative to such occupancy or possession, provided that no claim as aforesaid shall be of any validity under the act unless it shall have been duly filed with the said register and the said receiver within one year after the passage of the act; and provided further, that the grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land, or any part thereof, nor preclude a judicial examination and adjustment thereof.

The second section provides that whenever it shall have been determined by the said register and the said receiver, or on appeal by the Commissioner of the General Land Office or Secretary of the Interior, that any tract has been occupied as aforesaid, it shall be the duty of the surveyor-general for said Territory to cause the said claims to be surveyed in accordance with the lines of such occupancy, and to furnish approved plats of the same, upon the receipt and approval of which said plats, and the field notes thereof by the Commissioner of the General Land Office, patents shall issue as in other cases.

The third section provides that any part or parts of said designated lands that are not shown, to the satisfaction of the Commissioner of the General Land Office, to have been so occupied for twenty years, shall be held by him as open to settlement under the provisions of the pre-emption or homestead laws of the United States, and patents may be issued therefor for any number of acres not exceeding one hundred and sixty that parties complying with said legal provisions may desire to hold, provided that all existing occupants who have settled on said lands for a period of less than twenty years shall have the prior right to acquire the same under the pre-emption or homestead laws of the United States.

Mr. CLYMER. I ask unanimous consent, before the vote is taken, to perfect the bill by adding after the word "ancestors," in line 10, section 1, the words "or grantors;" and in line 10, section 3, after the word "lands," by striking out "for" and inserting "within."

The SPEAKER. If there be no objection, those amendments will be made.

There was no objection.

Mr. HOLMAN. Will the gentleman permit a motion to strike out in the last line of the bill the words "pre-emption or?" I hope there will be some explanation of the necessity for this bill.

Mr. CLYMER. If the House will bear with me for a moment I will explain the object of the bill. At the making of the treaty of Guadalupe Hidalgo and the Gadsden treaty there was in this valley of Arizona a little settlement around the village of Tucson, composed of persons of Mexican and Spanish birth, who for nearly a hundred years had occupied small and irregular strips of land of from three to fifty acres in extent and marked off by no regular metes and bounds, and they and their descendants have lived there ever since. Their titles originally accrued to them under the orders of Mexican military officers, and since our occupation of the country these people have no evidence of title save that arising from occupancy. It is a subject of great disquietude to them that they cannot point to any authority under which they hold these lands. It was therefore thought proper by the Committee on the Public Lands, after careful examination, that this bill should be passed. The whole quantity of the lands embraced in this bill does not amount to more than three or four sections, and the claims do not cover the whole of the sections specified. The Committee on the Public Lands were unanimous in their approval of the bill.

Mr. McCORMICK. Mr. Speaker, the original draught of this bill was prepared in Arizona and handed me at a mass meeting of the citizens at the capital. I was earnestly requested to urge its passage by Congress as an act of simple justice.

It is intended to give title to about four sections of land which for long years have been in possession of persons of Mexican birth. Under the treaty of Guadalupe Hidalgo and the Gadsden treaty, these persons, or their descendants, became citizens of the United States, and they are good citizens, of the class described in the recent able speech of the gentleman from New Mexico [Mr. ELKINS] as "loyal, law-abiding, peaceable, well-disposed, and wedded to our institutions."

The lands in question were originally taken up in small and irregular tracts under permits from the Mexican authorities, and have been steadily held and cultivated by these people, who are anxious to have Government title to them in the precise form in which they have been occupied, and in no other. In some instances the tracts embrace not more than five acres—no tract I think embraces over fifty acres—and as it was understood by the Mexican population of Arizona, then a part of New Mexico, that they should have a full and complete title to their lands, as held prior to the making of the treaties referred to, I trust the reasonable propositions of this bill will be agreed to by the House.

The bill as it is now has the unanimous approval of the Committee on the Public Lands and also the approval of the Commissioner of the General Land Office, as shown in the letter I send to the Clerk's desk.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 4, 1874.

SIR: I have had the honor to receive from you a copy of House bill No. 3584, entitled "A bill to grant title to certain lands in the Territory of Arizona," and in reply I have to say that after a careful examination it appears to be such a bill as

will, without injury to the United States, satisfactorily protect a class of claimants entitled to relief, and it is therefore approved by this office.

Very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. R. C. McCORMICK,
House of Representatives.

Mr. HOLMAN. Does the gentleman from Pennsylvania [Mr. CLYMER] agree to the words "pre-emption or" being stricken out?

Mr. CLYMER. I agree to that.

The motion to suspend the rules was agreed to, and the rules were suspended (two-thirds voting therefor) and the bill passed.

NELSON GREEN.

Mr. DANFORD. I move that the rules be suspended, and that the Committee on the Post-Office and Post-Roads be discharged from the further consideration of the bill (H. R. No. 3611) for the relief of Nelson Green, and that the same be passed.

The bill, which was read, authorizes and directs the Postmaster-General to release Nelson Green, of Bay City, Michigan, a mail contractor on mail-routes numbered 24366, being from Granton to Au Sable, and 24357, from Alpena to Au Sable, in said State of Michigan, from the performance of said service.

The motion to suspend the rules was seconded.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

RESTORATION OF LANDS TO HOMESTEAD ENTRY.

Mr. BRADLEY. I move that the rules be suspended, and that the Committee on the Public Lands be discharged from the further consideration of the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes, and that the same be passed with an amendment.

The bill, which was read, so amends the act approved June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan," as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawa and Chippewa Indians of Michigan, for the selections found to have been made by them, but which were not, prior to the passage of said act, regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of said lands not disposed of, and not valuable mainly for pine timber, shall be subject to entry under the homestead laws, for one year from the passage of the act; and the lands remaining thereafter undisposed of shall be restored to market.

The bill in its second section provides that all Indians who have settled upon and made improvements on section 10, in township 47 north, of range 2 east, and section 4, in township 47 north, of range 3 west, Michigan, shall be permitted to enter not exceeding eighty acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land office at Marquette, Michigan; and when said entries shall have been completed in accordance herewith, the remaining lands embraced within the limits of said sections shall be restored to market.

The bill in its third section provides that all actual, permanent, bona fide settlers on any of the lands reserved for Indian purposes under the treaty with the Ottawa and Chippewa Indians of Michigan of July 31, 1855, shall be entitled to enter not exceeding one hundred and sixty acres of land, either under the homestead laws or to pay the minimum price of land, on making proof of his or her settlement and continued residence before the expiration of ninety days from the passage of the act; provided that such settlers do not claim any of the lands heretofore patented to Indians, or in conflict with the selections found to have been made by Indians referred to in the first section of the act, and shall have settled upon said lands prior to the 1st day of January, 1874.

Mr. BRADLEY. The amendment which is included in my motion is as follows:

At the end of section 1 strike out the words "restored to market" and insert the words "offered for sale at a price not less than \$2.50 per acre."

Mr. CLYMER. I desire also to offer an amendment.

Mr. BRADLEY. My colleague on the committee, the gentleman from Pennsylvania, [Mr. CLYMER,] desires to submit an amendment. I have agreed to yield to him that the matter may be considered in the House, after an explanation on each side. I ask unanimous consent that a few minutes be granted to explain the nature of the bill and the amendment—five minutes on each side.

Mr. BECK. What is the motion now pending?

The SPEAKER. It is that the rules be suspended and that this Senate bill pass with an amendment.

Mr. BECK. Will the gentleman not consent to change his motion to a suspension of the rules, so as to bring the bill before the House for consideration? If that is done he can then explain it.

Mr. BRADLEY. I am willing to modify the motion in that way.

The SPEAKER. At two o'clock the House, in pursuance of notice given yesterday, will proceed to consider the report of the Joint Select Committee of Investigation into the Affairs of the District of Columbia.

Mr. CLYMER. I do not think this bill will occupy the House for

more than a few moments. The matter is a simple one, and can be easily understood.

The motion to suspend the rules was seconded.

Upon suspending the rules so as to bring the bill before the House for consideration tellers were ordered; and Mr. BRADLEY and Mr. CLYMER were appointed.

The House divided; and the tellers reported—ayes 71, noes 73; no quorum voting.

The SPEAKER. Nothing is in order but a call of the House or a motion to adjourn.

Mr. HOLMAN. I move that the House do now adjourn, and I call for the yeas and nays on that motion.

The yeas and nays were not ordered, only 12 members voting therefor.

The question was put, and the motion to adjourn was not agreed to.

Mr. HOLMAN. I move that there be a call of the House.

The question was put, and on a division there were—ayes 35, noes 92; no quorum voting.

The SPEAKER. The Chair will not entertain any business whatever until a quorum is present.

Mr. HOLMAN. I ask for tellers on my motion for a call of the House.

Tellers were ordered; and Mr. SCOTFIELD and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 47, noes 108.

So the motion for a call of the House was not agreed to.

Mr. BRADLEY. I withdraw the demand for a further count on my motion to suspend the rules.

So (two thirds not having voted in favor thereof) the rules were not suspended.

ARKANSAS VALLEY RAILWAY COMPANY.

Mr. WELLS. I move that the rules be suspended so as to put upon its passage the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company.

I will state that this bill is recommended by the Committee on the Pacific Railroad and also by the Committee on the Public Lands.

The bill was read. It grants the right of way through the public lands to the Arkansas Valley Railway Company, a corporation duly created under the laws of the Territory of Colorado, its successors and assigns, for a railroad and telegraph line, now partially completed and in operation from a point on the line of the Kansas Pacific Railway at Kit Carson; thence southward to West Las Animas; thence westward along or near the Arkansas River to Pueblo, a distance of about one hundred and fifty miles, and within said Territory of Colorado. Said right of way is granted to said railway company to the extent of one hundred feet in width on each side of said railroad where it may pass through the public domain and military reservation at Fort Lyon, including grounds for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, cattle-yards, and water-stations, to the amount not exceeding ten acres, not mineral lands, for each station, and for not more than one station in every ten miles; together with the right to take from the public lands while belonging to the United States, adjacent to said right of way, stone, timber, earth, and other material necessary for the construction, maintenance, and repair of its railway and telegraph. It provides that within six months from the passage of this act the said Arkansas Valley Railway Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of said company as the same has been located; that the right of way across the military reservation at Fort Lyon, and the depot grounds thereon, shall be located and set aside under the direction of the Secretary of War; and that this grant of the right of way shall not prevent any railroad company from crossing said Arkansas Valley Railway Company at grade.

Mr. KASSON. I suggest to the gentleman from Missouri that the word "timber" ought to be stricken out.

Mr. WELLS. I have no objection to that, and will modify the bill in that way.

Mr. HOLMAN. It seems to me that the words "other material necessary for the construction and maintenance and repair of its railway and telegraph" should be stricken out. There is no limit as to the time within which they may take the material. It would be a perpetual franchise granted to the corporation to use timber and other materials.

Mr. WELLS. There is no material used excepting the soil which they build the track over. I ask that a letter of the Secretary of War, which will explain this bill, may be read.

Mr. KASSON. I want my amendment in.

The SPEAKER. The Chair understands that the gentleman from Missouri has modified the bill by striking out the word "timber."

Mr. HOLMAN. I trust some explanation of the bill will be made.

Mr. WELLS. The letter of the Secretary of War will explain it.

The Clerk read the letter, as follows:

WAR DEPARTMENT, February 28, 1874.

The Secretary of War has the honor to report to the House of Representatives, for the information of the sub-Committee on the Pacific Railroad, in reply to letter of the chairman of said committee of the 26th instant, that, so far as this Department is informed, there is no objection to the passage of the second section of House bill No. 753, granting the right of way over the Fort Lyon military reservation, Colorado Territory, to the Arkansas Valley Railway Company, provided it is re-

stricted to the width stated in the first section of said bill, and that the additional ground granted for depot and other railway purposes shall not exceed ten acres.

In this connection it is proper to add that it is understood that the Arkansas Valley Railway Company is identical with the Kansas Pacific Railway Company, which latter company has already received permission to lay its rails across the said reserve, with condition that the rails must be removed and track abandoned if right of way is not given at the present session of Congress.

WM. W. BELKNAP,
Secretary of War.

Mr. WELLS. This bill has been before the Committee on the Public Lands, and they have unanimously recommended its passage and so have the Committee on the Pacific Railroad.

The motion to suspend the rules was seconded.

The question was then taken, and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

CRUELTY TO ANIMALS.

Mr. LAMPORT. I ask unanimous consent to report from the Committee on Agriculture the bill (H. R. No. 2650) to amend the act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation within the United States," approved March 3, 1873.

Mr. NEGLEY. I object.

Mr. LAMPORT. I move that the rules be suspended and the bill passed.

On seconding the motion to suspend the rules tellers were ordered; and Mr. LAMPORT and Mr. NEGLEY were appointed.

Mr. KASSON. I hope consent will be given to the gentleman from New York to explain the bill. Let him have five minutes.

Mr. WILLARD, of Vermont. There is not time. It is nearly two o'clock now.

Mr. SYPHER. This is too important a bill to be passed without consideration.

The House divided; and the tellers reported ayes 37, noes not counted.

So the motion to suspend the rules was not seconded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference upon the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. No. 571) to authorize the Baltimore and Ohio railroad to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States;

A bill (S. No. 797) to amend an act in relation to the survey of certain lands granted to the Northern Pacific Railroad Company;

A bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon;

A bill (S. No. 878) for the relief of Rosa Vertner Jeffreys; and

A bill (S. No. 459) for the relief of William J. Patton.

The message further announced that the Senate had passed House bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. No. 225) to amend an act entitled "An act to establish a western judicial district of North Carolina;"

A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation;

A bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the first district of Missouri; and

A bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and the purchase of a new site and erection thereon of a new marine hospital in the city of Pittsburgh, Pennsylvania.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

A bill (H. R. No. 2348) to change the name of the pleasure-yacht Planchette to that of Laxen;

A bill (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873;

A bill (H. R. No. 203) to create two additional land districts in the State of Kansas;

A bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor;

A bill (H. R. No. 2670) granting a pension to Mary S. Howe;

A bill (H. R. No. 2671) granting a pension to General A. C. Voris;

A bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif;

A bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered;

A bill (H. R. No. 2463) for the relief of Joseph S. Read;

A bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado; and

A bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes.

PUBLICATION OF REVISED STATUTES.

Mr. POLAND. I ask unanimous consent to take from the Speaker's table a bill which has just come from the Senate prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States. I will say in explanation of my request, and in justification of the Committee on the Revision of the Laws, that the bill which we sent to the Senate contained just this provision. But they turned the whole thing into a new bill, adopted an entire substitute, and left out the most important part. I ask that the bill be now taken up and passed.

No objection was made, and the bill (S. No. 954) was taken from the Speaker's table, and read a first and second time.

The bill provides that the revised statutes of the United States and no part thereof shall be published in the newspapers at the expense of the United States.

The bill was read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

GOVERNMENT OF THE DISTRICT.

Mr. WILSON, of Indiana. In pursuance of previous notice I now report back with amendments, from the Select Committee to Inquire into the Affairs of the District of Columbia, a bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes. The bill was read as follows:

Be it enacted, etc., That all provisions of law providing for an executive, for a secretary for the District, for a Legislative Assembly, for a board of public works, and for a Delegate in Congress in the District of Columbia are hereby repealed: *Provided,* That this repeal shall not affect the term of office of the present Delegate in Congress.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited; and shall be subject to all the restrictions and limitations now imposed by law on said governor or board; and shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers and employees of the District and board of public works; and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and the board of public works, and exercise the power and authority aforesaid; but said commission, in the exercise of such power or authority, shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act. All taxes heretofore lawfully assessed and due or to become due shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes, or evidence thereof: *Provided,* That nothing in this clause contained shall affect any provisions of law authorizing or requiring a deposit of certificates of assessment with the sinking-fund commissioners of said District; and said commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office authorized by law; and the compensation of all officers and employees, except teachers in the public schools and officers and employees in the fire department, shall be reduced 20 per cent. per annum. Said commissioners shall each, before entering upon the discharge of his duties, take an oath to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law; and shall each give bond in the penal sum of \$50,000, to be approved by the Secretary of the Treasury, for the faithful discharge of the duties of his office; and shall each receive for his services a compensation at the rate of \$5,000 per annum: *Provided,* That nothing in this act shall be construed to abate or in any wise interfere with any suit pending in favor of or against the District of Columbia: *And provided further,* That in suits hereafter commenced against the District of Columbia, process may be served on any one of said commissioners, until otherwise provided by law.

SEC. 3. That the President of the United States shall detail an officer of the Engineer Corps of the Army of the United States, who shall, subject to the general supervision and direction of the said board of commissioners, have the control and charge of the work of repair and improvement of all streets, avenues, alleys, sewers, roads, and bridges of the District of Columbia; and he is hereby vested with all the power and authority of, and shall perform the duties heretofore devolved upon, the chief engineer of the board of public works. He shall take possession of, and preserve and keep, all the instruments pertaining to said office, and all the maps, charts, surveys, books, records, and papers relating to said District, or to any of the avenues, streets, alleys, public spaces, squares, lots and buildings thereon, sewers, or any of them, as are now in or belonging to the office of said engineer of the board of public works, and shall, in books provided for that purpose, keep and preserve the records now required to be kept, and such as may be required by regulations of said board. He may, with the advice and consent of said board of commissioners, appoint not more than two assistant engineers from civil life, who shall each receive a salary of \$1,800 per annum, and shall be subject to his direction and control. He shall receive no additional compensation for such services. And he shall not be deemed by reason of anything in this act contained to hold a civil office under the laws of the United States. And no salary or compensation shall be paid

to the surveyor of the District, or any of his subordinates, except such fees for special services as are allowed by law. And the offices of assistant surveyor and additional assistant surveyor of the District of Columbia are hereby abolished.

Sec. 4. That for the support of the government of the District of Columbia, and maintaining the credit thereof, for the fiscal year ending June 30, 1875, there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes, namely: Upon all such real estate in the city of Washington, three dollars on each one hundred dollars of the present assessed value thereof; upon all such real estate in the city of Georgetown, two dollars and fifty cents on each one hundred dollars of the present assessed value thereof; and upon all such real estate in the District of Columbia outside of the cities of Washington and Georgetown, two dollars on each one hundred dollars of the present assessed value thereof; which said taxes shall become due and payable on the 1st day of November, 1874, and, if not paid, shall be in arrears and delinquent from that date; and shall, except as herein modified, be assessed and collected as now provided by law for the assessment and collection of general taxes for the District of Columbia; and of the sums so collected, one-fourth thereof shall be applied, first, to reimburse the United States for its advances on account of interest, which shall have been paid by the United States on the funded debt of the District of Columbia and Washington and Georgetown, due and payable July 1, 1874; and the remainder shall be used to pay deficiencies in the various funds for the fiscal year ending June 30, 1874. And all the remainder of said taxes not required for the aforesaid purposes shall be distributed for the purposes and in the proportions provided by the act of the Legislative Assembly of the District of Columbia, approved June 26, 1873, entitled "An act imposing taxes for the fiscal year ending June 30, 1874," so far as said apportionment is not inconsistent with this act: *Provided*, That no evidence of debt issued by the District of Columbia, or any branch thereof, or by the board of public works, shall in any manner be received in payment for said taxes: *And provided further*, That no payment shall be made on account of the militia of said District, or for the purpose of erecting a District jail. Upon all payments of said taxes hereby imposed which shall be made in advance of the said 1st day of November, 1874, there shall be an abatement allowed of 1 per cent. per month for each and every month so paid in advance; and that upon all said taxes which shall be delinquent and unpaid on said 1st day of November, there shall be added a penalty of 1 per cent. to the amount thereof, to be collected with such taxes; and a like penalty of 1 per cent. upon the amount thereof shall be added on the first day of each succeeding month to all of said taxes as are then delinquent and unpaid, to be collected as aforesaid. It shall be the duty of the collector of taxes to prepare a complete list of all taxes and property upon which the same are assessed in arrears on the 1st day of March next, and shall, within ten days thereafter, publish the same, with the notice of sale, in a newspaper published in said District, to be designated by said board of commissioners, for the time and in the manner required by the provisions of the act of the Legislative Assembly entitled "An act prescribing the duties of certain officers for the District of Columbia, and fixing their compensation," approved August 23, 1871. And all the provisions of said act as to the sale of property and the collection of taxes in arrears are hereby made applicable to the taxes hereby imposed and in arrears as aforesaid, except that the deed conveying the property so sold shall be executed by the said board of commissioners instead of the governor and the secretary.

Sec. 5. That a joint select committee shall be appointed, consisting of two Senators, to be appointed by the Presiding Officer of the Senate, and two members of the House, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to prepare a suitable frame of government for the District of Columbia and appropriate draughts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof; and they shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on its funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based; and in the discharge of the duty hereby imposed said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of \$5,000; and said sum, or so much thereof as may be necessary, be, and the same is hereby, appropriated for that purpose.

Sec. 6. That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works, hereinafter specified, namely: first, the debt evidenced by sewer certificates; secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works; fifthly, claims, for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia; sixthly, all claims for private property taken by the board of public works from the avenues, streets, and alleys of the cities of Washington and Georgetown; and, seventhly, all unjust claims for damages that may have been presented to the board of public works, pursuant to an act of the Legislative Assembly of the District of Columbia, entitled "An act providing for the payment of damages sustained by reason of public improvements or repairs," approved June 20, 1872, which last-named claims shall severally be examined and audited without regard to any examination heretofore made; and shall make a detailed and tabular statement of all claims presented, the persons or corporations owning the same, and the amount found to be due on account of each; together with a tabular statement of the funded debt of the District of Columbia and of the cities of Washington and Georgetown of every kind and character whatsoever, giving the date of issue, time of maturity, and the rate of interest. And it shall further be the duty of said board to ascertain the amount of sewer tax or assessment paid by any person, persons, or corporation, under the act of the Legislative Assembly of said District, entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor," approved the 26th day of June, 1873, and to prepare a tabulated statement thereof. Said board of audit shall also issue to each claimant a certificate, signed by each of said board and countersigned by the comptroller of said District, stating the amount found to be due to each and on what account; and a register thereof shall be kept by said board, to be transmitted to Congress, and also by the comptroller of said District; and said board of audit shall also ascertain and report to Congress, at the next session thereof, the amount equitably chargeable to the street railroad companies on account of paying along and within the tracks of said companies, pursuant to the charters of said companies or the acts of Congress relating thereto, together with their reasons therefor. It shall further be the duty of said board of audit to examine into and audit all of the accounts of the auditor and of the treasurer of the board of public works, and of the auditor, the collector, and the comptroller of the District of Columbia, from the date of the organization of said board and of the present government of said District; and for the purposes hereinafore specified shall have the power to subpoena witnesses, administer oaths, and examine witnesses under oath, and shall have full access to all of the records, books, papers, and vouchers of every kind whatsoever of the board of public works and of the Dis-

trict of Columbia; and to the end that said books and accounts may be thoroughly examined, and the indebtedness of said District, and of the board of public works, and the state of the books and accounts of each of the officers aforesaid, may be accurately ascertained, shall employ one or more skillful and impartial accountants non-resident of the District of Columbia, and such other assistants as they may deem necessary, to make examination of said books, vouchers, and papers, and discharge their other duties under this act, and shall procure inspection of such bank-books and papers as may be necessary; and they are hereby authorized to pay for the services of such accountant or accountants and assistants such sums as they may deem proper. And said accountant or accountants shall take an oath to faithfully discharge the duties imposed by this act. Said board of audit shall give notice for the presentation of the claims hereinbefore specified in such manner as may be deemed necessary; and no claim shall be audited or allowed unless presented within ninety days after the first publication of such notice. Each of the said officers constituting said board shall be paid the sum of \$2,000 for his services under this act, out of the funds of said District, in addition to his present compensation.

Sec. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared, in sums of fifty and five hundred dollars, bearing date August 1, 1874, payable fifty years after date, bearing interest at the rate of 3.65 per cent. per annum, payable semi-annually, to be signed by the secretary of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct; which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved and printed at the expense of the District of Columbia, and in form not inconsistent herewith. And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity. Said bonds shall be numbered consecutively, and registered in the office of the comptroller of said District, and shall also be registered in the office of the Register of the Treasury of the United States, for which last-named registration the Secretary of the Treasury shall make such provision as may be necessary. And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any of such bonds. And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

Sec. 8. That the authority conferred on the board of public works to issue additional certificates of indebtedness by section 4 of the act of the Legislative Assembly, approved on the 29th day of May, 1873, is hereby annulled. No property shall be advertised for sale or sold for the collection of any assessment authorized by the Legislative Assembly by the act entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor," approved on the 26th day of June, 1873, until otherwise ordered by Congress; and it shall be unlawful to issue any further certificates of indebtedness authorized by said act.

Sec. 9. That no board or commission of which the governor is *ex officio* a member (the board of public works excepted) shall be abolished by this act, but the members of the same, other than the governor, shall constitute such board or commission.

Sec. 10. That the act of the Legislative Assembly of the District of Columbia, entitled "An act to fund unsettled liabilities of the city of Washington, and providing for the issuing of the bonds, and levying and collecting taxes to pay the same," approved June 20, 1872, is hereby ratified and approved; but none of the bonds authorized by said act remaining unsold shall be negotiated or sold at less than par.

The amendments reported from the committee were to section 6 of the bill, to make the latter portion of the section read as follows:

To make examination of said books, vouchers, and papers, and discharge their other duties under this act, and shall procure inspection of such bank books and papers as may be necessary; and they are hereby authorized to allow for the services of such accountant or accountants and assistants such sums as they may deem proper, which shall be paid by the board of commissioners out of the revenues of said District. And said accountant or accountants shall take an oath to faithfully discharge the duties imposed by this act. Said board of audit shall give notice for the presentation of the claims hereinbefore specified in such manner as may be deemed necessary; and no claim shall be audited or allowed unless presented within ninety days after the first publication of such notice. And said board shall make full report of all their acts and proceedings to the President, to be by him transmitted to Congress the first day of the next session thereof, &c.

The amendments were agreed to.

Mr. WILSON, of Indiana. I now move to recommit the bill.

Mr. MERRIAM. Will not the gentleman allow an amendment to be offered?

Mr. WILSON, of Indiana. I regret to say that I do not feel at liberty, under the circumstances, to allow any amendment to be offered to the bill.

Mr. MERRIAM. Will you allow the amendment to be read?

Mr. WILSON, of Indiana. I would prefer not; at least not now.

Mr. PARKER, of Missouri. In section 4 of this bill it is provided that "there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes." If the gentleman can give any good reason why personal property in this District should not be placed on the same basis as real estate, then I will not propose to offer an amendment. But unless that shall be done, I shall certainly insist upon my right to offer an amendment to put personal property on the same basis with real estate.

Mr. MERRIAM. That is the proposition I desired to offer.

Mr. SMALL. And so did I.

Mr. WILSON, of Indiana. A number of members have asked me in regard to that matter. The committee have had the subject under consideration, and my colleague on the committee, the gentleman from New York, [Mr. BASS,] will explain to the House, in a few minutes, everything in connection with this question of taxation. Inasmuch as that is a branch of this bill which has been committed to his care, by the arrangement between us, I shall leave him to answer the question of the gentleman from Missouri [Mr. PARKER] rather than to proceed to answer it myself.

Mr. PARKER, of Missouri. Allow my amendment to be proposed and the House to act upon it.

Mr. MYERS. I understand the report recommends an appropriation for the laborers of the District. I would like to hear from the gentleman what is done in that regard.

Mr. BECK. I desire to ask a question.

Mr. WILSON, of Indiana. I hope I may be permitted to proceed without being plied with questions before I begin. I purpose, as briefly as I can, to call the attention of the House to the various provisions of this bill, with the exception of the one to which I have already alluded, relating to taxation.

Mr. PARKER, of Missouri. I want to know if the motion to recommit is pending, and cuts off all amendments.

Mr. WILSON, of Indiana. I made the motion to recommit for the purpose of cutting off all amendments. I do not desire to disguise my intention at all. I do not feel that under the circumstances I am at liberty to allow any amendment to be offered.

Mr. FORT. I rise to a question of order. Must not this bill be first considered in Committee of the Whole? If so, then what right has the gentleman from Indiana [Mr. WILSON] to enter a motion to recommit to cut off all amendments?

Mr. WILSON, of Indiana. If that point of order is made and sustained by the Chair, then I must move a suspension of the rules to bring the bill before the House for consideration.

Mr. FORT. I insist upon the point of order. It is not a proper thing for a committee to bring in a bill and not allow any amendments.

The SPEAKER *pro tempore*, (Mr. SAWYER.) The Chair overrules the point of order. The Chair understands that this committee had the right to report this bill at any time for consideration in the House.

Mr. PARKER, of Missouri. The gentleman from Indiana honestly and candidly says that he entered the motion to recommit to cut off all amendments. It may not be necessary to offer any, and after the bill has been discussed we may be entirely satisfied with it. But in what way, I will ask the Chair, can the bill be amended if it shall be deemed necessary?

The SPEAKER *pro tempore*, (Mr. POTTER.) When the gentleman from Indiana shall have concluded his remarks or have yielded the floor, the question will come up on the motion to recommit, or, if that be withdrawn, upon such other motion as the gentleman may make. And it will be for the House to determine what action to take upon it.

Mr. FORT. I made my point of order before the discussion began upon this bill. My point was, that under the rules the bill should go to the Committee of the Whole. I was answered by the Chair that there was some order relating to the bill giving it certain special privileges. Now I demand to hear that order read, so that we may know exactly what it provides.

The SPEAKER *pro tempore*. The Journal clerk will proceed to find the order. In the mean time the gentleman from Indiana [Mr. WILSON] is entitled to the floor.

Mr. FORT. Well, Mr. Speaker, I do not wish to yield the point I have made against this bill, that it should go to the Committee of the Whole, where there may be full opportunity for amendment and discussion.

The SPEAKER. The order will be found as soon as possible. In the mean time the gentleman from Indiana [Mr. WILSON] will occupy the floor.

Mr. CHIPMAN. I desire to make a parliamentary inquiry. I do not quite understand from the Chair by what means any amendment to this bill could be brought before the House in case the motion to recommit should be sustained. The amendments I wish to offer I hope to sustain by sound reasons. They go to the very existence of our District.

The SPEAKER. If the motion to recommit should be sustained, of course the bill would not be before the House. The presumption is that in this case, as is usual in such cases, the gentleman from Indiana has interposed the motion to recommit in order to hold control of the bill against amendments. Should the previous question be called without withdrawing the motion to recommit, the question would first be upon that motion; and that being negatived, the previous question would not exhaust itself until the engrossment and third reading of the bill.

Mr. BECK. I desire to ask the gentleman from Indiana whether he will allow, before the previous question is called, any discussion by gentlemen other than members of the committee?

Mr. WILSON, of Indiana. I have no desire at all to prevent discussion upon this bill. If it is desired that it shall be discussed I am certainly willing to allow the utmost latitude in that respect. I say very frankly to the gentleman that the course I had designed to pursue was, after I had made a statement as to the character of this bill and the reasons that have influenced the committee in its preparation, to withdraw the motion to recommit, and then move the previous question, leaving the matter within the control of the House.

Mr. BECK. I only desire that there shall be an amendment of section 4, so as to reduce the proposed rate of taxation from 3 per cent. to 2 in the city of Washington; from 2½ per cent. to 1½ in Georgetown; and to fix 1 per cent. as the rate for the District outside of the cities of Washington and Georgetown. I would provide further

that the United States should wait for its proportion of the money to be raised by taxation. It seems to me that the rate of taxation proposed in the bill would amount to a confiscation of the property of the residents here. I wish to get that amendment in if I can.

Mr. WILSON, of Indiana. If the gentleman from Kentucky knew exactly the financial condition of this District he would find the committee has not imposed any more taxation than is absolutely necessary.

Mr. BECK. I wish only to take one-sixth instead of one-fourth.

Mr. FORT. My friend from Missouri wishes to amend the bill so as to make personal property taxable. There are railroad companies, banks, and other corporations in this District which are not taxed at all under this bill, while the personal property of my constituents is taxed in order to support this city. We want an opportunity to make amendment in that regard. If I have an opportunity I will move such an amendment.

Mr. WILSON, of Indiana. I suppose the point of order is still pending.

The SPEAKER. The Chair is holding it up, as the gentleman from Illinois demands that the order of the House shall be read.

Mr. WILSON, of Indiana. My time is not running, I suppose.

The SPEAKER. It is not.

Mr. LAMISON. I find by section 4 of this bill there are three rates of taxation fixed by it; that is, three dollars for the city of Washington, two and a half dollars for the city of Georgetown, and two dollars for the county. I wish to direct the attention of the gentleman from Indiana to this fact, so he may explain to the House why this discrimination should be made, and why there should not be adopted some uniform system of taxation.

Mr. WILSON, of Indiana. I think my friend from New York [Mr. BASS] will make that perfectly plain when he comes to discuss this bill.

Mr. CHIPMAN. Will not the gentleman from Indiana allow my amendment to be read by the Clerk?

Mr. WILSON, of Indiana. Not now.

Mr. CHIPMAN. This District government should not be destroyed and the people given over bound hand and foot without some chance of righting themselves. Will the gentleman from Indiana allow my amendment to be read? My amendment relates to allowing the people to elect one of the commissioners, to reducing the tax as it now is, and to fix the interest at a rate to secure us a par bond, and to make the laborers and employes preferred creditors in the payment of our liabilities.

Mr. SPEER. Does not this bill really release this District of Columbia from the bonds in which it now is?

Mr. CHIPMAN. No; I understand it rivets the bonds, and I will show that to be true if I have an opportunity.

Mr. WILSON, of Indiana. The gentleman is entirely mistaken.

Mr. CHIPMAN. No; gentlemen are mistaken, as I will show if I have an opportunity.

Mr. O'NEILL. Does this not change the rate of interest on some of the bonds?

The SPEAKER. The Clerk will read from the Journal of May 18.

The Clerk read as follows:

On motion of Mr. JEREMIAH M. WILSON, of Indiana, by unanimous consent, ordered—

That the joint select committee ordered to investigate the condition of affairs in the District of Columbia be allowed to report at any time for consideration in the House.

The SPEAKER. This bill is properly before the House for consideration.

Mr. FORT. I only wish to say the gentleman from Indiana in good faith ought not to come in here under such an arrangement and insist upon this bill being considered without allowing any amendment to be offered to it.

Mr. WILSON, of Indiana. This is entirely within the control of the House.

Mr. FORT. It is not acting in good faith to the House.

Mr. WILSON, of Indiana. It is acting in perfect good faith.

Mr. PARKER, of Missouri. Does not that resolution simply bring the bill before the House for consideration, and has the gentleman from Indiana any right to enter a motion to recommit to cut off amendments?

The SPEAKER. The rules leave the matter wholly and entirely within the control of a majority of the House. If the gentleman from Indiana should demand the previous question and the House should refuse to second it the bill will then be open to amendment, but amendments will be cut off, as a matter of course, if the House should second the demand for the previous question.

Mr. WILSON, of Indiana. After having explained the provisions of this bill I propose to withdraw the motion to recommit and to demand the previous question. If the House thinks it is better the bill should be amended they can vote down the previous question. As a matter of course, the House has the entire control of the matter. I do not wish to take any advantage of any gentleman or do anything unfair in regard to this bill.

Mr. FORT. This looks like it.

Mr. WILSON, of Indiana. I have no interest in the matter except to get a bill passed through the House which will meet the necessities of the District of Columbia at this time.

Mr. FORT. I wish to make a parliamentary inquiry. Will it be in order to move to suspend the rules in order to allow amendments to be in order to this bill?

The SPEAKER. That will require a two-thirds vote, whereas the gentleman can accomplish his purpose by a majority vote.

Mr. FORT. By voting down the previous question?

The SPEAKER. Certainly. The gentleman from Indiana has put himself at a disadvantage by moving to suspend the rules, which requires a two-thirds vote, whereas he can accomplish his purpose by a majority vote.

Mr. WILSON, of Indiana. If gentlemen will put their amendments in writing I will consent to have them read after I get through.

Mr. FORT. Have them read now.

Mr. WILSON, of Indiana. No; wait awhile.

Mr. FORT. Let them be read now, so they may be considered by the House.

Mr. WILSON, of Indiana. The committee which has had in charge the investigation of matters out of which this bill has arisen have given this whole subject their most careful attention. The whole matter is exceedingly complicated, and we have encountered great difficulties on every hand. We have considered, I think, all of the questions that have arisen, looking at them from every conceivable stand-point, or at any rate from every stand-point which occurred to us, and we have done on this subject the very best we could and have put it in the form of this bill. There is no member of this committee, I apprehend, who has any interest whatever in passing a bill here which shall not meet the immediate and future wants of this city and this District. And I may say that the committee are united in recommending the passage of this bill, and united also in regard to the matters which are discussed in the report submitted with the bill.

It is not surprising that in a matter of this kind, in an investigation which involved the taking of over twenty-five hundred pages of printed testimony, there should be found many questions of fact with reference to which differences of opinion would arise. There are such in this case, and as it was not possible to review the testimony and discuss disputed points, and as the assertion of a conviction without such a review would be of little avail other perhaps than to strengthen and intensify opinions already formed, the committee under the circumstances of this case regarded it as very important to pass this bill at this session, and to avoid as far as possible the presentation of points in the report upon which an agreement could not be had, and which would only provoke discussion and cause delay.

Now, as to the question whether in the expenditure of the millions of dollars of public money that have been expended in the last three years and the disposition of the millions of dollars of securities that have been disposed of in this District during the last three years in the loose, irregular, and unlawful manner in which the evidence and the report show that this has been done, whether or not under these circumstances any of those who participated in this business appropriated any of these moneys fraudulently to their own use, whoever looks at the evidence and the surrounding circumstances will form his own conclusions, and time probably will test the accuracy of those conclusions, for it is said that "time at last makes all things even."

But leaving all of these questions entirely out of view, I will say that there is no difference of opinion among the committee as to the necessity for a change in the management of the affairs of this District. The law prohibited the creation of a debt exceeding \$10,000,000. It prohibited the making of contracts except in pursuance of appropriations and until the appropriations were made. That provision will be found in the thirty-seventh section of the organic act of this District under which the present District government is now being carried on. The board of public works submitted to the District Legislature a plan of permanent improvements which was estimated to cost \$5,533,397, including a system of sewers, and asked for an appropriation, which was granted to the extent of \$4,000,000, and to raise the money bonds payable in twenty years were provided to be issued. But the District Legislative Assembly incorporated in the bill making that appropriation of \$4,000,000 a proviso that the board of public works should not enter into any contract to exceed the amount of the estimate that was submitted by the board to the Legislative Assembly, less 20 per cent. of the estimated cost.

Now, here were three prohibitions upon this board of public works. In the first place it was provided that the debt of this District should not go beyond \$10,000,000; in the second place, Congress had provided by this thirty-seventh section of the organic act that contracts should be made only in pursuance of appropriations and not until appropriations had been made; then, in the third place, the District Legislature had provided—

That in no case shall the said board enter into a contract for any work or improvement the cost of which shall exceed the amount estimated therefor in its aforesaid plan, less 20 per cent. of said estimates.

Now, Mr. Speaker, notwithstanding all this, contracts were made \$12,000,000 at least in excess of the estimates to which they were limited, less 20 per cent., and certainly three times the amount of the appropriations which had been made and which were available to the board as the basis upon which to make contracts.

Then, again, the House will remember, or at all events many gentlemen will remember, that on the 8th day of January, 1873, an appropriation was made by Congress of \$1,240,000, (and that appropriation, drawn from the Treasury three days after the appropriation was

made, was all paid on debts within a week after it was so drawn.) Congress by that act prohibited the making of any contract which should be obligatory upon Congress until after the appropriation had been made. And yet when this Congress is about to convene a claim is presented for over \$500,000 for work that had been done during last summer around the Government property in defiance of that provision of the law. Then again in March, 1873, Congress appropriated \$75,000 for the purpose of purchasing an interest in the City-hall building in this city, and incorporated in the law making the appropriation a provision that the money should only be used in the erection of District offices, and yet notwithstanding that prohibition placed upon them by Congress this money was also diverted from the uses to which it had been appropriated by Congress, and was used in the current business of paying the debts of the board of public works. There are other matters of this kind to which I might refer, but I think it is unnecessary to elaborate this part of the subject in this connection.

I have only referred to these matters for the purpose of showing to the House that the law has been no restraint upon these gentlemen who have been running the government of the District of Columbia for the last three years. The expenses have by the manner in which the government has been administered been most inordinate. I will give the House a single item. The matter of printing and engraving alone of the District of Columbia and of the board of public works since the 1st of June, 1871, has amounted to over \$220,000, and the other expenses of the District have been on the same magnificent scale. The result of these operations has been to create enormous burdens, a statement of which is made on page 13 of the report, which I will ask the Clerk to read. I have it read now for the purpose of showing the burdens that have been imposed upon this District during the last three years.

The Clerk read as follows:

From the best information attainable, the committee find that the following is as nearly as can be stated the debt of the District which is in excess of the \$10,000,000 limitation fixed by act of Congress:

Bills payable of the District of Columbia.....	\$410,000 00
Certificates known as auditor's certificates, less amount of assessments authorized to be made.....	2,454,526 55
Contracts made for work and not completed, two-thirds of which must be paid by the District.....	883,332 00

Amounting in the aggregate to.....	3,747,858 55
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This is an absolute debt against the District, after exhausting every available resource near or remote for its payment, unless a new tax for this purpose shall be levied. It is a debt due and payable at the present. But this is not the whole floating or unfunded liability resting upon the people of this District. The total of obligations for which the board of public works and the District are really liable, including such as are accurately ascertained and the remainder estimated, may be stated at \$7,683,756.89, made up of the following items:

Certificates known as auditor's.....	\$4,900,886 57
Contracts not yet completed, estimated.....	1,325,000 00
Damages to property, estimated.....	500,000 00
Property taken from streets.....	50,000 00
District of Columbia debt to February 1, 1874.....	497,870 32
Bills payable.....	410,000 00
Total.....	7,683,756 89

The total burden upon the people of the District outside of the present funded debt is, however, much larger. To ascertain that burden approximately there should be added to the foregoing:

Certificates of indebtedness outstanding.....	\$1,450,000
Sewer certificates outstanding.....	1,030,000
Present obligations of District not included in the above.....	850,000

or a total in addition of \$3,330,000; which must be met by taxation in some form; or a total burden of \$11,013,756.89 beyond that represented by the funded debt, which is \$9,902,251.18; making a total burden upon the property of the District of \$20,916,008.07. This does not include the sums required to carry on the ordinary functions of government after July 1, 1874.

Mr. WILSON, of Indiana. Now, Mr. Speaker, the committee do not, as a matter of course, pretend to know that these results are entirely accurate nor can they tell whether or not all of this indebtedness is indebtedness that has been created in absolute good faith, and the reasons why that cannot be known are set forth or indicated on page 11 of the report. I will ask the Clerk to read the passage I have marked.

The Clerk read as follows:

Pursuant to this authority, for no other seems to have been relied upon, the vice-president ultimately came to be, practically, the board of public works, and exercised the powers of the board almost as absolutely as though no one else had been associated with him.

During a considerable portion of the succeeding time, notwithstanding the most extensive operations were being carried on, and expenditures were being made by the million, there were no stated times for board meetings, and but comparatively few board meetings were in fact held, but entries were made in the record purporting to contain the proceedings of the board, which were, in fact, made up by the secretary from letters and papers that came to the office, and from directions made by the vice-president. Some of these were entries made of business transacted by the vice-president at his private office, and afterward placed on the records as having been business transacted by the board.

These minutes were rarely, if ever, read and approved. As an illustration of the manner in which this business was transacted, reference is made to the testimony of Charles S. Johnson, assistant secretary, (pages 2319-2322, inclusive.)

THE TREASURER'S DEPARTMENT.

The treasurer was made the sole custodian of all the moneys received and securities issued and the sole disbursing officer of the same, without any check upon him whatsoever. He could draw his checks upon the public moneys in favor of whomsoever and for any amount he chose, and on any account he might think proper, without any other member of the board or officer thereof having any knowledge of

it whatever. He has kept no cash account, and the checks he has issued do not correspond with the several amounts reported by him to have been paid; so that there is, as he himself concedes, no means of ascertaining whether his accounts are correct, other than by examining his books and papers in detail, which would have required more time than the committee could devote to it, besides requiring the services of a skillful accountant. From the organization of this board, June, 1871, to this time, the board has not examined these accounts.

AUDITOR'S OFFICE.

The mode of doing business in this office was as follows: Upon the presentation to the auditor of an account or estimate purporting to be approved by the board of public works, the auditor issued a certificate of indebtedness, and filed the approval, account, or estimate as his voucher for the issuance of the certificate. But no record or register of such auditing by the board was kept by the board, and it would seem to have been common for a single member to direct accounts to be audited in the name of the board; consequently there are no books that serve as a check upon the auditor, and by the comparison of which with his own books it can be seen whether he has improperly issued certificates. The only way in which his books can be verified is by comparing them with the many thousand vouchers on file in his office.

Notwithstanding the powers of the auditor and of the treasurer, the board, during the three years it has been in existence, has done nothing in the way of verifying the accounts of these two officers. This is a negligence not to be excused in those in whom such important trusts were confided.

Whether moneys have been paid out on false accounts, or diverted to improper purposes, can only be determined from a careful scrutiny of the accounts in detail. In the bill reported by the committee provision is made for having the books and accounts of these officers examined.

Mr. WILSON, of Indiana. I have called the attention of the House to these matters for the purpose of showing the necessity for making a change in the affairs of the government of the District of Columbia. The evidence shows, I think, beyond all question that this indebtedness is now more than \$3,700,000 in excess of the \$10,000,000 after exhausting every available resource. The District is in a sense utterly bankrupt. I regret to say it, but they have no means wherewith to carry on the government any longer. Their treasury is utterly exhausted. They have no money with which to meet current expenses much less to pay their debts. The employes of the District government have been unpaid now many of them for twelve months past, and since last November many of those who have been in the service of the District have been without any pay whatever. I need not take further time on this subject. It is proposed to change this government, and the committee therefore have recommended the first section of the bill, which it is not necessary that I should read as members have it before them and it has already been read at the Clerk's desk. And for the purpose of carrying on the government here *ad interim* it is proposed that there shall be three commissioners appointed by the President and confirmed by the Senate, and that they shall take charge of the affairs of the District and perform the duties now vested in the governor and the board of public works, except as limited in this section. There are limitations, it will be seen, placed on these commissioners such as will, in the opinion of the committee, protect the people of the District from any further incurring of debts.

Mr. NIBLACK. Will my colleague allow me to ask him a question?

Mr. WILSON, of Indiana. Certainly.

Mr. NIBLACK. I understand from his statement that there have been many gross violations of law, as well as derelictions of duty, in regard to what has been done in this District during the last three years. The question I desire to ask is whether the committee have recommended or intend recommending any censure or punishment of those officers who have thus violated the law and bankrupted the District?

Mr. WILSON, of Indiana. I presume that that is not within the province of the committee. It is not the business of the committee to recommend the censure or punishment of any person who has been connected with the affairs of the District government.

The second section of the bill provides for a temporary government. The bill then, in the third section, provides for the appointment of an engineer to take charge of the improvements in the city, so far as it may be necessary that they should be carried on, during the time when there is merely a government *ad interim*. The fourth section of the bill is the taxing provision; I pass that over, as the gentleman from New York [Mr. Bass] will give it attention presently. The fifth section has reference to the creation of a permanent form of government. Now, I desire to say to the House that after the committee had closed the taking of testimony, we began to consider the question as to what kind of government we could devise, and after considering that matter with a good deal of care, we came to the conclusion that it would be utterly impossible, in the brief time that we had to devote to the subject before the close of the session, to devise such a framework of a government as ought to exist in the capital of the nation. There were many things that would have to be provided for; such, for instance, as a police for the District, a fire department, schools, and all the other minutiae of the machinery necessary to a complete municipal government.

And inasmuch as it was perfectly apparent to the committee that there ought to be a cleaning up of these matters here, it was deemed best to make such provision if possible as would enable the Congress of the United States to furnish this District with a model municipal government. The whole thing is to be gone over; the committee had not the time to do it. Therefore we came to the conclusion that the best thing to be done was the appointment of a joint committee of the two Houses. The reason for that was that when the joint committee, after having fully considered this whole subject, had prepared

what they deemed a suitable frame-work of government, with the necessary laws for its execution, they could present that bill for the consideration of Congress. In addition to that, it was the desire of the committee that the government which was to be framed should not be regarded in any sense as political or partisan, that it should not be the creation of any party, so far as that could be avoided; therefore the committee provides in this section that this joint committee for the purpose of preparing a frame-work of government for this District shall consist of two members of the House and two members of the Senate.

There is another provision in this section to which I desire in this connection to call the attention of the House. It is provided that this joint committee "shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on its funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based." There is a subsequent provision to which several gentlemen have called my attention. There is a very strong reason in my mind why this should be done.

I have no doubt the chairman of the Committee on Appropriations will bear me out in saying that it is almost impossible to avoid making improper appropriations for this District, where the accounts are brought in from session to session for the purpose of getting appropriations from Congress for the support of the District. In January, 1873, an account was presented to the Committee on Appropriations for over \$1,240,000. Your committee have had that account under consideration, and the evidence shows that to say the very least of it, to speak in the mildest possible way, the account was very inaccurately prepared. Then, again, on the 3d of March, 1873, by reason of claims that had been made by this District government, appropriations were made aggregating upwards of \$2,400,000 for the purpose of supporting this District. Now I can say, without using any harsh words, that the testimony in this case has shown that the accounts were exceedingly loose and inaccurate. And at the beginning of this Congress another bill was presented in the report of the board of public works for 1873 which I ask the Clerk to read.

The Clerk read as follows:

The indebtedness of the General Government to the District of Columbia on account of improvements, as shown in the statement hereto appended, is as follows:

For work in and around Government reservations and public buildings.....	\$573,171 75
For work on avenues.....	1,056,574 36
For main sewerage.....	2,540,681 83
	4,170,427 94

Mr. WILSON, of Indiana. Now, without indulging in any criticisms with regard to the appropriations which have heretofore been made, further than what I have already said, we find here that with a view of getting an appropriation from this Congress accounts are presented aggregating over \$4,370,000 for the avowed purpose of getting an appropriation from the Congress of the United States. By this it was expected to lift the burden of debt from the people of this District. It is claimed that the Government owes that amount of money. Now, as I said a while ago, \$570,000 of that amount is for work done in violation of the act of Congress. Then there is another account, a tabulated statement of which will be found in the report, of \$1,056,000. The testimony in this case shows that the account is wholly erroneous. Whether there is anything due, except it may be \$250,000, is wholly problematic. Nobody can tell after looking at the testimony whether or not there is anything due.

The third item of this amount is for sewerage, \$2,740,681.83. That is made up in this way; I wish to call the attention of the House to it, for the purpose of showing how these claims are made up and presented to Congress. There has been a sewerage act passed by this District; the main sewerage when completed will cost \$2,435,855.23. This claim which is presented here is \$304,000 more than the whole main sewerage of this city will cost when it is completed. By the sewerage law the city is divided into sewer districts, and a certain grade of assessments have been made per square foot of the property in the various sewerage districts. Then the board say that the Government has so many square feet of reservations in the District, that there are so many square feet of ground in the avenues and streets in the cities, and the Government being the owner in fee-simple of all the streets and avenues, if you aggregate the reservations and streets and avenues and tax them just as other property is taxed for sewer purposes, you will have \$2,740,681.83; therefore they say the Government of the United States owes this District that amount of money on account of main sewers. That is the way that account is made up.

I state these things for the purpose of showing that for the protection of Congress against improper charges on account of this District, there is an absolute necessity for fixing some *pro rata* amount, some fixed proportional share which shall be paid by Congress for the support of this District; and hence we have embodied that recommendation in a section of this bill.

The sixth section is a provision for an auditing board for the purpose of ascertaining the actual state of the indebtedness of the District. This becomes necessary for several reasons.

Mr. GARFIELD. Does the bill provide that the commissioners who are to be appointed shall fix the ratio of expense to be borne by the United States Government?

Mr. WILSON, of Indiana. Not at all.

Mr. GARFIELD. There is certainly a most imperative necessity that we should know at an early period exactly what part of the expenses of the District the Government of the United States ought to bear.

Mr. WILSON, of Indiana. I am glad the gentleman has asked me that question. This bill does not leave that matter to these commissioners or to the board who are to devise the new frame-work of government. It simply provides that they shall prepare and submit to Congress their views upon that subject, giving their reasons; and then it will be for Congress ultimately to say what shall be the proportion to be paid by the United States. We have guarded the bill in that respect; and I thank my friend for calling my attention to it.

Mr. LAWRENCE. Then the proportion of expense to be borne by Congress is not determined by the bill?

Mr. WILSON, of Indiana. No, sir; that is for Congress to determine hereafter.

Mr. LAWRENCE. Is there anything in the bill which commits Congress to the indorsement or the payment of the District debt?

Mr. WILSON, of Indiana. No, sir; I will call attention to that point in a few moments. I think I can show that the committee has been careful about that.

The sixth section provides for an auditing board; and the purpose of that is to get a complete understanding and accurate information in regard to the indebtedness of this District. It makes provision that the First and Second Comptrollers of the Treasury shall be an auditing board, with power to employ the necessary assistants. Among other duties to be performed by this auditing board is the examination of the accounts of the auditor and treasurer of this board of public works. I have already had read from the desk that portion of the report relating to these two officers. Nobody can tell anything about their accounts. They may be all right; I do not say that they are not; but I do say that no living man can tell anything about them except by going through them in detail. Why, sir, the treasurer of this board of public works could any day draw his own check upon the funds of the board without anybody to molest him or make him afraid. And while these sewer certificates were worth not more than 40 cents on the dollar, if there was any money in the treasury he could, if he had seen fit to do so, have purchased those certificates at this rate of discount with the funds of the District. There was nothing in the system under which business was done which would have prevented him from doing that very thing.

Mr. CHIPMAN. In order that the House may not be impressed with the idea that the board of public works is responsible for what the gentleman is now stating, I wish to call his attention to section 37 of the organic act, by which Congress placed in the hands of the board of public works entire control over the funds appropriated for the city by the District of Columbia or by the United States. It was provided that "upon their warrant all money appropriated by the United States or the District of Columbia or collected from property-holders," &c., should be disbursed.

Mr. WILSON, of Indiana. Ah! Mr. Speaker, I wish I had time to go into this question; I would answer the gentleman to his entire satisfaction. If he will go back and trace in the Globe the history of that provision he will find that Congress never intended that this board should have any such power; he will find that my colleague on the other side procured a change in the language of the law to the end that that thing should not be done. And I say here that this is one of the usurpations and unlawful acts of this board. I did not intend to say anything about it.

Mr. CHIPMAN. I did not suppose the gentleman intended to make any false impression.

Mr. WILSON, of Indiana. I do not.

Mr. CHIPMAN. I only desired the House should know what the law is.

Mr. WILSON, of Indiana. I say the law never intended any such thing.

Mr. CHIPMAN. I do not think it ought to have so intended; but it has been so construed.

Mr. WILSON, of Indiana. I did not intend to say one word about that point, because there has been a controversy in regard to the construction of that provision. But if any one will look through the Globe and trace the history of that measure he will find that it was not the intention that such power should be conferred upon this board. But suppose Congress had conferred such power, what was the duty of the board? It was to take the necessary precautions in regard to the disbursement of these millions of public money passing through the hands of this officer. Why, sir, there went through his hands within three or four or five months of last year over \$3,500,000 that was appropriated by Congress; and there was no check upon him whatever in regard to the expenditure.

Because of what the committee have discovered in their investigation in this case, because the treasurer of the board of public works has admitted before the committee that there was no check upon him whatever, the committee has felt it to be its duty to provide a means whereby the accounts of the treasurer and auditor (those of the former footing up more than \$15,000,000, and those of the latter more than \$18,000,000) shall be thoroughly investigated.

Not only that, but I will say to the House further, you may take his reports and go through them from end to end, as my friend from New

York [Mr. Bass] sitting on my right and myself have done, and you will find, in the first place, that he kept no cash account, and if you take the stubs of his checks you will find they hardly ever correspond with the amounts he has credited to himself in his reports. They scarcely ever correspond. So that there is no possible mode of knowing anything about it.

Mr. COBURN. What is the amount of variation?

Mr. WILSON, of Indiana. You cannot tell a thing about it. I do not say they are wrong, but I say finding this condition of accounts the committee have put in the sixth section a provision whereby the accounts of these two officers shall be carefully and thoroughly overhauled.

As I have already said, I do not say there is anything wrong, because I do not know, and there is no means by which I can ascertain. We have provided in this bill that this board of audit shall employ two skillful accountants, non-residents of this District. If there is any possible way by which the country can know the true state of this case we propose by this bill to make it out. Mr. Speaker, here is a great variety of debts. Here is a class of debts called sewer-certificates.

But let me ask the Chair how much time I have left?

The SPEAKER. The gentleman has about seventeen minutes of his hour remaining.

Mr. WILSON, of Indiana. My time is so near out I will have to abbreviate.

The bill provides also, as you will see for funding all the floating debt—getting it in shape. Then it is provided in another section of the bill that the sinking-fund commissioners shall, when this debt has been audited in the manner indicated by the bill, cause to be issued a bond bearing 3.65 per cent. interest, payable in fifty years, and that these various forms of indebtedness may be funded in that bond.

Now the reason of fixing that amount of interest is simply this. The committee ascertain from the testimony that in making some of these contracts, and especially some of these larger contracts, sewer contracts—in fixing the amount which should be paid for the construction of some of these works, an allowance had been made of 15 per cent. for the depreciated paper in which the payments had been made. Taking that into consideration, the committee came to the conclusion, making the best calculation they could, a bond bearing 3.65 per cent. running for fifty years would come as near getting at what is right in this as is possible. It is provided in the bill that these bonds shall not be taxable for State, county, or municipal purposes.

In reference to the question as to whether or not the Congress of the United States is pledged to the payment of these bonds, I will call the attention of the House to that provision of the bill. Here it is:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act—

You will remember what I said about ascertaining the proportion the United States should pay—

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

That is the only pledge given in this bill.

Mr. TOWNSEND. Let me ask the gentleman from Indiana a question. What does the word "will" in line 16 refer to? There is no connection I can see. Will do what?

Mr. WILSON, of Indiana. "Will by proper proportional appropriations."

Mr. TOWNSEND. What will it do?

Mr. WILSON, of Indiana. They have two "wills." It is inaccurately printed in there. "As will provide the revenues necessary for the payment of the interest and principal thereof at maturity." There may be a verbal omission.

Mr. TOWNSEND. After the word "district," in line 19, some word should come in.

Mr. WILSON, of Indiana. There is an omission of a word.

Mr. TOWNSEND. What is the word?

Mr. FORT. Let me ask a question.

Mr. TOWNSEND. I suppose the word is "levy"—will levy.

Mr. WILSON, of Indiana. It should be "as will do so." There is an omission of the two words "do so." The pledge given is simply this: that the Government of the United States having ascertained through an act of Congress hereafter to be passed what will be the proper proportion, then the Congress of the United States pledges itself to pay that proportion, whatever it may be, and by causing taxes to be levied on the property of the District will provide the necessary means to pay the interest and principal at maturity. In that connection let me call the attention of the House to one other fact.

Mr. FORT. Let me ask the gentleman a question. On page 2, line 14, there is a provision in reference to the payment of debts due the laborers and employes of the District and board of public works. Let me ask whether it would not be proper to make provision for the payment of these laborers?

Mr. WILSON, of Indiana. That is all provided for.

The point to which I was going to call the attention of the House before I yield the floor is this: I have been asked the question why

it is that taxes are imposed simply on real estate. Gentlemen will see by looking at the bill that it does not provide that this principle of taxing only real estate in the District shall be continued. It says "that Congress will cause taxes to be levied on the property of the District," not confining it to real estate; and this method of levying taxes on real property is only a temporary expedient for a special reason, which my friend from New York [Mr. BASS] will now explain to the House. I yield the balance of my time to that gentleman, who will withdraw the motion to recommit, and submit a motion for the previous question.

Mr. BASS. At this late stage of the session it was deemed best by the committee that only such general remarks should be made in reference to this bill as would bring fully to the notice of the members of the House the provisions incorporated in it, and the particular evils proposed by it to be remedied. Those have been substantially explained by the chairman of the committee. And he stated at the outset of his remarks that he desired that such questions as might be put by the members of the House with reference to the taxation levied or proposed to be levied by the bill should be answered by myself. If the House will be patient I will endeavor in the briefest possible way to explain as well as I can why the committee recommend in the first place that a tax of 3 per cent. be levied upon the property of the city of Washington, a tax of $2\frac{1}{2}$ per cent. on property in the city of Georgetown, and 2 per cent. on property in the county outside of Georgetown and Washington, for the purpose of maintaining the credit of the District during the ensuing fiscal year, and why it was in connection with that that the committee did not feel it was desirable to recommend in this bill that a tax should be levied upon personal property. The committee recommend the levying of a tax at the rate of 3 per cent. for this reason: Last year the Legislature of this District levied a tax of 2 per cent. on the property in the District, and 1.58 per cent. on the property outside the city in the county. The result of this was that the District Legislature did not provide adequate revenue to pay the current expenses of the year and meet their appropriations, and, as is shown in the report of the committee, there will be a deficiency on the 1st day of July of this year, estimated in round numbers at not less than \$1,000,000. Some of that may be chargeable to the fact that the residents of the District have not paid their taxes which were levied in July, 1873, or rather which became collectible July 1, 1873. That general tax became by the terms of the law which passed the Legislative Assembly of this District collectible on that day. Certain abatements were allowed provided taxes were paid in anticipation of the 1st day of July of this year. But under the provisions of that law the taxes having been levied for the purpose of paying the current expenses of the fiscal year from July 1, 1873, to July 1, 1874, which included the compensation and wages of school-teachers, the payment of all the officers of the District government, the payment of the salaries of the members of the fire department, the payment of the salaries of the members of the police department, the payment of every employé of the government, from the lowest chimney-sweep to the heads of the District departments, we find that the taxes have been collected so slowly that there is now of the taxes then levied more than \$1,000,000 uncollected, though due and collectible, and by reason of that, or to a certain extent by reason of that, this large deficiency is accruing against the District government.

By the estimate of expenditures for the ensuing fiscal year, which has been prepared by the governor of the District to be sent in to the District Legislature, it appears that for the ensuing year, commencing on the 1st of July, 1874, and terminating on the 1st of July, 1875, the current expenses of this District, without some legislation to prevent, will be equal to the annual expenditure for the administration of each one of at least twenty of the States of this Union. In this little Territory, having within its limits only about the amount of territory which is included within an ordinary township in our States, it will cost to pay its current expenses, by this estimate, more than \$2,500,000 for the ensuing fiscal year, including the amount necessary to pay the interest on the funded debt. It therefore becomes necessary to raise this money, or else Congress will imitate the example set by the District Legislature and by levying an inadequate tax let the District still run into bankruptcy. Therefore your committee have recommended to Congress that, facing this question boldly, they should levy on the District a tax necessary to enable it to pay its school-teachers and its firemen and its employés in every department, and thus relieve them from distress and the District from a breach of faith. For this purpose they have found it necessary to levy this tax of 3, $2\frac{1}{2}$, and 2 per cent., and it will produce the amounts to which I will now call the attention of the House. Gentlemen will find, if they look on page 24 of the report, the table containing the estimates of the necessary expenses of the District government for the ensuing year.

Gentlemen will find also upon page 28 of the report the amount which 1 per cent. upon the property of the District will raise and which 2 per cent. will raise. The House will therefore see that a levy of 3 per cent. on the property of the city, $2\frac{1}{2}$ per cent. upon the property of Georgetown, and 2 per cent. upon the property of the county will produce in round numbers, if the taxes are all paid, the sum of \$2,500,000. This tax the bill makes due and collectible on the 1st day of next November.

It is probably evident to the House why the rate is made to vary in the different localities. The chief expenditures and expenses are

incurred in this city and the chiefest burden must fall here, and the rate recommended is believed to be fair and equitable in consideration of all the circumstances.

There has been some criticism as to some of these provisions of the bill, because, as it is stated, we are levying a double tax this year upon the property of the District. Will you pardon me if I state to you in brief terms what the facts are in that connection and show you that this allegation is unfounded? The last tax levied upon the people of the District of Columbia was levied by an act which passed the District Legislature June 26, 1873, which made the tax collectible on the 1st day of July, 1873, for the purpose of paying the current expenses of the then ensuing fiscal year. No tax has been levied since that time, and these gentlemen who complain that a double tax is levied this year must be the same persons who are in arrears and who did not pay their taxes last year when by the terms of the law they were collectible. The tax now levied ought to be made due on the 1st day of July of this year, but the committee recommend that the time be extended until the 1st of November, because of the fact that during this investigation when the various rumors were abroad in this District, inducing the people to believe that they would have to pay no more taxes and that Congress would assume and pay the expenses of the District, many persons declined to pay their taxes, and therefore this large sum is in arrears. But this tax levy is simply such a one as the committee believe will help to redeem the credit of the District and enable the employés of the government to be paid the sums justly due them.

Perhaps I should state that in addition to the current expenses included in the estimate of the governor, which will be found on page 24 of the report, the District government during the ensuing year will be compelled to pay other sums. There is no estimate stated there for the necessary amount required to keep these streets and avenues in repair, which will cost, as we all know, quite a large sum of money. Nor is there included in this estimate the amount necessary to complete the outstanding contracts which are legal and valid as against the District of Columbia. There is no estimate of the amount necessary during the ensuing year to pay the interest on the floating debt, which is to be funded in the three sixty-five bonds to which reference has been made. These aggregate expenditures at the lowest estimate will amount to \$500,000; and my colleague on the committee from Michigan [Mr. HUBBELL] suggests that there must also be suitable provision for cleaning the streets and alleys, which in this city will amount to probably \$100,000 per year; so that this tax has been put at the lowest estimate. The committee are desirous to reduce it if possible, and save the public credit of the District.

Mr. Speaker, I desire before speaking on the question of levying a tax upon personal property in this District to ask that the amendment of the gentleman from Missouri, [Mr. PARKER,] who has made a suggestion on that subject, be read, for the purpose of indicating to the House that it is impracticable to incorporate any such provision in this bill.

Mr. G. F. HOAR. I desire to ask the gentleman whether there is any objection to directing the committee which is to examine into the affairs of this District and report to the next Congress to include in their report a proper system of taxation for the District?

Mr. BASS. That is included in the general provision. The House will bear in mind that of the gentlemen who are to compose this committee half of them, or one branch of the committee, are to be gentlemen of this House and the two other members are to be appointed by the Presiding Officer of the Senate and are to be members of the Senate. The committee did not feel that it was within their province to lay down rules which should govern their colleagues in preparing a frame of government for the District of Columbia. It was deemed best and wisest under all the circumstances to give those gentlemen the opportunity to frame, as my friend from Indiana has said, a model form of government for this District, giving them the widest latitude and the widest discretion as to their recommendations.

I am now willing to hear the amendment of the gentleman from Missouri read, and then I will ask an opportunity to answer his proposition briefly.

The Clerk read the amendment proposed by Mr. PARKER, of Missouri, as follows:

After the word "estate," in section 4, line 4, insert the words "and all personal property."

The SPEAKER. Does the Chair understand the gentleman from New York to admit that amendment?

Mr. BASS. No, sir; I simply let it be read in order that I may make some suggestions why the committee did not deem it best to incorporate such a provision in this bill. I desired to have it read for that purpose and no other.

Mr. PARKER, of Missouri. I desire to state that the gentleman from New Hampshire [Mr. SMALL] has prepared an amendment which is perhaps more perfect than mine, and I would like to have it read.

Mr. FORT. I have also prepared an amendment, and I would be glad if the gentleman would allow it to be read.

Mr. BASS. I will hear it read.

The Clerk read the amendment, which was to add to section 4 the following:

Provided, Personal property to the amount of \$100, consisting of necessary household and kitchen furniture, owned and used by any family, shall be exempt from taxation and no more.

Mr. SMALL. I desire to have an amendment read.

Mr. BASS. I will hear it read.

The Clerk read the amendment, as follows:

Amend section 4 by striking out all after the word "District" in the fifth line, down to and including the word "purposes" in the seventh line, and insert "and all the personal property of the inhabitants of said District not exempted by law from taxation;" and insert after the word "real" in the eighth, tenth, and twelfth lines the words "and personal."

And insert after section 4 the following additional section:

SEC. —. All real estate in said District, and all personal property of the inhabitants of said District, not expressly exempted by law, shall be subject to taxation. Personal estate, for the purpose of taxation, shall include goods, chattels, and effects wherever they are; ships and vessels, money at interest, and other debts due to the persons to be taxed, more than they are indebted or pay interest for, and stocks and securities.

The following named property shall be exempted from taxation, to wit: property of the United States and of the District of Columbia; property used for charitable and educational purposes; household furniture of every person, not exceeding in value \$1,000; the wearing apparel of every person, and farming utensils and mechanic's tools, necessary for carrying on his business.

Mr. G. F. HOAR. I suggest an amendment to the fifth section of the bill to insert after the words "the reasons upon which their conclusions may be based" the words "and they shall further prepare and submit a just scheme for the taxation of personal property with suitable exceptions."

Mr. BASS. I cannot admit or consent to any amendments for reasons which I stated a moment ago. It seems to me those reasons will commend themselves to the good judgment of members of this House. It does not seem to be exactly proper that a committee of this House, appointed to investigate the affairs of this District, should recommend to this House what some other committee to be appointed by the House, of men who are equal to, and I hope of better capacity than ourselves, shall do in regard to preparing a frame of government for this District. That committee will have the Constitution before them which gives to Congress the exclusive power of legislation over this District. Your committee therefore have not seen that it was right that they should say to this House that any other committee appointed by this honorable body should be constrained or restricted by provisions which were not thrown around ourselves. We think they should be given the widest range for the performance of their duties. The gentlemen who will be selected will prepare a frame-work of government which at least will commend itself to them, and when it comes before Congress for action, if they shall think proper, it can be amended.

Mr. G. F. HOAR. I desire to call the attention of the gentleman to the fact that this bill requires that the joint committee to be appointed shall prepare a frame-work of government. What I want is that that committee shall include in their frame-work of government a just scheme of taxation of personal property. It is a thing which cannot be prepared in a moment. That committee can prepare it as a part of their scheme and Congress may adopt it or not.

Mr. BASS. That is a part of the work, and the committee can do as they think proper about it.

Mr. GARFIELD. I think the section contained in the bill is perfectly right. It requires the gentlemen of the committee to bring in a draught for a frame of government, and that draught must include provisions for taxation. They ought to have the whole range to determine whether personalty or realty, church property or charitable property, or property of any other kind, shall be taxed or shall be exempt from taxation. We should not give them any instructions other than to bring in a general law.

Mr. PARKER, of Missouri. Does the gentleman from Ohio [Mr. GARFIELD] believe that under this temporary arrangement we should not tax personal property?

Mr. BECK. I desire to have an amendment read. The gentleman has allowed other amendments to be read.

Mr. BASS. Only for the purpose of bringing before this House the precise proposition as to which inquiries have been made.

Mr. BECK. I made an inquiry. I ask if the gentleman refuses to allow my amendment to be read?

Mr. BASS. It already appears that no two propositions which have been read, offered by distinguished gentlemen upon this floor, are at all in accord with reference to the method that shall be pursued. There are two hundred and eighty-eight other gentlemen on this floor, and they undoubtedly would all disagree upon that subject.

Mr. BECK. I desire to inquire how much time the gentleman has left?

The SPEAKER. It is about expiring.

Mr. BECK. I hope it will expire before long.

Mr. BASS. I desire to make two or three other suggestions. In the first place your committee during this interregnum do not propose to revolutionize all the laws of this District and to impose a tax on personal property. They do not propose that for the reason that there has been a District Legislature here for the last three years, representing as it was supposed the views of the people of the District, to some extent at least, and that Legislature each session has adopted and ratified this system of taxation. Their statutes, which are contained in a volume of some size, provide for this system of taxation upon real estate only. Your committee have recommended a modification of the District laws, only in so far as it was absolutely necessary to carry out the plan proposed by the committee in making these necessary changes. So far therefore as they could avoid any other modifications of the District laws they have permitted them to re-

main in force because they were the best expositions of what the people themselves here wanted.

Another difficulty arose with reference to the persons who should pay a personal tax in this District. This subject having been fully and at length discussed by the committee, they agreed, in general with the feeling which seems to be expressed here, that if it could be done it would be best that such a tax should be levied; and they have supposed that the new joint committee will recommend such a modification of existing laws. That, however, is within their discretion. Only a small percentage of the people in this District are what may be termed permanent residents here. There are many people residing here who vote in other localities, and therefore pay a tax upon personal property elsewhere. To provide machinery to ascertain just which of the people residing here should pay a personal tax was not within the power of the committee in the short time they had to devote to the preparation of this bill. There has been and is no assessment of personal property within this District under the present form of government.

The committee desired that this tax should commence to be paid on the 1st of July; it is necessary the payment should begin then. If you undertake to perfect a scheme for assessing personal property, it will take two or three months for the assessment, for the hearing of appeals before a board which must be constituted for that purpose, and for the issuing of warrants for enforcing the collection of the tax. Such a scheme, if we undertake to devise it, would cover half as many pages at least as the bill which has been reported by our committee.

Mr. MERRIAM. I have a scheme here on one sheet of paper.

Mr. BASS. For the reasons I have stated, and for others which I will not stop to detail, the committee have decided that in their judgment it would not be proper or practicable within the five months between the close of the present session of Congress and the commencement of the next session to revolutionize the laws of this District for the purpose of levying a personal tax. As a matter of necessity this whole subject will come back to Congress for final disposition at the next session.

Mr. WILSON, of Indiana. I withdraw the motion to recommit and move the previous question upon the bill.

Mr. BECK. I hope the House will vote down the previous question.

The SPEAKER. It is a matter which a majority of the House must settle.

Tellers were ordered; and Mr. WILSON, of Indiana, and Mr. BECK were appointed.

Mr. COTTON. We ought to be allowed some opportunity to discuss this bill and suggest amendments.

The House divided; and the tellers reported—ayes 94, noes 70.

So the previous question was seconded.

The question then recurred on ordering the main question.

Mr. BECK. On that question I demand the yeas and nays.

Mr. CHIPMAN. As I understand, if the main question is ordered it closes all discussion on this bill.

Mr. BECK. And shuts out all amendments. It gags the House.

The yeas and nays were ordered; there being ayes 30, noes not counted.

Mr. HOLMAN. I wish to make a parliamentary inquiry. If the main question be not ordered, will not the bill be still open for amendment?

The SPEAKER. If the gentleman from Indiana [Mr. HOLMAN] is in doubt on that question, he should refer to Barclay's Digest.

Mr. HOLMAN. The Chair generally answers such questions more respectfully.

The SPEAKER. The Chair does not regard this as properly a parliamentary inquiry.

Mr. HOLMAN. Not a parliamentary inquiry!

The SPEAKER. The Chair has no hesitation in saying that it is not.

Mr. HOLMAN. Certainly it seems to me a proper parliamentary inquiry, and such a one as has usually been respectfully answered by the Chair heretofore.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 134, nays 111, not voting 44; as follows:

YEAS—Messrs. Albert, Averill, Banning, Barrere, Barry, Bass, Begole, Bell, Bowen, Bromberg, Buckner, Bundy, Benjamin F. Butler, Cain, Cason, Amos Clark, jr., Freeman Clarke, Clymer, Coburn, Comingo, Conger, Cox, Crittenden, Crooke, Crouse, Crutchfield, Darrall, Davis, Dawes, Donnan, Duell, Field, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, Joseph R. Hawley, Hays, Hendee, Herndon, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Jewett, Killinger, Knapp, Lamson, Lansing, Loughridge, Marshall, Alexander S. McDill, James W. McDill, MacDougall, Monroe, Moore, Morey, Morrison, Neal, Negley, Nesmith, Niles, O'Brien, Orr, Packard, Packer, Page, Rosea W. Parker, Parsons, Pellham, Pendleton, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Potter, Putnam, Rainey, Rapier, Ellis H. Roberts, James C. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Small, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Southard, St. John, Stone, Storm, Strait, Swann, Sypher, Taylor, Townsend, Tyner, Waldron, Walls, Wells, Wheeler, Whitehead, Whitehouse, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, Jeremiah M. Wilson, Wood, and Woodford—134.

NAYS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Barber, Beck, Berry, Biery, Bland, Blount, Bradley, Bright, Brown, Buffinton, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cessna, John B. Clark, jr., Clements, Stephen A. Cobb, Cook, Corwin, Cotton, Creamer, Crocker, Crossland, Danford, Dobbins, Duquell,

Eames, Eldredge, Fort, Giddings, Glover, Hagans, Harmer, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Holman, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamar, Lawrence, Lawson, Leach, Lofland, Lowe, Lowndes, Lynch, Magee, Martin, McCrary, McJunkin, McKee, McLean, Merriam, Milliken, Mills, Myers, Niblack, O'Neill, Orth, Isaac C. Parker, Perry, Ransier, Ray, Read, Rice, Robbins, James W. Robinson, Sener, Sherwood, Sloan, Sloss, H. Boardman Smith, John Q. Smith, Speer, Sprague, Standford, Stowell, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Whitthorne, George Willard, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Woodworth, and John D. Young—111.

NOT VOTING.—Messrs. Adams, Barnum, Roderick R. Butler, Clayton, Clinton L. Cobb, Curtis, DeWitt, Durham, Eden, Elliott, Farwell, Freeman, Gunter, Robert S. Hale, John T. Harris, Hereford, Hersey, Hunter, Lampert, Lewis, Luntrell, Maynard, McNulta, Mitchell, Nunn, James H. Platt, jr., Pratt, Randall, Richmond, William R. Roberts, Stephens, Lazarus D. Shoemaker, William A. Smith, Stanard, Starkweather, Scophield, Charles R. Thomas, Todd, Tremain, Waddell, White, Ephraim K. Wilson, and Pierce M. B. Young—44.

So the main question was ordered to be put.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BECK demanded the yeas and nays on the passage of the bill. The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 216, nays 22, not voting 51; as follows:

YEAS.—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barrere, Barry, Bass, Beck, Begole, Bell, Berry, Biery, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Cain, Caldwell, Cason, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cox, Crittenden, Crooke, Crossland, Crouse, Crutchfield, Curtis, Danford, Darrell, Davis, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunton, Hyde, Hynes, Jewett, Kelley, Kendall, Killinger, Knapp, Lamar, Lemison, Lansing, Lawrence, Leach, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Magee, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McLean, Merriam, Milliken, Mills, Monroe, Moore, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Niles, O'Brien, O'Neill, Orr, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pellham, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Potter, Rainey, Rapier, Read, Rice, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheets, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Southard, Speer, Sprague, Standford, St. John, Stone, Storm, Strait, Swann, Sypher, Charles R. Thomas, Thornburgh, Townsend, Tynes, Vance, Waldron, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, and John D. Young—216.

NAYS.—Messrs. Barber, Bradley, Barchard, Cannon, Cessna, Cotten, Creamer, Eldredge, Kasson, Kellogg, Lawson, Martin, McKee, Orth, Ransier, Ray, H. Boardman Smith, John Q. Smith, Strawbridge, Christopher Y. Thomas, William Williams, and James Wilson—22.

NOT VOTING.—Messrs. Barnum, Blount, Benjamin F. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Crocker, DeWitt, Durham, Eden, Elliott, Farwell, Freeman, Frye, Gunter, Robert S. Hale, Hancock, Hays, Hersey, Hunter, Hurlbut, Lampert, Luntrell, Marshall, Maynard, McJunkin, McNulta, Mitchell, Nunn, James H. Platt, jr., Pratt, Purman, Randall, Richmond, William R. Roberts, Lazarus D. Shoemaker, Sloss, William A. Smith, Stanard, Starkweather, Stephens, Stowell, Taylor, Todd, Tremain, Waddell, Jasper D. Ward, White, Whiteley, Ephraim K. Wilson, and Pierce M. B. Young—51.

So the bill was passed.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. PERRY, by unanimous consent, was granted leave to print in the RECORD as part of the debates some remarks he had prepared on the alarm telegraph bill. (See Appendix.)

Mr. COTTON, by unanimous consent, was granted leave to print in the RECORD some remarks on the bill for the government of the District of Columbia. (See Appendix.)

PENSION APPROPRIATION BILL.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, notifying the House that that body had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

INTERNATIONAL ARBITRATION.

Mr. ORTH, by unanimous consent, from the Committee on Foreign Affairs, reported the following preamble and resolution:

Whereas war is at all times destructive of the material interests of a people, demoralizing in its tendencies, and at variance with an enlightened public sentiment; and whereas, differences between nations should in the interests of humanity and fraternity be adjusted if possible by international arbitration: Therefore,

Resolved, That the people of the United States being devoted to the policy of peace with all mankind, enjoining its blessings and hoping for its permanence and its universal adoption, hereby through their representatives in Congress recommend such arbitration as a rational substitute for war, and they further recommend to the treaty-making power of the Government to provide if practicable that hereafter in treaties made between the United States and foreign powers war shall not be declared by either of the contracting parties against the other until efforts shall have been made to adjust all alleged cause of difference by impartial arbitration.

Mr. ORTH. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolution were adopted.

Mr. SHELDON moved to reconsider the vote by which the preamble and resolution were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. SMITH, of New York, by unanimous consent, was granted leave to print some remarks on the resolution just adopted. (See Appendix.)

WAR CLAIMS.

Mr. LAWRENCE. I ask unanimous consent that to-night, after the Committee on Naval Affairs finish their business, the Committee on War Claims shall have leave to submit their reports. I do not propose to interfere with the business of the Committee on Naval Affairs.

Objection was made.

PENSION APPROPRIATION BILL.

Mr. O'NEILL. I rise to submit a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill No. 3421, making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1875, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate and agree to the same.

CHARLES O'NEILL,

ERASTUS WELLS,

J. M. RUSK.

Managers on the part of the House.

A. A. SARGENT,

D. D. PRATT,

JOHN P. STOCKTON,

Managers on the part of the Senate.

Mr. SPEER. How does that leave the bill in respect to pay for vouchers?

Mr. O'NEILL. It reduces the rate for vouchers from thirty to twenty-five cents.

Mr. SPEER. I supposed it was fifteen.

Mr. O'NEILL. No. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report was adopted.

Mr. O'NEILL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I wish to submit a report from the committee of conference on the disagreeing votes of the two Houses on the legislative, &c., appropriation bill.

Mr. MOREY. The session this evening is for reports from the Committee on Naval Affairs, and as it is now very late, I hope the gentleman will withhold his report until to-morrow.

Mr. GARFIELD. The report will be printed in the proceedings of the Senate in the RECORD to-morrow, and I will withhold it for the present, as members desire to see it in print before acting on it.

G. J. PILLOW.

Mr. WHITTHORNE entered a motion to reconsider the vote by which the claim of G. J. Pillow, reported adversely from the Committee on War Claims, was laid on the table.

JUDGE E. H. DURELL.

Mr. WILSON, of Indiana, from the Committee on the Judiciary, submitted a report concluding with the following resolutions:

Resolved, That Edward H. Durell, judge of the district court of the United States for the District of Louisiana, be impeached of high crimes and misdemeanors in office.

2. Resolved, That a committee of two be appointed to go to the Senate, and at the bar thereof in the name of the House of Representatives, and of all the people of the United States, to impeach Edward H. Durell, judge of the district court of the United States for the district of Louisiana, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment and make good the same, and that the committee do demand that the Senate take order for the appearance of said Edward H. Durell to answer to said impeachment.

3. Resolved, That a committee of seven be appointed to prepare and report articles of impeachment against Edward H. Durell, judge of the district court of the United States for the district of Louisiana, with power to send for persons, papers, and records, and to take testimony under oath.

Mr. WILSON, of Indiana. I move that the report be printed and recommended to the Committee on the Judiciary.

The motion was agreed to.

Mr. TREMAIN presented the views of a minority, as follows:

The undersigned, members of the Judiciary Committee, dissent from the conclusions of the majority of said committee, that E. H. Durell, judge of the district of Louisiana, should be impeached for high crimes and misdemeanors, and recommend that all proceedings against him be discontinued and dismissed.

LYMAN TREMAIN.

WILLIAM P. FRYE.

JOHN CESSNA.

J. D. WARD.

Mr. POLAND also presented the following minority report:

The undersigned, member of the Judiciary Committee, for himself desires to say—
First. In relation to the *midnight order*, although he believes the judge had no proper legal jurisdiction to make it, still he is not able to find that the judge acted corruptly, or with any belief that he was going beyond his jurisdiction in making it. The law under which he acted was new, and no rules or precedents had been established under it. The whole people were excited, the times were violent and turbulent, and judicial calmness or correctness could hardly be expected.

Secondly. The evidence seems to establish that some of the officers of Judge Durell's court were guilty of very corrupt practices and that he was not watchful to scrutinize their conduct; but there is no claim that he ever shared in any of the proceeds of their gains, and no direct evidence that he knowingly sanctioned or approved their action.

Thirdly. Where the evidence obtained by substantially an *ex parte* examination, only secures a bare majority of the committee, it does not appear to me that the public interest will be furthered by presenting articles of impeachment to the Senate for trial.

LUKE P. POLAND.

The minority reports were also ordered to be printed and recommended to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;

An act (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phoebe Soffield, a pensioner;

An act (S. No. 536) granting a pension to Livanna Ingraham;

An act (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes;

An act (S. No. 609) granting a pension to Margaret A. Hoffner;

An act (S. No. 613) granting a pension to Jefferson A. French;

An act (S. No. 690) granting a pension to Thomas Smith;

An act (S. No. 767) granting a pension to Andrew J. Lasley;

An act (S. No. 768) granting a pension to John S. Long;

An act (S. No. 814) granting a pension to Ebenezer W. Brady;

An act (S. No. 877) granting a pension to John W. Truitt;

An act (H. R. No. 792) to amend and supplement an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and for other purposes;

An act (H. R. No. 886) to provide for the election of Congressman at large for the State of Alabama;

An act (H. R. No. 1227) granting a pension to Eliza A. Maxham;

An act (H. R. No. 1948) granting a pension to Mary J. Blood;

An act (H. R. No. 2095) granting a pension to Charles McCarty;

An act (H. R. No. 3606) granting a pension to Mary E. Grosvenor; and

An act (H. R. No. 3652) providing for publication of the revised statutes and the laws of the United States.

BUSINESS FOR THIS EVENING.

Mr. LAWRENCE. I ask unanimous consent that the Committee on War Claims may have leave to make reports this evening, not to interfere with the business of the Committee on Naval Affairs.

Mr. SPEER. What is the order for this evening?

The SPEAKER. The Chair has in his hand the order. It is that Wednesday evening, June 17, be set apart for the consideration of reports from the Committee on Naval Affairs.

Mr. GARFIELD. And no other business to be transacted.

The SPEAKER. Not unless the House so orders.

Mr. LAWRENCE. Well, I ask that the Committee on War Claims may be called for reports to go upon the Calendar.

Mr. SENER. If any adverse reports are to be made, I object.

SESSION FOR DEBATE.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that Friday evening next be set apart for general debate, no business whatever to be transacted.

Several members objected.

Mr. GARFIELD. We cannot say at present whether that evening can be spared for debate.

Mr. SCOFIELD. I move that the House do now take a recess.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House took a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock, Mr. HOSKINS occupying the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. By order of the House the session of this evening is exclusively for the consideration of business from the Committee on Naval Affairs.

Mr. GOOCH. I move that the House take a recess for fifteen minutes.

Mr. CESSNA. I suggest that the gentleman say ten minutes.

Mr. GOOCH. I will move that the House take a recess until fifteen minutes to eight o'clock; that will be twelve and a half minutes.

The motion was agreed to; and the House accordingly took a recess until a quarter to eight o'clock.

The recess having expired, the House resumed its session at a quarter to eight o'clock.

PETITION OF CHOCTAW NATION.

Mr. BUTLER, of Tennessee, by unanimous consent, presented the petition of delegates representing the Choctaw Nation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. KELLEY. I ask unanimous consent to have a bill referred to the Committee on Commerce, not to be brought back by a motion to reconsider.

Mr. HALE, of Maine. I object.

GOVERNMENT OF THE NAVY.

Mr. ARCHER, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 716) for the better government of the Navy of the United States.

The bill was read.

The first section provides that on and after the passage of the act any officer of the Navy who may be promoted in course to fill a vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill.

The second section prohibits the accounting officers of the Treasury from making any allowance to any officer of the Navy who has been, or may hereafter be, dismissed from the service and restored to the same under the provisions of the twelfth section of the act of March 3, 1865, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out of the national forces, and for other purposes," to exceed more than pay as on leave for six months from the date of dismissal, unless it shall appear that the officer demanded in writing, addressed to the Secretary of the Navy, and continued to demand as often as once in six months, a trial as provided for in said act.

The third section repeals so much of the act entitled "An act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam engineers, and for other purposes," approved July 4, 1864, as provides that cadet engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy, and provides that cadet engineers shall hereafter be appointed annually by the Secretary of the Navy, and that the number appointed each year shall not exceed twenty-five; and it further repeals all acts or parts of acts inconsistent with the provisions of the act.

Mr. WILLARD, of Vermont. Will the gentleman state wherein this bill changes the existing law?

Mr. ARCHER. I will state for the information of the gentleman from Vermont and of the House that this bill has three objects. The first one is to correct an error which we think has sprung up in the Navy Department, where commissions are dated back and pay is drawn on those commissions when really no vacancy existed in the rank to which the officer was appointed. That is the first section of the bill. It restrains the payment to officers whose commissions are dated back in consequence of their absence at sea, or because from other causes there is delay in their receiving them until vacancies occur in that grade. The section is reported in the interest of economy.

The second section of the bill provides a remedy against one class of claims on the Treasury. Officers who were dismissed from the service during the war, and in the hurry and confusion there have been errors or some technical defects in their orders of dismissal, now come back in many instances and claim that they were illegally dismissed from the service and should be restored because some technicality had not been complied with. Although they have been following different pursuits for six or eight years, they come back and claim to be restored, and when restored they claim that as the dismissal was illegal they ought to be paid for all the years they have been out of the service. This second section provides that no officer shall be paid in such case unless he has every six months made application to be restored. That prevents their coming in on old, stale claims and receiving back pay after being reinstated. In some instances officers have made claims for as high as \$8,000 or \$9,000.

The last section of the bill provides for a reduction that has really taken place in the Navy. The act of Congress referred to in that section, and which allowed the appointment of only fifty cadet engineers, is not now required; the service does not now require so many young officers in the cadet corps as it did at the time of the passage of that act. The Secretary of the Navy thinks that twenty-five instead of fifty cadet engineers appointed annually will answer all the needs of the service. I believe the committee were unanimous in recommending the passage of this bill.

The bill was then read the third time, and passed.

Mr. ARCHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, in-

formed the House that the Senate had agreed to the amendments of the House of Representatives to a bill of the Senate of the following title:

A bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge.

The message further announced that the Senate had passed, without amendments, bills of the House of the following titles:

A bill (H. R. No. 3678) for the relief of saving institutions having no capital stock, and doing business solely for the benefit of depositors; and

A bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 633) for the relief of A. H. Von Leutwitz, late lieutenant Third United States Cavalry; and

A bill (S. No. 683) to authorize the use of gilt letters for the names of vessels.

PUBLIC MARINE SCHOOL.

Mr. SCOTFIELD. I have myself no bills to report from the Committee on Naval Affairs. Other members of the committee have all the bills to be reported, and I will thank the Chair to recognize members of the committee in the order of their appointment.

Mr. GOOCH, from the Committee on Naval Affairs, reported back, with a substitute, Senate bill No. 176, to encourage the establishment of public marine schools.

The substitute authorizes and empowers the Secretary of the Navy, in order to promote nautical education, to furnish, upon the application of the governor of a State, a suitable vessel of the Government, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each or any of the ports of New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco, upon the condition that there shall be maintained at such port a school or branch of a school for the instruction of youths in navigation, seamanship, marine engineering, and all matters pertaining to the proper construction, equipment, and sailing of vessels, or any particular branch thereof; and the President of the United States is authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents or instructors in such schools; provided that if any such school shall be discontinued, or the good of the service shall require it, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled; and provided further that no person shall be sentenced to or received at such schools as a punishment or condition of punishment for crime.

Mr. WILLARD, of Vermont. Is the expense of this to be borne by the United States Treasury?

Mr. GOOCH. It is understood that this is to impose no responsibility whatever upon the Treasury of the United States.

Mr. WILLARD, of Vermont. What would these vessels be doing if not employed in this business?

Mr. GOOCH. It is known that we have now quite a number of vessels that can be employed in no particular service beneficial to the Government. Those vessels may just as well be detailed for the use of these schools, where they will be of some benefit to the people and where the Government will be relieved from the responsibility of keeping two or three ship-keepers on board of each of them. This bill is carefully guarded; these vessels are to be granted to these institutions only in case they can be taken without any detriment to the public service, and the Secretary of the Navy has the power to call for their return at any time when he sees fit to do so. So it will be seen that the bill cannot impose expense upon the General Government.

Mr. WILLARD, of Vermont. The officers and crew are to be detailed I suppose from the Navy.

Mr. GOOCH. No crew is to be detailed.

Mr. WILLARD, of Vermont. Only officers?

Mr. GOOCH. Only certain officers who are to be employed as instructors; and these are to be detailed only when they can be spared from the public service as well as not.

Mr. HURLBUT. Who is to receive and take charge of these vessels when they are detailed?

Mr. GOOCH. They are to be called for by the governor of the State; and then they pass into the custody of the institutions to which they are loaned. It is presumed that the governor will not ask for a vessel unless there be an institution of such a character that it will be safe to intrust a vessel to it.

Mr. HURLBUT. One other question: Will the gentleman tell us whether or not any such school for the education of seamen is now in active operation?

Mr. GOOCH. I do not know that there is in this country.

Mr. ARCHER. I beg leave to correct the gentleman; I understand there is one in New York and also one in Boston.

Mr. GOOCH. I misunderstood the gentleman's question. I understood him to inquire whether any vessels had already been detailed to any such school.

Mr. HURLBUT. No, sir; my inquiry was whether any such schools are now in operation.

Mr. GOOCH. The Institute of Technology, in Boston, is very anxious to have a vessel detailed for this purpose. So is also a school established in the city of New York. Those gentlemen who are acquainted with the character of the Boston institution to which I refer will at once understand that if that institution takes hold of this branch of instruction, the highest skill and the best talent in the country will be employed in connection with it.

It seems to me, Mr. Speaker, that there is here afforded an opportunity for educating our merchant marine with little or no expense to the Government, so that we shall have in that service men who will give character to our nation as they go over the world, men who will be true representatives of our people and our Government in every port. Here, sir, is offered an opportunity to educate this class of men so that they shall honorably represent the nation whose flag they float.

We all know that when the recent war broke out we were obliged to call men from the merchant marine to aid in officering our ships of war. Under the system of instruction proposed by this bill if the exigency should again arise we can call for a class of educated men to render a service to the Government which they will be just as competent to render as they would be if they had been educated at the expense of the Government.

In addition to that this bill is designed to encourage and promote the study of naval architecture, a branch of study which has been neglected in our country. I certainly hope the bill may receive the sanction of the House and become a law.

The question being taken on agreeing to the substitute, it was agreed to.

The question being then taken on ordering the bill, as amended, to be read a third time, there were—ayes 46, noes 6; no quorum voting.

Mr. HOLMAN. This is a new scheme of expenditure; and I must insist on a quorum.

Tellers were ordered; and Mr. HOLMAN and Mr. GOOCH were appointed.

The House divided; and the tellers reported—ayes 108, noes 20; no quorum voting.

Mr. GOOCH. I call for the yeas and nays.

Mr. CLYMER. I move that the House adjourn.

Mr. PLATT, of Virginia. On that motion I call for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 22, nays 127, not voting 140; as follows:

YEAS—Messrs. Barrere, Cain, Cessna, Freeman Clarke, Clymer, Cook, Cox, Crooke, Crossland, Danford, Giddings, Killinger, Leach, Magee, Martin, Merriam, Moore, Ellis H. Roberts, Sener, Storm, Jasper D. Ward, and Charles W. Willard—22.

NAYS—Messrs. Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Beck, Bell, Berry, Biery, Blount, Bowen, Bradley, Bromberg, Buckner, Bullfinch, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cannon, Cason, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Curtis, Davis, Dobbins, Donnan, Dunnell, Field, Fort, Frye, Glover, Gooch, Gunckel, Gunter, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Hodges, Holman, Hoskins, Hutton, Hurlbut, Hyde, Kelley, Kellogg, Kendall, Knapp, Lamson, Lamport, Lawrence, Lawson, Lowe, Marshall, McCrary, James W. McDill, MacDougall, Milliken, Mills, Myers, Neal, Niblack, O'Neill, Orr, Hosea W. Parker, Isaac C. Parker, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Ray, Rice, Robbins, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Shotts, Sherwood, Sloan, Sloss, Small, A. Herr Smith, Sprague, Starkweather, Stone, Strait, Townsend, Vance, Waldron, Wallace, Marcus L. Ward, Whitehead, Whitehouse, Whitthorne, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Woodford, and Woodworth—127.

NOT VOTING—Messrs. Adams, Averill, Barnum, Barry, Bass, Begole, Bland, Bright, Brown, Benjamin F. Butler, Caldwell, John B. Clark, jr., Clayton, Clinton L. Cobb, Comingo, Creamer, Crittenden, Crocker, Crutchfield, Darrall, Dawes, DeWitt, Duell, Durham, Eames, Eden, Eldredge, Elliott, Farwell, Foster, Freeman, Garfield, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Hawthorn, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, Hooper, Houghton, Howe, Hubbell, Hunter, Hynes, Jewett, Kasson, Lamar, Lansing, Lewis, Lofland, Longbridge, Lowndes, Luttrell, Lynch, Maynard, Alexander S. McDill, McKunkin, McKee, McLean, McNulta, Mitchell, Monroe, Morey, Morrison, Negley, Nesmith, Niles, Nunn, O'Brien, Orth, Packard, Packer, Page, Parsons, Pelham, Perry, Phelps, Phillips, Pike, Potter, Pratt, Purman, Rainey, Randall, Ransier, Rapier, Read, Richmond, William R. Roberts, James C. Robinson, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Standiford, Stephens, St. John, Stowell, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tynes, Waddell, Walls, Wells, Wheeler, White, Whiteley, George Willard, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—140.

So the House refused to adjourn.

During the roll-call,

Mr. STONE stated that his colleague, Mr. WELLS, was detained at his room by sickness.

Mr. ALBRIGHT stated that his colleague, Mr. SHOEMAKER, was absent on account of a death in his family.

Mr. CONGER stated that his colleague, Mr. HUBBELL, was absent in attendance on the District investigating committee.

The vote was then announced as above recorded.

Mr. HOLMAN. I ask that the bill be again read, and then if the House chooses to pass it, a quorum being present, I will make no further objection.

The bill was again read.

Mr. HOLMAN. I wish to say a word in reference to this measure. We have been told by the gentleman from Massachusetts [Mr. GOOCH] that this will not be any great expense to the Government. He also entertains the opinion that it will be very beneficial in promoting the interest of the Government. I do not believe it is by agencies like this the interest of the Government can be promoted, or the interest either of the mercantile marine or of the Navy proper which is engaged in public affairs. I do not think this is one of the influences by which our commerce is to be promoted or our Navy strengthened. I do not indulge in any such hope. I am confident, on the contrary, if we pass this measure we will open up another source of expenditure from the public Treasury.

It is impossible, Mr. Speaker, to detail vessels from the Navy with professors detailed from the ranks of the Navy at the various ports of the United States without being in its very inception a source of heavy expense to the Government. That is inevitable. It is absolutely certain it will ripen into a heavy expense. I do think, circumstanced as we are now, an agency like this, which will inevitably lead to an expenditure of the public money, should not be voted unless there is some pressing necessity for it and a certainty that the ultimate result will be beneficial to the country. We know what has been the result of similar attempts in the way of establishing educational institutions throughout the country. I think it is an unwise measure, and hope it will be rejected.

The question recurred on ordering the bill to a third reading.

The House divided; and there were—ayes 72, noes 40.

So (no further count being demanded) the bill was ordered to a third reading; and it was accordingly read the third time.

The question then recurred on the passage of the bill.

The House divided; and there were—ayes 70, noes 40.

So (no further count being demanded) the bill was passed.

Mr. GOOCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAHLGREN GUNS.

Mr. GOOCH also, from the same committee, reported a bill (H. R. No. 3742) to authorize the purchase of certain improvements in ordnance; which was read a first and second time.

The bill authorizes and directs the Secretary of the Navy to pay to the widow of the late Rear-Admiral John A. Dahlgren \$50,000 for and on account of the past use and the right hereafter to use in the manufacture of ordnance and projectiles by the United States each of the improvements patented by said Dahlgren in the form, the mode of casting, the finish of naval ordnance, and in casting iron shells; and a sufficient sum for this purpose is thereby appropriated out of any moneys of the Treasury not otherwise appropriated.

Mr. HOLMAN. This ought to be considered more carefully than it can be considered this evening, and I therefore suggest it go to the Committee of the Whole on the Private Calendar. I make the point of order for that purpose.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the bill is referred to the Committee of the Whole on the Private Calendar and ordered to be printed.

CHELSEA STREET, BOSTON.

Mr. GOOCH also, from the same committee, reported a bill (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, formerly Charlestown, in connection with the United States navy-yard; which was read a first and second time.

The bill, which was read, appropriates out of any money in the Treasury not otherwise appropriated the sum of \$1,638.53 to reimburse the city of Boston for expenses incurred in the improvement of Chelsea street, bordering on the United States navy-yard, in what was formerly known as Charlestown, Massachusetts.

Mr. HOLMAN. I will not make the point of order, but I ask the report accompanying it be read.

Mr. GOOCH. Let the Clerk read the letter of the Secretary of the Navy.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, January 9, 1874.

SIR: I have the honor to submit herewith copy of a communication dated the 12th ultimo, with its respective inclosures, addressed to me by Commodore C. R. P. Rodgers, Chief of the Bureau of Yards and Docks, relative to a claim made by the authorities of Charlestown, Massachusetts, to be reimbursed for expenses incurred in the improvement of that portion of Chelsea street bordering on the United States navy-yard, amounting to \$1,638.53. As it seems but fair that the Government should pay its proportion of the expense incurred by the city authorities in making the improvements in question, I would respectfully recommend that Congress appropriate the necessary sum for the purpose.

Very respectfully,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. A. H. CRAGEN,
Chairman Committee on Naval Affairs, United States Senate

Mr. GOOCH. I will say that the city of Charlestown built a sidewalk around the navy-yard in that city. They charged to the United States Government exactly what they charged to each of the land-owners on the street for the building of the sidewalk, and the Secretary of the Navy would have paid it but he had no fund from which he could take the money, and therefore recommends that Congress pay the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GOOCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL S. MERSHON, JR.

Mr. HAYS. I am instructed by the Committee on Naval Affairs to move that the rules be suspended, and that the bill (S. No. 134) for the relief of Daniel S. Mershon, jr., be taken from the Speaker's table and put upon its passage.

Mr. STORM. I rise to a question of order. Under the order under which we meet to-night have we a right to go to the Speaker's table?

Mr. HAYS. This bill has been considered by the Committee on Naval Affairs, and I am instructed to ask its passage.

The SPEAKER *pro tempore*. The Chair thinks that the House has a perfect right to go to the Speaker's table for any bill reported from the Committee on Naval Affairs; but that can only be done by a suspension of the rules.

Mr. FORT. I would like to hear read the order under which the House met this evening.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

The bill was read. It directs that there be paid to Daniel S. Mershon, jr., out of any money in the Treasury not otherwise appropriated, the sum of \$46,715.08, in full payment and discharge of the claim of said Mershon for work done and material furnished in the construction of the side-wheel steamer Cimarron.

Mr. LAWRENCE. How does this bill come from the Speaker's table?

Mr. HAYS. I do not yield to the gentleman from Ohio.

Mr. LAWRENCE. I have a right to make a point of order.

Mr. HAYS. The point of order has been already made and overruled.

Mr. LAWRENCE. The gentleman does not know the point of order I desire to make.

The SPEAKER *pro tempore*. The gentleman from Ohio will state his point of order.

Mr. LAWRENCE. The order of the House was that the session this evening should be for the consideration of reports from the Committee on Naval Affairs. I submit that under that order we cannot go to the Speaker's table. I ask that the order be read.

Mr. SCOFIELD. I send to the desk the motion I made for the session this evening as it appears in the CONGRESSIONAL RECORD.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. HAYS] stated in his place that this bill had been considered in the Committee on Naval Affairs. Upon that statement the Chair ruled that under the order of the House it was in order to move to suspend the rules and take the bill from the Speaker's table. The Chair is now informed that the bill has not been before the House committee, and he therefore rules that the point of order is well taken.

Mr. GOOCH. Before the Chair makes his final ruling, I should like to have the order read.

Mr. SCOFIELD. Let it be read from the RECORD.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House this evening is acting.

Mr. SCOFIELD. The piece of paper which the Clerk holds in his hand is not my motion. It is correctly reported in the RECORD.

The SPEAKER *pro tempore*. The Clerk will read the motion as it appears in the RECORD, and also the order as it appears on the Journal. The Chair is informed that they are identical.

The Clerk read from the CONGRESSIONAL RECORD, as follows:

Mr. SCOFIELD. I ask unanimous consent that a session be ordered for Wednesday evening next, for business of the Committee on Naval Affairs, including bills already reported but not acted on.

Mr. LAWRENCE. That does not include bills on the Speaker's table.

The SPEAKER *pro tempore*. The Clerk will now read the entry on the Journal.

The Clerk read as follows:

Ordered, That Wednesday evening next, June 17, be set apart for the consideration of reports from the Committee on Naval Affairs.

The SPEAKER *pro tempore*. The Chair is clearly of opinion that under this order of the House it is only in order to take up such bills as shall be reported from the Committee on Naval Affairs, and that the House cannot go to the Speaker's table for the purpose of taking therefrom any bill which has not been acted upon by the committee. The Chair was led into his first ruling under a misapprehension of the facts.

Mr. HAYS. This bill has already been considered in the Committee on Naval Affairs, and I have been instructed to report it favorably.

The SPEAKER *pro tempore*. The Chair rules that the motion to take the bill from the Speaker's table is not in order.

Mr. HAYS. Then I move that the bill be referred to the Committee of the Whole on the Private Calendar.

Mr. BECK. I object to any motion which will take the bill from the Speaker's table.

The SPEAKER *pro tempore*. The motion of the gentleman from Alabama is not in order. The bill remains on the Speaker's table.

MRS. SARAH B. FOREST.

Mr. PLATT, of Virginia, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay out of any money in the Treasury not otherwise appropriated, to Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy, the sum of \$820, which shall be in full discharge of all claims of said Sarah B. Forest against the United States for balance due from an allotment of pay made by her late husband, being the amount due from April 1 to December 6, 1861, at the rate of \$100 a month.

Mr. PLATT, of Virginia. There is a report accompanying this bill which I send to the Clerk's desk to be read, if any gentleman desires to hear it. I also send to the desk a letter from the Fourth Auditor, which I ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
June 8, 1874.

SIR: In answer to your verbal inquiry, I have the honor to inform you that prior to the death of Lieutenant Dulaney A. Forest, late of the United States Navy, he left an allotment of \$100 per month, payable to his wife, Sarah B. Forest, at Norfolk, Virginia, upon which there was checked from his pay the sum of \$1,500, while the sum of \$700 only was paid to his wife, leaving a balance still unpaid of \$800.

Very respectfully, your obedient servant,

STEPHEN J. W. TABOR,
Auditor.

Hon. J. H. PLATT,
House of Representatives, Washington, D. C.

Mr. FORT. I would like to hear the report read.

The report was read. It states that some time in June, 1860, Lieutenant Dulaney A. Forest, before sailing to the East Indies on the United States steamer Dakota, on United States service, made an allotment of \$100 per month in favor of his wife, Sarah B. Forest, to be deducted from his pay as lieutenant in the Navy, to be paid to her at the United States Navy agency at Norfolk, Virginia. Under said allotment while Lieutenant Forest was absent on board the United States steamer Dakota, in the service of the United States, there was deducted from his pay the sum of \$1,500 for the benefit of his wife, Sarah B. Forest, in accordance with the terms of the allotment; but owing to the resignation of the Navy agent at Norfolk, Virginia, April 22, 1861, the going out of the State of Virginia, and other causes, only \$700 of this amount has ever been paid to Mrs. Sarah B. Forest, leaving a balance due in her favor and unpaid of \$820. The committee therefore recommend the passage of the bill for her relief in accordance with the foregoing facts for the sum of \$820.

Mr. FORT. Who signs that report?

Mr. PLATT, of Virginia. It is the report of the Committee on Naval Affairs.

Mr. FORT. Is that report signed?

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Illinois that it is very seldom that a report is signed by a committee.

Mr. FORT. I would like to know if it has been printed.

The SPEAKER *pro tempore*. It is not a printed but a written report.

Mr. FORT. I desire to ask the gentleman from Virginia one or two questions. I would like the gentleman who reports this bill to explain to the House why it is that this officer was not paid, and further to explain to the House where he was in service and what his service was.

Mr. PLATT, of Virginia. Is that all?

Mr. FORT. Yes, sir.

Mr. PLATT, of Virginia. All that is pretty fully stated in the report; but as the gentleman would seem not to have given much attention to the reading of it, I will reply to the inquiries he has addressed to me. Lieutenant Forrest while serving in the Navy of the United States on board a United States vessel ordered to sea, as is the custom with naval officers, allotted to his wife, the lady in whose favor this bill is asked to be passed, a certain amount of his pay per month. She received it for I think five or seven months; but after that, owing to the resignation of the naval agent at Norfolk where she was living and who had paid her this allotment monthly, she never received any more. Lieutenant Forrest came home after fifteen months' service and resigned from the service of the United States. He got to his home at Norfolk and there died of consumption. He never served a day anywhere except in the service of the United States Government. The Fourth Auditor of the Treasury certifies that there is on the books of his Department to the credit of this lady the sum which we ask that she shall be paid. I send to the Clerk's desk and ask to have read the certificate from the Navy Department as to the time when this Navy agent at Norfolk resigned and ceased to pay this allotment.

The Clerk read as follows:

The resignation of George Loyall, Navy agent at Norfolk, Virginia, was accepted by the Navy Department on the 22d of April, 1861.

WILLIAM P. MORAN.

NAVY DEPARTMENT, June 8, 1874.

Mr. PLATT, of Virginia. Gentlemen will observe that this was the resignation of the Navy agent, and not of the officer whose widow is now seeking relief.

Mr. FORT. I wish the gentleman would state to the House in what service this officer served; whether in the Union or in the confederate service.

Mr. PLATT, of Virginia. In the Union service. He was on board a United States vessel when this allotment was made and when this money became due.

Mr. FORT. In what service was he?

Mr. PLATT, of Virginia. He never served in any other service than that of the United States, and he died at Norfolk a few months after returning from this cruise.

Mr. FORT. I wish the gentleman to state to the House further why it is that the Auditor certifies that this money is due to the widow and yet she has not drawn it.

Mr. PLATT, of Virginia. Simply because Congress in its wisdom saw fit to enact in 1862 or 1863, while the war was going on, a law which provided that no claim should be paid to any person residing in any State then in rebellion by any accounting officer of the Government, and the only possible hope of relief that this widow has, until that general law is repealed, is to come to the Congress of the United States and ask the passage of a special law for her relief. Had she lived anywhere else except in one of the States then in rebellion, her claim could have been and would have been paid by the Treasury Department. Lieutenant Forrest died, I believe, in 1861 or 1862.

Mr. BURLEIGH. I would ask the gentleman from Virginia if he does not know that this man on his arrival on shore, in this country, resigned his position in the United States service for the purpose of entering into the rebel service?

Mr. PLATT, of Virginia. I have said that he resigned on his return from his cruise. Whatever his purpose might have been, I am unable to say; I did not know him personally. But I do know that if he had intended to do any such thing, the hand of Providence intervened and prevented it, because he died before he could execute any such purpose. It is not for me to say what he might have intended.

Mr. FORT. I raise the point of order on this bill that it must be first considered in Committee of the Whole.

The SPEAKER *pro tempore*. If such a point was ever good on this bill it is now quite too late. The bill having been discussed in the House the Chair overrules the point of order.

Mr. FORT. The report of this committee has never been printed; so far as I understand there is no report before the House. I move that the bill be referred to the Committee of the Whole and placed on the Private Calendar.

Mr. PLATT, of Virginia. I do not yield for any such motion. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD CAVENDY.

Mr. PLATT of Virginia. I am instructed by the Committee on Naval Affairs to report favorably upon a bill (H. R. No. 2774) for the relief of Edward Cavendy.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Navy and the proper accounting officers of the Treasury Department to compute the time of service of Edward Cavendy as a lieutenant in the volunteer service of the Navy of the United States in settling and computing the amount of his pay as an officer of the regular naval service of the United States.

Mr. FORT and Mr. HOLMAN raised the point of order that the bill must receive its first consideration in Committee of the Whole.

Mr. PLATT, of Virginia. Allow me to make a brief explanation of this bill.

Mr. HOLMAN. I will reserve my point of order until the report is read, if there is one, or until some explanation is made.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] reserves his point of order until the bill is explained.

Mr. PLATT, of Virginia. I desire to state briefly—

Mr. FORT. I wish it to be distinctly understood this time that the point of order is entertained by the Chair as being made in time.

The SPEAKER *pro tempore*. Had the gentleman from Illinois [Mr. FORT] been attending to what the Chair said, he would have heard him say that the point of order was reserved by the gentleman from Indiana [Mr. HOLMAN] until an explanation of the bill was made.

Mr. PLATT, of Virginia. This bill is in behalf of an old and meritorious officer of the United States Navy. At the breaking out of the rebellion he was in the merchant service of the United States, commanding an ocean steamer. At the commencement of the war he resigned that place and tendered his services to the Government of the United States. He served through the war gallantly and meritoriously as a lieutenant in the United States Navy. At the close of the war, under a law passed by Congress, he in common with other volunteer officers of the Navy was mustered out of service. He was then appointed a master in the regular naval service of the United States. In computing his pay the proper accounting officers of the Treasury Department gave him credit for the length of time he had served in the Navy during his term of service as a volunteer officer, and he drew pay for four or five years under that construction. Afterward a construction was given to the effect that he was not entitled to have the time computed and the additional pay allowed for length of service as a volunteer officer, and he was called upon to refund some three or four hundred dollars. In the mean time he had been placed on the retired list with the pay of a master of the Navy, having reached the age when by the law his retirement was required. This bill provides that the length of time which he served as a volunteer officer of the Navy shall be allowed by the officers of the Treasury Department determining the amount of pay to which he is entitled as a master in the Navy.

Mr. SCOFIELD. I wish to say a word to those gentlemen who are thinking of making a point of order upon this bill, if they still think of doing so. This is a little bill. The old gentleman came before the Committee on Naval Affairs; there was service in every lineament of the face, all over his body. Honesty of character was apparent in every feature. He is an old Scotchman. He obtained the good will of the whole committee. He had all the papers to show how this stoppage of his pay had occurred, until there was some three or four hundred dollars which was to be deducted from his small annual pay, until the full amount had been refunded. The committee unanimously agreed that it was the most deserving small case they had ever seen. And I am very sure that if the gentleman from Illinois [Mr. FORT] and the gentleman from Indiana [Mr. HOLMAN] had seen this old man as we saw him, they would never raise the point of order here, but allow him to receive his pay.

Mr. HOLMAN. I think it is the most unfortunate feature in attempting to pass this kind of bills, that those who are able to come here and approach members of Congress and committees of this House are very apt to get their claims through. No practice could be more unjust. The Government should administer not only its justice but its gratuities with even hand and impartiality.

Mr. CLEMENTS. I rise to a question of order. I desire to know whether the point of order has been made in this case or whether, like Mohammed's coffin, it is hanging between heaven and earth?

The SPEAKER *pro tempore*. In answer to the inquiry of the gentleman from Illinois [Mr. CLEMENTS] the Chair will state that the gentleman from Indiana, [Mr. HOLMAN], having discussed the proposition before the House, the point of order raised by him is waived. The point of order indicated by the gentleman from Illinois, [Mr. FORT], if he insists upon it, is yet reserved, he not having discussed the bill.

Mr. HOLMAN. Of course I am fully aware that I waived the point of order, and I am doing so intentionally. My friend from Illinois has put himself to unnecessary trouble so far as I am concerned. I do not propose to insist upon my point of order.

But I desire to say that this case presents an illustration of an evil for which there seems to be no remedy. There are piled up in your committee-rooms thousands and thousands of claims just as meritorious as this; but the papers of which will never be looked into, simply because the claimants are not here in person to press their cases upon the attention of members. Those claimants who can do this enjoy a decided advantage over all others. The whole system by which we attempt to adjust these private claims against the Government is wrong. One of two things should be done: either we should let the decisions of our accounting officers in these cases be final, which is undoubtedly the safer course, or we should adopt some general system by which all classes of claims should be adjusted.

I have no doubt that this is a meritorious claim. I have no doubt that the period for which this officer had served ought to have been taken into account in determining his pay. But the same difficulty is found in cases arising in the Army as in the Navy. There are before your committees thousands of bills involving exactly the same principle; and wherever the claimants can by personal presentation of their cases secure for them the advocacy of gentlemen like my friend from Virginia [Mr. PLATT] or the gentleman from Pennsylvania [Mr. SCOFIELD] their cases secure favorable consideration, while a large mass of cases equally meritorious remain in the committees with the papers never even opened.

I do not press the point of order, but waive it.

The SPEAKER *pro tempore*. Does the gentleman from Illinois [Mr. FORT] desire to raise a point of order?

Mr. FORT. So far as I am concerned I withdraw the point of order, after having heard the statement of the chairman of the committee.

The SPEAKER *pro tempore*. The Chair now rules that the bill is properly before the House.

Mr. FORT. I wish to add that I agree with my friend from Indiana [Mr. HOLMAN] that this ought not to be made an exceptional case. There ought to be a report put on record here and printed. Every gentleman desiring to get a bill through the House ought to go through that formality. I see no reason why the gentleman from Virginia should come in here and rush his bills through the House without any report. That is what I object to. I withdraw my point of order in reference to this particular case.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE H. COOPER.

Mr. PLATT, of Virginia, from the same committee, reported a bill (H. R. No. 3743) authorizing the President to appoint George H. Cooper, now a captain on the active list of the Navy, to be a commodore; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

OFFICERS AND CREW OF THE WYOMING, ETC.

Mr. MYERS. I am instructed by the Committee on Naval Affairs to move that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 782) for the relief of the officers and crew of the United States ship Wyoming and the Ta Kiang.

Mr. WILLARD, of Vermont. I suppose that motion requires a two-thirds vote. It is a bill that ought not to pass at any rate.

The SPEAKER *pro tempore*. As the Chair understands the motion of the gentleman from Pennsylvania, [Mr. MYERS,] it is that the Committee of the Whole be discharged from the further consideration of this bill, and that it be brought before the House for consideration. The adoption of this motion requires a suspension of the rules by a two-thirds vote.

Mr. HOLMAN. This session being set apart for the consideration of reports from the Committee on Naval Affairs, I submit that the subject-matter contemplated was reports to be made during this evening's session by that committee.

The SPEAKER *pro tempore*. The Chair rules that as this bill has already been considered by the Committee on Naval Affairs of the House, and is now upon the Private Calendar, it can properly be taken up by a two-thirds vote.

Mr. HOLMAN. I hope the bill will be read before the question is put.

The bill was read.

The first section provides that the Secretary of State be, and he is thereby, authorized and directed to sell so many of the registered bonds of the United States, now under his control, belonging to the Japanese indemnity fund, as shall realize \$125,000, and shall pay the proceeds of the same to the Secretary of the Navy, who shall cause the whole amount thereof to be distributed among the officers and crew of the United States ship Wyoming, and officers and crew who manned the Ta Kiang on the 5th, 6th, 7th, and 8th days of September, 1864, the same to be distributed as sea pay to the officers and crew attached to the Wyoming, according to the pay-roll of said ship on the 16th day of July, 1863; and to the officers and crew detached from the United States ship Jamestown, and who manned the Ta Kiang, according to the pay-roll of said ship on the 5th, 6th, 7th, and 8th days of September, 1864; provided that the provisions of the act shall be held and taken to be in full satisfaction for all bounty, ransom, or prize-money, or claim therefor, on the part of the officers and crews aforesaid under any and all existing laws of the United States or regulations of the Navy Department, for the destruction of piratical vessels at Simoniseki, on the 6th day of July, 1863, and bombarding the forts erected at the Straits of Simoniseki, in September, 1864. And if any of the officers or crews aforesaid shall have received any bounty, ransom, or prize-money for the service aforesaid, the same shall be deducted from the amount to be paid such officer or seaman under the provisions of this act; and provided further, that no money shall be paid to any assignee of the mariner, but only to the mariner or his duly authorized attorney in fact, or in case of his decease, to his legal representatives, excluding any assignee.

The second section provides that the remainder of the Japanese indemnity fund is thereby covered into the Treasury of the United States, and the Secretary of the Treasury is thereby directed to cancel the bonds belonging to the said fund.

Mr. WILLARD, of Vermont. This is a bill which ought to be discussed. I hope it will not go through in this way without discussion.

The SPEAKER *pro tempore*. Debate is not in order.

The question recurred on the motion to suspend the rules and pass the bill.

The House divided; and there were—ayes 55, noes 50; no quorum voting.

Mr. STORM demanded tellers.

Tellers were ordered.

Mr. MYERS. I now withdraw the motion to suspend the rules and pass the bill, and move to go in Committee of the Whole and take the bill up for consideration. I ask the privilege to make a few remarks.

I am hoarse to-night and hope I will have the indulgence of the House.

Mr. WILLARD, of Vermont. I object, unless the same privilege be granted to the other side.

Mr. MYERS. I have no objection to that. I desire simply to say that this bill puts into the Treasury of the United States—

Mr. WILLARD, of Vermont. I object to debate.

Mr. MYERS. I ask unanimous consent.

The SPEAKER *pro tempore*. Is there objection?

Mr. E. R. HOAR. I think objection ought to be made, and if no one else will do it I object.

Mr. HAWLEY, of Illinois. The gentleman proposes to move to go into Committee of the Whole, and he will have every opportunity to discuss the bill. He will have the floor, and I hope he will not insist upon discussing the bill now.

Mr. MYERS. Then I move to suspend the rules and go into Committee of the Whole for the purpose of considering this bill.

The House divided; and there were—ayes 70, noes 52.

Mr. E. R. HOAR demanded tellers.

Tellers were ordered; and Mr. MYERS, and Mr. WILLARD of Vermont were appointed.

The House again divided; and the tellers reported—ayes 83, noes 64.

Mr. WILLARD, of Vermont, demanded the yeas and nays.

Mr. E. R. HOAR moved that the House do now adjourn.

The House divided; and there were—ayes 88, noes 55.

Mr. MYERS demanded the yeas and nays.

The House divided; and there were—ayes 25, noes 108.

So (one-fifth of those present not having voted in the affirmative) the yeas and nays were not ordered.

So the motion was agreed to; and then (at nine o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARBER: The petition of citizens of Jordan, Wisconsin, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BLAINE: The memorial of John M. Bradley, of Arkansas, in relation to the seat of Congressman at large from the State of Arkansas, to the Committee on Elections.

By Mr. HARRIS, of Virginia: The petition of W. P. Burwell, to be compensated for tobacco improperly taxed, to the Committee on Claims.

By Mr. HURLBUT: The petition of citizens of Indiana, for the construction of a double-track railway from the Missouri River to tide-water, to the Committee on Railways and Canals.

By Mr. McCRARY: The petition of citizens of Iowa, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. PARKER, of Missouri: The petition of citizens of Mount Pleasant, Gentry County, Missouri, of similar import, to the same committee.

By Mr. SAYLER, of Indiana: Sixty-three petitions from citizens of seventeen States of the United States, containing 1,234 signatures, for the passage of a law authorizing the manufacture of patent-right articles by others than owners of patent rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. WHEELER: The memorial of the American Public Health Association of New York, praying for the creation by Congress of a competent commission to investigate those great national sanitary questions which do not fall within the scope of duties of local health organizations, to the Committee on Commerce.

By Mr. WHITEHEAD: The petition of Folkes & Winston, William T. Yancey, J. H. C. Winston, and Robert C. Burkholder, of Lynchburg, Virginia, to be compensated for destruction of property by United States troops, to the Committee on War Claims.

By Mr. —: The petition of G. H. Noonan and 74 others, of Texas, for the establishment of an additional Federal judicial district in the State of Texas, to the Committee on the Judiciary.

IN SENATE.

THURSDAY, June 18, 1874

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

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

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

QUARTERMASTER'S CORPS.

Mr. SPENCER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

First. That the House of Representatives concur in Senate amendment number one.

Second. That the Senate recede from its amendment number two.

GEORGE E. SPENCER,

J. R. WEST,

M. W. RANSOM,

Managers on the part of the Senate.

CHARLES ALBRIGHT,

J. W. NESMITH,

Managers on the part of the House.

Mr. WADLEIGH. I regret that this matter went to a committee of conference in the absence of the chairman of the Committee on Military Affairs of the Senate, because there was an agreement between the chairman of the Military Committee acting in behalf of those who desired the passage of this bill and myself as to these amendments, and it was stated by the chairman of the Military Committee to this body that there had been an agreement by which the matter was to be settled by these amendments. I hope that the chairman of the committee will return before the adjournment, in which case the matter can probably be made right. I move that the report be laid on the table.

Mr. SPENCER. I hope that will not be done.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the report of the committee of conference be laid on the table.

The Chair put the question, and declared that the yeas appeared to prevail.

Mr. WADLEIGH. I ask for the yeas and nays. I will state that I will call up the report again.

The PRESIDENT *pro tempore*. The question is not debatable. Those who sustain the call for the yeas and nays will rise.

Mr. WADLEIGH. I withdraw the motion to lay on the table; and move that the further consideration of the report be postponed.

Mr. SPRAGUE. Does not a single objection carry it over, it being a report made this morning?

The PRESIDENT *pro tempore*. It is a report from a conference committee, not from a standing committee.

Mr. WADLEIGH. I move to postpone the report until Saturday.

Mr. SPENCER. I hope it will not be postponed. I cannot conceive what there is in this bill to object to. It merely places a man correctly on the records of the Army as he ought to be. The law a few years ago was violated, and this bill puts him back where he belongs on the roll of the Army.

Mr. DAVIS. As I understand, this is a conference committee's report. It is usual for the Senate to take up such reports when presented, and I see no reason why this one should be postponed.

The PRESIDENT *pro tempore*. The question is on the motion to postpone.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the report.

Mr. WADLEIGH. Mr. President, I desire to call the attention of the Senate for a short time to the questions involved in this bill. This bill provides that William Myers shall stand upon the Army Register for promotion No. 5 instead of No. 12 on the list of majors in the Quartermaster-General's Department, as he now stands. That is, he is advanced over James Belger, James M. Moore, M. J. Ludington, R. N. Batchelder, Joseph A. Potter, James J. Dana, and Charles G. Sawtelle, whose commissions bear date before his. He says that when he was placed in his present position that was a degradation of him. Now, if this bill passes it will be a degradation of those whom I have named. I desire to state to the Senate, as I proposed to do before the agreement between the chairman of the Military Committee and myself, the facts and the law bearing upon this matter.

Mr. President, in 1836, upon the re-establishment of the Army, an act was passed which made an increase in the Quartermaster's Department, as follows: Those holding the rank of colonel in the Quartermaster-General's Department were increased from three to six, making three vacancies to be filled; the lieutenant-colonels were increased from four to ten, making six vacancies to be filled; the majors were increased from eight to fifteen, making seven vacancies to be filled; and it was provided in the same act that there should be forty-four officers in that department holding the rank of captain, and that the vacancies created by that act, whether by promotion or otherwise, should be filled from the volunteer forces according to merit. That left the vacancies created by the act in those holding the rank of colonel, lieutenant-colonel, and major to be filled according to the Army Regulations. The Army Regulation in force at that time in regard to promotions was as follows:

All vacancies in established regiments and corps to the rank of colonel shall be filled by promotion according to seniority, except in case of disability or other incompetency.

The construction put upon that Army regulation by Secretary Stanton, by General Grant who was then the General of the Armies, and by the President of the United States, was that the vacancies created by the act in the rank of colonel, lieutenant-colonel, and major could be filled by the President by selection either from the regular Army or from the volunteers, and that those vacancies were not to be filled by promotion.

The view of the law which they took and the view of the law which I take is this: that by "established regiments and corps" is meant regiments and corps which have had their full quota of officers appointed, and that so long as a regiment or corps has not had its full quota of officers appointed, all the officers appointed to it